

**ACT 216**

H.B. NO. 2478

A Bill for an Act Relating to the Pacific Marine Fisheries Compact.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the Pacific States Marine Fisheries Commission is an interstate compact agency that helps state resource management agencies and the fishing industry sustainably manage Pacific ocean resources. The name of the Pacific Marine Fisheries Commission was changed to the Pacific States Marine Fisheries Commission in 1989, but the organization

is still referred to as the Pacific Marine Fisheries Commission in the original compact language. The Pacific States Marine Fisheries Commission'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 of land and natural resources 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 legislature further finds that the State of Hawaii would benefit greatly from becoming a member of the Pacific States Marine Fisheries Commission and could also be a valuable contributor toward the mutual goal of better managing Pacific ocean fishery resources.

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

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

**“CHAPTER  
PACIFIC MARINE FISHERIES COMPACT**

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

**§ -2 Compact.** The form and contents of the compact must be substantially as provided in this section, and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this chapter:

**PACIFIC MARINE FISHERIES COMPACT**

The contracting states agree as follows:

**ARTICLE I**

The purposes of this compact are 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 the fisheries in all of those areas of the Pacific Ocean and adjacent waters over which the compacting states jointly or separately have or acquire jurisdiction.

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

**ARTICLE II**

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

**ARTICLE III**

Each state joining in this compact shall appoint, as determined by state statutes, one or more representatives to a commission constituted and designated in this compact as the Pacific Marine Fisheries Commission, of whom one shall

be the administrative or other officer of the agency of the state charged with the conservation of the fisheries resources to which this compact pertains. The commission shall be invested with the powers and duties set out in this compact.

The term of each commissioner of the Pacific Marine Fisheries Commission is four years. A commissioner holds office until a successor is appointed and qualified, but the successor's term expires four years from the legal date of expiration of the term of the successor's predecessor. Vacancies occurring in the office of a commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time to a deputy the power to be present and participate including voting as a representative or substitute, at a meeting of or hearing by, or other proceeding of the commission.

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

#### **ARTICLE IV**

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

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

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

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

#### **ARTICLE V**

The commission shall elect from its number a chairperson and a vice chairperson and shall appoint and at its pleasure remove or discharge the officers and employees required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications, and compensation. The commission shall adopt rules for the conduct of its business. It may establish and

maintain one or more offices for the transaction of its business and may meet at any time or place in the signatory states, but must meet at least once a year.

#### ARTICLE VI

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

#### ARTICLE VII

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

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

#### ARTICLE VIII

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

#### ARTICLE IX

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

#### ARTICLE X

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

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

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

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

#### ARTICLE XI

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

ARTICLE XII

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

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

§ -3 **Hawaii representatives.** In furtherance of the compact provisions, there are three members of the commission from the State of Hawaii—the chairperson of the board of land and natural resources serving in an ex officio capacity, and two commissioners who are representatives of the fishing community with wide knowledge of and interest in marine fisheries issues, to be nominated and, by and with the advice and consent of the senate, appointed by the governor in accordance with section 26-34; provided that at least one commissioner shall be a practitioner of and expert in traditional and customary native Hawaiian cultural fishing practices and shall serve as a representative of such on the commission.

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

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

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

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

(Approved July 8, 2024.)