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**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 a new section to  
3 chapter 82.04 RCW; adding new sections to chapter 43.131 RCW; creating  
4 a new section; prescribing penalties; making an appropriation; and  
5 providing an effective date.

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.**    A new section is added to chapter 82.04 RCW  
2 to read as follows:

3        There is hereby levied and there shall be collected by the  
4 department of revenue from every person engaging within this state in  
5 business as a retailer of commercial trawl nets, commercial purse seine  
6 nets, or commercial gill nets, or any components of these nets that  
7 have the potential to catch marine organisms, including web, mesh,  
8 panels, lead line, float line, or twine, an annual lost fishing net  
9 recovery tax equal to the value of the nets sold within the state  
10 multiplied by one percent. This tax is in addition to all other taxes  
11 levied in this chapter. The administrative, collection, and penalty  
12 provisions of chapter 82.32 RCW shall apply to the collection of this  
13 tax. Moneys collected from the tax shall be deposited into the general  
14 fund.

15        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 43.131 RCW  
16 to read as follows:

17        The lost fishing net program and the powers and duties under the  
18 program shall be terminated on June 30, 1998, as provided in section 7  
19 of this act.

20        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 43.131 RCW  
21 to read as follows:

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23 amended are each repealed, effective June 30, 1999:

- 24        (1) 1991 c \_\_\_ s 1 (section 1 of this act) (uncodified);  
25        (2) RCW 75.28.\_\_\_\_ and 1991 c \_\_\_ s 2 (section 2 of this act);  
26        (3) RCW 75.28.\_\_\_\_ and 1991 c \_\_\_ s 3 (section 3 of this act);  
27        (4) RCW 75.28.\_\_\_\_ and 1991 c \_\_\_ s 4 (section 4 of this act); and  
28        (5) RCW 82.04.\_\_\_\_ and 1991 c \_\_\_ s 5 (section 5 of this act).

1        NEW SECTION.    **Sec. 8.**        Sections 2 through 4 of this act are  
2 each added to chapter 75.28 RCW.

3        NEW SECTION.    **Sec. 9.**        Sections 2 through 5 of this act shall  
4 take effect January 1, 1992.    The department of fisheries and the  
5 department of revenue may immediately take such steps as are necessary  
6 to ensure that sections 2 through 5 of this act are implemented on  
7 January 1, 1992.

8        NEW SECTION.    **Sec. 10.**       The sum of two hundred thousand dollars,  
9 or as much thereof as may be necessary, is appropriated for the  
10 biennium ending June 30, 1993, from the general fund to the department  
11 of fisheries for the purposes of carrying out section 4 of this act.