

Phil Smith

TO

CFEC

Confirmation

RESUME

Philip J. (Phil) Smith

January 1984

PERSONAL INFORMATION

Name: Philip Joseph SMITH

Address: SRA Box 1026F 2718 Roger Street
12521 Beachcomber Dr. Juneau, AK 99801
Anchorage, AK 99502

Telephone: 345-0709 (W) 586-3456 364-3625

Family: Married to Deborah (Employment Program Manager,
State Division of Community Development);
Two Children: Crispian (11 years), and Moira (8 years)

Age: 40 years (DOB 1/25/43)

Health: Excellent

Alaskan: Since December 1943; raised in rural Alaska; resident of
Anchorage since 1969

PROFESSIONAL EXPERIENCE

October 83 - Present - Commissioner, Commercial Fisheries Entry
Commission (Pouch KB, Juneau 99811)

Serve with two other Commissioners in appointed position
to administer Limited Entry Program, adjudicate claims of
fishermen seeking entry permits.

July 82 - October 83 - Private Business ("Phil Smith & Associates,"
ABL #05085), specializing in public policy analysis,
business management, program development, and planning.

May 82 - November 82 - Candidate for Alaska State Senate (District "D"
including South Anchorage, Kenai Peninsula, and Prince
William Sound).

November 81 - July 82 - Director, Research & Education, Alaska Native
Foundation, Inc. (411 W. 4th Avenue, Anchorage 99501)

Directed effort to assess impact of Alaska Native Claims
Settlement Act (ANCSA) on individuals and Alaska Native
Corporations; Initiated effort to analyze potential
dislocations resulting from allowable stock alienation in
1991;

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Professional Experience (Cont'd)

Produced first statewide broadcast of Alaska Federation of Natives Convention on "Learn/Alaska" Instructional Satellite Television Project (and arranged for "simulcast" on Alaska Public Radio Network);

Served as Interim President from January through March 1982;

Resigned to start Private Business.

February 75 - October 81 - Executive Director, Rural Alaska Community Action Program, Inc. (327 Eagle St., Anchorage 99501)

Chief Executive Officer for statewide corporation; responsible to 27-member Board of Directors (representative of all areas of Alaska and all levels of Government) for planning, design, implementation, and management of \$12 million program emphasizing Child Development, Energy, Natural Resources, Health & Alcoholism, and Citizens Participation for low-income rural Alaskan residents;

Position required knowledge of, and participation in, Federal/State/Local administrative and legislative processes, public relations/communications skills, secure knowledge of rural/Native cultures and economies, and strong fiscal/personnel management abilities;

Resigned to initiate ANCSA Assessment effort for Alaska Native Foundation.

March 73 - January 75 - Deputy Director, Rural Alaska Community Action Program, Inc. (327 Eagle St., Anchorage 99501)

Responsible to Executive Director for Program Planning and Development, internal management;

Promoted by Board to position of Executive Director.

January 71 - February 73 - Director of Video Production, Community Enterprise Development Corporation of Alaska, Inc. (1011 East Tudor Road, Anchorage 99507)

Responsible for all video-tape production in project using film and video-tape media as tools for community development/education in Yukon Delta village of Emmonak.

Resigned to pursue opportunity at Rural CAP.

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Professional Experience (Cont'd)

Earlier Experience - Various positions, including Television Production Specialist, for the Anchorage School District, Youth Counselor, for the State of Alaska, Audio-Visual Technician and Commercial Radio Announcer in College, Commercial Fisherman, Cannery Worker, Laborer, etc.

MILITARY

- Enlisted - U.S. Army, Fort Richardson (AK); April 1964. Received training as medical corpsman/administrator; qualified for Special Forces, Officer's Candidate School. Took Basic Training at Fort Ord (CA), Medical Training at Fort Sam Houston (TX);
- Served - U.S. Army Dispensary, Camp des Loges (Paris), France; worked as administrator, was Non-Commissioned Officer in Charge of Dispensary upon discharge;
- Discharged - Fort Dix (NJ); June 1967. Honorable Discharge at rank of Staff Sergeant (E-6).

EDUCATION:

College & University

National Judicial College, University of Nevada, Reno; 1983;

Certificate in Administrative Law/Fair Hearing Processes.

Golden Gate College, San Francisco (CA); 1968-1969;

Graduated with BA in Political Science (Magna cum Laude) in January 1969.

University of Washington, Seattle (WA); 1967-1968;

Completed necessary course-work for minor in Communications, Radio/TV Production.

Mount Angel Seminary, Mt. Angel (OR); 1963-1964;

Philosophy/Theology Courses.

University of Notre Dame, Notre Dame (IN); 1960-1963;

General Liberal Arts concentration, with emphasis on classics.

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Education (Cont'd)

High School

Cordova High School, Cordova (AK); 1956-1960;

College Preparatory Courses.

OTHER EXPERIENCE (Boards, Commissions, etc.)

Anchorage Community College Council - Appointed by the President of the University of Alaska to serve on Citizens Advisory Council for largest Community College in the State.

Alaska Energy Center - Appointed by Governor to serve as one of seven people to guide development of State-chartered corporation with the stated purpose of "privatizing" Alaska's energy wealth by investing in private sector ventures to research, design, manufacture, and market new energy technologies appropriate to cold climate areas (resigned from Board upon filing for State Senate in May 1982).

Title 29 Review Commission - ExOfficio member of Commission established by Legislature to review Alaska Local Government statutes and to recommend appropriate revisions; changes introduced in 12th Legislature.

Other - Numerous committees, panels, etc., related to ensuring that the concerns of rural Alaska were well-represented in policy deliberations of State and Federal Government and private groups.

Also, experience as effective public speaker, in preparation and delivery of testimony before public bodies addressing a wide variety of topics, and in community organization/advocacy activities.

COMMUNITY ACTIVITIES

- Theatre Guild, Inc. - President, member since 1970;
- KIMO TV Community Council - member since 1980;
- Active in wide variety of neighborhood/school concerns.

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PERSONAL INTERESTS

- Family Activities (camping, boating, etc.)
- Community Theatre and the Arts
- Woodworking
- Photography

REFERENCES

Personal and Professional references numerous; available upon request.

PHILSMITH & ASSOCIATES

SRA BOX 1026F/12521 BEACHCOMBER DR./ANCHORAGE, ALASKA 99502/(907) 345-0709

August 13, 1983

Ms. Carol Derfner
Special Assistant to the Governor
Office of the Governor
Pouch "A"
Juneau, AK 99811

Dear Carol,

In reviewing my materials related to fisheries issues, I remembered and located a copy of my responses to the UFA "Fishpac" questionnaire which was distributed to Legislative Candidates last year. I'm enclosing a copy of the questionnaire and my responses to it for your information, and in support of my candidacy for appointment to the Commercial Fisheries Entry Commission.

Following my completion of the questionnaire last summer, I chanced upon a copy of Governor Sheffield's response to the questionnaire devised for gubernatorial candidates. Frankly, I was delighted to see that our views on the importance of the fishery and fisheries issues generally are almost exactly parallel! This, even though the questions were phrased differently for the different offices.

At any rate, I hope the enclosed is useful. Please give me a call if you have any observations, recommendations, or questions.

Peace to you and yours.

Sincerely,


Phil Smith

FISHPAC

THE FISHERMEN'S POLITICAL ACTION COMMITTEE

197 S. Franklin St.
Juneau, Alaska 99801
(907) 586-2820

Dear Candidate,

With peak season employment approaching 50,000 individuals, the commercial fishing industry is Alaska's largest private employer. The industry generates a product with a first wholesale value exceeding \$1.5 billion, making it the largest renewable resource industry in Alaska.

FISHPAC is the political action committee of the United Fishermen of Alaska, the largest organization of commercial fishermen in the United States. The UFA represents 5,000 fishermen, including individuals who belong to the UFA's 18 member groups.

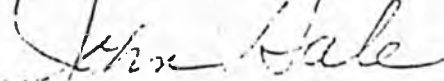
Representatives of each of these groups will meet soon after the August primary to consider endorsements and we would very much appreciate your thoughts on the following issues. We do not ask that you limit your responses to an arbitrary number of words, but that you be specific, concise and to the point. Please make sure we receive your responses no later than Friday, July 16.

1. Do you feel the State of Alaska should attempt to assume greater responsibility for the management of Alaskan fisheries resources now under federal control and if so, will you, as a legislator, support additional funding for research and enforcement in these areas?
2. What is your assessment of the management of commercial fisheries by the Alaska Dept. of Fish & Game and, as a legislator, what changes, if any, would you seek in the operations of the Dept.?
3. In your opinion, what specific types of renewable and nonrenewable resource development might adversely impact fisheries and how will you, as a legislator, attempt to balance the interests of different resource users and resolve conflicts between them?
4. If the Alaska Supreme Court rules provisions limiting entry to fisheries unconstitutional, will you, as a legislator, support an alternative limited entry program structured to accommodate the court's ruling?
5. Do you feel it is appropriate for the Legislature to involve itself in setting policies concerning management of Alaska's commercial fisheries, including allocations between gear groups?

6. If elected, what specific steps would you take to assist the salmon industry in recovering from the impacts of the botulism incidents, recalls and embargoes?
7. Why should commercial fishermen vote for you?

We wish you luck on the campaign trail and will look forward to receiving your response.

Sincerely,



John Hale
FISHPAC Coordinator



"FISHPAC" QUESTIONNAIRE

- 1 -- "DO YOU FEEL THE STATE OF ALASKA SHOULD ATTEMPT TO RESUME GREATER RESPONSIBILITY . . . (IF SO) WOULD YOU SUPPORT ADDITIONAL FUNDING FOR RESEARCH AND ENFORCEMENT IN THESE AREAS?"

Yes!! One of the major battles over which Statehood was fought was the issue of control of the commercial fishery in Alaska. Today, in a climate of decreasing Federal funds for management of Natural Resources, increased Federal pressure for (potentially adverse) oil and other marine resource development, and other Federally-imposed restrictions, it is clear that the "Feds" haven't improved -- in fact, they are less concerned than ever before with the health of Alaska's fishery economy.

Yes. Decreasing funding for research, enhancement, and enforcement of fisheries management by the State is unconscionable, especially because the commercial fishery is vital to the present and future economic health of Alaska.

- 2 -- ". . . ASSESSMENT OF THE MANAGEMENT . . . WHAT CHANGES WOULD YOU SEEK . . .?"

Generally, not too bad. However, management should be provided through cooperation with fishermen, not in opposition to them. Therefore, it should be required in the management process that ADF&G formally involve representatives of fishermen's groups in the development of recommendations to the Board of Fish.

Additionally, in areas in which there is extreme competition (either real or imagined) between user groups such as "sportsmen" and commercial fishermen, (in particular, the Cook Inlet King & Silver Salmon runs), there is a clear need to set up special systems of communication and conciliation. If the Board were to fail to do that, I would seek the necessary legislation to accomplish it.

- 3 -- ". . . TYPES OF RENEWABLE AND NONRENEWABLE RESOURCE DEVELOPMENT ADVERSELY IMPACT FISHERIES . . . HOW BALANCE INTERESTS . . .?"

Renewable resource development which might adversely impact the fishery include both timber harvest (which affects stream temperatures, has the potential of disrupting spawning streams due to deadfalls, road development, etc. and which could negatively affect the ocean if poor mitigation of milling sites is not curtailed) and hydro-electric development (which has the potential of impacting stream flow, water temperature, etc.). Also, competing methods of fishing (such as trawling) could well adversely impact the health of other species (through incidental catch, disruption of habitat, harvest of non-segregated stocks, etc.).

Nonrenewable resource development which might adversely impact the fishery is virtually anything that occurs on the coast and/or the waters off-shore in our State. This would include oil & gas exploration and development, petro-chemical development, mining (shore-based) deep-water mineral development extraction processes, etc.

Other forms of development which could impact the fishery include transportation systems (such as the Knik and Turnagain Arm crossings (both proposed, but presently still in the "study" stage), oil (crude, refined, and natural gas) pipelines and tourism/recreation development which could lead to greater non-commercial pressures on the resources.

Of course, the list could go on indefinitely. Virtually any form of "development," on or near the fisheries habitat could have an adverse impact on the resource itself.

In the Legislature, I believe there is an important responsibility to establish priorities prior to approving development. For instance, I remain reluctant to endorse the Susitna Dam Project, in large measure due to the inadequate data concerning the potentially adverse impact on the fishery. Also, I agree with the Governor's reluctance to accept DOI's leasing plan for the Outer Continental Shelf, again because of the adverse impact on the fishery (not to mention the socio-economic impact on small coastal towns and villages).

That being said, I would only add that the NUMBER ONE priority consideration in making "development" decisions on or near Alaska's coastline should be the adverse impact on the fishery. Clearly, projects should not proceed which would do harm to our most important renewable resource.

4 -- ". . . LIMITED ENTRY . . ."

In 1976, I led the effort of Rural CAP to defeat the proposed repeal of Limited Entry, joining with UFA and other organizations. It was my feeling then (as it remains today) that providing a property right to individuals in a common-property resource is constitutionally questionable; HOWEVER, in spite of that reservation. I have always held that a Limited Entry program is the only way to insure the biological health of the resource and the economic health of the industry.

Therefore, the answer to your question is "YES!"

5 -- ". . . LEGISLATURE INVOLV(ING) ITSELF IN SETTING POLICIES . . . ALLOCATIONS BETWEEN GEAR GROUPS?"

As a general rule, NO, especially insofar as the legislature is composed of increasingly 'urban' individuals who have no particular expertise or even interest in the commercial fishery. Besides (at least in theory), the present system of leaving regulatory matters (including user-group allocation decisions) to the Board(s) of Fish (and Game), based on information from the ADF&G and the Public should work quite well.

When it doesn't (see response to question #2), I still would be reluctant to involve the Legislature in the specific decision-making process, preferring instead to establish a system which would accommodate competing interests through the regulatory mechanism as opposed to the Legislative mechanism.

6 -- ". . . ASSIST THE SALMON INDUSTRY IN RECOVERING . . .?"

- A - Set an example by eating canned salmon, from the can, on the floor of the Legislature;
- B - Enhance quality control efforts, including appropriate staffing levels, to insure and VERIFY quality through the entire cycle of harvest, processing, shipping, and marketing;
- C - Authorize (and provide appropriate funding) for the ASFMI to VIGOROUSLY engage in the process of improving markets for the product (starting at home -- it will be a great day when our kids eat Alaska Salmon in the school's lunch program!);
- D - Expand the present loan programs to fishermen, as well as processors, in order to assist the industry through what will be some unavoidably lean years;
- E - Provide "price supports" to fishermen, not processors. It is clearly inappropriate to reward processors for their own failures; rather, the support should be provided to the harvesters, permitting the processors and marketers to suffer the consequences of their own deficiencies.
- F - In consultation with both the fishermen and the processors, attempt to devise a price arbitration system which would go into affect long before the run begins so that both could plan effectively. Also, support a "closed shop" fishery, insuring that scabs don't reap the benefits of stalled negotiations.
- G - If all of the above sounds too harsh on processors and non-union fishermen, I would only say that NO ONE has a more important vested interest in the long-range health of the commercial fishery in Alaska than the fisherman him/her-self. Therefore, it is those individuals, collectively, whose interests I feel the greatest obligation to support and protect.

7 -- "WHY SHOULD COMMERCIAL FISHERMEN VOTE FOR YOU?"

Please see all of the above, and the cover letter -- and consider the following:

- I am a life-long Alaskan, raised in the rural areas (Naknek, Annette, Cordova). I was set-netting with my family on the Kvichak in 1953, at the age of 10. I fished commercially out of Cordova during the 1960's. I also worked in canneries.
- As Executive Director of Rural CAP for 9 years, I was directly involved in the public policy processes which impacted rural economies and life-styles (including the commercial fishery).
- Senate District "D" (see stationery) provides a prospective Senator with a VERY important base from which to address fisheries issues through-out the entire State. I am committed to doing so!

Thanks very much for your consideration.

Collateral references. — 36 C.J.S.,
Fish, § 13 et seq.

Article I. Alaska Commercial Fisheries Entry Commission.

Section

10. Purpose and findings of fact
20. Alaska Commercial Fisheries Entry Commission
30. Term of office; vacancy and removal
40. Quorum
50. Qualifications
60. Compensation

Section

70. Legal counsel
80. Employment of personnel
100. General powers
110. Regulations and hearing procedures
120. Application of Administrative Procedure Act

Sec. 16.43.010. Purpose and findings of fact. (a) It is the purpose of this chapter to promote the conservation and the sustained yield management of Alaska's fishery resource and the economic health and stability of commercial fishing in Alaska by regulating and controlling entry into the commercial fisheries in the public interest and without unjust discrimination.

(b) The legislature finds that commercial fishing for fishery resources has reached levels of participation, on both a statewide and an area basis, that have impaired or threaten to impair the economic welfare of the fisheries of the state, the overall efficiency of the harvest, and the sustained yield management of the fishery resource. (§ 1 ch 79 SLA 1973)

NOTES TO DECISIONS

Constitutionality. — The entry restriction of the Limited Entry Act violate neither § 3, art. VIII, nor § 1, art. I, of the state constitution. *State v. Ostrosky*, Sup. Ct. Op. No. 2702 (File Nos. 6336, 6373), P.2d (1983).

Purposes. — From the legislature's statement of purpose in this section, the following broad purposes can be discerned: 1) enhancing the economic benefit to fishermen since too many involved in the industry prevented those relying on fishing for a livelihood from securing adequate remuneration; 2) conserving the fishery; and 3) avoiding unjust discrimination in the allocation of a limited number of entry permits. *Commercial Fisheries Entry Comm'n v. Apokedak*, Sup. Ct. Op. No. 2011 (File No. 4464), 606 P.2d 1255 (1980).

Allocating one permit between two partners solely on the fortuitous circumstances of which one held the gear license in two given years did not realistically weigh the relative hardship which each partner would suffer by denial of a permit, and the commission was required to issue the permit to both partners in order to avoid "unjust discrimination." *State, Com. Fisheries Entry Comm'n v. Templeton*, Sup. Ct. Op. No. 1893 (File No. 4042), 598 P.2d 77 (1979).

While a gear license may be a good general indicator of ownership and operation of gear for the purpose of weighing relative hardship, to foreclose automatically consideration of special circumstances under a regulation establishing means of measuring economic dependence, in the absence of a gear

license would result, in many cases, in unjust discrimination. State, Com. Fisheries Entry Comm'n v. Templeton. Sup. Ct. Op. No. 1893 (File No. 4042), 598 P.2d 77 (1979).

Applied in Isakson v. Rickey, Sup. Ct. Op. No. 1267 (File No. 2550), 550 P.2d 359 (1976).

Quoted in Younker v. Alaska Com. Fisheries Entry Comm'n, Sup. Ct. Op. No.

1892 (File No. 4145), 598 P.2d 917 (1979); Vik v. Commercial Fisheries Entry Comm'n, Sup. Ct. Op. No. 2431 (File Nos. 4588, 4629), 636 P.2d 597 (1981); Rose v. Commercial Fisheries Entry Comm'n, Sup. Ct. Op. No. 2515 (File No. 5361), P.2d (1982).

Cited in Jones v. Commercial Fisheries Entry Comm'n, Sup. Ct. Op. No. 2547 (File No. 5903), 649 P.2d 247 (1982).

Sec. 16.43.020. Alaska Commercial Fisheries Entry Commission. (a) There is established the Alaska Commercial Fisheries Entry Commission as a regulatory and quasi-judicial agency of the state. The commission consists of three members appointed by the governor and confirmed by the legislature in joint session.

(b) The governor shall designate one member of the commission as chairman of the commission. The member designated shall serve as chairman for a term of two years, and may be designated chairman for successive two-year terms. (§ 1 ch 79 SLA 1973)

NOTES TO DECISIONS

Stated in State, Com. Fisheries Entry Comm'n v. Templeton, Sup. Ct. Op. No. 1893 (File No. 4042), 598 P.2d 77 (1979).

Sec. 16.43.030. Term of office; vacancy and removal. (a) The members of the commission shall be appointed for terms of four years. Initial appointments shall be as follows: one member for two years, one member for three years, and one member for four years.

(b) A vacancy on the commission shall be filled by appointment by the governor and the appointment shall be confirmed by the legislature in joint session. A member selected to fill a vacancy shall hold office for the balance of the full term for which the member's predecessor on the commission was appointed.

(c) A vacancy on the commission does not impair the authority of a quorum of commissioners to exercise all the powers and perform all the duties of the commission.

(d) The governor may remove a commissioner from office for cause, including but not limited to incompetence, neglect of duty, or misconduct in office. A commissioner being removed for cause shall be given a copy of the charges and afforded an opportunity to publicly present a defense in person or by counsel upon not less than 10 days' notice. If a commissioner is removed for cause, the governor shall file with the lieutenant governor a complete statement of all charges made against the commissioner and the governor's findings based on the charges, together with a complete record of the proceedings. (§ 1 ch 79 SLA 1973)

Revisor's notes. — In 1983, the former last three sentences of (a) of this section were redrafted and reorganized into present subsection (d) pursuant to AS 01.05.031.

Sec. 16.43.040. Quorum. Two members of the commission constitute a quorum for the transaction of business, for the performance of a duty or for the exercise of a power of the commission. (§ 1 ch 79 SLA 1973)

Sec. 16.43.050. Qualifications. The commission shall consist of three members with a broad range of professional experience, none of whom has a vested economic interest in an interim-use permit, entry permit, commercial fishing vessel or gear, or in any fishery resource processing or marketing business. (§ 1 ch 79 SLA 1973)

Sec. 16.43.060. Compensation. Members of the commission are in the exempt service and are entitled to a monthly salary equal to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. (§ 1 ch 79 SLA 1973; am § 5 ch 47 SLA 1974; am § 1 ch 148 SLA 1976; am § 2 ch 263 SLA 1976; am §§ 2, 17 ch 3 SLA 1980)

Effect of amendments. — Section 2, ch. 3, SLA 1980 substituted "are entitled to an annual salary of \$49,000, payable monthly in 12 equal installments" for "shall receive an annual salary as established under AS 39.23." Section 17 of ch. 3 substituted "are entitled to a monthly salary equal to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska" for the language substituted by § 2 of ch. 3.

Sec. 16.43.070. Legal counsel. The attorney general is the legal counsel for the commission. The attorney general shall advise the commission in legal matters arising in the discharge of its duties and represent the commission in suits to which it is a party. However, the commission may retain additional legal counsel as appropriate. (§ 1 ch 79 SLA 1973)

Sec. 16.43.080. Employment of personnel. (a) The commission may employ those persons necessary to carry out the purposes of this chapter. Employees of the commission are in the exempt service under AS 39.25.110.

