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Referred: Resources and
Judiciary

6-0527A

1 IN THE HOUSE

BY JACKO, FOSTER AND
M. DAVIS

2

HOUSE BILL NO. 285

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to qualifications for transferees of
7 commercial fishery limited entry permits."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.10.337(b) is amended to read:

10 (b) If the commission does not exercise its right of first
11 refusal within 30 days after it receives the offer, or if the permit
12 is not subject to a buy-back program under AS 16.43.290 - 16.43.330,
13 the department shall promptly advertise and sell the permit to a
14 person who qualifies as a transferee for the permit under AS 16.43.170
15 and the regulations adopted by the commission. If the proceeds of the
16 sale of a permit exceed the amount necessary to pay the note in full,
17 plus penalties, costs of administration of the note, and attorney
18 fees, the excess will be transferred by the commissioner to the
19 debtor. At any time until the permit has been sold under this subsec-
20 tion the debtor may repurchase the permit by paying the department the
21 amount necessary to pay the note in full, plus penalties, costs of
22 administration of the note, and attorney fees, as determined by the
23 commissioner.

24 * Sec. 2. AS 16.43.150(h) is amended to read:

25 (h) Unless an entry permit holder has expressed a contrary
26 intent in a will that is probated, the commission shall, upon the
27 death of the permit holder, transfer the permanent permit by right of
28 survivorship directly to the surviving spouse or, if no spouse sur-
29 vives, to a natural person designated by the permit holder on a form

1 provided by the commission. If no spouse survives and if the person
2 designated on the form, if any, does not survive, the permit passes as
3 part of the permit holder's estate. The transferee of a permit under
4 this subsection, who is the spouse of the deceased permit holder or
5 who is related to the deceased permit holder by blood within three
6 degrees of kinship, does not have to demonstrate a prior history of
7 active participation in the fishery under AS 16.43.170(b). A desig-
8 nation under this subsection must be acknowledged before a person
9 authorized to administer an oath under AS 09.63.010 or must be wit-
10 nessed by two persons who are qualified under AS 13.11.170 to witness
11 the will of the permit holder. Except as provided in AS 16.10.333 -
12 16.10.337, AS 44.81.210, and 44.81.230 - 44.81.250, the permit is
13 exempt from the claims of creditors of the estate.

14 * Sec. 3. AS 16.43.170(b) is amended to read:

15 (b) Except as provided in (c) and (e) of this section, the
16 holder of an entry permit may transfer the permit to another person or
17 to the commission upon 60 days notice of intent to transfer under
18 regulations adopted by the commission. No sooner than 60 days nor
19 later than 12 months from the date of notice to the commission, the
20 holder of an entry permit may transfer the permit. If the proposed
21 transferee, other than the commission, can demonstrate to the satis-
22 faction of the commission a history of active participation in the
23 fishery during three years and the present ability to participate
24 actively in the fishery and if the transfer agreement does not violate
25 any provision of this chapter [AS 16.43] or regulations adopted under
26 this chapter [THEREUNDER], the commission shall approve the transfer
27 and reissue the entry permit to the transferee provided that neither
28 party is prohibited by law from participating in the transfer.