

(2) The excise tax rate computed under subsection (1) of this section or five cents per gallon, whichever is greater, shall apply to the sale, distribution, or use of aircraft fuel beginning the fiscal half-year following computation of the rate and shall remain in effect for each succeeding fiscal half-year until a subsequent computation requires a change in the rate. For the ~~((first fiscal half-year after June 30, 1982))~~ period May 1, 1983, through June 30, 1983, the aircraft fuel tax shall be five cents per gallon.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect May 1, 1983.

Passed the Senate April 13, 1983.

Passed the House April 6, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

CHAPTER 50

[Engrossed Substitute Senate Bill No. 3380]

STATE RESIDENTIAL SCHOOLS—PLACEMENT DECISIONS

AN ACT Relating to state residential schools; amending section 2, chapter 166, Laws of 1981 and RCW 72.33.161; and declaring an emergency.

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

Sec. 1. Section 2, chapter 166, Laws of 1981 and RCW 72.33.161 are each amended to read as follows:

Whenever in the judgment of the secretary, the treatment and training of any resident of a state residential school has progressed to the point that it is deemed advisable to return such resident to the community, the secretary may grant placement on such terms and conditions as the secretary may deem advisable after reasonable notice to and consultation with the resident, and with any available parent, guardian, or other court-appointed personal representative of such person.

If the resident, parent of a resident who is a minor, or guardian or other court-appointed personal representative of the resident believes that the specific placement decision is not in the best interests of the resident, he or she may request a hearing before an administrative law judge appointed under chapter 34.12 RCW. A hearing before an administrative law judge under this section shall be conducted as a contested case under chapter 34.04 RCW. At the hearing, the administrative law judge shall make an initial decision determining whether the specific placement decision is in the best interests of the resident and was otherwise proper. The burden of proof shall be on the department to show that the specific placement decision is in the best interests of the resident. Any review of the administrative law judge's

initial decision by the secretary when he or she makes the final decision shall be done on the same basis as specified under RCW 34.04.130 (5) and (6) for superior court review of an administrative decision and in addition findings and inferences to be sustained must be supported by substantial evidence. The secretary cannot delegate the authority to make the final decision. Any person aggrieved by the final administrative decision is entitled to judicial review in accordance with the provisions of chapter 34.04 RCW governing judicial review in a contested case except that if substantial rights have been prejudiced, administrative findings, inferences, conclusions or decisions may be reversed, modified, or remanded if not supported by substantial evidence rather than requiring them to be arbitrary or capricious.

A placement decision shall not be implemented at any level during any period during which an appeal can be taken or while an appeal is pending and undecided, unless authorized by court order so long as the appeal is being diligently pursued.

The department of social and health services shall periodically evaluate at reasonable intervals the adjustment of the resident to the specific placement to determine whether the resident should be continued in the placement or returned to the institution or given a different placement.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 31, 1983.

Passed the House April 13, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

CHAPTER 51

[Engrossed Senate Bill No. 3383]

PROFESSIONAL CORPORATIONS—ELIGIBLE PERSONS—SHAREHOLDER REGULATIONS

AN ACT Relating to professional corporations; amending section 11.36.010, chapter 145, Laws of 1965 as amended by section 14, chapter 3, Laws of 1983 and RCW 11.36.010; amending section 3, chapter 122, Laws of 1969 and RCW 18.100.030; amending section 6, chapter 122, Laws of 1969 and RCW 18.100.060; amending section 9, chapter 122, Laws of 1969 and RCW 18.100.090; amending section 11, chapter 122, Laws of 1969 and RCW 18.100.110; amending section 13, chapter 122, Laws of 1969 and RCW 18.100.130; adding new sections to chapter 18.100 RCW; and repealing section 1, chapter 57, Laws of 1971 and RCW 18.100.135.

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

Sec. 1. Section 11.36.010, chapter 145, Laws of 1965 as amended by section 14, chapter 3, Laws of 1983 and RCW 11.36.010 are each amended to read as follows: