

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 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:

"AN ACT Relating to legal representation of the legislature."

The Attorney General presently represents all the branches of government in Washington State — the Legislature, the Executive and the Judiciary. This bill would allow the Legislature, the House, the Senate, or any committee or entity which hires its own staff to retain council of their own choosing to represent them in judicial and administrative proceedings. This is a substantial policy change.

The portion of section 1 which I am vetoing results in limiting the authority to retain counsel to the House of Representatives and the Senate together. This allows the Legislature as an institution to retain counsel. Without this limitation, I believe this authority to hire counsel would be too broad.

With the exception of the language in section 1 granting the House, the Senate and the committees or entities of the Legislature which hire their own staff the authority to retain separately legal counsel, I am signing Substitute Senate Bill No. 4525."

---

## CHAPTER 324

[Substitute Senate Bill No. 4779]

### AUCTIONS

AN ACT Relating to auctions; amending RCW 18.11.050, 18.11.060, 18.11.070, 18.11.100, 18.11.130, 18.11.140, 18.11.150, 18.11.160, 18.11.170, 18.11.180, 18.11.190, 18.11.200, and 18.11.210; adding new sections to chapter 18.11 RCW; creating a new section; repealing RCW 18.11.080, 18.11.090, 18.11.110, 18.11.120, 18.11.900, 18.11.910, 18.12.010, 18.12.020, 18.12.030, 18.12.040, 18.12.050, 18.12.060, 18.12.070, 18.12.080, 18.12.090, 18.12.100, 18.12.110, 18.12.120, 18.12.130, 18.12.140, 18.12.150, 18.12.160, 18.12.170, 18.12.180, 18.12.190, 18.12.200, and 18.12.900; prescribing penalties; and providing an effective date.

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

**NEW SECTION.** Sec. 1. This chapter may be known and cited as the "auctioneer registration act."

Sec. 2. Section 5, chapter 205, Laws of 1982 and RCW 18.11.050 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Auctioneer" means (~~a person who sells goods or real estate at public auction for another on commission or for recompense, or one who conducts an auction for another on commission or for recompense~~) an individual who calls bids at an auction.

(2) "Auction" (~~(or "sale at auction")~~) means (~~(the verbal)~~) a transaction conducted by means of exchanges between an auctioneer and the members of his or her audience, constituting a series of invitations for offers for the (~~(sale)~~) purchase of goods or real property made by the auctioneer, offers by members of the audience, and the acceptance of the highest or most favorable offer (~~(by the auctioneer)~~).

(3) "Auction mart" means any fixed or established place designed, intended, or used for the conduct of auctions (~~(sales)~~).

(4) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity that sells or offers to sell goods