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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 is  
7 referred to as the Pacific Marine Fisheries Commission in the  
8 original Compact language. The Pacific States Marine Fisheries  
9 Commission's mission "to promote the better utilization of  
10 fisheries - marine, shell, and anadromous, which are of mutual  
11 concern, and to develop a joint program of protection and  
12 prevention of physical waste of such fisheries in all of those  
13 areas of the Pacific Ocean over which the compacting states  
14 jointly or separately now have or may hereafter acquire  
15 jurisdiction" closely aligns with the mission of the department  
16 of land and natural resources to work with the people of Hawaii  
17 to manage, conserve, and restore the State's unique aquatic  
18 resources and ecosystems for present and future generations.



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1 ARTICLE I

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

9 Nothing in this compact may be construed to authorize the  
10 compacting states to limit the production of fish or fish  
11 products, establish or fix the prices of the fish or fish  
12 products, or create and perpetuate a monopoly.

13 ARTICLE II

14 This agreement shall become operative immediately as to  
15 those states executing it whenever two or more of the compacting  
16 states have executed it in the form that is in accordance with  
17 the laws of the executing states and the Congress has given its  
18 consent.

19 ARTICLE III

20 Each state joining in this compact shall appoint, as  
21 determined by state statutes, one or more representatives to a

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1 commission constituted and designated in this compact as the  
2 Pacific Marine Fisheries Commission, of whom one shall be the  
3 administrative or other officer of the agency of the state  
4 charged with the conservation of the fisheries resources to  
5 which this compact pertains. The commission shall be invested  
6 with the powers and duties set out in this compact.

7 The term of each commissioner of the Pacific Marine  
8 Fisheries Commission is four years. A commissioner holds office  
9 until a successor is appointed and qualified, but the  
10 successor's term expires four years from the legal date of  
11 expiration of the term of the successor's predecessor.

12 Vacancies occurring in the office of a commissioner from any  
13 reason or cause shall be filled for the unexpired term, or a  
14 commissioner may be removed from office, as provided by the  
15 statutes of the state concerned. Each commissioner may delegate  
16 in writing from time to time to a deputy the power to be present  
17 and participate including voting as a representative or  
18 substitute, at a meeting of or hearing by, or other proceeding  
19 of the commission.

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

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1 ARTICLE IV

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

17 To that end, the commission shall draft and, after  
18 consultation with the advisory committee authorized by article  
19 VII of this compact, recommend to the governors and legislative  
20 branches of the signatory states to this compact, legislation  
21 dealing with the conservation of the marine, shell, and  
22 anadromous fisheries in all of those areas of the Pacific Ocean

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1 over which the compacting states jointly or separately have or  
2 acquire jurisdiction. The commission shall, more than one month  
3 before a regular meeting of the legislative branch in a  
4 signatory state, present to the governor of the state its  
5 recommendations relating to enactments by the legislative branch  
6 of that state in furthering the purposes of this compact.

7 The commission shall consult with and advise the pertinent  
8 administrative agencies in the signatory states with regard to  
9 problems connected with the fisheries and recommend the adoption  
10 of the regulations it considers advisable and which lie within  
11 the jurisdiction of the agencies.

12 The commission may recommend to the signatory states the  
13 stocking of the waters of such states with marine, shell, or  
14 anadromous fish and fish eggs or joint stocking by some or all  
15 of the states, and, when two or more of the states jointly stock  
16 waters, the commission shall act as the coordinating agency for  
17 the stocking.

18 ARTICLE V

19 The commission shall elect from its number a chairperson  
20 and a vice chairperson and shall appoint and at its pleasure  
21 remove or discharge the officers and employees required to carry  
22 the provisions of this compact into effect and shall fix and

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1 determine their duties, qualifications, and compensation. The  
2 commission shall adopt rules for the conduct of its business.  
3 It may establish and maintain one or more offices for the  
4 transaction of its business and may meet at any time or place in  
5 the signatory states, but must meet at least once a year.

6 ARTICLE VI

7 No action may be taken by the commission except by the  
8 affirmative vote of a majority of the number of compacting  
9 states represented at a meeting. No recommendation may be made  
10 by the commission in regard to a species of fish except by the  
11 vote of a majority of the compacting states which have an  
12 interest in the species.

13 ARTICLE VII

14 The fisheries research agencies of the signatory states  
15 shall act in collaboration as the official research agency of  
16 the Pacific Marine Fisheries Commission.

17 An advisory committee to be representative of the  
18 commercial fishers, commercial fishing industry, and other  
19 interests of each state that the commission deems advisable  
20 shall be established by the commission as soon as practicable to  
21 advise the commission upon the recommendations it desires to  
22 make.

