

appointed and have qualified.

NEW SECTION. Sec. 3. There is added to chapter 52.12 RCW a new section to read as follows:

In any fire protection district maintaining a fire department consisting wholly of personnel employed on a full time, fully paid basis, there shall be five fire commissioners. The two positions created on boards of fire commissioners by this 1971 amendatory act shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general fire district election after the effective date of this 1971 amendatory act, at which two commissioners shall be elected for six year terms, and the other appointee to serve until the second general fire district election after the effective date of this 1971 amendatory act, at which two commissioners shall be elected for six year terms.

NEW SECTION. Sec. 4. This 1971 amendatory 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 May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 243

[Senate Bill No. 185]

CONSERVATION FUTURES CREATED--

SPECIAL TAX LEVY AUTHORIZED--

SPECIAL FUND CREATED--

TRANSFERS OF PROPERTY FOR PARK OR RECREATIONAL PURPOSES

AN ACT Relating to the powers of governmental units; authorizing purchases by counties, cities, towns or metropolitan municipal corporations of developmental rights termed "conservation futures" and certain other interests and rights in real property; providing a method of taxation by counties to finance such purchases; providing for property conveyance by governmental units to counties or park and recreation districts for park or recreational purposes; amending section 84.52.010, chapter 15, Laws of 1961 as amended by section 4, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.010; adding a new section to chapter 57.08 RCW; and adding new sections to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

The legislature finds that the haphazard growth and spread of urban development is encroaching upon, or eliminating, numerous open areas and spaces of varied size and character, including many devoted to agriculture, the cultivation of timber, and other productive activities, and many others having significant recreational, social, scenic, or esthetic values. Such areas and spaces, if preserved and maintained in their present open state, would constitute important assets to existing and impending urban and metropolitan development, at the same time that they would continue to contribute to the welfare and well-being of the citizens of the state as a whole. The acquisition of interests or rights in real property for the preservation of such open spaces and areas constitutes a public purpose for which public funds may properly be expended or advanced.

NEW SECTION. Sec. 2. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

Any county, city or town, or metropolitan municipal corporation may acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except by eminent domain, the fee or any lesser interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land as such are defined in chapter 84.34 RCW for public use or enjoyment. Among interests that may be so acquired are mineral rights. Any county, city or town, or metropolitan municipal corporation may acquire the fee to such property for the purpose of conveying or leasing the property back to its original owner or other person under such covenants or other contractual arrangements as will limit the future use of the property in accordance with the purposes of this 1971 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

In accordance with the authority granted in section 2 of this 1971 amendatory act, a county, city or town, or metropolitan municipal corporation may specifically purchase or otherwise acquire, except by eminent domain, rights in perpetuity to future development of any open space land, farm and agricultural land, and timber land which are so designated under the provisions of chapter 84.34 RCW and taxed at current use assessment as provided by that chapter. For the purposes of this 1971 amendatory act, such developmental rights shall be termed "conservation futures". The private owner may retain the

right to continue any existing open space use of the land, and to develop any other open space use, but, under the terms of purchase of conservation futures, the county, city or town, or metropolitan municipal corporation may forbid or restrict building thereon, or may require that improvements cannot be made without county, city or town, or metropolitan municipal corporation permission. The land may be alienated or sold and used as formerly by the new owner, subject to the terms of the agreement made by the county, city or town, or metropolitan municipal corporation with the original owner.

NEW SECTION. Sec. 4. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to sections 2 and 3 of this 1971 amendatory act, a county may levy an amount not to exceed one eighth of one mill on the assessed valuation of all taxable property within the county, which levy shall be in addition to that authorized by RCW 84.52.050.

NEW SECTION. Sec. 5. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

Any board of county commissioners may establish by resolution a special fund which may be termed a conservation futures fund to which it may credit all taxes levied pursuant to section 4 of this 1971 amendatory act. Amounts placed in this fund may be used solely for the purpose of acquiring rights and interests in real property pursuant to the terms of sections 2 and 3 of this 1971 amendatory act. Nothing in this section shall be construed as limiting in any manner methods and funds otherwise available to a county for financing the acquisition of such rights and interests in real property.

