

Introduced: 1/9/89
Referred: Labor and Commerce and
Resources

6-0310A

1 IN THE SENATE

BY ZHAROFF

2

SENATE BILL NO. 61

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act prohibiting certain employees of the Department of Fish and Game from having certain financial interests."

7

8

9

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

10

* Section 1. AS 44.39 is amended by adding a new section to read:

11

Sec. 44.39.060. FINANCIAL INTERESTS PROHIBITED. (a) A permanent full-time employee of the department who makes or influences policy decisions concerning management of a fishery, or an immediate family member, may not have or acquire a financial interest in the fishery. An employee who has or acquires a financial interest in violation of this subsection shall immediately disclose the interest to the commissioner and begin procedures to become divested of the forbidden financial interest. An employee who knows that an immediate family member has a financial interest in a fishery in violation of this subsection shall immediately disclose the interest to the commissioner.

12

13

14

15

16

17

18

19

20

21

22

(b) The department may, by regulation, extend the prohibition established in this section to other employees whose duties are related to a fishery.

23

24

25

(c) An employee who has, or who knows that a member of the employee's immediate family has, a financial interest in violation of this section is subject to discipline including discharge from state employment. However, an employee who has promptly disclosed a forbidden financial interest and who did not acquire the financial interest

26

27

28

29

1 intending to violate this section may not be disciplined if divestment
2 occurs within a reasonable period of time following the disclosure.

3 (d) An employee who knowingly has, or who knows that a member of
4 the employee's immediate family has, an undisclosed interest in vio-
5 lation of (a) of this section is guilty of a class B misdemeanor. An
6 employee who has disclosed that the employee has an interest in viola-
7 tion of (a) of this section and who has failed to divest the interest
8 in a reasonable period of time is guilty of a class B misdemeanor.

9 (e) A disciplinary action or penalty under this section is in
10 addition to any other penalty that may be imposed by law.

11 (f) In this section

12 (1) "commissioner" means the commissioner of fish and game;

13 (2) "department" means the Department of Fish and Game;

14 (3) "financial interest" has the meaning given in AS 39.-
15 52.960;

16 (4) "fishery" means the commercial taking of a specific
17 fishery resource in a specific administrative area with any type of
18 gear or the sale or commercial processing of a specific fishery re-
19 source taken from a specific administrative area with any type of
20 gear; in this paragraph, "fishery resource" has the meaning given in
21 AS 43.75.140, and "gear" and "type of gear" have the meanings given in
22 AS 16.43.990;

23 (5) "immediate family" includes a person's spouse and
24 children residing with the person.