

The logo for the Texas Sunset Advisory Commission is a semi-circular emblem with a dark, textured interior. The words "Texas", "Sunset", "Advisory", and "Commission" are stacked vertically in a bold, white, sans-serif font. The emblem is flanked by two horizontal bars, one above and one below, which extend slightly beyond the semi-circle's edges.

**Texas
Sunset
Advisory
Commission**

STAFF EVALUATION

*Rio Grande River Compact Commissioner for Texas
Pecos River Compact Commissioner for Texas
Canadian River Compact Commissioner for Texas
Sabine River Compact Commissioner for Texas
Red River Compact Commissioner for Texas
Gulf States Marine Fisheries Commission*

**A Staff Report
to the
Sunset Advisory Commission**

1984

GULF STATES MARINE FISHERIES COMMISSION

SUMMARY

The Gulf States Marine Fisheries Commission, established in 1949, is currently active. This commission administers an interstate compact representing the Gulf States of Texas, Louisiana, Mississippi, Alabama, and Florida. Authorized by Public Law 81-66, this compact was signed by representatives of each of these five states on July 19, 1949, in Mobile, Alabama. The primary objectives of the commission are the conservation, development, and full utilization of the fisheries resources of the entire Gulf region.

The Gulf States Marine Fisheries Commission provides a medium for the exchange of information and ideas concerning marine fisheries, management, research and development, and other fisheries-related issues. The principle species that are dealt with are those species which migrate throughout the Gulf and hence are subject to different regulatory policies of the various Gulf states. In addition, the commission assists in obtaining funding for numerous research and public information projects, symposia, and workshops, and recommends necessary legislation to both member states and the United States Congress. The member states relinquish none of their rights or responsibilities in regulating their own fisheries. The commission is only given power to recommend to the governor and legislature of the states action on programs helpful to the management of the fisheries.

The Gulf States Marine Fisheries Commission is a 15-member body composed of three members from each of the five Gulf states. The head of the marine fisheries department of each state is an ex-officio member. The second commissioner is a member of the legislature of each state appointed jointly by the lieutenant governor and the speaker of the house of representatives. The third member from each state is a citizen who has knowledge of, or an interest in, marine fisheries and who is appointed by the governor with the consent of the senate for a three year term.

The offices of chairman and vice-chairman of the commission are rotated annually between the states. Regular meetings of the commission are held twice each year on the third Thursday and Friday of March and October. Special meetings of the commission and its committees are held as needed. The regular meetings are rotated between the states in order that the commissioners may better familiarize themselves with the fisheries and coastal areas of the entire Gulf.

The activities of the compact are supported by contributions paid by member states and by federal funds. In 1984, the total Gulf States Marine Fisheries Commission budget was \$225,000. Texas' contributions during this period of time were \$22,500 out of the state's Game, Fish and Water Safety Fund No. 9. Texas, Louisiana, and Florida each contribute \$22,500 while the states of Alabama and Mississippi each contribute \$11,250. The balance of the commission's budget is from federal funds. The commission's activities are coordinated by an executive director who directs a staff of five. The Gulf States Marine Fisheries Commission is located in Ocean Springs, Mississippi.

The review indicates that there is a continuing need for the Gulf States Marine Fisheries Commission. The commission acts as a clearing house of information on fishing and fishing problems within the Gulf area. The research and management activities of the coastal fisheries program of the Department of Parks and Wildlife is the main recipient of the programs of the Gulf States Marine Fisheries Commission. The Department of Water Resources and the General Land Office also use information obtained from the commission. While the commission is generally operated in an efficient and effective manner, there is one change that should be made in the event the legislature decides to continue the agency. The change is set out below.

Approaches for Sunset Commission Consideration.

I. MAINTAIN THE COMMISSION WITH MODIFICATIONS

Open Meetings/Open Records

The Texas Department of Parks and Wildlife should be required to file notice of meetings of the Gulf States Marine Fisheries Commission with the secretary of state's office.

The commission is neither purely a state nor a federal agency and, as a result, it is not subject to the notice requirements found in federal law or the state's Open Meetings Act. While the commission publishes notice of meeting dates in trade media and by other means, there is no notification to the general public as would be required for typical state agencies under the Open Meetings Act. The public protection afforded under the Open Meetings Act should be extended to meetings of the commission by requiring the Texas Department of Parks and Wildlife to file notice showing the time, date, and location of commission meetings with the secretary of state.

AGENCY EVALUATION

The review of the current operations of an agency is based on several criteria contained in the Sunset Act. The analysis made under these criteria is intended to give answers to the following basic questions:

1. Does the policy-making structure of the agency fairly reflect the interests served by the agency?
 2. Does the agency operate efficiently?
 3. Has the agency been effective in meeting its statutory requirements?
 4. Do the agency's programs overlap or duplicate programs of other agencies to a degree that presents serious problems?
 5. Is the agency carrying out only those programs authorized by the legislature?
 6. If the agency is abolished, could the state reasonably expect federal intervention or a substantial loss of federal funds?
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BACKGROUND

Organization and Objectives

The Gulf States Marine Fisheries Commission (GSMFC), formed in 1949, is currently active. The commission is a 15-member body composed of three members from each of the five Gulf states. The head of the marine fisheries department of each state is one of the ex-officio members, the other being a member of the legislature of each state appointed jointly by the lieutenant governor and the speaker of the house of representatives. The third member from each state is a citizen who has knowledge of and an interest in marine fisheries, and is appointed by the governor with consent of the senate for a three-year term. The states which make up the commission are Texas, Alabama, Florida, Louisiana, and Mississippi.

The purposes of the GSMFC are to promote better utilization of the Gulf fisheries, develop a protection program for these fisheries, and recommend necessary legislation to both the member states and the United States Congress. The commission is also authorized to consult with and advise the proper administrative agencies of the member states regarding fishery conservation problems. In addition, the commission advises and testifies before the U.S. Congress on legislative and marine policy that affects the Gulf states. One of the most important functions of the commission is to serve as a forum for the discussion of various problems and programs of marine management, industry, research, etc., and to develop a coordinated Gulf policy to address these issues. Member states relinquish none of their rights or responsibilities in regulating their own fisheries. The commission is only given the power to recommend to the governors and legislatures of the states action on programs helpful to the management of their fisheries. The basis for such recommendations comes from studies made by experts employed by the several states and by the federal agency having marine responsibility, currently the National Marine Fisheries Service.

Regular meetings of the commission are held in March and October of each year and special meetings are called if needed. The regular meetings are rotated between the member states in order that the Commission may become familiar with the fisheries and coastal areas of the entire Gulf.

The activities of the compact are supported by contributions paid by member states and by federal funds. The Gulf States Marine Fisheries Commission budget for 1984 was \$225,000. Texas' contribution during this period of time was \$22,500

out of the state's Game, Fish and Water Safety Fund No. 9. Texas, Louisiana, and Florida each contribute \$22,500 while the states of Alabama and Mississippi each contribute \$11,250. The balance of the commission budget is from federal funds. The commission's activities are coordinated by an executive director who directs a staff of five. The commission's office is located in Ocean Springs, Mississippi.

REVIEW OF OPERATIONS

This section covers the evaluation of current agency operations undertaken to identify any major changes which should be made to improve the efficiency and effectiveness of those operations, if the agency is to be continued. The evaluation is divided into three general areas dealing with: 1) a review and analysis of the policy-making body, 2) a review and analysis of the overall administration of the agency, and 3) a review and analysis of the operations of specific agency programs.

Policy-making Structure

The evaluation of the policy-making structure was designed to determine if the current statutory structure contains provisions that ensure adequate executive and legislative control over the organization of the body; competency of members to perform required duties; proper balance of interest within the composition; and effective means for the selection and removal of members.

The terms of the compact provide for three Texas commissioners. One is administrative head of the Department of Parks and Wildlife, one is a legislator, and one is a public member appointed by the governor. This composition provides for an adequate balance of the interests represented. Texas has been well represented on the commission and has benefited from its activities.