Sec. 6. Section 84.52.010, chapter 15, Laws of 1961 as amended by section 4, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.010 are each amended to read as follows:

All taxes shall be levied or voted in specific amounts, and the rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively: PROVIDED, That when any such county assessor shall find that the aggregate rate of levy on any property will exceed the

limitation set forth in RCW 84.52.050 as now or hereafter amended, he shall recompute and establish a consolidated levy in the following manner:

(1) He shall include for extension on the tax rolls the full rates of levy certified to him for state, county, county road districts, city and school district purposes in amounts not exceeding the limitations established by law: PROVIDED, That in the event of a levy made pursuant to section 5 of this 1971 amendatory act, the rates of levy for county, county road district, and school district purposes shall be reduced in such uniform percentages as will result in a consolidated levy by such taxing districts which will be no greater on any property than a consolidated levy by such taxing districts would be if the levy had not been made pursuant to section 5 of this 1971 amendatory act, and

(2) He shall include for extension on the tax rolls the rates percent of the tax levies certified to him by all other taxing districts imposing taxes on such property, other than port districts and public utility districts, reduced by him in such uniform percentages as will bring the consolidated tax levy on such property within the provisions of such limitation.

NEW SECTION. Sec. 7. Any governmental unit, as defined in RCW 36.93.020 (1) as it now exists or is hereafter amended, may convey its real or personal property or any interest or right therein to, or contract for the use of such property by, the county or park and recreation district wherein such property is located for park or recreational purposes, by private negotiation and upon such terms and with such consideration as might be mutually agreed to by such governmental unit and the board of county commissioners or the park and recreation district board of commissioners.

NEW SECTION. Sec. 8. There is added to chapter 57.08 RCW a new section to read as follows:

The provisions of RCW 57.08.015, 57.08.016, 57.08.120 and 57.08.130 shall have no application as to the sale or conveyance of real or personal property or any interest or right therein by a water district to the county or park and recreation district wherein such property is located for park and recreational purposes, but in such cases the provisions of section 7 of this 1971 amendatory act shall govern.

NEW SECTION. Sec. 9. 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.

Passed the Senate May 10, 1971.

Passed the House May 9, 1971.

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CHAPTER 244

[Engrossed Senate Bill No. 209]

EXEMPTION OF GARBAGE TRUCKS FROM SINGLE AXLE LOAD LIMITATION

AN ACT Relating to motor vehicles; and amending section 46.44.040, chapter 12, Laws of 1961, and RCW 46.44.040.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 46.44.040, chapter 12, Laws of 1961, and RCW 46.44.040 are each amended to read as follows:

(1) It is unlawful to operate any vehicle upon the public highways with a gross weight including load upon any one axle thereof in excess of eighteen thousand pounds; PROVIDED, That a tolerance of 2,000 pounds may be allowed on the rear axle of a two axle garbage truck; PROVIDED FURTHER, That this tolerance shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed 18,000 pounds.

It is (~~lawful~~) unlawful to operate any one axle semitrailer upon the public highways with a gross weight including load upon such one axle in excess of eighteen thousand pounds.

It is unlawful to operate any truck or truck tractor upon the public highways of this state supported upon two axles with a gross weight including load in excess of twenty-eight thousand pounds.

It is unlawful to operate any semitrailer or pole trailer upon the public highway supported upon two axles with a gross weight including load in excess of thirty-two thousand pounds. It is unlawful to operate any two axle trailer upon the public highways with a gross weight, including load, in excess of thirty-six thousand pounds.

Except as provided in RCW 46.44.095 it is unlawful to operate any vehicle upon the public highways supported upon three axles or more with a gross weight including load in excess of thirty-six thousand pounds.

(2) The maximum axle and gross weight specified in subsection (1) above are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

(3) It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two axles are so constructed and mounted in such a manner