
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.

H.B. NO. 2478

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

H.B. NO. 2478

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.

ARTICLE V

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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

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.

H.B. NO. 2478

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.

H.B. NO. 2478

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.

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INTRODUCED BY: _____

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BY REQUEST

JAN 2'2 2024

H.B. NO. 2478

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.