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HOUSE BILL 1012

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Haugen, Wilson, Spanel, Morris, Cole, Zellinsky, Basich, Miller, Orr and Wynne.

Read first time January 14, 1991. Referred to Committee on Fisheries & Wildlife.

1            AN ACT Relating to the loss of nets in the aquatic environment;  
2 adding new sections to chapter 75.28 RCW; adding a new section to Title  
3 82 RCW; creating a new section; prescribing penalties; and providing an  
4 effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.**            The legislature finds that many fishing  
7 nets lost in the aquatic environment continue to catch crabs, fish, sea  
8 birds, and other marine organisms for months and years. Nets have been  
9 located in which thousands of fish, crabs, marine mammals, and other  
10 marine organisms have become trapped and died.

11            It is the intent of the legislature to conserve the state's aquatic  
12 resources by reducing the loss of food fish, game fish, and other  
13 marine organisms caused by abandoned fishing nets.

1        NEW SECTION.    **Sec. 2.**        Unless the context clearly requires  
2 otherwise, the definition in this section applies throughout sections  
3 3 through 5 of this act.

4        "Fishing net" and "net" mean the following fishing nets used by the  
5 commercial fishing industry: Gill nets, seine nets, and trawl nets.

6        NEW SECTION.    **Sec. 3.**        (1) Abandoning or discarding a net in  
7 state waters is prohibited, except in cases in which the net is caught  
8 on an obstruction and cannot be freed, or if the net was inadvertently  
9 lost and cannot be located.

10        (2) If a net must be abandoned because it is caught on an  
11 obstruction or if a net is inadvertently lost, the owner shall notify  
12 the department within fifteen days of the date the net was abandoned or  
13 lost. The owner must provide information on the net's location, date  
14 of abandonment, and reason for abandoning the net.

15        (3) Intentionally discarding a net into the marine environment or  
16 failing to notify the department of a lost or abandoned fishing net  
17 within fifteen days shall be punishable under chapter 7.84 RCW.

18        NEW SECTION.    **Sec. 4.**        The department shall be responsible for  
19 recovering, or coordinating the recovery of, abandoned and lost nets  
20 when a net is identified as posing a threat, or a potential threat, to  
21 marine organism or seabird populations. The department also shall  
22 conduct educational programs and take other actions designed to reduce  
23 the number of nets lost in the aquatic environment. The department  
24 shall target divers in their educational program and encourage divers  
25 to report lost nets to the department.

26        NEW SECTION.    **Sec. 5.**        The lost fishing net recovery fund is  
27 hereby created in the custody of the state treasury. All fees received

1 by the department of revenue under section 6 of this act shall be  
2 deposited in the fund. Any money received for the purposes of carrying  
3 out this chapter from other sources may be deposited in the fund.  
4 Expenditures from the fund may be used only by the department of  
5 fisheries for the purposes of section 4 of this act. The fund is  
6 subject to allotment procedures under chapter 43.88 RCW, but no  
7 appropriation is required for expenditures.

8 NEW SECTION. **Sec. 6.** A new section is added to Title 82 RCW to  
9 read as follows:

10 There is hereby levied and there shall be collected by the  
11 department of revenue from every person engaging within this state in  
12 business as a retailer of commercial trawl nets, commercial purse seine  
13 nets, or commercial gill nets, or components of these nets, an annual  
14 lost fishing net recovery tax equal to the value of the nets sold  
15 within the state multiplied by one percent. Moneys collected from the  
16 tax shall be deposited into the lost fishing net recovery fund created  
17 in section 5 of this act.

18 NEW SECTION. **Sec. 7.** Sections 2 through 5 of this act are  
19 each added to chapter 75.28 RCW.

20 NEW SECTION. **Sec. 8.** Sections 2 through 6 of this act shall  
21 take effect January 1, 1992. The department of fisheries and the  
22 department of revenue may immediately take such steps as are necessary  
23 to ensure that sections 2 through 6 of this act are implemented on  
24 January 1, 1992.