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 registature times 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.

1 The legislature further finds that the State of Hawaii 2 would benefit greatly from becoming a member of the Pacific States Marine Fisheries Commission, and could also be a valuable 3 contributor toward the mutual goal of better managing Pacific 4 Ocean fishery resources. 5 6 The purpose of this Act is to authorize the governor to execute a compact on behalf of the State to cooperate in the 7 Pacific States Marine Fisheries Commission. 8 SECTION 2. The Hawaii Revised Statutes is amended by 9 **10** adding to title 12 a new chapter to be appropriately designated 11 and to read as follows: 12 "CHAPTER PACIFIC MARINE FISHERIES COMPACT 13 -1 Governor's power to execute compact. The governor 14 15 may execute a compact on behalf of the State to cooperate in the Pacific States Marine Fisheries Commission. 16 -2 Compact. The form and contents of the compact **17** § must be substantially as provided in this section, and the 18 effect of its provisions shall be interpreted and administered 19 20 in conformity with the provisions of this chapter:

PACIFIC MARINE FISHERIES COMPACT

22 The contracting states agree as follows:

21

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

- 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

- 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

- 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.

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.

- 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

- 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
	JAN 2 2 2024

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.