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SENATE BILL 5032

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State of Washington                      53rd Legislature                      1993 Regular Session

By Senators Haugen and Spanel

Read first time 01/11/93. Referred to Committee on Natural Resources.

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 nets  
8 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.

15            NEW SECTION.    **Sec. 2.** Unless the context clearly requires  
16 otherwise, the definition in this section applies throughout sections  
17 3 and 4 of this act.

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

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

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

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

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

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

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

29 (1) "Commercial net products" means commercial nets and commercial  
30 net components.

31 (2) "Commercial nets" means commercial trawl nets, commercial purse  
32 seine nets, and commercial gill nets.

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

1        NEW SECTION.    **Sec. 7.**    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 business as a  
5 manufacturer an additional tax equal to the value of commercial net  
6 products manufactured multiplied by the rate of four-tenths of one  
7 percent.

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

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

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

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

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

24       The following acts, or parts of acts, as now existing or hereafter  
25 amended are each repealed, effective June 30, 1999:

- 26       (1) 1993 c . . . s 1 (section 1 of this act) (uncodified);
- 27       (2) RCW 75.28.. . . and 1993 c . . . s 2 (section 2 of this act);
- 28       (3) RCW 75.28.. . . and 1993 c . . . s 3 (section 3 of this act);
- 29       (4) RCW 75.28.. . . and 1993 c . . . s 4 (section 4 of this act);
- 30       (5) 1993 c . . . s 5 (section 5 of this act) (uncodified);
- 31       (6) RCW 82.04.. . . and 1993 c . . . s 6 (section 6 of this act);
- 32       (7) RCW 82.04.. . . and 1993 c . . . s 7 (section 7 of this act);
- 33       (8) RCW 82.04.. . . and 1993 c . . . s 8 (section 8 of this act);
- 34       and
- 35       (9) RCW 82.04.. . . and 1993 c . . . s 9 (section 9 of this act).

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

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

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

11       NEW SECTION.    **Sec. 14.**    Sections 2 through 9 of this act shall take  
12 effect January 1, 1994.

13       NEW SECTION.    **Sec. 15.**    The department of fisheries and the  
14 department of revenue may take such steps as are necessary to ensure  
15 that sections 2 through 9 of this act are implemented on January 1,  
16 1994.

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

21       NEW SECTION.    **Sec. 17.**    The sum of two hundred thousand dollars, or  
22 as much thereof as may be necessary, is appropriated for the biennium  
23 ending June 30, 1995, from the general fund to the department of  
24 fisheries for the purposes of carrying out section 4 of this act.

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