As a policy matter, if wholesalers are not allowed to pass manufacturers' discounts to retailers, contrary to current law, the effect would be to increase the mandatory wholesale price of cigarettes. This situation would be entirely inconsistent with the intent of Substitute Senate Bill No. 4627, and the Legislative Budget Committee's recommendation, to deregulate state price controls.

In considering a veto of section 2(8), I recognize that the current law pertaining to the treatment of manufacturers' discounts does not have the same effect on all segments of the cigarette wholesaling industry. Nonetheless, the current law has been in effect since 1984, which has already provided a period for the industry to adjust to the discount provision. I believe that the interests of the consumer are best served by retaining the discount provisions of current law, and continuing the move towards market pricing for cigarettes. Therefore, I am vetoing section 2(8) of Substitute Senate Bill No. 4627, which restores the provisions of current law regarding manufacturers' discounts.

With the exception of section 2(8), Substitute Senate Bill No. 4627 has been approved."

CHAPTER 322

[Reengrossed Substitute Senate Bill No. 4305]

BAIL BONDS

AN ACT Relating to bail bonds; amending RCW 10.19.090; and adding new sections to chapter 10.19 RCW.

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

***NEW SECTION.** Sec. 1. A new section is added to chapter 10.19 RCW to read as follows:*

The surety on the appearance bond shall be released from liability when the case against the person is dismissed, the case is deferred, the person is acquitted, or the person is found guilty of the charges made the basis for the appearance bond.

***Sec. 1 was vetoed, see message at end of chapter.**

*Sec. 2. Section 1, page 103, Laws of 1867 as last amended by section 1137, Code of 1881 and RCW 10.19.090 are each amended to read as follows:

In criminal cases where a recognizance for the appearance of any person, either as a witness or to appear and answer, shall have been taken and a default entered, the recognizance shall be declared forfeited by the court((; and)). At the time of adjudging such forfeiture said court shall enter judgment against the principal and sureties named in such recognizance for the sum therein mentioned or an amount less than that stated in the bond if recommended by the prosecuting attorney and approved by the court or approved by the court on its own motion, and execution may issue thereon the same as upon other judgments. If the surety is not notified by the court in writing of the unexplained failure of the defendant to appear within thirty days of the date for appearance, then the forfeiture shall be null and void and the recognizance exonerated.

***Sec. 2 was partially vetoed, see message at end of chapter.**

NEW SECTION. Sec. 3. A new section is added to chapter 10.19 RCW to read as follows:

If a forfeiture has been entered against a person in a criminal case and the person is returned to custody or produced in court within twelve months from the forfeiture, then the full amount of the bond, less any and all costs determined by the court to have been incurred by law enforcement in transporting, locating, apprehending, or processing the return of the person to the jurisdiction of the court, shall be remitted to the surety if the surety was directly responsible for producing the person in court or directly responsible for apprehension of the person by law enforcement.

NEW SECTION. Sec. 4. A new section is added to chapter 10.19 RCW to read as follows:

The liability of the surety is limited to the amount of the bond when acting within the scope of the surety's duties in issuing the bond.

NEW SECTION. Sec. 5. A new section is added to chapter 10.19 RCW to read as follows:

The surety on the bond may return to custody a person in a criminal case under the surety's bond if the surrender is accompanied by a notice of forfeiture or a notarized affidavit specifying the reasons for the surrender. The surrender shall be made to the facility in which the person was originally held in custody or the county or city jail affiliated with the court issuing the warrant resulting in bail.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 8, 1986.
Passed the House March 5, 1986.
Approved by the Governor April 4, 1986, with the exception of certain items which were vetoed.
Filed in Office of Secretary of State April 4, 1986.

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

"I am returning herewith, without my approval as to sections 1 and 2 in part of Re-engrossed Substitute Senate Bill No. 4305, entitled:

"AN ACT Relating to bail bonds."

This bill makes a number of changes relating to the legal processes for providing bail and appearance bonds.

Section 1 of this bill would relieve sureties of the responsibility of insuring the appearance of bonded defendants through the entire court hearing process by releasing the sureties' liability at conviction. Sureties would no longer remain liable until the sentencing hearing. This section reverses an effective long-standing policy. This section would also require that the defendant obtain a new bond for the period of time between conviction and sentencing with a resultant additional costs. If the defendant did not or could not get a new bond, the county would have to house the defendant in jail. These changes are undesirable from the standpoint of both the

defendant and the county. Currently, the sureties can protect their interests by advising the court that a defendant will flee if found guilty and the bond should not be extended.

In section 2, I am vetoing the change proposed in the first sentence. The portion of section 2 that I am vetoing is the statement "or an amount less than that stated in the bond if recommended by the prosecuting attorney and approved by the court or approved by the court of its own motion." This change would allow a court to reduce the size of the forfeiture that must be made when the defendant fails to appear at court. Reducing the face value of the bond when the defendant fails to appear could undermine the incentive to bring defendants to justice, thereby weakening the criminal justice process.

For these reasons I have vetoed sections 1 and 2 in part of Re-engrossed Substitute Senate Bill No. 4305.

With the exception of the vetoed sections, Re-engrossed Substitute Senate Bill No. 4305 is approved."

CHAPTER 323

[Substitute Senate Bill No. 4525]

LEGISLATURE——RETENTION OF COUNSEL

AN ACT Relating to legal representation of the legislature; and adding a new section to chapter 43.10 RCW.

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

*NEW SECTION. Sec. 1. A new section is added to chapter 43.10 RCW to read as follows:

The legislature may employ or retain counsel of its own choosing. However, the legislature shall notify the attorney general whenever it makes a decision to use the services of such counsel to represent it or any of its members in a particular judicial or administrative proceeding. With respect to any such proceeding where the legislature has not so notified the attorney general, the attorney general shall represent the legislature until so notified. For purposes of this section, "legislature" means the senate and house of representatives together, ***either the senate or the house of representatives by itself, or any committee or entity of the legislative branch having the authority to select its own employees.*** The major purposes of this section are to confirm and implement in statute law the constitutional power of the legislative branch to select its own counsel.

***Sec. 1 was partially vetoed, see message at end of chapter.**

Passed the Senate March 8, 1986.
Passed the House March 4, 1986.
Approved by the Governor April 4, 1986, with the exception of certain items which were vetoed.
Filed in Office of Secretary of State April 4, 1986.

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

"I am returning herewith, without my approval as to part of section 1, Substitute Senate Bill No. 4525, entitled: