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# A BILL FOR AN ACT

RELATING TO THE PACIFIC MARINE FISHERIES COMPACT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the Pacific States  
2 Marine Fisheries Commission is an interstate compact agency that  
3 helps state resource management agencies and the fishing  
4 industry sustainably manage Pacific ocean resources. The name  
5 of the Pacific Marine Fisheries Commission was changed to the  
6 Pacific States Marine Fisheries Commission in 1989, but the  
7 organization is still referred to as the Pacific Marine  
8 Fisheries Commission in the original compact language. The  
9 Pacific States Marine Fisheries Commission's mission, "to  
10 promote the better utilization of fisheries - marine, shell, and  
11 anadromous, which are of mutual concern, and to develop a joint  
12 program of protection and prevention of physical waste of such  
13 fisheries in all of those areas of the Pacific Ocean over which  
14 the compacting states jointly or separately now have or may  
15 hereafter acquire jurisdiction", closely aligns with the mission  
16 of the department of land and natural resources to work with the  
17 people of Hawaii to manage, conserve, and restore the State's



1 unique aquatic resources and ecosystems for present and future  
2 generations.

3 The legislature further finds that the State of Hawaii  
4 would benefit greatly from becoming a member of the Pacific  
5 States Marine Fisheries Commission and could also be a valuable  
6 contributor toward the mutual goal of better managing Pacific  
7 ocean fishery resources.

8 The purpose of this Act is to authorize the governor to  
9 execute a compact on behalf of the State to cooperate in the  
10 Pacific States Marine Fisheries Commission.

11 SECTION 2. The Hawaii Revised Statutes is amended by  
12 adding to title 12 a new chapter to be appropriately designated  
13 and to read as follows:

14 "CHAPTER

15 PACIFIC MARINE FISHERIES COMPACT

16 § -1 **Governor's power to execute compact.** The governor  
17 may execute a compact on behalf of the State to cooperate in the  
18 Pacific States Marine Fisheries Commission.

19 § -2 **Compact.** The form and contents of the compact must  
20 be substantially as provided in this section, and the effect of



1 its provisions shall be interpreted and administered in  
2 conformity with the provisions of this chapter:

3 PACIFIC MARINE FISHERIES COMPACT

4 The contracting states agree as follows:

5 ARTICLE I

6 The purposes of this compact are to promote the better  
7 utilization of fisheries, marine, shell, and anadromous, which  
8 are of mutual concern, and to develop a joint program of  
9 protection and prevention of physical waste of the fisheries in  
10 all of those areas of the Pacific Ocean and adjacent waters over  
11 which the compacting states jointly or separately have or  
12 acquire jurisdiction.

13 Nothing in this compact may be construed to authorize the  
14 compacting states to limit the production of fish or fish  
15 products, establish or fix the prices of the fish or fish  
16 products, or create and perpetuate a monopoly.

17 ARTICLE II

18 This agreement shall become operative immediately as to  
19 those states executing it whenever two or more of the compacting  
20 states have executed it in the form that is in accordance with



1 the laws of the executing states and the Congress has given its  
2 consent.

3 ARTICLE III

4 Each state joining in this compact shall appoint, as  
5 determined by state statutes, one or more representatives to a  
6 commission constituted and designated in this compact as the  
7 Pacific Marine Fisheries Commission, of whom one shall be the  
8 administrative or other officer of the agency of the state  
9 charged with the conservation of the fisheries resources to  
10 which this compact pertains. The commission shall be invested  
11 with the powers and duties set out in this compact.

12 The term of each commissioner of the Pacific Marine  
13 Fisheries Commission is four years. A commissioner holds office  
14 until a successor is appointed and qualified, but the  
15 successor's term expires four years from the legal date of  
16 expiration of the term of the successor's predecessor.  
17 Vacancies occurring in the office of a commissioner from any  
18 reason or cause shall be filled for the unexpired term, or a  
19 commissioner may be removed from office, as provided by the  
20 statutes of the state concerned. Each commissioner may delegate  
21 in writing from time to time to a deputy the power to be present



1 and participate including voting as a representative or  
2 substitute, at a meeting of or hearing by, or other proceeding  
3 of the commission.

4 Voting powers under this compact are limited to one vote  
5 for each state regardless of the number of representatives.

6 ARTICLE IV

7 The duty of the said commission has to make inquiry and  
8 ascertain from time to time the methods, practices,  
9 circumstances, and conditions that are disclosed for bringing  
10 about the conservation and the prevention of the depletion and  
11 physical waste of the fisheries, marine, shell, and anadromous,  
12 in all of those areas of the Pacific Ocean and adjacent waters  
13 over which the compacting states jointly or separately have or  
14 acquire jurisdiction. The commission may recommend the  
15 coordination of the exercise of the police powers of the several  
16 states within their respective jurisdictions and the  
17 conservation zones to promote the preservation of those  
18 fisheries and their protection against overfishing, waste,  
19 depletion, or any abuse whatsoever and to assure a continuing  
20 yield from the fisheries resources of the signatory parties to  
21 this compact.



1 To that end, the commission shall draft and, after  
2 consultation with the advisory committee authorized by article  
3 VII of this compact, recommend to the governors and legislative  
4 branches of the signatory states to this compact, legislation  
5 dealing with the conservation of the marine, shell, and  
6 anadromous fisheries in all of those areas of the Pacific Ocean  
7 over which the compacting states jointly or separately have or  
8 acquire jurisdiction. The commission shall, more than one month  
9 before a regular meeting of the legislative branch in a  
10 signatory state, present to the governor of the state its  
11 recommendations relating to enactments by the legislative branch  
12 of that state in furthering the purposes of this compact.

