

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Passed the Senate March 11, 1987.

Passed the House April 17, 1987.

Approved by the Governor May 7, 1987.

Filed in Office of Secretary of State May 7, 1987.

CHAPTER 286

[Engrossed Senate Bill No. 5549]

DEATH PENALTY EXECUTION DATES—RESETTING OF THE EXECUTION DATE DOES NOT REQUIRE DEFENDANT'S PRESENCE

AN ACT Relating to the resetting of execution dates; and amending RCW 10.95.200.

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

Sec. 1. Section 20, chapter 138, Laws of 1981 and RCW 10.95.200 are each amended to read as follows:

Whenever the day appointed for the execution of a defendant shall have passed, from any cause whatever, without the execution of such defendant having occurred, (~~the defendant shall be returned to the trial court from which the death warrant was issued and~~) the trial court which issued the original death warrant shall issue a new death warrant in accordance with RCW 10.95.160. The defendant's presence before the court is not required. However, nothing in this section shall be construed as restricting the defendant's right to be represented by counsel in connection with issuance of a new death warrant.

Passed the Senate March 10, 1987.

Passed the House April 23, 1987.

Approved by the Governor May 7, 1987.

Filed in Office of Secretary of State May 7, 1987.

CHAPTER 287

[Second Substitute Senate Bill No. 5871]

CHILD DAY CARE—STUDY OF FACILITIES AVAILABLE FOR CHILDREN OF COLLEGE AND UNIVERSITY STUDENTS, FACULTY, AND STAFF

AN ACT Relating to child day care; and creating a new section.

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

NEW SECTION. Sec. 1. The state board for community college education and the higher education coordinating board shall each conduct a survey of institutionally-related child day care facilities that were available during the 1986-87 academic year to children of college or university students, staff, and faculty in their assigned institutions. These surveys shall include, but not be limited to, an examination of: The number of children served, the percentage of children from each segment of the institution's population, the size and location of the facility used, the fees charged, and the annual budget, including sources of funding, of the facility.

If a state institution of higher education does not have a child day care facility on or near the campus for children of students, staff, and faculty, the appropriate board shall require that institution to conduct an assessment to determine the need for and interest in such facilities on or near that campus. The assessments will be undertaken in consultation with students, faculty, and staff from each affected institution.

The surveys and, if required, needs assessments, with recommendations for meeting identified needs, shall be completed and submitted to the appropriate policy committees of the legislature by December 1, 1987.

Passed the Senate April 24, 1987.

Passed the House April 13, 1987.

Approved by the Governor May 7, 1987.

Filed in Office of Secretary of State May 7, 1987.