

1 IN THE HOUSE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 273

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Pacific Marine
7 Fisheries Compact."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 Section 1. The Governor is authorized to execute a compact
10 on behalf of this state with the states of California, Oregon
11 and Washington for the purpose of cooperating with such states
12 in the Pacific Marine Fisheries Commission.

13 Sec. 2. The form and contents of such compact shall be
14 substantially as provided in this section and the effect of its
15 provisions shall be interpreted and administered in conformity
16 with the provisions of this section:

17 THE PACIFIC MARINE FISHERIES COMPACT

18 The contracting states do hereby agree as follows:

19 ARTICLE I

20 The purposes of this compact are and shall be to promote the
21 better utilization of fisheries, marine, shell and anadromous,
22 which are of mutual concern, and to develop a joint program of
23 protection and prevention of physical waste of such fisheries
24 in all of those areas of the Pacific Ocean over which the states
25 of California, Oregon, Washington, and Alaska jointly or separa-
26 tely now have or may hereafter acquire jurisdiction.

27 Nothing herein contained shall be construed so as to autho-
28 rize the aforesaid states or any of them to limit the production
29 of fish or fish products for the purpose of establishing or

1 fixing the prices thereof or creating and perpetuating a monopoly.

2 ARTICLE II

3 This agreement shall become operative immediately as to
4 those states executing it whenever two or more of the states of
5 California, Oregon and Washington have executed it in the form
6 that is in accordance with the laws of the executing state and
7 the Congress has given its consent.

8 ARTICLE III

9 Each state joining herein shall appoint, as determined by
10 state statutes, one or more representatives to a Commission
11 hereby constituted and designated as the Pacific Marine Fisheries
12 Commission, of whom one shall be the administrative or other
13 officer of the agency of such state charged with the conservation
14 of the fisheries resources to which this compact pertains. This
15 Commission shall be invested with the powers and duties set
16 forth herein.

17 The term of each commissioner of the Pacific Marine Fisheries
18 Commission shall be four years. A commissioner shall hold office
19 until his successor shall be appointed and qualified but such
20 successor's term shall expire four years from legal date of ex-
21 piration of the term of his predecessor. Vacancies occurring
22 in the office of such commissioner from any reason or cause shall
23 be filled for the unexpired term, or a commissioner may be re-
24 moved from office, as provided by the statutes of the state
25 concerned. Each commissioner may delegate in writing from time
26 to time, to a deputy, the power to be present and participate,
27 including voting as his representative or substitute, at any
28 meeting of or hearing by or other proceeding of the Commission.

29 Voting powers under this compact shall be limited to one

1 vote for each state regardless of the number of representatives.

2 ARTICLE IV

3 The duty of the said Commission shall be to make inquiry
4 and ascertain from time to time such methods, practices, circum-
5 stances and conditions as may be disclosed for bringing about
6 the conservation and the prevention of the depletion and physi-
7 cal waste of the fisheries, marine, shell and anadromous, in all
8 of those areas of the Pacific Ocean over which the states of
9 California, Oregon, Washington, and Alaska jointly or separately
10 now have or may hereafter acquire jurisdiction. The Commission
11 shall have power to recommend the coordination of the exercise
12 of the police powers of the several states within their respec-
13 tive jurisdictions and said conservation zones to promote the
14 preservation of those fisheries and their protection against
15 over-fishing, waste, depletion or any abuse whatsoever and to
16 assure a continuing yield from the fisheries resources of the
17 signatory parties hereto.

18 To that end the Commission shall draft and, after con-
19 sultation with the Advisory Committee hereinafter authorized,
20 recommend to the governors and legislative branches of the
21 various signatory states hereto legislation dealing with the
22 conservation of the marine, shell and anadromous fisheries in
23 all of those areas of the Pacific Ocean over which the signa-
24 tory states jointly or separately now have or may hereafter
25 acquire jurisdiction. The Commission shall, more than one
26 month prior to any regular meeting of the legislative branch
27 in any state signatory hereto, present to the governor of such
28 state its recommendations relating to enactments by the legisla-
29 tive branch of that state in furthering the intents and purposes

1 of this compact.

2 The Commission shall consult with and advise the pertinent
3 administrative agencies in the signatory states with regard to
4 problems connected with the fisheries and recommend the adoption
5 of such regulations as it deems advisable and which lie within
6 the jurisdiction of such agencies.

7 The Commission shall have power to recommend to the states
8 signatory hereto the stocking of the waters of such states with
9 marine, shell or anadromous fish and fish eggs or joint stocking
10 by some or all of such states and when two or more of the said
11 states shall jointly stock waters the Commission shall act as
12 the coordinating agency for such stocking.

13 ARTICLE V

14 The Commission shall elect from its number a chairman and a
15 vice chairman and shall appoint and at its pleasure remove or
16 discharge such officers and employees as may be required to carry
17 the provisions of this compact into effect and shall fix and
18 determine their duties, qualifications and compensation. Said
19 Commission shall adopt rules and regulations for the conduct of
20 its business. It may establish and maintain one or more offices
21 for the transaction of its business and may meet at any time or
22 place within the territorial limits of the signatory states but
23 must meet at least once a year.

24 ARTICLE VI

25 No action shall be taken by the Commission except by the
26 affirmative vote of a majority of the whole number of compacting
27 states represented at any meeting. No recommendation shall be
28 made by the Commission in regard to any species of fish except
29 by the vote of a majority of the compacting states which have

1 an interest in such species.

2 ARTICLE VII

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

6 An Advisory Committee to be representative of the commercial
7 fishermen, commercial fishing industry and such other interests
8 of each state as the Commission deems advisable shall be estab-
9 lished by the Commission as soon as practicable for the purpose
10 of advising the Commission upon such recommendations as it may
11 desire to make.

12 ARTICLE VIII

13 Nothing in this compact shall be construed to limit the
14 powers of any state or to repeal or prevent the enactment of any
15 legislation or the enforcement of any requirement by any state
16 imposing additional conditions and restrictions to conserve
17 its fisheries.

18 ARTICLE IX

19 Continued absence of representation or of any representative
20 on the Commission from any state party hereto, shall be brought
21 to the attention of the governor thereof.

22 ARTICLE X

23 The states agree to make available annual funds for the
24 support of the Commission in proportion to primary market value
25 of the products of their fisheries as recorded in the latest
26 published reports (five year average), provided no state shall
27 contribute less than two thousand dollars per annum and the
28 annual contribution of each state above the minimum shall be
29 figured to the nearest one hundred dollars.

1 The states agree to make available annual funds which
2 amounts are calculated in the manner set forth herein on the
3 basis of the latest five year catch records. Subsequent budgets
4 shall be recommended by a majority of the commission and the
5 total amount thereof allocated equitably among the states in
6 accordance with the above formula.

7 ARTICLE XI

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

13 Sec. 3. In furtherance of the provisions contained in the
14 compact there shall be three members of the Commission from the
15 State of Alaska, appointed by the Governor and confirmed by the
16 Legislature in joint session. One such commissioner shall be
17 the administrative or other officer of the Alaska Department of
18 Fish and Game charged with the conservation of the state's
19 marine fisheries resource; another commissioner shall be a
20 member of the Legislature of this state who is a member of
21 the committee on resources, and another member shall be a
22 citizen of this state who has a wide knowledge of and interest
23 in the marine fisheries problem.

24 Sec. 4. The term of each commissioner is four years. A
25 commissioner holds office until his successor is appointed and
26 qualified but such successor's term expires four years from
27 the legal date of expiration of the term of his predecessor.
28 Any commissioner may be removed from office by the Governor
29 upon charges and after a hearing. The term of any commissioner

1 who ceases to hold the qualifications required terminates and
2 a successor may be appointed. Vacancies occurring in the office
3 of a commissioner from any reason or cause shall be filled for
4 the unexpired term in the same manner as for a full term
5 appointment.

6 Sec. 5. The effective date of this Act is July 1, 1961.
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