

budget committee, and the committees of each house of the legislature dealing with common schools.

NEW SECTION. Sec. 5. There is added to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply to officers and employees of the Washington state school directors' association.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.61 RCW a new section to read as follows:

The powers and duties of the school director's association terminate on June 30, 1989. This chapter and section 5 of this act expire June 30, 1990. The school director's association shall be reviewed before termination under chapter 43.131 RCW.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 28A.61.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.060;

(2) Section 30, chapter 99, Laws of 1979 and RCW 43.131.207; and

(3) Section 72, chapter 99, Laws of 1979 and RCW 43.131.208.

NEW SECTION. Sec. 8. 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 June 30, 1983.

Passed the House April 19, 1983.

Passed the Senate April 14, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 188

[Engrossed House Bill No. 318]

PUBLIC MOORAGE FACILITIES—OPERATOR REGULATION AUTHORITY

AN ACT Relating to public moorage facilities; adding new sections to chapter 53.08 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 and 2 of this act.

(1) "Port charges" mean charges of a moorage facility operator for moorage and storage, and all other charges owing or to become owing under a contract between a vessel owner and the moorage facility operator, or under an officially adopted tariff including, but not limited to, costs of sale and related legal expenses.

(2) "Vessel" means every species of watercraft or other artificial contrivance capable of being used as a means of transportation on water and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft.

(3) "Moorage facility" means any properties or facilities owned or operated by a moorage facility operator which are capable of use for the moorage or storage of vessels.

(4) "Moorage facility operator" means any port district, city, town, metropolitan park district, or county which owns and/or operates a moorage facility.

(5) "Owner" means every natural person, firm, partnership, corporation, association, or organization, or agent thereof, with actual or apparent authority, who expressly or impliedly contracts for use of a moorage facility.

NEW SECTION. Sec. 2. A moorage facility operator may adopt all regulations necessary for rental and use of moorage facilities and for the expeditious collection of port charges. The regulations may also establish procedures for the enforcement of these regulations by port district, city, county, metropolitan park district or town personnel. The regulations shall include the following:

(1) Procedures authorizing moorage facility personnel to take reasonable measures, including the use of chains, ropes, and locks, to secure vessels within the moorage facility so that the vessels are in the possession and control of the moorage facility operator and cannot be removed from the moorage facility. These procedures may be used if an owner mooring or storing a vessel at the moorage facility fails, for more than sixty days after being notified that charges are owing, to pay the port charges owed. Notification shall be by registered mail to the owner at his last known address. If no address was furnished by the owner, the port district, city, county, metropolitan park district, or town need not give such notice. At the time of securing the vessel, an authorized moorage facility employee shall attach to the vessel two readily visible notification stickers. The stickers shall be of a reasonable size and shall contain the following information:

(a) The date and time the stickers were attached;

(b) The identity of the authorized employee;

(c) A statement that if the account is not paid in full within one hundred eighty days from the time the stickers are attached, the vessel may be sold at public auction to satisfy the port charges; and

(d) The address and telephone number where additional information may be obtained concerning release of the vessel.

If the vessel is the subject of a delinquent moorage account, and sixty days have expired since notification pursuant to subsection (1) of this section, the moorage facility operator shall review its records to ascertain the identity of the owner. The operator shall make a reasonable effort to contact

the owner by registered mail in order to give the owner the information on the notification stickers.

(2) Procedures authorizing moorage facility personnel at their discretion to move moored vessels ashore for storage within properties under the operator's control or for storage with private persons under their control as bailees of the moorage facility, if the vessel is, in the opinion of port personnel, in danger of sinking or of sustaining other damage. Reasonable costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the moorage facility operator for port charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the moorage facility operator for the immediate removal of the vessel from the moorage facility or for authorized moorage; and

(b) Making payment to the operator of all port charges, or by posting with the operator a sufficient cash bond or other security acceptable to such operator, to be held in trust by the operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the port charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, the trust shall terminate and the moorage facility operator shall receive so much of the bond or other security as is necessary to satisfy any judgment, costs, and interest as may be awarded to the moorage facility operator. The balance shall be refunded immediately to the owner at his last known address.

(4) If a vessel moored or stored at a moorage facility is abandoned, the port district, city, county, metropolitan park district, or town, may, by resolution of its legislative authority, authorize the public sale of the vessel by authorized personnel to the highest and best bidder for cash as follows:

(a) If a vessel has been secured by the moorage facility operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within one hundred eighty days after notifying the owner under subsection (1) of this section, or in all other cases, for one hundred eighty days after the operator secures the vessel, the vessel shall be conclusively presumed to have been abandoned by the owner;

(b) Before the vessel is sold, the owner of the vessel shall be given at least twenty days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of port charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general

circulation in the county in which the moorage facility is located. Such notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The moorage facility operator may bid all or part of its port charges at the sale and may become a purchaser at the sale;

(c) The proceeds of a sale under section 2 of this act shall first be applied to the payment of port charges. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the moorage facility operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue pursuant to chapter 63.28 RCW. If the sale is for a sum less than the applicable port charges, the moorage facility operator is entitled to assert a claim for a deficiency.

(5) The regulations authorized under this section shall be enforceable only if the moorage facility has had its tariff containing such regulations conspicuously posted at all moorage facility offices at all times.

NEW SECTION. Sec. 3. Nothing contained in sections 1 and 2 of this act may be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws of port districts, cities, towns, metropolitan park districts, or counties.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are added to chapter 53.08 RCW. The code reviser shall put cross references to sections 1 and 2 of this act in Titles 35 and 36 RCW.

NEW SECTION. Sec. 5. 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. 6. 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 House April 23, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 189

[Substitute House Bill No. 325]

OBSOLETE FUNDS—CERTAIN DISESTABLISHED—GENERAL FUND CASH FLOW DEFICIENCIES

AN ACT Relating to state government; disestablishing certain obsolete funds; removing certain obsolete sections relating to education; establishing a fund in the state treasury;