

CHAPTER 147

[Engrossed House Bill No. 31]
MONOFILAMENT GILL NET WEBBING

AN ACT Relating to food fish and shellfish; and amending RCW 75.12.040.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 75.12.040, chapter 12, Laws of 1955 as amended by section 52, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.12.040 are each amended to read as follows:

(1) It is unlawful to use, operate, or maintain a gill net which exceeds 250 fathoms in length or a drag seine in the waters of the Columbia River for catching salmon.

(2) It is unlawful to construct, install, use, operate, or maintain within state waters a pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance for catching salmon. The director may authorize the use of this gear for scientific investigations.

~~((3) It is unlawful to fish for or take salmon within state waters with monofilament gill net webbing:))~~

(3) The department of fisheries, in coordination with the Oregon department of fish and wildlife, shall adopt rules to regulate the use of monofilament in gill net webbing on the Columbia river.

Passed the House March 1, 1985.

Passed the Senate April 11, 1985.

Approved by the Governor April 25, 1985.

Filed in Office of Secretary of State April 25, 1985.

CHAPTER 148

[Engrossed House Bill No. 99]
FISH FARMING—EXCISE TAX EXEMPTION

AN ACT Relating to the taxation of fish farms; amending RCW 82.04.330 and 82.04.100; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 82.04.330, chapter 15, Laws of 1961 as amended by section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330 are each amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon ~~((his))~~ the person's own lands or upon land in which ~~((he))~~ the person has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or

other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with ((his)) the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising Christmas trees or timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, "fish" means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

Sec. 2. Section 82.04.100, chapter 15, Laws of 1961 as amended by section 2, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.100 are each amended to read as follows:

"Extractor" means every person who from ((his)) the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees or other natural products, or takes(~~(-cultivates, or raises))~~) fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. ((ft)) "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others or persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

NEW SECTION. Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of feed to persons for use in the cultivating or raising for sale of fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

NEW SECTION. Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of feed by persons for the cultivating or raising for sale of fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

****NEW SECTION. Sec. 5. Nothing in this act shall be construed to imply that a person, sale, or use made exempt from tax under this act was taxable under Title 82 RCW prior to the enactment of this act.***

*Sec. 5 was vetoed, see message at end of chapter.

Passed the House February 15, 1985.

Passed the Senate April 11, 1985.

Approved by the Governor April 25, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State April 25, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section, Engrossed House Bill No. 99, entitled:

"AN ACT Relating to the taxation of fish farms."

Section 5 of this bill attempts to assure that the previous sections could not be construed to imply that fish farmers were taxable as extractors for B&O taxes and liable for sales and use taxes on their feed purchases prior to the effective date of this bill.

This section would weaken the state's position if fish farmers attempted to avoid payment of back taxes by legal action.

With the exception of Section 5, Engrossed House Bill No. 99 is approved."

CHAPTER 149

[House Bill No. 271]

EMERGENCY STOPS ON LIMITED ACCESS HIGHWAYS—ASSISTANCE VANS

AN ACT Relating to assistance vans; and amending RCW 47.52.120.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 47.52.120, chapter 13, Laws of 1961 and RCW 47.52-.120 are each amended to read as follows:

After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, ((σ)) dividing section, or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation