
SUBSTITUTE SENATE BILL 6040

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Agriculture & Rural Economic Development
(originally sponsored by Senators Hatfield, Zarelli, Hobbs and
Delvin; by request of Lieutenant Governor)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to authorizing the creation of a public speedway
2 authority; amending RCW 36.38.010, 35.21.280, 36.70A.110, 47.42.025,
3 70.107.080, 39.04.010, 84.33.140, 76.09.060, 36.94.020, 36.94.030,
4 35.91.020, 84.34.037, and 36.96.010; reenacting and amending RCW
5 82.29A.130; adding new sections to chapter 82.14 RCW; adding a new
6 section to chapter 82.08 RCW; adding a new section to chapter 82.12
7 RCW; adding a new chapter to Title 36 RCW; creating new sections;
8 providing an effective date; and declaring an emergency.

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

10 **PART I**

11 **INTENT**

12 NEW SECTION. **Sec. 101.** INTENT. The legislature finds that the
13 development of a professional motorsports entertainment and family
14 recreation facility in Washington will serve numerous public purposes
15 by providing recreational opportunities for Washington citizens and
16 spurring economic development in the state. Professional motorsports
17 racing is the fastest growing spectator sport in the nation.
18 Professional motorsports entertainment facilities in other states have

1 stimulated economic development by generating spending by out-of-state
2 visitors, investment, employment, and tax revenues. Economic impact
3 studies confirm, based on assumptions generally regarded as
4 conservative, that a Washington professional motorsports entertainment
5 and family recreation facility would be a significant contributor to
6 the state economy here as well. Public support for and participation
7 in the development and operation of a professional motorsports
8 entertainment and family recreation facility in Washington is in the
9 public interest and consistent with prior public involvement in the
10 development and operation of similar facilities.

11 **PART II**
12 **DEFINITIONS**

13 NEW SECTION. **Sec. 201.** DEFINITIONS. The definitions in this
14 section apply throughout this act unless the context clearly requires
15 otherwise.

16 (1) "Early retirement" means the redemption or defeasance of bonds
17 or the setting aside of funds for the payment of principal of and
18 interest on bonds.

19 (2) "Facility" means a professional motorsports entertainment and
20 family recreation facility.

21 (3) "Force majeure event" means natural disasters or other
22 casualty, including fire, flood, earthquake, windstorm, avalanche,
23 landslide, mudslide, and other similar events; acts of war or civil
24 unrest when an emergency has been declared by appropriate governmental
25 officials; acts of civil or military authority; strike, lockout, or
26 other labor dispute (not involving the public speedway authority or its
27 lessee or prospective lessee or any parent, corporate affiliate, or
28 successor directly as a party in such strike, lockout, or other labor
29 dispute); embargoes; epidemics; terrorist acts; riots; insurrections;
30 explosions; and nuclear accidents or other occurrence reasonably beyond
31 the control of the public speedway authority or its lessee or
32 prospective lessee.

33 (4) "Host jurisdiction" means (a) a first class city that has
34 adopted a resolution setting forth its intention to annex territory
35 within which the proposed facility is located and to assume
36 responsibility for the environmental review and permitting of such

1 proposed facility, or (b) if no such resolution is adopted or if such
2 proposed annexation is not complete within one year of the effective
3 date of this section, the general purpose local government within which
4 the facility is located and that is responsible for the environmental
5 review and permitting of the facility. A first class city adopting
6 such a resolution may continue as host jurisdiction for additional six-
7 month periods by adopting resolutions setting forth its intention to
8 continue annexation proceedings during such six-month periods.

9 (5) "Lessee" means a corporation that enters into a lease agreement
10 with a public speedway authority under section 401 of this act and that
11 is a corporation that, or is a wholly owned subsidiary of a corporation
12 that, directly or through its subsidiaries or affiliates, owns or
13 operates at least ten professional motorsports entertainment facilities
14 in the United States and conducts at least fifty nationally recognized,
15 top tier professional motorsports events, including at least twenty
16 NASCAR NEXTEL Cup Events, during the year in which such lease agreement
17 becomes effective.

18 (6) "Major motorsports event weekend" means a multiday series of
19 professional motorsports racing and related events spanning a weekend
20 anchored by one nationally recognized, top tier professional
21 motorsports event.

22 (7) "NASCAR" means the National Association for Stockcar Auto
23 Racing, Inc. or its designees or assignees.

24 (8) "Nationally recognized, top tier professional motorsports
25 event" means a principal event in a sanctioned national or
26 international touring professional racing series that is broadly
27 recognized as a leader in its racing discipline and is generally
28 capable of producing the level of economic activity including, but not
29 limited to, paid attendance by out-of-state visitors, on which public
30 support for the development of a facility in Washington is based. As
31 of the effective date of this section, nationally recognized, top tier
32 professional motorsports events include, but are not limited to, NASCAR
33 NEXTEL Cup Series, NASCAR Busch Series, Indy Racing League, NASCAR
34 Craftsman Truck Series, USAC Silver Crown Series, Grand American Road
35 Racing Series, Champ Car Series, and Formula One events.

36 (9) "Professional motorsports entertainment and family recreation
37 facility" means a multifaceted complex designed to be primarily used as
38 a venue for nationally recognized, top tier professional motorsports

1 events, including a closed-course speedway, grandstands and other
2 seating with capacity for at least eighty-three thousand attendees,
3 control towers, open space, administration and maintenance buildings,
4 together with support services and facilities, such as hospitality
5 facilities, food and beverage sale locations, parking, recreational
6 vehicle camping, and retail sale locations, for motorsports fans and
7 participants, and for those using the complex for community,
8 charitable, recreation, and other activities (such as family recreation
9 and social events, local and regional business functions, arts events,
10 emergency services, and public safety training) on a fee or nonfee
11 basis as appropriate and to the extent that such activities are
12 consistent with use of the facility for professional motorsports
13 events.

14 (10) "Prospective lessee" means an entity that would qualify as a
15 lessee that has not yet entered into a lease with a public speedway
16 authority.

17 **PART III**
18 **PUBLIC SPEEDWAY AUTHORITY**

19 NEW SECTION. **Sec. 301.** CREATION. (1) A public speedway authority
20 may be created to function in an area with a total population of at
21 least four hundred thousand that is coterminous with the boundaries of
22 one county or up to three contiguous counties.

23 (2) A public speedway authority may be created upon the adoption of
24 a resolution of the legislative body of the host jurisdiction and, if
25 the authority includes more than one county, the adoption of a
26 concurring resolution by the legislative body of at least one county
27 that is within the proposed public speedway authority area and that is
28 not the host jurisdiction. The approving and, if applicable,
29 concurring resolutions shall identify the one, two, or three-county
30 area in which the public speedway authority is to function, approve the
31 creation of a public speedway authority within such area, and appoint
32 or provide for the appointment of board members as described in section
33 302(1) of this act.

34 (3) A public speedway authority is a municipal corporation and
35 possesses all the usual corporate powers as well as all other powers
36 that may now or hereafter be specifically conferred by statute.

1 effective date of such change. If a county becomes the host
2 jurisdiction after a city has been the host jurisdiction, the
3 legislative body of the county shall appoint members of the board of
4 directors to replace the members appointed by the previous host
5 jurisdiction within thirty days of the effective date of such change.
6 Each newly appointed member of the board of directors shall serve for
7 the remainder of the unexpired term of office to which he or she was
8 appointed.

9 NEW SECTION. **Sec. 303.** POWERS AND PURPOSES. (1) A public
10 speedway authority is authorized to undertake or otherwise provide for
11 the acquisition of a site for and the financing, permitting, design,
12 development, construction, reconstruction, remodeling, alteration,
13 maintenance, equipping, reequipping, repair, and operation of a
14 professional motorsports entertainment and family recreation facility.

15 (2) A public speedway authority may exercise all other powers
16 necessary and appropriate to carry out its responsibilities, including
17 without limitation the power to sue and be sued, to acquire, own, and
18 transfer real and personal property and property rights by lease,
19 sublease, purchase, or sale, and to enter into contracts. An authority
20 may also sell, lease, convey, or otherwise dispose of any real or
21 personal property or property rights no longer necessary or desirable
22 for the conduct of the affairs of the authority.

23 (3) A public speedway authority may enter into agreements with the
24 state or any municipal corporation, acting through its legislative
25 body, for the joint design, financing, acquisition, development,
26 construction, reconstruction, lease, remodeling, alteration,
27 maintenance, equipping, reequipping, repair, or operation of a
28 facility. Such activities shall be deemed to be a public purpose of
29 the state or any such municipal corporation. The agreements may
30 provide that any party to the contract designs, finances, acquires,
31 develops, constructs, reconstructs, remodels, alters, maintains,
32 equips, reequips, repairs, or operates the facility for the other party
33 or parties to the contract. The state and any municipal corporation is
34 authorized to participate with a public speedway authority in the
35 financing of all or any part of the facility on any terms as may be
36 fixed by agreement between the parties, pursuant to a loan, guaranty,
37 or other financing agreement. The legislative body of any county or

1 city within which a public speedway authority functions may acquire
2 property on behalf of, or transfer property to, a public speedway
3 authority created under this act with or without consideration.

4 (4) A public speedway authority may contract with a public or
5 private entity for the acquisition of a site for a facility.

6 (5) A public speedway authority may accept and expend or use gifts,
7 grants, and donations and impose or provide for its lessee to impose
8 charges and fees for the use of the facility.

9 (6) A public speedway authority may spend funds for the public
10 purposes of promoting and preparing and distributing advertising and
11 promotional information about the facility.

12 (7) A public speedway authority may secure professional or other
13 services by means of an agreement with any service provider. The
14 public speedway authority shall establish criteria, receive and
15 evaluate proposals, and negotiate with respondents under requirements
16 set forth by authority resolution.

17 NEW SECTION. **Sec. 304.** EXPENSE REIMBURSEMENT PROCEDURES. The
18 board of directors of a public speedway authority shall adopt a
19 resolution that may be amended from time to time governing methods and
20 amounts of reimbursement payable to directors, officers, and employees
21 for travel and other business expenses incurred on behalf of the
22 authority. The resolution shall, among other things, establish
23 procedures for approving expenses; the form of travel and expense
24 vouchers; and requirements governing the use of credit cards issued in
25 the name of the authority. Directors, officers, and employees may be
26 advanced sufficient sums to cover their anticipated expenses in
27 accordance with rules adopted by the state auditor.

28 NEW SECTION. **Sec. 305.** PER DIEM COMPENSATION. Each member of the
29 board of directors of a public speedway authority may receive
30 compensation of fifty dollars per day for attending meetings or
31 conferences on behalf of the authority, not to exceed three thousand
32 dollars per year. A director may waive all or a portion of his or her
33 compensation under this section during his or her term of office, by a
34 written waiver filed with the public speedway authority. The
35 compensation provided in this section is in addition to reimbursement
36 for expenses paid to directors by the public speedway authority.

1 NEW SECTION. **Sec. 306.** LIABILITY INSURANCE. The board of
2 directors of a public speedway authority may purchase liability
3 insurance with limits the directors deem reasonable for the purpose of
4 protecting and holding personally harmless directors, officers, and
5 employees of the authority against liability arising from their acts or
6 omissions while performing or in good faith purporting to perform their
7 official duties.

