HOUSE OF REPRESENTATIVES THIRTY-SECOND LEGISLATURE, 2024 STATE OF HAWAII

H.B. NO. ²⁴⁷⁸ H.D. 1 S.D. 1 G.D. 1

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 of the Pacific Marine Fisheries Commission was changed to the 5 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 program of protection and prevention of physical waste of such 12 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

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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.

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.

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:

14

15

"CHAPTER

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

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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

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

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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 Fisheries Commission is four years. A commissioner holds office 13 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

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of the commission.

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H.B. NO. ²⁴⁷⁸ H.D. 1 and participate including voting as a representative or substitute, at a meeting of or hearing by, or other proceeding 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,

11 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 yield from the fisheries resources of the signatory parties to 20 21 this compact.

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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 acquire jurisdiction. The commission shall, more than one month 8 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

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

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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.

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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.			

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2 The states agree to make available annual funds for the3 support of the commission on the following basis:

4 Eighty per cent (80%) of the annual budget shall be shared equally by those member states having as a boundary the Pacific 5 Ocean; not less than five per cent (5%) of the annual budget 6 shall be contributed by any other member state; the balance of 7 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 be13 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.

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ARTICLE XI

20 This compact continues in force and remains binding upon21 each state until renounced by it. Renunciation of this compact

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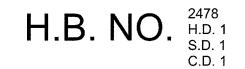
must be preceded by sending six months' notice in writing of
 intention to withdraw from the compact to the other parties to
 the compact.

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

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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 be a 7 practitioner of and expert in traditional and customary native 8 Hawaiian cultural fishing practices and shall serve as a 9 representative of such on the commission.

10 § -4 Terms of commissioners. (a) The term of the 11 commissioner serving in an ex officio capacity shall be the term 12 of the commissioner's appointment as the chairperson of the 13 board of land and natural resources. The ex officio 14 commissioner holds office until a successor is appointed and 15 qualified.

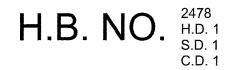
(b) The term of a non-ex officio commissioner is four
years. A non-ex officio commissioner holds office until a
successor is appointed and qualified, but the successor's term
expires four years from the legal date of expiration of the term
of the successor's predecessor.

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(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."

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



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 from the State of Hawaii. (CD1)

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

