

TITLE 36
FISH AND GAME

CHAPTER 20
PACIFIC MARINE FISHERIES COMPACT

36-2001. PACIFIC MARINE FISHERIES COMPACT -- EXECUTION. The governor of the state of Idaho is authorized to execute a compact on behalf of this state with the states of California, Oregon and Washington for the purpose of cooperating with those states in the Pacific Marine Fisheries Commission.

[36-2001, added 1976, ch. 95, sec. 2, p. 382.]

36-2002. FORM AND CONTENTS. The form and contents of such compact shall 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 section:

The Pacific Marine Fisheries Compact

The contracting states do hereby agree as follows:

Article I

The purposes of this compact are and shall be 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 and adjacent waters over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction.

Nothing herein contained shall be construed so as to authorize the compacting states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

Article II

This agreement shall become operative immediately as to those states executing it whenever two (2) 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 herein shall appoint, as determined by state statutes, one (1) or more representatives to a commission hereby constituted and designated as the Pacific Marine Fisheries Commission, of whom one (1) shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be invested with the powers and duties set forth herein. The term of each commissioner of the Pacific Marine Fisheries Commission shall be four (4) years. A commissioner shall hold office until his successor shall be appointed and qualified, but such successor's term shall expire four (4) years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such 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 his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one (1) vote for each state regardless of the number of representatives.

Article IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be 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 over which the states signatory to this compact jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and said 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 hereto.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell, and anadromous fisheries in all of those areas of the Pacific Ocean over which the signatory states jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one (1) month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and 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 such regulations as it deems advisable and which lie within the jurisdiction of such agencies. The commission shall have power to recommend to the states signatory hereto 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 such states, and, when two (2) or more of the said states shall jointly stock waters, the commission shall act as the coordinating agency for such stocking.

Article V

The commission shall elect from its number a chairman and a vice-chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications, and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one (1) or more offices for the transaction of its business, and may meet at any time or place within the territorial limits of the signatory states, but must meet at least once a year.

Article VI

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the commission in regard to

any species of fish except by the vote of a majority of the compacting states which have an interest in such 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 fisherman, commercial fishing industry, and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

Article VIII

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

Article IX

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the governor thereof.

Article X

The states agree to make available annual funds for the support of the Commission on the following basis: Eighty percent (80%) of the annual budget shall be shared equally by those member states having as a boundary the Pacific Ocean; five percent (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 (5) year catch records.

The annual contribution of each member state shall be figured to the nearest one hundred dollars (\$100). 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 shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six (6) months' notice in writing of intention to withdraw from the compact to the other parties hereto.

Article XII

The states of Alaska or Hawaii, or any state rivers and streams tributary to the Pacific Ocean may become a contracting state by enactment of the Pacific Marine Fisheries Compact. Upon admission of any new state to the compact, the purposes of the compact and the duties of the commission shall extend to the development of joint programs for the conservation, protection, and prevention of physical waste of fisheries in which the contract-

ing states are mutually concerned and to all waters of the newly admitted state necessary to develop such programs. This article shall become 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.

[36-2002, added 1976, ch. 95, sec. 2, p. 382.]

36-2003. COMMISSION -- MEMBERS. In furtherance of the provisions contained in the compact, there shall be three (3) members of the commission from the state of Idaho. One (1) such commissioner shall be the director or other officer of the Idaho department of fish and game charged with the conservation of the state's anadromous fisheries resource. The other two (2) commissioners shall be appointed by the governor: one (1) commissioner shall be a member of the fish and game commission and one (1) commissioner shall be a member of the state legislature.

[36-2003, added 1976, ch. 95, sec. 2, p. 386; am. 1987, ch. 197, sec. 1, p. 410.]