



LAWS OF ALASKA

2002

Source

CSHB 287(FIN)

Chapter No.

138

AN ACT

Relating to the exemption of commercial fishing entry permits from claims of creditors and execution on an interest in a limited entry permit; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: July 5, 2002

Actual Effective Date: July 6, 2002

AN ACT

1 Relating to the exemption of commercial fishing entry permits from claims of creditors and
2 execution on an interest in a limited entry permit; and providing for an effective date.

3

4 * **Section 1.** AS 09.38.015(a) is amended to read:

5 (a) An individual is entitled to exemption of the following property:

6 (1) a burial plot for the individual and the individual's family;

7 (2) health aids reasonably necessary to enable the individual or a
8 dependent to work or to sustain health;

9 (3) benefits paid or payable for medical, surgical, or hospital care to
10 the extent they are or will be used to pay for the care;

11 (4) an award under AS 18.67 (Violent Crimes Compensation Board) or
12 a crime victim's reparations act of another jurisdiction;

13 (5) benefits paid or payable as a longevity bonus under AS 47.45;

Chapter 138

1 (6) compensation or benefits paid or payable and exempt under federal
2 law;

3 (7) liquor licenses granted under AS 04;

4 (8) [LIMITED ENTRY PERMITS GRANTED UNDER AS 16.43,
5 EXCEPT AS PROVIDED IN THAT CHAPTER;

6 (9)] tuition credit or savings accounts under a higher education savings
7 account established under AS 14.40.802 or an advance college tuition savings contract
8 authorized under AS 14.40.809(a);

9 (9) [(10)] a permanent fund dividend to the extent allowed under
10 AS 43.23.065.

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

12 (g) A person may request the commission to transfer an entry permit due to an
13 execution on a permit [THE] holder's interest in that permit if the execution is to
14 enforce a lien recorded with the commission under AS 25.27.230(c). The request
15 shall be made in the form and manner provided in this chapter and regulations adopted
16 under this chapter. The commission may deny a request for transfer of an entry permit
17 due to an execution of a holder's interest in that permit if

18 (1) the execution does not comply with legal requirements or otherwise
19 is not valid;

20 (2) the transfer violates this chapter or regulations adopted under this
21 chapter;

22 (3) the proposed transferee or other party to the transfer is prohibited
23 by law from participating in the transaction;

24 (4) a certificate for the permit under AS 16.10.333(b)(1) - (2),
25 16.10.338, or AS 44.81.231(a) is in effect at the time of the proposed transfer;

26 (5) the proposed transferee of the entry permit, other than the
27 commission, cannot demonstrate the present ability to actively participate in the
28 fishery; or

29 (6) the holder of the entry permit as shown by the records of the
30 commission demonstrates, under regulations adopted by the commission, that the
31 entry permit is a necessary means of support for the holder and those dependent upon

1 the holder.

2 * Sec. 3. AS 16.43 is amended by adding a new section to read:

3 **Sec. 16.43.945. Commercial fishing privileges exempt from claims of**
4 **creditors.** Except as provided in AS 16.10.333 - 16.10.338, AS 16.43.170(g),
5 AS 44.81.215, and 44.81.231 - 44.81.250, commercial fishing privileges granted under
6 this chapter, including entry permits, are exempt from claims of creditors, including
7 claims under AS 09.38.065 and AS 45.29.408.

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