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ENGROSSED SUBSTITUTE HOUSE BILL 1012

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State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Fisheries & Wildlife (originally sponsored by Representatives Haugen, Wilson, Spanel, Morris, Cole, Zellinsky, Basich, Miller, Orr and Wynne).

Read first time February 7, 1991.

1 AN ACT Relating to the loss of nets in the aquatic environment;  
2 adding new sections to chapter 75.28 RCW; adding new sections to  
3 chapter 82.04 RCW; creating new sections; prescribing penalties; making  
4 an appropriation; providing an effective date; and declaring an  
5 emergency.

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

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

12 It is the intent of the legislature to conserve the state's aquatic  
13 resources by reducing the loss of food fish, game fish, and other  
14 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 organisms or seabird populations. The department shall make  
22 every effort to contract out the recovery of fishing nets. The  
23 department also shall conduct educational programs and take other  
24 actions designed to reduce the number of nets lost in the aquatic  
25 environment. The department shall target divers in their educational  
26 program and encourage divers to report lost nets to the department.

1        NEW SECTION.    **Sec. 5.**        The taxes imposed in sections 7 through  
2 9 of this act are intended to provide a funding source for the purposes  
3 of sections 2 through 4 of this act.

4        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 82.04 RCW  
5 to be codified between RCW 82.04.020 and 82.04.212 and to read as  
6 follows:

7        (1) "Commercial net products" means commercial nets and commercial  
8 net components.

9        (2) "Commercial nets" means commercial trawl nets, commercial purse  
10 seine nets, and commercial gill nets.

11       (3) "Commercial net components" means net web, net panels, rope  
12 including lead line, cork line, purse line, and rib line, twine,  
13 floats, and corks intended for use as components of commercial nets.

14       NEW SECTION.    **Sec. 7.**    A new section is added to chapter 82.04 RCW  
15 to read as follows:

16       There is levied and shall be collected from every person for the  
17 act or privilege of engaging within this state in business as a  
18 manufacturer an additional tax equal to the value of commercial net  
19 products manufactured multiplied by the rate of four-tenths of one  
20 percent.

21       NEW SECTION.    **Sec. 8.**    A new section is added to chapter 82.04 RCW  
22 to read as follows:

23       There is levied and shall be collected from every person for the  
24 act or privilege of engaging within this state in the business of  
25 making sales at wholesale an additional tax equal to the gross proceeds  
26 of sales of commercial net products multiplied by the rate of four-  
27 tenths of one percent.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 82.04 RCW  
2 to read as follows:

3        There is levied and shall be collected from every person for the  
4 act or privilege of engaging within this state in the business of  
5 making sales at retail an additional tax equal to the gross proceeds of  
6 sales of commercial net products multiplied by the rate of four-tenths  
7 of one percent.

8        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 75.28 RCW  
9 to read as follows:

10        The following acts, or parts of acts, as now existing or hereafter  
11 amended are each repealed, effective June 30, 1998:

- 12        (1) 1991 c \_\_\_ s 1 (section 1 of this act) (uncodified);
- 13        (2) RCW 75.28.\_\_\_\_ and 1991 c \_\_\_ s 2 (section 2 of this act);
- 14        (3) RCW 75.28.\_\_\_\_ and 1991 c \_\_\_ s 3 (section 3 of this act);
- 15        (4) RCW 75.28.\_\_\_\_ and 1991 c \_\_\_ s 4 (section 4 of this act);
- 16        (5) 1991 c \_\_\_ s 5 (section 5 of this act) (uncodified);
- 17        (6) RCW 82.04.\_\_\_\_ and 1991 c \_\_\_ s 6 (section 6 of this act);
- 18        (7) RCW 82.04.\_\_\_\_ and 1991 c \_\_\_ s 7 (section 7 of this act);
- 19        (8) RCW 82.04.\_\_\_\_ and 1991 c \_\_\_ s 8 (section 8 of this act); and
- 20        (9) RCW 82.04.\_\_\_\_ and 1991 c \_\_\_ s 9 (section 9 of this act).

21        NEW SECTION.    **Sec. 11.**        The repeal of sections 1 through 9 of  
22 this act shall not be construed as affecting any existing right  
23 acquired or liability or obligation incurred under those sections or  
24 under any rule or order adopted under those sections, nor as affecting  
25 any proceeding instituted under those sections.

1        NEW SECTION.    **Sec. 12.**        If any provision of sections 7 through  
2 9 of this act or the application of those sections to any person is  
3 held invalid, this act shall be void and without effect.

4        NEW SECTION.    **Sec. 13.**        Sections 2 through 4 of this act are  
5 each added to chapter 75.28 RCW.

6        NEW SECTION.    **Sec. 14.**        Sections 2 through 9 of this act shall  
7 take effect January 1, 1992.

8        NEW SECTION.    **Sec. 15.**        The department of fisheries and the  
9 department of revenue may take such steps as are necessary to ensure  
10 that sections 2 through 9 of this act are implemented on January 1,  
11 1992.

12       NEW SECTION.    **Sec. 16.**        Section 15 of this act is necessary for  
13 the immediate preservation of the public peace, health, or safety, or  
14 support of the state government and its existing public institutions,  
15 and shall take effect immediately.

16       NEW SECTION.    **Sec. 17.**        The sum of two hundred thousand dollars,  
17 or as much thereof as may be necessary, is appropriated for the  
18 biennium ending June 30, 1993, from the general fund to the department  
19 of fisheries for the purposes of carrying out section 4 of this act.