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1 ARTICLE VIII

2 Nothing in this compact may be construed to limit the  
3 powers of a state or to repeal or prevent the enactment of  
4 legislation or the enforcement of a requirement by a state  
5 imposing additional conditions and restrictions to conserve its  
6 fisheries.

7 ARTICLE IX

8 Continued absence of representation or of any  
9 representative on the commission from a signatory state shall be  
10 brought to the attention of the governor of the state.

11 ARTICLE X

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

14 Eighty per cent (80%) of the annual budget shall be shared  
15 equally by those member states having as a boundary the Pacific  
16 Ocean; not less than five per cent (5%) of the annual budget  
17 shall be contributed by any other member state; the balance of  
18 the annual budget shall be shared by those member states; having  
19 as a boundary the Pacific Ocean, in proportion to the primary  
20 market value of the products of their commercial fisheries on  
21 the basis of the latest five-year catch records.



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

3 This amended article shall become effective upon its  
4 enactment by the states of Alaska, California, Idaho, Oregon,  
5 and Washington and upon ratification by Congress by virtue of  
6 the authority vested in it under Article I, Section 10, of the  
7 Constitution of the United States.

8 ARTICLE XI

9 This compact continues in force and remains binding upon  
10 each state until renounced by it. Renunciation of this compact  
11 must be preceded by sending six months' notice in writing of  
12 intention to withdraw from the compact to the other parties to  
13 the compact.

14 ARTICLE XII

15 The states of Alaska or Hawaii or any state having rivers  
16 or streams tributary to the Pacific Ocean may become a  
17 contracting state by enactment of the Pacific Marine Fisheries  
18 compact. Upon admission of a new state to the compact, the  
19 purposes of the compact and the duties of the commission extend  
20 to the development of joint programs for the conservation,  
21 protection, and prevention of physical waste of fisheries in  
22 which the contracting states are mutually concerned and to all

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1 waters of the newly admitted state necessary to develop the  
2 programs.

3 This article becomes effective upon its enactment by the  
4 states of California, Oregon, and Washington and upon  
5 ratification by Congress by virtue of the authority vested in it  
6 under Article I, Section 10, of the Constitution of the United  
7 States.

8 § -3 **Hawaii representatives.** In furtherance of the  
9 compact provisions, there are three members of the commission  
10 from the State of Hawaii, the chairperson of the board of land  
11 and natural resources serving in an ex officio capacity, and two  
12 commissioners who are representatives of the fishing community  
13 with wide knowledge of and interest in marine fisheries issues,  
14 to be nominated and, by and with the advice and consent of the  
15 senate, appointed by the governor in accordance with section 26-  
16 34.

17 § -4 **Terms of commissioners.** (a) The term of the  
18 commissioner serving in an ex officio capacity shall be the term  
19 of the commissioner's appointment as the chairperson of the  
20 board of land and natural resources. The ex officio  
21 commissioner holds office until a successor is appointed and  
22 qualified.

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1 (b) The term of a non-ex officio commissioner is four  
2 years. A non-ex officio commissioner holds office until a  
3 successor is appointed and qualified, but the successor's term  
4 expires four years from the legal date of expiration of the term  
5 of the successor's predecessor.

6 (c) A non-ex officio commissioner may be removed or  
7 suspended by the governor after due notice and public hearing.  
8 Vacancies occurring in the office of a commissioner from any  
9 reason or cause shall be filled for the unexpired term in the  
10 same manner as for a full-term appointment."

11 SECTION 3. This Act shall take effect upon its approval.

12

13

INTRODUCED BY: 

14

BY REQUEST

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**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.

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

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO THE PACIFIC MARINE FISHERIES COMPACT.

PURPOSE: To authorize the Governor to execute a compact on behalf of the State to cooperate in the Pacific States Marine Fisheries Commission.

MEANS: Add a new chapter to title 12, Hawaii Revised Statutes.

JUSTIFICATION: The Pacific States Marine Fisheries Commission (PSMFC) is an interstate compact agency that helps state resource management agencies and the fishing industry sustainably manage Pacific Ocean resources. The PSMFC's mission "to promote the better utilization of fisheries - marine, shell, and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction" closely aligns with the mission of the Department to work with the people of Hawaii to manage, conserve, and restore the State's unique aquatic resources and ecosystems for present and future generations.

The State of Hawaii would benefit greatly from becoming a member of the PSMFC, and could also be a valuable contributor toward the mutual goal of better managing Pacific Ocean fishery resources.

Impact on the public: This bill would facilitate improved management of state and regional marine fishery resources through increased collaboration with other Pacific states.

Impact on the department and other agencies:  
Enhanced ability to manage state and regional marine fisheries resources.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: LNR 401.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.