Overall Administration

The evaluation of the overall agency administration was designed to determine whether the management policies and procedures, the monitoring of management practices and the reporting requirements of the agency were consistent with the general practices used for internal management of time, personnel, and funds.

The review of the Gulf States Marine Fisheries Commission looked only at the process used by Texas. The Department of Parks and Wildlife processes travel vouchers for the Texas commissioners and makes the payment of Texas annual share of the compact's expenses. Texas' pro rata share of expenses for 1984 was \$22,500 out of the Game, Fish and Water Safety Fund No. 9. The Department of Parks and Wildlife also paid \$3,717 in travel expenses for the three Texas commissioners. Controls on these administrative duties were adequate.

Evaluation of Programs

The Gulf States Marine Fisheries Commission, which is neither a state nor a federal agency, is under the control of the five Gulf States which make up the compact. The three substantive programs the commission administers are mandated by federal legislation. These programs are the following:

1. **Gulf States/Federal Fisheries Management Program.** Since the 1970's, the commission has had the responsibility of providing administrative support to, and coordination of, the Gulf State/Federal Fisheries Management Program, congressionally mandated in P.L. 81-66. This program was designed to develop management plans for fish that migrate freely throughout the Gulf.
2. **Gulf of Mexico Fishery Management Council.** The Gulf States Marine Fisheries Commission membership on the Gulf of Mexico Fishery Management Council was congressionally mandated in P.L. 94-265. The commission's executive director is a non-voting but operationally active member of this Council. The Gulf Council has resulted in the commission's actual involvement in development of management plans for the following fisheries Gulf-wide: billfish, mackerel, coral, reef fish, spring lobster, stone crab, sword fish, and shrimp. The actions taken by the Council are in effect from the outer extent of the state's territorial waters out to 200 miles.
3. **The Southeast Area Monitoring and Assessment Program (SEAMAP).** This is a cooperative state-federal program designed for coordination and dissemination of independent data and information on marine fisheries. The State of Texas utilizes SEAMAP information in conjunction with data it gathers from other sources to set the date from the opening of shrimp season.

EVALUATION OF OTHER SUNSET CRITERIA

The review of the agency's efforts to comply with overall state policies concerning the manner in which the public is able to participate in the decisions of the agency and whether the agency is fair and impartial in dealing with its employees and the general public is based on criteria contained in the Sunset Act.

The analysis made under these criteria is intended to give answers to the following questions:

1. Does the agency have and use reasonable procedures to inform the public of its activities?
 2. Has the agency complied with applicable requirements of both state and federal law concerning equal employment and the rights and privacy of individuals?
 3. Has the agency and its officers complied with the regulations regarding conflict of interest?
 4. Has the agency complied with the provisions of the Open Meetings and Open Records Act?
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EVALUATION OF OTHER SUNSET CRITERIA

The material in this section evaluates the agency's efforts to comply with the general state policies developed to ensure: 1) the awareness and understanding necessary to have effective participation by all persons affected by the activities of the agency; and 2) that agency personnel are fair and impartial in their dealings with persons affected by the agency and that the agency deals with its employees in a fair and impartial manner.

Open Meetings/Open Records

Notice of compact meetings should be filed with the secretary of state's office.

As state officials, the Texas compact commissioners are subject to the Texas Open Meetings Act. However, the commission sitting as a body is not subject to state or federal open meetings requirements since it is neither a state nor a federal agency. The commission has developed procedural rules to govern its meetings and records, and these generally apply the spirit of the differing laws of the federal government and the participating states.

The review of these procedures indicated that, except in one instance, interested parties are afforded adequate protection. The procedures provide that meetings are open to the public; that minutes of meetings be prepared and be open for inspection; and that action on matters discussed in executive session be voted on in open session. The general public is not notified of the times, dates, and locations of the compact meetings. There appears to be no practical reason why the Department of Parks and Wildlife could not provide this notice to members of the public in Texas through the Texas Register. The statute of the Gulf States Marine Fisheries Commission should be amended to require this type of public notice.

