

STATE OF ALASKA

THE LEGISLATURE

1990

Source

Legislative
Resolve No.

HJR 93

74



Relating to the seizure and forced sale of Alaska commercial fisheries limited entry permits by the Internal Revenue Service.

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

WHEREAS the Alaska commercial fisheries limited entry program was established in 1973 to promote the conservation and sustained yield management of Alaska's fishery resources and to promote the economic health and stability of the commercial fishing industry in the state; and

WHEREAS a fisherman is required to have a commercial fisheries limited entry permit in order to fish in a limited entry fishery in the state; and

WHEREAS a limited entry permit is a required tool of trade for an Alaska commercial fisherman; and

WHEREAS Alaska commercial fishermen are often dependent upon their ability to fish in a limited entry fishery as the primary means of earning a living; and

WHEREAS the families and communities of Alaska commercial fishermen are also dependent upon the earnings of those fishermen that participate in limited entry fisheries; and

WHEREAS state law provides that limited entry permits are merely use privileges subject to revocation without compensation, are not property subject to claims of creditors, and are not generally subject to forced transfer by order of a court; and

WHEREAS the Internal Revenue Service proposes to force the sale of eight limited entry permits on March 29, 1990; and

WHEREAS each of these limited entry permits was granted to an Alaska fisherman because the fisherman was more dependent on

the fishery than other applicants; and

WHEREAS the Internal Revenue Service intends to sell the limited entry permits at less than their market value; and

WHEREAS the legal authority of the Internal Revenue Service to seize and force the sale of limited entry permits has not been confirmed by a court; and

WHEREAS legal issues surrounding the forced sale of the limited entry permits will further depress the prices that prospective buyers will be willing to pay for the permits at the sale; and

WHEREAS the Internal Revenue Service has other less destructive means available to collect tax obligations, including seizure of assets, attachment of earnings, and negotiated payment plans, that would not result in undue hardship on the taxpayer or require the forced sale of limited entry permits; and

WHEREAS the Internal Revenue Service's seizure and forced sale of limited entry permits, a required tool of the trade for commercial fishermen in Alaska, threatens to deprive commercial fishermen of their means of earning a living and paying their taxes;

BE IT RESOLVED that the Alaska State Legislature recognizes the duty of all citizens to pay their tax obligations, but condemns the proposed forced sale of Alaska commercial fisheries limited entry permits by the Internal Revenue Service and respectfully requests the Internal Revenue Service to pursue alternative means to collect tax obligations of Alaska commercial fishermen; and be it

FURTHER RESOLVED that the governor is requested to oppose the proposed forced sale of Alaska commercial fisheries limited entry permits by the Internal Revenue Service by all lawful means; and be it

FURTHER RESOLVED that the Alaska delegation in Congress is requested to take appropriate and expeditious action to prevent the forced sale of Alaska commercial fisheries limited entry permits and to eliminate this threat to the livelihood of Alaska commercial fishermen.

COPIES of this resolution shall be sent to the Honorable George Bush, President of the United States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable Fred T. Goldberg, Jr., Commissioner of the Internal Revenue Service, U.S. Department of the Treasury; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.