CS FOR SENATE BILL NO. 449 (JUDICIARY)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/27/92
Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

"An Act relating to the transfer of a limited entry permit, including a transfer due to an execution; and providing for an effective date."

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

*** Section 1.** AS 16.43.150(g) is amended to read:

(g) Except as provided in **AS 16.10.333 - 16.10.338** [AS 16.10.333 - 16.10.337], AS 44.81.210, 44.81.225, and 44.81.230 - 44.81.250, an entry permit may not be

(1) pledged, mortgaged, leased, or encumbered in any way;

(2) transferred with any retained right of repossession or foreclosure, or on any condition requiring a subsequent transfer; or

(3) attached, distrained, or sold on execution of judgment or under any other process or order of any court**, except as provided in AS 16.43.170(g) and (h)**.

*** Sec. 2.** AS 16.43.170(b) is amended to read:

(b) Except as provided in (c) and (e) of this section, the holder of an entry permit may transfer the permit to another person or to the commission upon 60 days notice of intent to

1 transfer under regulations adopted by the commission. No sooner than 60 days nor later than 12
2 months from the date of notice to the commission, the holder of an entry permit may transfer the
3 permit. If the proposed transferee, other than the commission, can demonstrate the present ability
4 to participate actively in the fishery and the transfer [AGREEMENT] does not violate any
5 provision of **this chapter** [AS 16.43] or regulations adopted thereunder, **and if a certificate for**
6 **the permit under AS 16.10.333(b)(1) - (2), 16.10.338, or AS 44.81.230(b)(1) - (2) is not in**
7 **effect,** the commission shall approve the transfer and reissue the entry permit to the transferee
8 provided that neither party is prohibited by law from participating in the transfer.
9 * Sec. 3. AS 16.43.170 is amended by adding new subsections to read:
10 (g) A person may request the commission to transfer an entry permit due to an execution
11 on the holder's interest in that permit. The request shall be made in the form and manner
12 provided in this chapter and regulations adopted under this chapter. The commission may deny
13 a request for transfer of an entry permit due to an execution of a holder's interest in that permit
14 if
15 (1) the execution does not comply with legal requirements or otherwise is not
16 valid;
17 (2) the transfer violates this chapter or regulations adopted under this chapter;
18 (3) the proposed transferee or other party to the transfer is prohibited by law from
19 participating in the transaction;
20 (4) a certificate for the permit under AS 16.10.333(b)(1) - (2), 16.10.338, or
21 AS 44.81.230(b)(1) - (2) is in effect at the time of the proposed transfer;
22 (5) the proposed transferee of the entry permit, other than the commission, cannot
23 demonstrate the present ability to actively participate in the fishery; or
24 (6) the holder of the entry permit as shown by the records of the commission
25 demonstrates, under regulations adopted by the commission, that the entry permit is a necessary
26 means of support for the holder and those dependent upon the holder.
27 (h) Notwithstanding (g) of this section, the commission may not approve a request for
28 transfer of an entry permit after an execution sale unless the parties to the transfer offer the
29 commission a right to purchase the permit at the same price and on the same terms as those of
30 that execution sale. If the commission exercises its right to purchase the permit, the permit then
31 shall be transferred to the commission.

1 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).