13 The commission shall consult with and advise the pertinent  
14 administrative agencies in the signatory states with regard to  
15 problems connected with the fisheries and recommend the adoption  
16 of the regulations it considers advisable and which lie within  
17 the jurisdiction of the agencies.

18 The commission may recommend to the signatory states the  
19 stocking of the waters of such states with marine, shell, or  
20 anadromous fish and fish eggs or joint stocking by some or all  
21 of the states, and, when two or more of the states jointly stock



1 waters, the commission shall act as the coordinating agency for  
2 the stocking.

3 ARTICLE V

4 The commission shall elect from its number a chairperson  
5 and a vice chairperson and shall appoint and at its pleasure  
6 remove or discharge the officers and employees required to carry  
7 the provisions of this compact into effect and shall fix and  
8 determine their duties, qualifications, and compensation. The  
9 commission shall adopt rules for the conduct of its business.  
10 It may establish and maintain one or more offices for the  
11 transaction of its business and may meet at any time or place in  
12 the signatory states, but must meet at least once a year.

13 ARTICLE VI

14 No action may be taken by the commission except by the  
15 affirmative vote of a majority of the number of compacting  
16 states represented at a meeting. No recommendation may be made  
17 by the commission in regard to a species of fish except by the  
18 vote of a majority of the compacting states which have an  
19 interest in the species.



1 ARTICLE VII

2 The fisheries research agencies of the signatory states  
3 shall act in collaboration as the official research agency of  
4 the Pacific Marine Fisheries Commission.

5 An advisory committee to be representative of the  
6 commercial fishers, commercial fishing industry, and other  
7 interests of each state that the commission deems advisable  
8 shall be established by the commission as soon as practicable to  
9 advise the commission upon the recommendations it desires to  
10 make.

11 ARTICLE VIII

12 Nothing in this compact may be construed to limit the  
13 powers of a state or to repeal or prevent the enactment of  
14 legislation or the enforcement of a requirement by a state  
15 imposing additional conditions and restrictions to conserve its  
16 fisheries.

17 ARTICLE IX

18 Continued absence of representation or of any  
19 representative on the commission from a signatory state shall be  
20 brought to the attention of the governor of the state.





1 ARTICLE X

2 The states agree to make available annual funds for the  
3 support of the commission on the following basis:

4 Eighty per cent (80%) of the annual budget shall be shared  
5 equally by those member states having as a boundary the Pacific  
6 Ocean; not less than five per cent (5%) of the annual budget  
7 shall be contributed by any other member state; the balance of  
8 the annual budget shall be shared by those member states having  
9 as a boundary the Pacific Ocean, in proportion to the primary  
10 market value of the products of their commercial fisheries on  
11 the basis of the latest five-year catch records.

12 The annual contribution of each member state shall be  
13 figured to the nearest one hundred dollars.

14 This amended article shall become effective upon its  
15 enactment by the states of Alaska, California, Idaho, Oregon,  
16 and Washington and upon ratification by Congress by virtue of  
17 the authority vested in it under Article I, Section 10, of the  
18 Constitution of the United States.

19 ARTICLE XI

20 This compact continues in force and remains binding upon  
21 each state until renounced by it. Renunciation of this compact



1 must be preceded by sending six months' notice in writing of  
2 intention to withdraw from the compact to the other parties to  
3 the compact.

4 ARTICLE XII

5 The states of Alaska or Hawaii or any state having rivers  
6 or streams tributary to the Pacific Ocean may become a  
7 contracting state by enactment of the compact. Upon admission  
8 of a new state to the compact, the purposes of the compact and  
9 the duties of the commission extend to the development of joint  
10 programs for the conservation, protection, and prevention of  
11 physical waste of fisheries in which the contracting states are  
12 mutually concerned and to all waters of the newly admitted state  
13 necessary to develop the programs.

14 This article becomes effective upon its enactment by the  
15 states of California, Oregon, and Washington and upon  
16 ratification by Congress by virtue of the authority vested in it  
17 under Article I, Section 10, of the Constitution of the United  
18 States.

19 § -3 **Hawaii representatives.** In furtherance of the  
20 compact provisions, there are three members of the commission  
21 from the State of Hawaii--the chairperson of the board of land



1 and natural resources serving in an ex officio capacity, and two  
2 commissioners who are representatives of the fishing community  
3 with wide knowledge of and interest in marine fisheries issues,  
4 to be nominated and, by and with the advice and consent of the  
5 senate, appointed by the governor in accordance with section 26-  
6 34; provided that at least one commissioner shall have knowledge  
7 of Native Hawaiian cultural fishing practices and shall serve as  
8 a representative of the Native Hawaiian fishing community.

9       **§ -4 Terms of commissioners.** (a) The term of the  
10 commissioner serving in an ex officio capacity shall be the term  
11 of the commissioner's appointment as the chairperson of the  
12 board of land and natural resources. The ex officio  
13 commissioner holds office until a successor is appointed and  
14 qualified.

15       (b) The term of a non-ex officio commissioner is four  
16 years. A non-ex officio commissioner holds office until a  
17 successor is appointed and qualified, but the successor's term  
18 expires four years from the legal date of expiration of the term  
19 of the successor's predecessor.

20       (c) A non-ex officio commissioner may be removed or  
21 suspended by the governor after due notice and public hearing.



1 Vacancies occurring in the office of a commissioner from any  
2 reason or cause shall be filled for the unexpired term in the  
3 same manner as for a full-term appointment."

4 SECTION 3. This Act shall take effect on July 1, 3000.



**Report Title:**

Pacific Marine Fisheries; Compact; Commission

**Description:**

Authorizes the Governor to execute a compact on behalf of the State to cooperate in the Pacific States Marine Fisheries Commission. Establishes procedures for selection and succession of commissioners. Effective 7/1/3000. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

