

currently held for contracted guarantees by the association. Such difference shall be determined by the supervisor at the time the membership is terminated. If the amount of the assessment exceeds the amount of the actual obligation when finalized, the excess shall be refunded in the same proportion as paid.

**NEW SECTION.** Sec. 3. During calendar year 1983, the 1983 amendments to RCW 31.12A.050 shall be applied according to the following transition rules:

(1) If, on the effective date of this 1983 act, the share guaranty contingency reserve does not meet the level of one-half of one percent of the member's guaranteeable outstanding share and deposit balances as of December 31, 1982, the credit union shall be required to adjust its share guaranty contingency reserve to that level within thirty days of the effective date of this 1983 act. However, if any assessments were made in 1983 prior to the effective date of this 1983 act, the required one-half of one percent level shall be reduced by the amount of any such assessments.

(2) Credit unions that become members or that merge on or after the effective date of this act and before January 1, 1984, shall be subject to the provisions of RCW 31.12A.050(1)(a) as amended by this 1983 act.

(3) During the remainder of the calendar year following the effective date of this 1983 act, one additional transfer as provided for in RCW 31.12A.050(1)(c) will be permitted.

(4) This section shall expire on January 1, 1984.

**NEW SECTION.** Sec. 4. 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 1, 1983.

Passed the House April 12, 1983.

Approved by the Governor April 19, 1983.

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

## CHAPTER 49

[Senate Bill No. 3211]

### AIRCRAFT FUEL TAXATION

AN ACT Relating to the taxation of aircraft fuel; amending section 1, chapter 10, Laws of 1967 ex. sess. as last amended by section 1, chapter 25, Laws of 1982 1st ex. sess. and RCW 82.42.010; amending section 3, chapter 25, Laws of 1982 1st ex. sess. and RCW 82.42.025; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 1, chapter 10, Laws of 1967 ex. sess. as last amended by section 1, chapter 25, Laws of 1982 1st ex. sess. and RCW 82.42.010 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Department" means the department of licensing;
- (2) "Director" means the director of licensing;
- (3) "Person" means every natural person, firm, partnership, association, or private or public corporation;
- (4) "Aircraft" means every contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, operated or propelled by the use of aircraft fuel;
- (5) "Aircraft fuel" means gasoline and any other inflammable liquid, by whatever name such liquid is known or sold, the chief use of which is as fuel for the propulsion of aircraft, except gas or liquid, the chief use of which as determined by the director, is for purposes other than the propulsion of aircraft;
- (6) "Dealer" means any person engaged in the retail sale of aircraft fuel;
- (7) "Distributor" means any person engaged in the sale of aircraft fuel to any dealer and shall include any dealer from whom the tax hereinafter imposed has not been collected;
- (8) "Weighted average retail sales price of aircraft fuel" means the average retail sales price, excluding any federal excise tax, of the several grades of aircraft fuel sold by dealers throughout the state (less any state excise taxes on the sale, distribution, or use thereof) upon which fuel the tax levied by this chapter has been collected, weighted to reflect the quantities sold at each price;
- (9) "Fiscal half-year" means a six-month period ending June 30th or December 31st;
- (10) "Local service commuter" means an air taxi operator who operates at least five round-trips per week between two or more points; publishes flight schedules which specify the times, days of the week, and points between which it operates; and whose aircraft has a maximum capacity of sixty passengers or eighteen thousand pounds of useful load.

Sec. 2. Section 3, chapter 25, Laws of 1982 1st ex. sess. and RCW 82-42.025 are each amended to read as follows:

- (1) During the fifth month of each fiscal half-year ending June 30th and December 31st of each year, the department of licensing shall compute an aircraft fuel tax rate to the nearest one-half cent per gallon of aircraft fuel by multiplying three percent times the weighted average retail sales price of aircraft fuel, per gallon, sold within the state in the third month of the fiscal half-year. The department shall determine the weighted average retail sales price of aircraft fuel by state-wide sampling and survey techniques designed to reflect these prices for the third month of the fiscal half-year. The department shall establish reasonable guidelines for its sampling and survey methods.

(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