

Offered: 4/3/89
Referred: Resources and Judiciary

6-0310H

Original sponsor: Zharoff

1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

2

CS FOR SENATE BILL NO. 61 (L&C)

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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 Depart-
7 ment of Fish and Game from having certain financial
8 interests."

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 perma-
12 nent full-time employee of the department who makes or influences
13 policy decisions concerning management of a fishery or a game re-
14 source, or an immediate family member, may not have or acquire a
15 financial interest in the fishery or game resource. An employee who
16 has or acquires a financial interest in violation of this subsection
17 shall immediately disclose the interest to the commissioner and begin
18 procedures to become divested of the forbidden financial interest. An
19 employee who knows that an immediate family member has a financial
20 interest in violation of this subsection shall immediately disclose
21 the interest to the commissioner.

22 (b) The department may, by regulation, extend the prohibition
23 established in this section to other employees whose duties are relat-
24 ed to a fishery or a game resource.

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

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) "game resource" means the conservation and development
24 of game within a game management unit; in this paragraph, "game" has
25 the meaning given in AS 16.05.940;

26 (6) "immediate family" includes a person's spouse and
27 children residing with the person.