EEOC/Privacy

A review was conducted to determine the agency's compliance with applicable provision of state and federal statutes concerning equal employment opportunity and the rights and privacy of employees. The commission has adopted a policy statement concerning equal employment opportunity for all employees and applicants. The executive director, as chief executive office of the commission, is responsible for this policy's implementation.

Public Participation

The agency's operations were examined to determine if the general public and those affected by the agency have been informed of its activities. The commission encourages public participation at all meetings of the commission and widely circulates notice of the meetings in trade media and public mailing lists of those who request such meetings. These notices are general in nature and are not directed to the citizens of any one particular state, as all states are treated equally.

Conflict-of-Interest

The review focused on agency efforts to inform commission members of responsibilities related to conflict of interest statutes and compliance with applicable statutes. The law creating the Gulf States Marine Fisheries Commission sets out the qualifications and responsibilities of each of the three Texas commissioners. Texas commission members are informed of conflict of interest provisions through issuance of the governor's handbook for members of state boards.

ACROSS-THE-BOARD RECOMMENDATIONS

From its inception, the Sunset Commission identified common agency problems. These problems have been addressed through standard statutory provisions incorporated into the legislation developed for agencies undergoing sunset review. Since these provisions are routinely applied to all agencies under review, the specific language is not repeated throughout the reports. The application to particular agencies are denoted in abbreviated chart form.

GULF STATES MARINE FISHERIES COMMISSION

Applied	Modified	Not Applied	Across-the-Board Recommendations
			A. GENERAL
		X	1. Require public membership on boards and commissions.
		X	2. Require specific provisions relating to conflicts of interest.
		X	3. Provide that a person registered as a lobbyist under Article 6252-9c, V.A.C.S., may not act as general counsel to the board or serve as a member of the board.
		X	4. Require that appointment to the board shall be made without regard to race, color, handicap, sex, religion, age, or national origin of the appointee.
		X	5. Specify grounds for removal of a board member.
		*	6. Require the board to make annual written reports to the governor, the auditor, and the legislature accounting for all receipts and disbursements made under its statute.
		X	7. Require the board to establish skill-oriented career ladders.
		X	8. Require a system of merit pay based on documented employee performance.
		X	9. Provide that the state auditor shall audit the financial transactions of the board at least once during each biennium.
		X	10. Provide for notification and information to the public concerning board activities.
		X	11. Place agency funds in the Treasury to ensure legislative review of agency expenditures through the appropriation process.
		X	12. Require files to be maintained on complaints.
		X	13. Require that all parties to formal complaints be periodically informed in writing as to the status of the complaint.
		X	14. (a) Authorize agencies to set fees. (b) Authorize agencies to set fees up to a certain limit.
		X	15. Require development of an E.E.O. policy.
		X	16. Require the agency to provide information on standards of conduct to board members and employees.
		X	17. Provide for public testimony at agency meetings.
		X	18. Require that the policy body of an agency develop and implement policies which clearly separate board and staff functions.

* Already in statute or required

Gulf States Marine Fisheries Commission
(Continued)

Applied	Modified	Not Applied	Across-the-Board Recommendations
			B. LICENSING
		X	1. Require standard time frames for licensees who are delinquent in renewal of licenses.
		X	2. Provide for notice to a person taking an examination of the results of the exam within a reasonable time of the testing date.
		X	3. Provide an analysis, on request, to individuals failing the examination.
		X	4. Require licensing disqualifications to be: 1) easily determined, and 2) currently existing conditions.
		X	5. (a) Provide for licensing by endorsement rather than reciprocity.
		X	(b) Provide for licensing by reciprocity rather than endorsement.
		X	6. Authorize the staggered renewal of licenses.
		X	7. Authorize agencies to use a full range of penalties.
		X	8. Specify board hearing requirements.
		X	9. Revise restrictive rules or statutes to allow advertising and competitive bidding practices which are not deceptive or misleading.
		X	10. Authorize the board to adopt a system of voluntary continuing education.