(b) In addition to its staff of regular employees, the commission may contract for and engage the services of consultants, experts and hearing officers as necessary. (§ 1 ch 79 SLA 1973)

Sec. 16.43.100. General powers. (a) To accomplish the purposes set out in AS 16.43.010 the commission shall:

(1) regulate entry into the commercial fisheries for all fishery resources in the state;

(2) establish priorities for the application of the provisions of this chapter to the various commercial fisheries of the state;

(3) establish administrative areas suitable for regulating and controlling entry into the commercial fisheries;

(4) establish, for all types of gear, the maximum number of entry permits for each administrative area;

(5) designate, when necessary to accomplish the purposes of this chapter, particular species for which separate interim-use permits or entry permits will be issued;

(6) establish qualifications for the issuance of entry permits;

(7) issue entry permits to qualified applicants;

(8) issue interim-use permits as provided in AS 16.43.210 and 16.43.220;

(9) establish, for all types of gear, the optimum number of entry permits for each administrative area;

(10) administer the buy-back program provided for in AS 16.43.310 and 16.43.320 to reduce the number of outstanding entry permits to the optimum number of entry permits;

(11) provide for the transfer and reissuance of entry permits to qualified transferees;

(12) provide for the transfer and reissuance of entry permits for alternative types of legal gear, in a manner consistent with the purposes of this chapter;

(13) administer the collection of the annual fees provided for in AS 16.43.160;

(14) administer the issuance of commercial fishing vessel licenses under AS 16.05.490;

(15) issue educational entry permits to applicants who qualify under the provisions of AS 16.43.340 — 16.43.390.

(b) The commission may do all things necessary to the exercise of its powers under this chapter, whether or not specifically designated in this chapter. (§ 1 ch 79 SLA 1973; § 14 ch 105 SLA 1977; am § 3 ch 123 SLA 1978)

Sec. 16.43.110. Regulations and hearing procedures. (a) The commission may adopt regulations, consistent with law, necessary or proper in the exercise of its powers or for the performance of its duties under this chapter.

(b) The commission shall adopt regulations, consistent with due process of law, which govern practice and procedure and the conduct of all investigations, hearings and proceedings which it holds.

(c) The Alaska Rules of Evidence apply to investigations, hearings and proceedings before the commission, except when the commission determines that their application is not required in order to assure fair treatment of all parties and that the evidence is relevant and of the sort on which responsible persons are accustomed to rely in the conduct of serious matters.

(d) The commission, each commissioner or an employee authorized by the commission may administer oaths, certify to all official acts, and

issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing, or proceeding before the commission in any part of the state. The commission may petition a court to enforce its subpoenas or other process. (§ 1 ch 79 SLA 1973; am § 1 ch 47 SLA 1981)

Effect of amendments. — The 1981 amendment substituted "the Alaska Rules of Evidence" for "common-law rules of evidence" preceding "apply to investigations" in subsection (c).

Sec. 16.43.120. Application of Administrative Procedure Act.
 (a) The administrative adjudication procedures of the Administrative Procedure Act (AS 44.62) do not apply to adjudicatory proceedings of the commission except that final administrative determinations by the commission are subject to judicial review as provided in AS 44.62.560 — 44.62.570.

(b) AS 44.62.010 — 44.62.320 and 44.62.640 apply to regulations adopted by the commission. (§ 1 ch 79 SLA 1973)

NOTES TO DECISIONS

The right to peremptorily challenge a judge exists in an appeal to the superior court from a final administrative determination of the Alaska Commercial Fisheries Entry Commission. State, Com. Fisheries Entry Comm'n v. Polushkin, Sup. Ct. Op. No. 2300 (File Nos. 4658, 4685, 4723, 4737, 4780), 628 P.2d 6 (1981).
 Quoted in Anderson v. State, Com. Fisheries Entry Comm'n, Sup. Ct. Op. No. 2588 (File No. 6107), P.2d (1982).

Article 2. Entry Permit System.

Section	Section
140. Permit required	170. Transfer of entry permits
150. Terms and conditions of entry permit; annual renewal	180. Emergency transfers
160. Fees	182. Entry permit deductible as business expense

Sec. 16.43.140. Permit required. (a) After January 1, 1974, a person may not operate gear in the commercial taking of fishery resources without a valid entry permit or a valid interim-use permit issued by the commission.

(b) A permit is not required of a crewmember or other person assisting in the operation of a unit of gear engaged in the commercial taking of fishery resources as long as the holder of the entry permit or the interim-use permit for that particular unit of gear is at all times present and actively engaged in the operation of the gear.

(c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes: