

affected persons representing twenty percent of the colonies and industry products sold in Washington.

Any moneys in the treasury at the time of an affirmative termination or suspension vote shall first be used to effect all acts associated with the termination or suspension procedures and liquidation of the affairs of the commission.

Any residual funds not necessary to defray the expenses of termination or suspension of the commission shall be turned over to Washington State University to be used in conducting research on the honey bee *Apis mellifera*.

NEW SECTION. Sec. 27. 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.

NEW SECTION. Sec. 28. Sections 1 through 27 of this act shall constitute a new chapter in Title 15 RCW.

Passed the House February 8, 1989.

Passed the Senate March 29, 1989.

Approved by the Governor April 4, 1989.

Filed in Office of Secretary of State April 4, 1989.

CHAPTER 6

[House Bill No. 1912]

FINGERPRINTING OF JUVENILE OFFENDERS—AUTHORIZATION BY COURT ADMINISTRATOR

AN ACT Relating to fingerprinting; amending RCW 10.98.050; and reenacting and amending RCW 43.43.735.

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

Sec. 1. Section 5, chapter 17, Laws of 1984 as last amended by section 6, chapter 450, Laws of 1987 and RCW 10.98.050 are each amended to read as follows:

(1) It is the duty of the chief law enforcement officer or the local director of corrections to transmit within seventy-two hours from the time of arrest to the section fingerprints together with other identifying data as may be prescribed by the section, and statutory violations of any person lawfully arrested, fingerprinted, and photographed under RCW 43.43.735. The disposition report shall be transmitted to the prosecuting attorney.

(2) At the preliminary hearing or the arraignment of a felony case, the judge shall ensure that the felony defendants have been fingerprinted and an arrest and fingerprint form transmitted to the section. In cases where fingerprints have not been taken, the judge shall order the chief law enforcement officer of the jurisdiction or the local director of corrections, or, in the

case of a juvenile, the juvenile court administrator to initiate an arrest and fingerprint form and transmit it to the section. The disposition report shall be transmitted to the prosecuting attorney.

Sec. 2. Section 8, chapter 152, Laws of 1972 ex. sess. as last amended by section 2, chapter 450, Laws of 1987 and by section 12, chapter 486, Laws of 1987 and RCW 43.43.735 are each reenacted and amended to read as follows:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state, to cause the photographing and fingerprinting of all adults and juveniles lawfully arrested for the commission of any criminal offense constituting a felony or gross misdemeanor (~~(- PROVIDED, That an)~~). (a) When such juveniles are brought directly to a juvenile detention facility, the juvenile court administrator is also authorized, but not required, to cause the photographing, fingerprinting, and record transmittal to the appropriate law enforcement agency; and (b) a further exception may be made when the arrest is for a violation punishable as a gross misdemeanor and the arrested person is not taken into custody.

(2) It shall be the right, but not the duty, of the sheriff or director of public safety of every county, and the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within this state to photograph and record the fingerprints of all adults lawfully arrested, or all persons who are the subject of dependency record information.

(3) Such sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may record, in addition to photographs and fingerprints, the palmprints, soleprints, toeprints, or any other identification data of all persons whose photograph and fingerprints are required or allowed to be taken under this section, or all persons who are the subject of dependency record information, when in the discretion of such law enforcement officers it is necessary for proper identification of the arrested person or the investigation of the crime with which he is charged.

(4) It shall be the duty of the department of licensing or the court having jurisdiction over the dependency action to cause the fingerprinting of all persons who are the subject of a disciplinary board final decision or dependency record information or to obtain other necessary identifying information, as specified by the section in rules ~~((promulgated pursuant to))~~ adopted under chapter ((34.04)) 34.05 RCW to carry out the provisions of this subsection.

(5) The court having jurisdiction over the dependency action may obtain and record, in addition to fingerprints, the photographs, palmprints, soleprints, toeprints, or any other identification data of all persons who are

the subject of dependency record information, when in the discretion of the court it is necessary for proper identification of the person.

Passed the House March 8, 1989.

Passed the Senate March 29, 1989.

Approved by the Governor April 4, 1989.

Filed in Office of Secretary of State April 4, 1989.

CHAPTER 7

[Senate Bill No. 5030]

WRIT OF CERTIORARI—FACTUAL DETERMINATIONS

AN ACT Relating to the writ of certiorari; and amending RCW 7.16.120.

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

Sec. 1. Section 12, chapter 65, Laws of 1895 as amended by section 6, chapter 51, Laws of 1957 and RCW 7.16.120 are each amended to read as follows:

The questions involving the merits to be determined by the court upon the hearing are:

(1) Whether the body or officer had jurisdiction of the subject matter of the determination under review.

(2) Whether the authority, conferred upon the body or officer in relation to that subject matter, has been pursued in the mode required by law, in order to authorize it or to make the determination.

(3) Whether, in making the determination, any rule of law affecting the rights of the parties thereto has been violated to the prejudice of the relator.

(4) Whether there was any competent proof of all the facts necessary to be proved, in order to authorize the making of the determination.

(5) ~~((If there was such proof, whether there was, upon all the evidence, such a preponderance of proof, against the existence thereof, rendered in an action in a court, triable by a jury, as would be set aside by the court, as against the weight of evidence))~~ Whether the factual determinations were supported by substantial evidence.

Passed the Senate March 6, 1989.

Passed the House March 27, 1989.

Approved by the Governor April 17, 1989.

Filed in Office of Secretary of State April 17, 1989.