8 NEW SECTION. **Sec. 307.** DEFENSE AND INDEMNITY. Whenever an
9 action, claim, or proceeding is instituted against a person who is or
10 was a director, officer, or employee of a public speedway authority
11 arising out of the performance of duties for or employment with the
12 authority, the public speedway authority may grant a request by the
13 person that the attorney of the authority's choosing be authorized to
14 defend the claim, suit, or proceeding, and the costs of defense,
15 attorneys' fees, and obligation for payments arising from the action
16 may be paid from the authority's funds. Costs of defense, judgment, or
17 settlement against the person shall not be paid in a case where the
18 court has found that the person was not acting in good faith within the
19 scope of employment with or duties for the public speedway authority.
20 No director or officer of a public speedway authority shall be
21 personally liable for acts done or omitted in good faith while
22 performing duties as director or officer on behalf of the authority.

23 NEW SECTION. **Sec. 308.** EMPLOYEES, SALARIES, AND BENEFITS. A
24 public speedway authority has the authority to create and fill
25 positions, fix reasonable wages and salaries, pay costs involved in
26 hiring employees, and establish reasonable benefits for employees,
27 including holiday pay, vacations or vacation pay, retirement benefits,
28 and medical, life, accident, or health disability insurance, as
29 approved by the board. Public speedway authority board members, at
30 their own expense, may be included under any authority policy for
31 medical, life, accident, or health disability insurance. Insurance for
32 employees and board members shall not be considered compensation.
33 Coverage for the board under any authority policy is not to exceed that
34 provided public speedway authority employees.

1 service on bonds issued to finance or refinance such costs, paying
2 amounts due to any financial institutions, insurance companies, or
3 other public or private entities providing credit enhancement and
4 paying other costs of issuance, and to fund reasonable debt service
5 reserves. Any excess taxes shall be applied to provide for the early
6 retirement of any bonds issued by the public speedway authority.

7 (5) This section constitutes the entire state contribution for a
8 professional motorsports entertainment and family recreation facility,
9 as defined in section 101 of this act. The state will not make any
10 additional contributions based on revised cost or revenue estimates,
11 cost overruns, unforeseen circumstances, or any other reason.

12 NEW SECTION. **Sec. 402.** PUBLIC SPEEDWAY AUTHORITY ADMISSIONS TAX.

13 (1) A public speedway authority that has entered into a lease agreement
14 with a lessee under section 601 of this act may impose a tax of not
15 more than one cent on twenty cents or fraction thereof on the amount of
16 the admissions charge paid by any person who pays for admission to be
17 a motorsports event spectator at a professional motorsports
18 entertainment and family recreation facility, including charges for
19 season or subscription tickets, but not including ticket handling fees,
20 seat license charges, and charges for admissions to ancillary
21 facilities such as hospitality venues. "Seat license" means a
22 transferable license sold to a third party that, subject to certain
23 conditions, restrictions, and limitations, entitles the third party to
24 purchase a season or subscription ticket to professional motorsports
25 events at a facility. Persons who are admitted to the facility by the
26 lessee free of charge are exempt from payment of the admissions tax.

27 (2) An authority may apply the proceeds of the tax as provided in
28 the host jurisdiction agreement to pay costs of the acquisition,
29 permitting, design, development, construction, or equipping of the
30 facility, including paying debt service on or providing for the early
31 retirement of bonds issued to finance or refinance these costs, paying
32 for credit enhancement and other costs of issuance, and funding
33 reasonable debt service or capital reserves, and for payments to the
34 host jurisdiction for use by the host jurisdiction for any public
35 purpose. After all costs of the initial acquisition, permitting,
36 design, development, construction, and equipping of a facility have
37 been paid and all bonds issued to finance or refinance these costs and

1 paid from the admissions tax have been retired, whether upon maturity
2 or by early retirement, the proceeds of the tax first may be used to
3 pay debt service on any other authority bonds issued to finance or
4 refinance these costs and to pay amounts due in connection with credit
5 enhancement for such authority bonds, and, second, shall be paid to the
6 host jurisdiction for use by the host jurisdiction for any public
7 purpose.

8 (3) No county, city, town, or special purpose district, other than
9 the public speedway authority within which the facility is located, may
10 impose a tax of the same or similar kind on any admission or comparable
11 charge at the facility so long as a tax is imposed by the public
12 speedway authority under this section. After all costs of the initial
13 acquisition, permitting, design, development, construction, and
14 equipping of the facility and any public infrastructure funded from the
15 proceeds of the admissions tax have been paid, all authority bonds and
16 refunding bonds have been retired, whether upon maturity or by early
17 retirement, and all amounts due in connection with credit enhancement
18 of authority bonds have been paid, the rate of the admissions tax
19 imposed by the authority under this section shall not exceed the rate
20 of any admissions tax then imposed by the host jurisdiction within its
21 boundaries.

22 NEW SECTION. **Sec. 403.** BONDS. (1) To carry out the purposes of
23 this act, the board of directors of a public speedway authority may
24 authorize the issuance of bonds of the authority in one or more series
25 to which it may pledge: (a) The sales tax authorized in section 401 of
26 this act; (b) the admissions tax authorized in section 402 of this act;
27 (c) revenues derived from the lease of the facility; and (d) any other
28 amounts derived from any other source and available for the payment of
29 debt service on the bonds.

30 (2) The proceeds of bonds issued under this section may be applied
31 to finance or refinance the acquisition, permitting, design,
32 development, construction, or equipping of the facility, including
33 payments for costs of credit enhancement and other costs of issuance,
34 establishment of reasonable reserves, and capitalizing interest on
35 bonds during and up to eighteen months following completion of
36 construction of the facility. A public speedway authority may issue
37 additional bonds to pay costs of reconstruction, remodeling,

1 alteration, maintenance, reequipping, and repair of a facility payable
2 from and secured by a pledge of revenues derived from the lease of the
3 facility or any other amounts derived from any other source that are
4 available for the payment of debt service on the bonds.

5 (3) A public speedway authority may create funds and accounts for
6 the deposit of pledged taxes, revenues and other amounts, and for the
7 deposit of bond proceeds as it deems necessary or prudent to issue,
8 secure, and administer the bonds, and may appoint one or more trustees
9 to hold and apply these funds and accounts.

10 (4) The bonds of a public speedway authority shall bear such date
11 or dates, mature at such time or times, be in such denominations, be in
12 such form, be registered or registrable in such manner, be made
13 transferable, exchangeable, and interchangeable, be payable in such
14 medium of payment, at such place or places, be subject to such terms of
15 redemption, bear such fixed or variable rate or rates of interest, be
16 payable at such time or times, and be sold in such manner and at such
17 price or prices, as the public speedway authority determines. The
18 bonds shall be executed by the chair of the public speedway authority,
19 by either its duly elected secretary or its treasurer, and by the
20 trustee or paying agent if the public speedway authority determines to
21 use a trustee or paying agent for the bonds. Execution of the bonds
22 may be by manual or facsimile signature. The term of authority bonds
23 shall not exceed thirty years.

24 (5) The bonds of a public speedway authority shall be subject to
25 any terms, conditions, covenants, and protective provisions found
26 necessary or desirable by the authority, including without limitation
27 the setting aside of reserves, limitations on additional forms of
28 indebtedness, and other provisions the public speedway authority finds
29 necessary or desirable for the security of bondholders. Damages
30 received by the public speedway authority resulting from its lessee's
31 default on its obligation under section 601(6) of this act shall be
32 applied to pay or provide for the early retirement of bonds issued
33 pursuant to this section. If any lease required under section 601 of
34 this act is terminated while the sales and use tax credit authorized
35 under section 401 of this act is in effect, the public speedway
36 authority shall apply the proceeds of (a) any subsequent lease, net of
37 reasonable administrative or operating expenses of the authority and
38 costs of capital improvements required of the authority under such

1 substitute lease, including debt service on bonds issued for such
2 capital improvements, or (b) the sale of public speedway authority
3 property for a use other than for a facility to pay or provide for the
4 early retirement of bonds issued pursuant to this section, consistent
5 with any applicable requirements of the federal tax code.

6 (6) Any pledge of taxes, revenue, or other amount by the authority
7 under subsection (1) or (11) of this section shall be valid and binding
8 at the time the pledge is made. The authority shall constitute a
9 governmental unit within the meaning of RCW 62A.9A-102(a)(45).

10 (7) When issuing bonds, a public speedway authority may provide for
11 the future issuance of additional bonds or debt consistent with
12 subsection (1) of this section on a parity with or subordinate to
13 outstanding bonds and the terms and conditions of their issuance.
14 Consistent with subsection (1) of this section, a public speedway
15 authority may refund or advance refund any bond of the public speedway
16 authority in accordance with chapter 39.53 RCW.

17 (8) The board members of a public speedway authority and any person
18 executing the bonds are not liable personally on the indebtedness or
19 subject to any personal liability or accountability by reason of their
20 issuance.

21 (9) The public speedway authority may, out of any available funds,
22 purchase its bonds for cancellation or retirement.

23 (10) The public speedway authority is authorized to enter into
24 contracts with financial institutions, insurance companies, and other
25 public and private entities to provide credit enhancement for its bonds
26 if the public speedway authority determines that credit enhancement is
27 cost-effective. Each city or county within the area boundaries of the
28 public speedway authority is authorized, acting through its legislative
29 body, to enter into a contract with the public speedway authority, with
30 or without consideration and as the parties may mutually agree upon, to
31 provide credit enhancement to facilitate the sale of public speedway
32 authority bonds.

33 (11) The financing of a facility owned by a public speedway
34 authority is deemed to be a public purpose for each city or county
35 within the area boundaries of the public speedway authority, and such
36 city or county, acting through its legislative body, is authorized to
37 issue bonds or otherwise contract indebtedness and make the proceeds of
38 bonds and indebtedness available to the public speedway authority for

1 its purposes upon the terms and conditions that the county or city and
2 the public speedway authority may mutually agree upon. The public
3 speedway authority may pledge the taxes, revenues, or other amounts
4 described in subsection (1) of this section to pay and secure bonds and
5 indebtedness of any such city or county.

6 (12) Except as specifically provided in this section, the bonds
7 shall be issued and sold in accordance with chapter 39.46 RCW.

8 (13) The provisions of this section and any resolution or trust
9 indenture of the public speedway authority providing for the
10 authorization, issuance, and sale of bonds shall constitute a contract
11 with the owners of such bonds, and the provisions thereof shall be
12 enforceable by any owner of such bonds by mandamus or any appropriate
13 suit, action, or proceeding at law or in equity in any court of
14 competent jurisdiction.

15 (14) The net proceeds of bonds issued to finance the acquisition,
16 financing, permitting, design, development, construction, and equipping
17 of the facility and payable from the sales tax imposed under section
18 401 of this act shall not exceed one hundred forty-five million
19 dollars, adjusted for inflation annually beginning in 2008 using the
20 Engineering News-Record 20-city construction cost index. For the
21 purposes of this limitation "net proceeds" means gross bond proceeds
22 less costs of credit enhancement and other costs of issuance and less
23 any deposits to fund reasonable debt service reserves for the bonds and
24 shall not include earnings on any portion of gross bond proceeds.

25 **Sec. 404.** RCW 36.38.010 and 1999 c 165 s 20 are each amended to
26 read as follows:

27 (1) Any county may by ordinance enacted by its county legislative
28 authority, levy and fix a tax of not more than one cent on twenty cents
29 or fraction thereof to be paid for county purposes by persons who pay
30 an admission charge to any place, including a tax on persons who are
31 admitted free of charge or at reduced rates to any place for which
32 other persons pay a charge or a regular higher charge for the same or
33 similar privileges or accommodations; and require that one who receives
34 any admission charge to any place shall collect and remit the tax to
35 the county treasurer of the county(~~(:—PROVIDED,)~~). No county shall
36 impose (~~(such)~~) the tax on persons paying an admission to any activity
37 of any elementary or secondary school (~~(or)~~), any public facility of a

1 public facility district under chapter 35.57 or 36.100 RCW for which a
2 tax is imposed under RCW 35.57.100 or 36.100.210, or any professional
3 motorsports entertainment and family recreation facility for which a
4 tax is imposed under section 402 of this act.

5 (2) As used in this chapter, the term "admission charge" includes
6 a charge made for season tickets or subscriptions, a cover charge, or
7 a charge made for use of seats and tables, reserved or otherwise, and
8 other similar accommodations; a charge made for food and refreshments
9 in any place where any free entertainment, recreation, or amusement is
10 provided; a charge made for rental or use of equipment or facilities
11 for purpose of recreation or amusement, and where the rental of the
12 equipment or facilities is necessary to the enjoyment of a privilege
13 for which a general admission is charged, the combined charges shall be
14 considered as the admission charge. It shall also include any
15 automobile parking charge where the amount of such charge is determined
16 according to the number of passengers in any automobile.

17 (3) Subject to subsections (4) and (5) of this section, the tax
18 herein authorized shall not be exclusive and shall not prevent any city
19 or town within the taxing county, when authorized by law, from imposing
20 within its corporate limits a tax of the same or similar kind(~~(+~~
21 ~~PROVIDED, That whenever~~)). If the same or similar kind of tax is
22 imposed by any such city or town, no such tax shall be levied within
23 the corporate limits of such city or town by the county.

24 (4) Notwithstanding subsection (3) of this section, the legislative
25 authority of a county with a population of one million or more may
26 exclusively levy taxes on events in baseball stadiums constructed on or
27 after January 1, 1995, that are owned by a public facilities district
28 under chapter 36.100 RCW and that have seating capacities over forty
29 thousand at the rates of:

30 (a) Not more than one cent on twenty cents or fraction thereof, to
31 be used for the purpose of paying the principal and interest payments
32 on bonds issued by a county to construct a baseball stadium as defined
33 in RCW 82.14.0485. If the revenue from the tax exceeds the amount
34 needed for that purpose, the excess shall be placed in a contingency
35 fund which may only be used to pay unanticipated capital costs on the
36 baseball stadium, excluding any cost overruns on initial construction;
37 and

1 (b) Not more than one cent on twenty cents or fraction thereof, to
2 be used for the purpose of paying the principal and interest payments
3 on bonds issued by a county to construct a baseball stadium as defined
4 in RCW 82.14.0485. The tax imposed under this subsection (4)(b) shall
5 expire when the bonds issued for the construction of the baseball
6 stadium are retired, but not later than twenty years after the tax is
7 first collected.

8 (5) Notwithstanding subsection (3) of this section, the legislative
9 authority of a county that has created a public stadium authority to
10 develop a stadium and exhibition center under RCW 36.102.050 may levy
11 and fix a tax on charges for admission to events in a stadium and
12 exhibition center, as defined in RCW 36.102.010, constructed in the
13 county on or after January 1, 1998, that is owned by a public stadium
14 authority under chapter 36.102 RCW. The tax shall be exclusive and
15 shall preclude the city or town within which the stadium and exhibition
16 center is located from imposing a tax of the same or similar kind on
17 charges for admission to events in the stadium and exhibition center,
18 and shall preclude the imposition of a general county admissions tax on
19 charges for admission to events in the stadium and exhibition center.
20 For the purposes of this subsection, "charges for admission to events"
21 means only the actual admission charge, exclusive of taxes and service
22 charges and the value of any other benefit conferred by the admission.
23 The tax authorized under this subsection shall be at the rate of not
24 more than one cent on ten cents or fraction thereof. Revenues
25 collected under this subsection shall be deposited in the stadium and
26 exhibition center account under RCW 43.99N.060 until the bonds issued
27 under RCW 43.99N.020 for the construction of the stadium and exhibition
28 center are retired. After the bonds issued for the construction of the
29 stadium and exhibition center are retired, the tax authorized under
30 this section shall be used exclusively to fund repair, reequipping, and
31 capital improvement of the stadium and exhibition center. The tax
32 under this subsection may be levied upon the first use of any part of
33 the stadium and exhibition center but shall not be collected at any
34 facility already in operation as of July 17, 1997.

35 **Sec. 405.** RCW 35.21.280 and 2002 c 363 s 5 are each amended to
36 read as follows:

37 (1) Every city and town may levy and fix a tax of not more than one

1 cent on twenty cents or fraction thereof to be paid by the person who
2 pays an admission charge to any place with the following limitations:
3 (~~PROVIDED,~~)

4 (a) No city or town shall impose such tax on persons paying an
5 admission to any activity of any elementary or secondary school or any
6 public facility of a public facility district under chapter 35.57 or
7 36.100 RCW for which a tax is imposed under RCW 35.57.100 or
8 36.100.210, except the city or town may impose a tax on persons paying
9 an admission to any activity of such public facility if the city or
10 town uses the admission tax revenue it collects on the admission
11 charges to that public facility for the construction, operation,
12 maintenance, repair, replacement, or enhancement of that public
13 facility or to develop, support, operate, or enhance programs in that
14 public facility; and

15 (b) No city or town shall impose such a tax upon any admission to
16 a professional motorsports entertainment and family recreation
17 facility.

18 (2) Tax authorization under this section includes a tax on persons
19 who are admitted free of charge or at reduced rates to any place for
20 which other persons pay a charge or a regular higher charge for the
21 same privileges or accommodations. A city that is located in a county
22 with a population of one million or more may not levy a tax on events
23 in stadia constructed on or after January 1, 1995, that are owned by a
24 public facilities district under chapter 36.100 RCW and that have
25 seating capacities over forty thousand. The city or town may require
26 anyone who receives payment for an admission charge to collect and
27 remit the tax to the city or town.

28 (3) The term "admission charge" includes:

29 (a) A charge made for season tickets or subscriptions;

30 (b) A cover charge, or a charge made for use of seats and tables
31 reserved or otherwise, and other similar accommodations;

32 (c) A charge made for food and refreshment in any place where free
33 entertainment, recreation or amusement is provided;

34 (d) A charge made for rental or use of equipment or facilities for
35 purposes of recreation or amusement; if the rental of the equipment or
36 facilities is necessary to the enjoyment of a privilege for which a
37 general admission is charged, the combined charges shall be considered
38 as the admission charge;

1 (e) Automobile parking charges if the amount of the charge is
2 determined according to the number of passengers in the automobile.

3 **PART V**

4 **DEVELOPMENT OF FACILITY**

5 NEW SECTION. **Sec. 501.** HOST JURISDICTION AGREEMENT. Prior to the
6 construction of any professional motorsports entertainment and family
7 recreation facility by or on behalf of a public speedway authority, the
8 public speedway authority, its lessee or prospective lessee, and the
9 host jurisdiction, acting through its legislative body, shall have
10 first entered into a legally binding and enforceable host jurisdiction
11 agreement addressing matters appropriately of mutual interest
12 concerning the development and operation of the facility. The
13 agreement shall include without limitation the following terms: (1)
14 The authority or the lessee, or prospective lessee, shall assume
15 financial responsibility or otherwise provide for the construction of
16 such public infrastructure improvements off-site and on-site that are
17 necessary for the efficient operation of the facility as identified
18 through environmental review of the proposed facility, required as
19 conditions to its permitting, and only to the extent such improvements
20 are incremental to the public infrastructure required to serve other
21 nearby development as described in a host jurisdiction comprehensive
22 plan, if applicable. This obligation may be satisfied through payments
23 made to or on behalf of the host jurisdiction or from tax revenues
24 generated by the facility directed to such host jurisdiction; (2)
25 confirmation that the lease between the authority and the lessee, or
26 prospective lessee, shall require and provide for reasonable public
27 access to and use of the facility for community, charitable,
28 recreation, and other activities, such as family recreation and social
29 events, local and regional business functions, arts events, emergency
30 services, and public safety training, on a fee or nonfee basis as
31 appropriate and to the extent that such activities are consistent with
32 use of the facility for professional motorsports events; and (3)
33 confirmation that the authority or the lessee, or prospective lessee,
34 shall assume financial responsibility for the additional incremental
35 cost of public services required to operate the facility during major

1 motorsports event weekends as identified through environmental review
2 of the proposed facility and required as conditions to its permitting.

3 NEW SECTION. **Sec. 502.** FACILITY DEVELOPMENT. (1) A public
4 speedway authority may, in consultation with its lessee or prospective
5 lessee, determine the overall scope and components of any professional
6 motorsports entertainment and family recreation facility owned or to be
7 owned by the authority, approve the final design and specifications of
8 the facility acceptable to the lessee for operation as a professional
9 motorsports venue for hosting nationally recognized, top tier
10 professional motorsports events, and approve the final budget for
11 financing, permitting, design, development, construction, and equipping
12 of the facility.

13 (2) A public speedway authority shall enter into a development
14 agreement with a lessee or prospective lessee under which the lessee or
15 prospective lessee undertakes and controls the development of the
16 facility to be owned by the authority, consistent with subsection (1)
17 of this section. Under the development agreement, the lessee shall,
18 subject to the approval of the public speedway authority, determine
19 project design, specifications, and the budget. In addition, the
20 lessee shall determine procurement procedures, select and contract with
21 an architect or architects, other professional service providers, or a
22 contractor or contractors for the design, construction, operation, or
23 maintenance of the facility and determine whether to enter into a
24 project labor agreement related to construction of the facility.
25 However, any contracts for the construction, operation, and maintenance
26 of a facility shall be subject to the prevailing wage requirements of
27 chapter 39.12 RCW and the goals established by the state for women's
28 and minority business participation consistent with the provisions of
29 RCW 39.04.160 and 49.60.400. Contractors shall be required, to the
30 extent feasible, to both hire local residents in connection with the
31 development of the facility and utilize apprentices enrolled in a
32 state-approved apprenticeship training program, consistent with the
33 goals established for state public works projects in RCW 39.04.320.

34 (3) Under the development agreement, the lessee or prospective
35 lessee shall agree to provide at least one hundred eighty million
36 dollars toward the cost of the acquisition, financing, permitting,
37 design, development, construction, or equipping of the facility. The

1 lessee shall assume responsibility for any construction cost overruns
2 in completing the project consistent with the final design and budget
3 approved by the public speedway authority.

4 (4) The development agreement shall provide for parity in the
5 expenditure of public speedway authority bond proceeds and lessee or
6 prospective lessee funding after the public speedway authority is
7 authorized to issue its bonds and expend funds upon and following
8 satisfaction of the requirements of sections 501 and 504 of this act.
9 The lessee or prospective lessee is responsible for advancing funds
10 needed to satisfy the requirements of sections 501 and 504 of this act
11 until public speedway authority bonds can be issued and bond proceeds
12 become available.

13 (5) The development agreement shall require the lessee or
14 prospective lessee to obtain performance and payment bonds from any
15 contractors it contracts with to perform construction of the facility.
16 The performance and payment bonds shall be consistent, in form and
17 amount, with the requirements of chapter 39.08 RCW.

18 (6) The development agreement shall require the lessee or
19 prospective lessee to commit to support one or more land conservation
20 projects located within the area of the public speedway authority,
21 subject to development and construction of the facility as provided in
22 this act. Such project or projects shall be undertaken in addition to
23 any offsite mitigation projects or activities that may be required of
24 the lessee or prospective lessee as a condition of permitting the
25 facility. The total value of the lessee's or prospective lessee's
26 support of such a conservation project or projects shall be not less
27 than one million dollars total, which may be provided over three years
28 following approval by the host jurisdiction of all land use permitting
29 decisions necessary for development of the facility as provided in this
30 act. The lessee or prospective lessee may work with a nonprofit land
31 trust or other conservation organization to identify and implement
32 projects to which support can be directed in satisfaction of the
33 requirements of this section.

34 NEW SECTION. **Sec. 503.** SALES TAX DEFERRAL. (1) The public
35 speedway authority may apply for deferral of taxes on the design and
36 construction of buildings, site preparation, and the acquisition of
37 related tangible personal property and retail services for a facility

1 including, but not limited to, parking lots, parking garages,
2 landscaping, environmental or other mitigation work required as part of
3 any federal, state, county, city, or other governmental regulatory
4 approval process, utility relocation, sidewalks, storm water systems,
5 transit improvements, roads, or other investments made: Either at the
6 facility or off-site and regardless if owned by the authority or
7 dedicated to a public body. Application shall be made to the
8 department of revenue in a form and manner prescribed by the department
9 of revenue. The application shall contain information regarding the
10 location of the facility, estimated or actual costs, time schedules for
11 completion and operation, and other information required by the
12 department of revenue. The department of revenue shall approve the
13 application within sixty days if it meets the requirements of this
14 section.

15 (2) The department of revenue shall issue a sales and use tax
16 deferral certificate for state and local sales and use taxes due under
17 chapters 82.08, 82.12, and 82.14 RCW for the activities described in
18 subsection (1) of this section.

19 (3) The public speedway authority shall begin paying the deferred
20 taxes in the fifth year after the date certified by the department of
21 revenue as the date on which the facility is operationally complete.
22 The first payment is due on December 31st of the fifth calendar year
23 after such certified date, with subsequent annual payments due on
24 December 31st of the following nine years. Each payment shall equal
25 ten percent of the deferred tax.

26 (4) The department of revenue may authorize an accelerated
27 repayment schedule upon request of the public speedway authority.

28 (5) Interest and penalties shall not be charged on any taxes
29 deferred under this section for the period of deferral, although all
30 other penalties and interest applicable to delinquent excise taxes may
31 be assessed and imposed for delinquent payments under this section.
32 The debt for deferred taxes is not extinguished by insolvency or other
33 failure of the public speedway authority.

34 (6) Applications and any other information received by the
35 department of revenue under this section are not confidential and are
36 subject to disclosure. Chapter 82.32 RCW applies to the administration
37 of this section.

1 NEW SECTION. **Sec. 504.** PERMITTING. (1) The lessee and the

2 legislative bodies of the public speedway authority and the host
3 jurisdiction shall negotiate terms acceptable to each party to address:

4 (a) A schedule for efficient, timely, and reliable permit
5 processing for the facility, to reflect statutory and regulatory
6 permitting time frames and local government best practices;

7 (b) A schedule for efficient, timely, and reliable environmental
8 review processing for the facility, to reflect statutory and regulatory
9 permitting time frames and local government best practices;

10 (c) A schedule for efficient, timely, and reliable processing of
11 requests for street, right-of-way, or easement vacations necessary for
12 the construction of the facility, to reflect statutory and regulatory
13 permitting time frames and local government best practices; and

14 (d) Other items deemed appropriate by the lessee and the
15 legislative bodies of the authority and the host jurisdiction for an
16 efficient permitting, environmental review, and regulatory approval
17 process and timely construction of the facility, including use of
18 parallel review processes, early coordination and timely comment on
19 preapplication matters, consolidated hearings, and identification of a
20 lead representative for permit preparation and environmental review for
21 each party.

22 (2) The agreements required by subsection (1) of this section shall
23 address host jurisdiction permitting and review processes and not
24 federal permitting or review processes. State agencies with expertise
25 and jurisdiction may also enter into such agreements to the extent
26 necessary to assure timely, efficient, and reliable permitting.

27 (3) The proceeds of any public speedway authority bonds issued to
28 finance costs of acquisition, permitting, design, development,
29 construction, or equipping of the facility may not be expended until
30 any host jurisdiction that requires master plan approval for the
31 proposed facility approves a master plan for the facility or,
32 alternatively, when the proposed facility site is annexed into any city
33 that is a host jurisdiction in which a professional motorsports
34 entertainment and family recreation facility is a permitted use.

35 (4) All land use permitting decisions for a professional
36 motorsports entertainment and family recreation facility shall be made
37 by the host jurisdiction.

1 (5) Nothing in this section shall be construed to reduce the
2 responsibility or ability of the host jurisdiction or state agencies
3 with jurisdiction to carry out such permitting, review, and regulatory
4 approval processes in compliance with applicable law and regulations;
5 the purpose of any agreements entered into pursuant to this section
6 specifying schedules for permitting, environmental review, and
7 regulatory approval is to facilitate construction of a large capital
8 facility project in a timely manner and avoid the inflationary costs
9 associated with undue delay.

10 **Sec. 505.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to
11 read as follows:

12 URBAN SERVICES TO THE FACILITY. (1) Each county that is required
13 or chooses to plan under RCW 36.70A.040 shall designate an urban growth
14 area or areas within which urban growth shall be encouraged and outside
15 of which growth can occur only if it is not urban in nature. Each city
16 that is located in such a county shall be included within an urban
17 growth area. An urban growth area may include more than a single city.
18 An urban growth area may include territory that is located outside of
19 a city only if such territory already is characterized by urban growth
20 whether or not the urban growth area includes a city, or is adjacent to
21 territory already characterized by urban growth, or is a designated new
22 fully contained community as defined by RCW 36.70A.350.

23 (2) Based upon the growth management population projection made for
24 the county by the office of financial management, the county and each
25 city within the county shall include areas and densities sufficient to
26 permit the urban growth that is projected to occur in the county or
27 city for the succeeding twenty-year period, except for those urban
28 growth areas contained totally within a national historical reserve.

29 Each urban growth area shall permit urban densities and shall
30 include greenbelt and open space areas. In the case of urban growth
31 areas contained totally within a national historical reserve, the city
32 may restrict densities, intensities, and forms of urban growth as
33 determined to be necessary and appropriate to protect the physical,
34 cultural, or historic integrity of the reserve. An urban growth area
35 determination may include a reasonable land market supply factor and
36 shall permit a range of urban densities and uses. In determining this

1 market factor, cities and counties may consider local circumstances.
2 Cities and counties have discretion in their comprehensive plans to
3 make many choices about accommodating growth.

4 Within one year of July 1, 1990, each county that as of June 1,
5 1991, was required or chose to plan under RCW 36.70A.040, shall begin
6 consulting with each city located within its boundaries and each city
7 shall propose the location of an urban growth area. Within sixty days
8 of the date the county legislative authority of a county adopts its
9 resolution of intention or of certification by the office of financial
10 management, all other counties that are required or choose to plan
11 under RCW 36.70A.040 shall begin this consultation with each city
12 located within its boundaries. The county shall attempt to reach
13 agreement with each city on the location of an urban growth area within
14 which the city is located. If such an agreement is not reached with
15 each city located within the urban growth area, the county shall
16 justify in writing why it so designated the area an urban growth area.
17 A city may object formally with the department over the designation of
18 the urban growth area within which it is located. Where appropriate,
19 the department shall attempt to resolve the conflicts, including the
20 use of mediation services.

21 (3) Urban growth should be located first in areas already
22 characterized by urban growth that have adequate existing public
23 facility and service capacities to serve such development, second in
24 areas already characterized by urban growth that will be served
25 adequately by a combination of both existing public facilities and
26 services and any additional needed public facilities and services that
27 are provided by either public or private sources, and third in the
28 remaining portions of the urban growth areas. Urban growth may also be
29 located in designated new fully contained communities as defined by RCW
30 36.70A.350.

31 (4) In general, cities are the units of local government most
32 appropriate to provide urban governmental services. In general, it is
33 not appropriate that urban governmental services be extended to or
34 expanded in rural areas except in those limited circumstances shown to
35 be necessary to protect basic public health and safety and the
36 environment and when such services are financially supportable at rural
37 densities and do not permit urban development. The extension of urban
38 governmental services including, without limitation, storm and sanitary

1 sewer services, to a facility owned or operated by a public speedway
2 authority and with capacity for not fewer than eighty-three thousand
3 people is necessary to protect basic public health and safety and the
4 environment, provided it is located at least partially within an urban
5 growth area.

6 (5) On or before October 1, 1993, each county that was initially
7 required to plan under RCW 36.70A.040(1) shall adopt development
8 regulations designating interim urban growth areas under this chapter.
9 Within three years and three months of the date the county legislative
10 authority of a county adopts its resolution of intention or of
11 certification by the office of financial management, all other counties
12 that are required or choose to plan under RCW 36.70A.040 shall adopt
13 development regulations designating interim urban growth areas under
14 this chapter. Adoption of the interim urban growth areas may only
15 occur after public notice; public hearing; and compliance with the
16 state environmental policy act, chapter 43.21C RCW, and ((RCW
17 36.70A.110)) this section. Such action may be appealed to the
18 appropriate growth management hearings board under RCW 36.70A.280.
19 Final urban growth areas shall be adopted at the time of comprehensive
20 plan adoption under this chapter.

21 (6) Each county shall include designations of urban growth areas in
22 its comprehensive plan.

23 (7) An urban growth area designated in accordance with this section
24 may include within its boundaries urban service areas or potential
25 annexation areas designated for specific cities or towns within the
26 county.

27 **Sec. 506.** RCW 47.42.025 and 1971 ex.s. c 62 s 2 are each amended
28 to read as follows:

29 SIGNAGE EXEMPTION. The following sections of the scenic and
30 recreational highway system are excluded from the scenic system as
31 defined in ((~~subsection (7) of~~)) RCW 47.42.020(7):

32 (1) Beginning on state route number 101 at the junction with
33 Airport Road north of Shelton, thence north to a point two thousand
34 feet north of Airport Road.

35 (2) Beginning on state route number 101 at the junction with Mill
36 Creek Road south of Forks, thence north two and four-tenths miles to
37 the Calawah River bridge.

1 (3) Beginning on state route number 105 at a point one-half mile
2 southwest of the boundary of Aberdeen, thence northeast to the boundary
3 of Aberdeen.

4 (4) Beginning on state route number 17 at a point nine-tenths of a
5 mile west of Grape Drive in the vicinity of Moses Lake, thence easterly
6 to a junction of Grape Drive.

7 (5) Beginning on state route number 12 at a point one-half mile
8 south of the south boundary of Dayton, thence northerly to the south
9 boundary of Dayton.

10 (6) Beginning on state route number 14 one-half mile west of the
11 west boundary of Bingen, thence east to a point one-half mile east of
12 the east boundary of Bingen.

13 (7) Beginning on state route number 3 at the junction with Old
14 Belfair Highway, thence northeasterly approximately four and
15 nine-tenths miles to a point along state route number 3 adjacent to the
16 northernmost boundary of the Bremerton national airport, for any
17 professional motorsports entertainment and family recreation facility
18 signage. This section of the system shall be excluded from the scenic
19 system but remain subject to any applicable local legal standards
20 concerning signage, to review under chapter 43.21C RCW, and to any
21 requirements imposed for the purpose of mitigating impacts under RCW
22 43.21C.060.

23 **Sec. 507.** RCW 70.107.080 and 1974 ex.s. c 183 s 8 are each amended
24 to read as follows:

25 NOISE. (1) The department shall, in the exercise of rule-making
26 power under this chapter, provide exemptions or specially limited
27 regulations relating to recreational shooting and emergency or law
28 enforcement equipment where appropriate in the interests of public
29 safety.

30 (2) Sounds originating from any professional motorsports
31 entertainment and family recreation facility shall be exempt from rules
32 adopted pursuant to this chapter to the same extent as at existing
33 motor vehicle racing event facilities, and the department shall
34 prepare, publish, and approve rules to this effect within one hundred
35 eighty days of the effective date of this section. Nothing in this
36 subsection shall be deemed to exempt sounds originating from any

1 professional motorsports entertainment and family recreation facility
2 from review under chapter 43.21C RCW or from any requirements imposed
3 for the purpose of mitigating impacts under RCW 43.21C.060.

4 (3) The department, in the development of rules under this chapter,
5 shall consult and take into consideration the land use policies and
6 programs of local government.

7 **Sec. 508.** RCW 39.04.010 and 2000 c 138 s 102 are each amended to
8 read as follows:

9 PUBLIC WORKS PROVISIONS. The term state shall include the state of
10 Washington and all departments, supervisors, commissioners and agencies
11 thereof.

12 The term "municipality" shall include every city, county, town,
13 district or other public agency thereof which is authorized by law to
14 require the execution of public work, except drainage districts, diking
15 districts, diking and drainage improvement districts, drainage
16 improvement districts, diking improvement districts, consolidated
17 diking and drainage improvement districts, consolidated drainage
18 improvement districts, consolidated diking improvement districts,
19 irrigation districts or any such other districts as shall from time to
20 time be authorized by law for the reclamation or development of waste
21 or undeveloped lands.

22 The term "public work" shall include all work, construction,
23 alteration, repair, or improvement other than ordinary maintenance,
24 executed at the cost of the state or of any municipality, or which is
25 by law a lien or charge on any property therein. All public works,
26 including maintenance when performed by contract shall comply with the
27 provisions of RCW 39.12.020. The term does not include work,
28 construction, alteration, repair, or improvement performed under
29 contracts entered into under RCW 36.102.060(4) or under development
30 agreements entered into under RCW 36.102.060(7) or leases entered into
31 under RCW 36.102.060(8). The term does not include work, construction,
32 alteration, repair, or improvement of a professional motorsports
33 entertainment and family recreation facility performed under a
34 development agreement authorized pursuant to section 502(2) of this act
35 or lease authorized pursuant to section 601 of this act or services
36 procured by the lessee or prospective lessee in connection with any
37 such work, construction, alteration, repair, or improvement.

1 The term "contract" shall mean a contract in writing for the
2 execution of public work for a fixed or determinable amount duly
3 awarded after advertisement and competitive bid. However, a contract
4 which is awarded from a small works roster need not be advertised.

5 **Sec. 509.** RCW 84.33.140 and 2005 c 303 s 13 are each amended to
6 read as follows:

7 EXEMPTION FROM FOREST LAND COMPENSATION TAX. (1) When land has
8 been designated as forest land under RCW 84.33.130, a notation of the
9 designation shall be made each year upon the assessment and tax rolls.
10 A copy of the notice of approval together with the legal description or
11 assessor's parcel numbers for the land shall, at the expense of the
12 applicant, be filed by the assessor in the same manner as deeds are
13 recorded.

14 (2) In preparing the assessment roll as of January 1, 2002, for
15 taxes payable in 2003 and each January 1st thereafter, the assessor
16 shall list each parcel of designated forest land at a value with
17 respect to the grade and class provided in this subsection and adjusted
18 as provided in subsection (3) of this section. The assessor shall
19 compute the assessed value of the land using the same assessment ratio
20 applied generally in computing the assessed value of other property in
21 the county. Values for the several grades of bare forest land shall be
22 as follows:

23	LAND	OPERABILITY	VALUES
24	GRADE	CLASS	PER ACRE
25		1	\$234
26	1	2	229
27		3	217
28		4	157
29		1	198
30	2	2	190
31		3	183
32		4	132
33		1	154
34	3	2	149
35		3	148

1		4	113
2		1	117
3	4	2	114
4		3	113
5		4	86
6		1	85
7	5	2	78
8		3	77
9		4	52
10		1	43
11	6	2	39
12		3	39
13		4	37
14		1	21
15	7	2	21
16		3	20
17		4	20
18	8		1

19 (3) On or before December 31, 2001, the department shall adjust by
20 rule under chapter 34.05 RCW, the forest land values contained in
21 subsection (2) of this section in accordance with this subsection, and
22 shall certify the adjusted values to the assessor who will use these
23 values in preparing the assessment roll as of January 1, 2002. For the
24 adjustment to be made on or before December 31, 2001, for use in the
25 2002 assessment year, the department shall:

26 (a) Divide the aggregate value of all timber harvested within the
27 state between July 1, 1996, and June 30, 2001, by the aggregate harvest
28 volume for the same period, as determined from the harvester excise tax
29 returns filed with the department under RCW 84.33.074; and

30 (b) Divide the aggregate value of all timber harvested within the
31 state between July 1, 1995, and June 30, 2000, by the aggregate harvest
32 volume for the same period, as determined from the harvester excise tax
33 returns filed with the department under RCW 84.33.074; and

34 (c) Adjust the forest land values contained in subsection (2) of
35 this section by a percentage equal to one-half of the percentage change
36 in the average values of harvested timber reflected by comparing the
37 resultant values calculated under (a) and (b) of this subsection.

1 (4) For the adjustments to be made on or before December 31, 2002,
2 and each succeeding year thereafter, the same procedure described in
3 subsection (3) of this section shall be followed using harvester excise
4 tax returns filed under RCW 84.33.074. However, this adjustment shall
5 be made to the prior year's adjusted value, and the five-year periods
6 for calculating average harvested timber values shall be successively
7 one year more recent.

8 (5) Land graded, assessed, and valued as forest land shall continue
9 to be so graded, assessed, and valued until removal of designation by
10 the assessor upon the occurrence of any of the following:

11 (a) Receipt of notice from the owner to remove the designation;

12 (b) Sale or transfer to an ownership making the land exempt from ad
13 valorem taxation;

14 (c) Sale or transfer of all or a portion of the land to a new
15 owner, unless the new owner has signed a notice of forest land
16 designation continuance, except transfer to an owner who is an heir or
17 devisee of a deceased owner, shall not, by itself, result in removal of
18 designation. The signed notice of continuance shall be attached to the
19 real estate excise tax affidavit provided for in RCW 82.45.150. The
20 notice of continuance shall be on a form prepared by the department.
21 If the notice of continuance is not signed by the new owner and
22 attached to the real estate excise tax affidavit, all compensating
23 taxes calculated under subsection (11) of this section shall become due
24 and payable by the seller or transferor at time of sale. The auditor
25 shall not accept an instrument of conveyance regarding designated
26 forest land for filing or recording unless the new owner has signed the
27 notice of continuance or the compensating tax has been paid, as
28 evidenced by the real estate excise tax stamp affixed thereto by the
29 treasurer. The seller, transferor, or new owner may appeal the new
30 assessed valuation calculated under subsection (11) of this section to
31 the county board of equalization in accordance with the provisions of
32 RCW 84.40.038. Jurisdiction is hereby conferred on the county board of
33 equalization to hear these appeals;

34 (d) Determination by the assessor, after giving the owner written
35 notice and an opportunity to be heard, that:

36 (i) The land is no longer primarily devoted to and used for growing
37 and harvesting timber. However, land shall not be removed from
38 designation if a governmental agency, organization, or other recipient

1 identified in subsection (13) or (14) of this section as exempt from
2 the payment of compensating tax has manifested its intent in writing or
3 by other official action to acquire a property interest in the
4 designated forest land by means of a transaction that qualifies for an
5 exemption under subsection (13) or (14) of this section. The
6 governmental agency, organization, or recipient shall annually provide
7 the assessor of the county in which the land is located reasonable
8 evidence in writing of the intent to acquire the designated land as
9 long as the intent continues or within sixty days of a request by the
10 assessor. The assessor may not request this evidence more than once in
11 a calendar year;

12 (ii) The owner has failed to comply with a final administrative or
13 judicial order with respect to a violation of the restocking, forest
14 management, fire protection, insect and disease control, and forest
15 debris provisions of Title 76 RCW or any applicable rules under Title
16 76 RCW; or

17 (iii) Restocking has not occurred to the extent or within the time
18 specified in the application for designation of such land.

19 (6) Land shall not be removed from designation if there is a
20 governmental restriction that prohibits, in whole or in part, the owner
21 from harvesting timber from the owner's designated forest land. If
22 only a portion of the parcel is impacted by governmental restrictions
23 of this nature, the restrictions cannot be used as a basis to remove
24 the remainder of the forest land from designation under this chapter.
25 For the purposes of this section, "governmental restrictions" includes:
26 (a) Any law, regulation, rule, ordinance, program, or other action
27 adopted or taken by a federal, state, county, city, or other
28 governmental entity; or (b) the land's zoning or its presence within an
29 urban growth area designated under RCW 36.70A.110.

30 (7) The assessor shall have the option of requiring an owner of
31 forest land to file a timber management plan with the assessor upon the
32 occurrence of one of the following:

33 (a) An application for designation as forest land is submitted; or

34 (b) Designated forest land is sold or transferred and a notice of
35 continuance, described in subsection (5)(c) of this section, is signed.

36 (8) If land is removed from designation because of any of the
37 circumstances listed in subsection (5)(a) through (c) of this section,
38 the removal shall apply only to the land affected. If land is removed

1 from designation because of subsection (5)(d) of this section, the
2 removal shall apply only to the actual area of land that is no longer
3 primarily devoted to the growing and harvesting of timber, without
4 regard to any other land that may have been included in the application
5 and approved for designation, as long as the remaining designated
6 forest land meets the definition of forest land contained in RCW
7 84.33.035.

8 (9) Within thirty days after the removal of designation as forest
9 land, the assessor shall notify the owner in writing, setting forth the
10 reasons for the removal. The seller, transferor, or owner may appeal
11 the removal to the county board of equalization in accordance with the
12 provisions of RCW 84.40.038.

13 (10) Unless the removal is reversed on appeal a copy of the notice
14 of removal with a notation of the action, if any, upon appeal, together
15 with the legal description or assessor's parcel numbers for the land
16 removed from designation shall, at the expense of the applicant, be
17 filed by the assessor in the same manner as deeds are recorded and a
18 notation of removal from designation shall immediately be made upon the
19 assessment and tax rolls. The assessor shall revalue the land to be
20 removed with reference to its true and fair value as of January 1st of
21 the year of removal from designation. Both the assessed value before
22 and after the removal of designation shall be listed. Taxes based on
23 the value of the land as forest land shall be assessed and payable up
24 until the date of removal and taxes based on the true and fair value of
25 the land shall be assessed and payable from the date of removal from
26 designation.

27 (11) Except as provided in subsection (5)(c), (13), or (14) of this
28 section, a compensating tax shall be imposed on land removed from
29 designation as forest land. The compensating tax shall be due and
30 payable to the treasurer thirty days after the owner is notified of the
31 amount of this tax. As soon as possible after the land is removed from
32 designation, the assessor shall compute the amount of compensating tax
33 and mail a notice to the owner of the amount of compensating tax owed
34 and the date on which payment of this tax is due. The amount of
35 compensating tax shall be equal to the difference between the amount of
36 tax last levied on the land as designated forest land and an amount
37 equal to the new assessed value of the land multiplied by the dollar
38 rate of the last levy extended against the land, multiplied by a

1 number, in no event greater than nine, equal to the number of years for
2 which the land was designated as forest land, plus compensating taxes
3 on the land at forest land values up until the date of removal and the
4 prorated taxes on the land at true and fair value from the date of
5 removal to the end of the current tax year.

6 (12) Compensating tax, together with applicable interest thereon,
7 shall become a lien on the land which shall attach at the time the land
8 is removed from designation as forest land and shall have priority to
9 and shall be fully paid and satisfied before any recognizance,
10 mortgage, judgment, debt, obligation, or responsibility to or with
11 which the land may become charged or liable. The lien may be
12 foreclosed upon expiration of the same period after delinquency and in
13 the same manner provided by law for foreclosure of liens for delinquent
14 real property taxes as provided in RCW 84.64.050. Any compensating tax
15 unpaid on its due date shall thereupon become delinquent. From the
16 date of delinquency until paid, interest shall be charged at the same
17 rate applied by law to delinquent ad valorem property taxes.

18 (13) The compensating tax specified in subsection (11) of this
19 section shall not be imposed if the removal of designation under
20 subsection (5) of this section resulted solely from:

21 (a) Transfer to a government entity in exchange for other forest
22 land located within the state of Washington;

23 (b) A taking through the exercise of the power of eminent domain,
24 or sale or transfer to an entity having the power of eminent domain in
25 anticipation of the exercise of such power;

26 (c) A donation of fee title, development rights, or the right to
27 harvest timber, to a government agency or organization qualified under
28 RCW 84.34.210 and 64.04.130 for the purposes enumerated in those
29 sections, or the sale or transfer of fee title to a governmental entity
30 or a nonprofit nature conservancy corporation, as defined in RCW
31 64.04.130, exclusively for the protection and conservation of lands
32 recommended for state natural area preserve purposes by the natural
33 heritage council and natural heritage plan as defined in chapter 79.70
34 RCW or approved for state natural resources conservation area purposes
35 as defined in chapter 79.71 RCW. At such time as the land is not used
36 for the purposes enumerated, the compensating tax specified in
37 subsection (11) of this section shall be imposed upon the current
38 owner;

1 (d) The sale or transfer of fee title to the parks and recreation
2 commission for park and recreation purposes;

3 (e) Official action by an agency of the state of Washington or by
4 the county or city within which the land is located that disallows the
5 present use of the land;

6 (f) The creation, sale, or transfer of forestry riparian easements
7 under RCW 76.13.120;

8 (g) The creation, sale, or transfer of a fee interest or a
9 conservation easement for the riparian open space program under RCW
10 76.09.040;

11 (h) The sale or transfer of land within two years after the death
12 of the owner of at least a fifty percent interest in the land if the
13 land has been assessed and valued as classified forest land, designated
14 as forest land under this chapter, or classified under chapter 84.34
15 RCW continuously since 1993. The date of death shown on a death
16 certificate is the date used for the purposes of this subsection
17 (13)(h); ~~((e))~~

18 (i) The sale or transfer of land after the death of the owner of at
19 least a fifty percent interest in the land if the land has been
20 assessed and valued as classified forest land, designated as forest
21 land under this chapter, or classified under chapter 84.34 RCW
22 continuously since 1993 and the sale or transfer takes place after July
23 22, 2001, and on or before July 22, 2003, and the death of the owner
24 occurred after January 1, 1991. The date of death shown on a death
25 certificate is the date used for the purposes of this subsection
26 (13)(i); or

27 (j) The sale or transfer of land to a public speedway authority for
28 use as a portion of a professional motorsports entertainment and family
29 recreation facility for as long as such land is not covered with an
30 impervious surface. At any time a portion of the land is covered with
31 an impervious surface or is no longer used as a portion of such a
32 facility, the compensating tax shall be imposed on the current owner.

33 (14) In a county with a population of more than one million
34 inhabitants, the compensating tax specified in subsection (11) of this
35 section shall not be imposed if the removal of designation as forest
36 land under subsection (5) of this section resulted solely from:

37 (a) An action described in subsection (13) of this section; or

1 (b) A transfer of a property interest to a government entity, or to
2 a nonprofit historic preservation corporation or nonprofit nature
3 conservancy corporation, as defined in RCW 64.04.130, to protect or
4 enhance public resources, or to preserve, maintain, improve, restore,
5 limit the future use of, or otherwise to conserve for public use or
6 enjoyment, the property interest being transferred. At such time as
7 the property interest is not used for the purposes enumerated, the
8 compensating tax shall be imposed upon the current owner.

9 **Sec. 510.** RCW 76.09.060 and 2005 c 274 s 357 are each amended to
10 read as follows:

11 EXEMPTION FROM FOREST PRACTICES ACT CONVERSION MORATORIA. The
12 following shall apply to those forest practices administered and
13 enforced by the department and for which the board shall promulgate
14 regulations as provided in this chapter:

15 (1) The department shall prescribe the form and contents of the
16 notification and application. The forest practices rules shall specify
17 by whom and under what conditions the notification and application
18 shall be signed or otherwise certified as acceptable. The application
19 or notification shall be delivered in person to the department, sent by
20 first class mail to the department or electronically filed in a form
21 defined by the department. The form for electronic filing shall be
22 readily convertible to a paper copy, which shall be available to the
23 public pursuant to chapter 42.56 RCW. The information required may
24 include, but is not limited to:

25 (a) Name and address of the forest landowner, timber owner, and
26 operator;

27 (b) Description of the proposed forest practice or practices to be
28 conducted;

29 (c) Legal description and tax parcel identification numbers of the
30 land on which the forest practices are to be conducted;

31 (d) Planimetric and topographic maps showing location and size of
32 all lakes and streams and other public waters in and immediately
33 adjacent to the operating area and showing all existing and proposed
34 roads and major tractor roads;

35 (e) Description of the silvicultural, harvesting, or other forest
36 practice methods to be used, including the type of equipment to be used
37 and materials to be applied;

1 (f) Proposed plan for reforestation and for any revegetation
2 necessary to reduce erosion potential from roadsides and yarding roads,
3 as required by the forest practices rules;

4 (g) Soil, geological, and hydrological data with respect to forest
5 practices;

6 (h) The expected dates of commencement and completion of all forest
7 practices specified in the application;

8 (i) Provisions for continuing maintenance of roads and other
9 construction or other measures necessary to afford protection to public
10 resources;

11 (j) An affirmation that the statements contained in the
12 notification or application are true; and

13 (k) All necessary application or notification fees.

14 (2) Long range plans may be submitted to the department for review
15 and consultation.

16 (3) The application for a forest practice or the notification of a
17 Class II forest practice is subject to the three-year reforestation
18 requirement.

19 (a) If the application states that any such land will be or is
20 intended to be so converted:

21 (i) The reforestation requirements of this chapter and of the
22 forest practices rules shall not apply if the land is in fact so
23 converted unless applicable alternatives or limitations are provided in
24 forest practices rules issued under RCW 76.09.070 as now or hereafter
25 amended;

26 (ii) Completion of such forest practice operations shall be deemed
27 conversion of the lands to another use for purposes of chapters 84.33
28 and 84.34 RCW unless the conversion is to a use permitted under a
29 current use tax agreement permitted under chapter 84.34 RCW;

30 (iii) The forest practices described in the application are subject
31 to applicable county, city, town, and regional governmental authority
32 permitted under RCW 76.09.240 as now or hereafter amended as well as
33 the forest practices rules.

34 (b) Except as provided elsewhere in this section, if the
35 application or notification does not state that any land covered by the
36 application or notification will be or is intended to be so converted:

37 (i) For six years after the date of the application the county,
38 city, town, and regional governmental entities shall deny any or all

1 applications for permits or approvals, including building permits and
2 subdivision approvals, relating to nonforestry uses of land subject to
3 the application;

4 (A) The department shall submit to the local governmental entity a
5 copy of the statement of a forest landowner's intention not to convert
6 which shall represent a recognition by the landowner that the six-year
7 moratorium shall be imposed and shall preclude the landowner's ability
8 to obtain development permits while the moratorium is in place. This
9 statement shall be filed by the local governmental entity with the
10 county recording officer, who shall record the documents as provided in
11 chapter 65.04 RCW, except that lands designated as forest lands of
12 long-term commercial significance under chapter 36.70A RCW shall not be
13 recorded due to the low likelihood of conversion. Not recording the
14 statement of a forest landowner's conversion intention shall not be
15 construed to mean the moratorium is not in effect.

16 (B) The department shall collect the recording fee and reimburse
17 the local governmental entity for the cost of recording the
18 application.

19 (C) When harvesting takes place without an application, the local
20 governmental entity shall impose the six-year moratorium provided in
21 (b)(i) of this subsection from the date the unpermitted harvesting was
22 discovered by the department or the local governmental entity.

23 (D) The local governmental entity shall develop a process for
24 lifting the six-year moratorium, which shall include public
25 notification, and procedures for appeals and public hearings.

26 (E) The local governmental entity may develop an administrative
27 process for lifting or waiving the six-year moratorium for the purposes
28 of constructing a single-family residence or outbuildings, or both, on
29 a legal lot and building site. Lifting or waiving of the six-year
30 moratorium is subject to compliance with all local ordinances.

31 (F) The six-year moratorium shall not be imposed on a forest
32 practices application that contains a conversion option harvest plan
33 approved by the local governmental entity unless the forest practice
34 was not in compliance with the approved forest practice permit. Where
35 not in compliance with the conversion option harvest plan, the six-year
36 moratorium shall be imposed from the date the application was approved
37 by the department or the local governmental entity.

1 (G) Any six-year moratorium preventing conversion to nonforestry
2 uses shall be waived as of the date the land subject to the moratorium
3 is purchased or acquired for use as a professional motorsports
4 entertainment and family recreation facility;

5 (ii) Failure to comply with the reforestation requirements
6 contained in any final order or decision shall constitute a removal of
7 designation under the provisions of RCW 84.33.140, and a change of use
8 under the provisions of RCW 84.34.080, and, if applicable, shall
9 subject such lands to the payments and/or penalties resulting from such
10 removals or changes; and

11 (iii) Conversion to a use other than commercial forest product
12 operations within six years after approval of the forest practices
13 without the consent of the county, city, or town shall constitute a
14 violation of each of the county, municipal city, town, and regional
15 authorities to which the forest practice operations would have been
16 subject if the application had so stated.

17 (c) The application or notification shall be signed by the forest
18 landowner and accompanied by a statement signed by the forest landowner
19 indicating his or her intent with respect to conversion and
20 acknowledging that he or she is familiar with the effects of this
21 subsection.

22 (4) Whenever an approved application authorizes a forest practice
23 which, because of soil condition, proximity to a water course or other
24 unusual factor, has a potential for causing material damage to a public
25 resource, as determined by the department, the applicant shall, when
26 requested on the approved application, notify the department two days
27 before the commencement of actual operations.

28 (5) Before the operator commences any forest practice in a manner
29 or to an extent significantly different from that described in a
30 previously approved application or notification, there shall be
31 submitted to the department a new application or notification form in
32 the manner set forth in this section.

33 (6) Except as provided in RCW 76.09.350(4), the notification to or
34 the approval given by the department to an application to conduct a
35 forest practice shall be effective for a term of two years from the
36 date of approval or notification and shall not be renewed unless a new
37 application is filed and approved or a new notification has been filed.
38 At the option of the applicant, an application or notification may be

1 submitted to cover a single forest practice or a number of forest
2 practices within reasonable geographic or political boundaries as
3 specified by the department. An application or notification that
4 covers more than one forest practice may have an effective term of more
5 than two years. The board shall adopt rules that establish standards
6 and procedures for approving an application or notification that has an
7 effective term of more than two years. Such rules shall include
8 extended time periods for application or notification approval or
9 disapproval. On an approved application with a term of more than two
10 years, the applicant shall inform the department before commencing
11 operations.

12 (7) Notwithstanding any other provision of this section, no prior
13 application or notification shall be required for any emergency forest
14 practice necessitated by fire, flood, windstorm, earthquake, or other
15 emergency as defined by the board, but the operator shall submit an
16 application or notification, whichever is applicable, to the department
17 within forty-eight hours after commencement of such practice or as
18 required by local regulations.

19 (8) Forest practices applications or notifications are not required
20 for forest practices conducted to control exotic forest insect or
21 disease outbreaks, when conducted by or under the direction of the
22 department of agriculture in carrying out an order of the governor or
23 director of the department of agriculture to implement pest control
24 measures as authorized under chapter 17.24 RCW, and are not required
25 when conducted by or under the direction of the department in carrying
26 out emergency measures under a forest health emergency declaration by
27 the commissioner of public lands as provided in RCW 76.06.130.

28 (a) For the purposes of this subsection, exotic forest insect or
29 disease has the same meaning as defined in RCW 76.06.020.

30 (b) In order to minimize adverse impacts to public resources,
31 control measures must be based on integrated pest management, as
32 defined in RCW 17.15.010, and must follow forest practices rules
33 relating to road construction and maintenance, timber harvest, and
34 forest chemicals, to the extent possible without compromising control
35 objectives.

36 (c) Agencies conducting or directing control efforts must provide
37 advance notice to the appropriate regulatory staff of the department of

1 the operations that would be subject to exemption from forest practices
2 application or notification requirements.

3 (d) When the appropriate regulatory staff of the department are
4 notified under (c) of this subsection, they must consult with the
5 landowner, interested agencies, and affected tribes, and assist the
6 notifying agencies in the development of integrated pest management
7 plans that comply with forest practices rules as required under (b) of
8 this subsection.

9 (e) Nothing under this subsection relieves agencies conducting or
10 directing control efforts from requirements of the federal clean water
11 act as administered by the department of ecology under RCW 90.48.260.

12 (f) Forest lands where trees have been cut as part of an exotic
13 forest insect or disease control effort under this subsection are
14 subject to reforestation requirements under RCW 76.09.070.

15 (g) The exemption from obtaining approved forest practices
16 applications or notifications does not apply to forest practices
17 conducted after the governor, the director of the department of
18 agriculture, or the commissioner of public lands have declared that an
19 emergency no longer exists because control objectives have been met,
20 that there is no longer an imminent threat, or that there is no longer
21 a good likelihood of control.

22 **PART VI**

23 **LEASE AND OPERATION OF FACILITY**

24 NEW SECTION. **Sec. 601.** LEASE OF FACILITY. In consideration for
25 the public funding provided for the acquisition of a site for and the
26 financing, permitting, design, development, and construction of a
27 facility, a lessee shall enter into a binding and legally enforceable
28 sole master tenant lease agreement with the public speedway authority
29 for the management and operation of the facility, which includes
30 without limitation the following terms:

- 31 (1) The term of the lease shall be not less than fifty years.
- 32 (2) The lessee shall pay reasonable rent and assume risk, legal
33 liability, and responsibility for costs associated with maintaining and
34 operating the facility. As used in this subsection, "reasonable rent"
35 is solely intended to fund the reasonable annual operating expenses of
36 the public speedway authority, including a reasonable operating expense

1 reserve. Rents paid in excess of actual operating expenses of the
2 public speedway authority shall be committed to funding capital
3 improvements to the facility undertaken pursuant to plans approved by
4 the public speedway authority and the lessee.

5 (3) The lessee shall, at its own expense, maintain, provide major
6 repairs and renovations of, and operate the facility in a first-class
7 manner consistent with any standards or requirements of NASCAR or other
8 nationally recognized motorsports sanctioning bodies to ensure the
9 continuous and uninterrupted suitability of the facility as a viable
10 venue for hosting nationally recognized, top tier professional
11 motorsports events.

12 (4) The lessee shall make and participate financially in capital
13 improvements necessary to ensure the continuous and uninterrupted
14 suitability of the facility as a viable venue for hosting nationally
15 recognized, top tier professional motorsports events.

16 (5) The lessee shall have the authority to sublease and enter into
17 use, license, naming rights, and concession agreements with various
18 lessees, users, licensees, or concessionaires of the facility. The
19 lessee shall have the right to retain all revenues derived from the
20 operation of the facility, including revenues from any sublease, use,
21 license, naming rights, and concession agreements, revenues from
22 concessions, ticket sales, suite rentals, suite and seat licenses,
23 advertising, parking, signage, and intellectual property rights.

24 (6) The lessee shall host at least two major motorsports event
25 weekends annually if the sales and use tax credit under section 401 of
26 this act is in effect and the lessee is not prevented from doing so by
27 a force majeure event. The lessee and its parent company shall use
28 their good faith best efforts to secure as one of the two major
29 motorsports event weekends hosted annually at the facility a NASCAR
30 Nextel Cup event or an event in NASCAR's then-comparable successor
31 premier national series beginning in the initial year of operation of
32 the facility.

33 (7) If the sales and use tax credit under section 401 of this act
34 is in effect, the lessee or any parent, corporate affiliate or
35 successor, successor in interest, or other entity in any way related to
36 the lessee shall not petition, support, or condone a proposal or
37 decision of the sanctioning body of any nationally recognized, top tier
38 professional motorsports event anchoring either of the two major

1 motorsports event weekends at the facility required under subsection
2 (6) of this section to move, realign, or otherwise deprive the facility
3 of such event. The lessee may seek to replace an event only if it can
4 demonstrate to the satisfaction of the office of financial management
5 that a substitute nationally recognized, top tier professional
6 motorsports event is capable of producing a higher level of economic
7 activity, including without limitation paid attendance by out-of-state
8 visitors, than the event on which public support for the development of
9 the facility in the state was based. The loss of any nationally
10 recognized, top tier professional motorsports event anchoring a major
11 motorsports event weekend at the facility required under subsection (6)
12 of this section while the sales and use tax credit under section 401 of
13 this act is in effect shall be replaced by the lessee with a comparable
14 or superior nationally recognized, top tier professional motorsports
15 event.

16 (8) If the sales and use tax credit under section 401 of this act
17 is in effect, the lessee or any parent, corporate affiliate or
18 successor, successor in interest, or other entity in any way related to
19 the lessee shall not develop, own, or operate or participate in the
20 development, ownership, or operation of any other professional
21 motorsports entertainment and family recreation facility to host
22 nationally recognized, top tier professional motorsports events within
23 five hundred miles of the facility.

24 (9) The lessee shall be required, subject to its rights under the
25 lease agreement to use the site for professional motorsports
26 entertainment and family recreation, to make the facility available for
27 community, charitable, recreation, and other activities, such as family
28 recreation and social events, local and regional business functions,
29 arts events, emergency services, and public safety training, on a fee
30 or nonfee basis as appropriate and to the extent that such activities
31 are consistent with use of the facility for professional motorsports
32 events; shall be required to use reasonable efforts to allow for
33 meaningful, noncommercial opportunities for the promotion of Washington
34 state tourism, trade, and generic products when the facility is not
35 otherwise in use; and shall be required to use reasonable efforts to
36 provide opportunities for local not-for-profit organizations to
37 participate in facility use and operation of concessions during
38 professional motorsports events.

1 (10) The lessee shall assume responsibility for payment of sales
2 and use taxes deferred under section 503 of this act when the deferred
3 taxes become due and payable by the public speedway authority.

4 (11) Violations by the lessee of its material obligations under
5 the lease shall be considered defaults under the lease subject to such
6 remedies and reasonable opportunities to cure as the lease may provide.
7 Damages received by the public speedway authority resulting from the
8 lessee's default on its obligation to annually host two major
9 motorsports event weekends shall be applied by the public speedway
10 authority to pay or provide for the early retirement of bonds issued
11 pursuant to section 403 of this act.

12 **Sec. 602.** RCW 82.29A.130 and 2005 c 514 s 601 and 2005 c 170 s 1
13 are each reenacted and amended to read as follows:

14 LEASEHOLD EXCISE TAX EXEMPTION. The following leasehold interests
15 shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and
16 82.29A.040:

17 (1) All leasehold interests constituting a part of the operating
18 properties of any public utility which is assessed and taxed as a
19 public utility pursuant to chapter 84.12 RCW.

20 (2) All leasehold interests in facilities owned or used by a
21 school, college or university which leasehold provides housing for
22 students and which is otherwise exempt from taxation under provisions
23 of RCW 84.36.010 and 84.36.050.

24 (3) All leasehold interests of subsidized housing where the fee
25 ownership of such property is vested in the government of the United
26 States, or the state of Washington or any political subdivision thereof
27 but only if income qualification exists for such housing.

28 (4) All leasehold interests used for fair purposes of a nonprofit
29 fair association that sponsors or conducts a fair or fairs which
30 receive support from revenues collected pursuant to RCW 67.16.100 and
31 allocated by the director of the department of agriculture where the
32 fee ownership of such property is vested in the government of the
33 United States, the state of Washington, or any of its political
34 subdivisions(~~(~~~~PROVIDED, That~~~~)~~). This exemption shall not apply to
35 the leasehold interest of any sublessee of such nonprofit fair
36 association if such leasehold interest would be taxable if it were the
37 primary lease.

1 (5) All leasehold interests in any property of any public entity
2 used as a residence by an employee of that public entity who is
3 required as a condition of employment to live in the publicly owned
4 property.

5 (6) All leasehold interests held by enrolled Indians of lands owned
6 or held by any Indian or Indian tribe where the fee ownership of such
7 property is vested in or held in trust by the United States and which
8 are not subleased to other than to a lessee which would qualify
9 pursuant to this chapter, RCW 84.36.451 and 84.40.175.

10 (7) All leasehold interests in any real property of any Indian or
11 Indian tribe, band, or community that is held in trust by the United
12 States or is subject to a restriction against alienation imposed by the
13 United States(~~(+ PROVIDED, That)~~). This exemption shall apply only
14 where it is determined that contract rent paid is greater than or equal
15 to ninety percent of fair market rental, to be determined by the
16 department of revenue using the same criteria used to establish taxable
17 rent in RCW 82.29A.020(2)(b).

18 (8) All leasehold interests for which annual taxable rent is less
19 than two hundred fifty dollars per year. For purposes of this
20 subsection leasehold interests held by the same lessee in contiguous
21 properties owned by the same lessor shall be deemed a single leasehold
22 interest.

23 (9) All leasehold interests which give use or possession of the
24 leased property for a continuous period of less than thirty days(~~(+ PROVIDED, That)~~). For purposes of this subsection, successive leases
25 or lease renewals giving substantially continuous use of possession of
26 the same property to the same lessee shall be deemed a single leasehold
27 interest(~~(+ PROVIDED FURTHER, That)~~). No leasehold interest shall be
28 deemed to give use or possession for a period of less than thirty days
29 solely by virtue of the reservation by the public lessor of the right
30 to use the property or to allow third parties to use the property on an
31 occasional, temporary basis.

32 (10) All leasehold interests under month-to-month leases in
33 residential units rented for residential purposes of the lessee pending
34 destruction or removal for the purpose of constructing a public highway
35 or building.

36 (11) All leasehold interests in any publicly owned real or personal
37 property to the extent such leasehold interests arises solely by virtue
38

1 of a contract for public improvements or work executed under the public
2 works statutes of this state or of the United States between the public
3 owner of the property and a contractor.

4 (12) All leasehold interests that give use or possession of state
5 adult correctional facilities for the purposes of operating
6 correctional industries under RCW 72.09.100.

7 (13) All leasehold interests used to provide organized and
8 supervised recreational activities for (~~disabled persons~~) individuals
9 with disabilities of all ages in a camp facility and for public
10 recreational purposes by a nonprofit organization, association, or
11 corporation that would be exempt from property tax under RCW
12 84.36.030(1) if it owned the property. If the publicly owned property
13 is used for any taxable purpose, the leasehold excise taxes set forth
14 in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be
15 apportioned accordingly.

16 (14) All leasehold interests in the public or entertainment areas
17 of a baseball stadium with natural turf and a retractable roof or
18 canopy that is in a county with a population of over one million, that
19 has a seating capacity of over forty thousand, and that is constructed
20 on or after January 1, 1995. "Public or entertainment areas" include
21 ticket sales areas, ramps and stairs, lobbies and concourses, parking
22 areas, concession areas, restaurants, hospitality and stadium club
23 areas, kitchens or other work areas primarily servicing other public or
24 entertainment areas, public rest room areas, press and media areas,
25 control booths, broadcast and production areas, retail sales areas,
26 museum and exhibit areas, scoreboards or other public displays, storage
27 areas, loading, staging, and servicing areas, seating areas and suites,
28 the playing field, and any other areas to which the public has access
29 or which are used for the production of the entertainment event or
30 other public usage, and any other personal property used for these
31 purposes. "Public or entertainment areas" does not include locker
32 rooms or private offices exclusively used by the lessee.

33 (15) All leasehold interests in the public or entertainment areas
34 of a stadium and exhibition center, as defined in RCW 36.102.010, that
35 is constructed on or after January 1, 1998. For the purposes of this
36 subsection, "public or entertainment areas" has the same meaning as in
37 subsection (14) of this section, and includes exhibition areas.

1 (16) All leasehold interests in public facilities districts, as
2 provided in chapter 36.100 or 35.57 RCW.

3 (17) All leasehold interests in property that is: (a) Owned by a
4 municipal corporation; (b) listed on any federal or state register of
5 historical sites; and (c) wholly contained within a designated national
6 historic reserve under 16 U.S.C. Sec. 461.

7 (18) All leasehold interests in the public or entertainment areas
8 of an amphitheater if a private entity is responsible for one hundred
9 percent of the cost of constructing the amphitheater which is not
10 reimbursed by the public owner, both the public owner and the private
11 lessee sponsor events at the facility on a regular basis, the lessee is
12 responsible under the lease or agreement to operate and maintain the
13 facility, and the amphitheater has a seating capacity of over seventeen
14 thousand reserved and general admission seats and is in a county with
15 a population of over three hundred fifty thousand, but less than four
16 hundred twenty-five thousand. For the purposes of this subsection,
17 "public or entertainment areas" include box offices or other ticket
18 sales areas, entrance gates, ramps and stairs, lobbies and concourses,
19 parking areas, concession areas, restaurants, hospitality areas,
20 kitchens or other work areas primarily servicing other public or
21 entertainment areas, public rest room areas, press and media areas,
22 control booths, broadcast and production areas, retail sales areas,
23 museum and exhibit areas, scoreboards or other public displays, storage
24 areas, loading, staging, and servicing areas, seating areas including
25 lawn seating areas and suites, stages, and any other areas to which the
26 public has access or which are used for the production of the
27 entertainment event or other public usage, and any other personal
28 property used for these purposes. "Public or entertainment areas" does
29 not include office areas used predominately by the lessee.

30 (19) All leasehold interests in the public or entertainment areas
31 of a professional motorsports entertainment and family recreation
32 facility that is constructed on or after January 1, 2007. For the
33 purposes of this subsection, "public or entertainment areas" include
34 ticket sales areas, ramps and stairs, lobbies and concourses, parking
35 areas, recreational vehicle camping areas, concession areas
36 restaurants, hospitality and club areas, kitchens and other work and
37 maintenance areas servicing other public or entertainment areas, public
38 restroom areas, press and media areas, control towers and booths,

1 broadcast and production areas, retail sales areas, museum and exhibit
2 areas, scoreboards and other public displays, storage areas, loading,
3 staging, and servicing areas, seating areas and suites, the closed-
4 course speedway, open space, and any other areas to which the public
5 has access or which are used for the production of the entertainment
6 event or other public usage, and any other personal property used for
7 these purposes. "Public or entertainment areas" does not include
8 private offices or other areas exclusively used by the lessee.

9 NEW SECTION. Sec. 603. PAYMENTS IN LIEU OF TAXES. A public
10 speedway authority shall make annual payments in lieu of property taxes
11 to any host jurisdiction, fire protection district, regional fire
12 protection service authority, emergency medical service district, urban
13 emergency medical service district, or other taxing district in an
14 amount equal to the property taxes that would be payable with respect
15 to the property were it not owned by a municipal corporation.

16 **Sec. 604.** RCW 36.94.020 and 1997 c 447 s 11 are each amended to
17 read as follows:

18 (1) The construction, operation, and maintenance of a system of
19 sewerage and/or water is a county purpose. Subject to the provisions
20 of this chapter, every county has the power, individually or in
21 conjunction with another county or counties to adopt, provide for,
22 accept, establish, condemn, purchase, construct, add to, operate, and
23 maintain a system or systems of sanitary and storm sewers, including
24 outfalls, interceptors, plans, and facilities and services necessary
25 for sewerage treatment and disposal, and/or system or systems of water
26 supply within all or a portion of the county. However, counties shall
27 not have power to condemn sewerage and/or water systems of any
28 municipal corporation or private utility.

29 (2) A county may provide sewer service within ten miles outside of
30 its corporate limits to a professional motorsports entertainment and
31 family recreation facility, provided that another municipal corporation
32 is not already furnishing sewerage service to the facility.

33 (3) Such county or counties shall have the authority to control,
34 regulate, operate, and manage such system or systems and to provide
35 funds therefor by general obligation bonds, revenue bonds, local
36 improvement district bonds, utility local improvement district or local

1 improvement district assessments, and in any other lawful fiscal
2 manner. Rates or charges for on-site inspection and maintenance
3 services may not be imposed under this chapter on the development,
4 construction, or reconstruction of property.

5 (4) Under this chapter, after July 1, 1998, any requirements for
6 pumping the septic tank of an on-site sewage system should be based,
7 among other things, on actual measurement of accumulation of sludge and
8 scum by a trained inspector, trained owner's agent, or trained owner.
9 Training must occur in a program approved by the state board of health
10 or by a local health officer.

11 Before adopting on-site inspection and maintenance utility
12 services, or incorporating residences into an on-site inspection and
13 maintenance or sewer utility under this chapter, notification must be
14 provided, prior to the applicable public hearing, to all residences
15 within the proposed service area that have on-site systems permitted by
16 the local health officer. The notice must clearly state that the
17 residence is within the proposed service area and must provide
18 information on estimated rates or charges that may be imposed for the
19 service.

20 A county shall not provide on-site sewage system inspection,
21 pumping services, or other maintenance or repair services under this
22 section using county employees unless the on-site system is connected
23 by a publicly owned collection system to the county's sewerage system,
24 and the on-site system represents the first step in the sewage disposal
25 process. Nothing in this section shall affect the authority of a state
26 or local health officer to carry out their responsibilities under any
27 other applicable law.

28 (5) A county may, as part of a system of sewerage established under
29 this chapter, provide for, finance, and operate any of the facilities
30 and services and may exercise the powers expressly authorized for
31 county storm water, flood control, pollution prevention, and drainage
32 services and activities under chapters 36.89, 86.12, 86.13, and 86.15
33 RCW. A county also may provide for, finance, and operate the
34 facilities and services and may exercise any of the powers authorized
35 for aquifer protection areas under chapter 36.36 RCW; for lake
36 management districts under chapter 36.61 RCW; for diking districts, and
37 diking, drainage, and sewerage improvement districts under chapters
38 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection

1 districts under chapter 90.72 RCW. However, if a county by reference
2 to any of those statutes assumes as part of its system of sewerage any
3 powers granted to such areas or districts and not otherwise available
4 to a county under this chapter, then (1) the procedures and
5 restrictions applicable to those areas or districts apply to the
6 county's exercise of those powers, and (2) the county may not
7 simultaneously impose rates and charges under this chapter and under
8 the statutes authorizing such areas or districts for substantially the
9 same facilities and services, but must instead impose uniform rates and
10 charges consistent with RCW 36.94.140. By agreement with such an area
11 or district that is not part of a county's system of sewerage, a county
12 may operate that area's or district's services or facilities, but a
13 county may not dissolve any existing area or district except in
14 accordance with any applicable provisions of the statute under which
15 that area or district was created.

16 **Sec. 605.** RCW 36.94.030 and 1981 c 313 s 15 are each amended to
17 read as follows:

18 Whenever the county legislative authority deems it advisable and
19 necessary for the public health and welfare of the inhabitants of the
20 county to establish, purchase, acquire, and construct a system of
21 sewerage and/or water, or make any additions and betterments thereto,
22 or extensions thereof, the board shall adopt a sewerage and/or water
23 general plan for a system of sewerage and/or water for all or a portion
24 of the county as deemed necessary by the board, and for a system of
25 sewerage service to a professional motorsports entertainment and family
26 recreation facility as permitted by RCW 36.94.020. If the county has
27 adopted a comprehensive plan for a physical development of the county
28 pursuant to chapter 36.70 RCW and/or chapter 35.63 RCW, then the
29 sewerage and/or water general plan shall be adopted as an element of
30 that comprehensive plan pursuant to the applicable statute.

31 **Sec. 606.** RCW 35.91.020 and 2006 c 88 s 2 are each amended to read
32 as follows:

33 (1)(a) Except as provided under subsection (2) of this section, the
34 governing body of any city, town, county, water-sewer district, or
35 drainage district, hereinafter referred to as a "municipality" may
36 contract with owners of real estate for the construction of storm,

1 sanitary, or combination sewers, pumping stations, and disposal plants,
2 water mains, hydrants, reservoirs, or appurtenances, hereinafter called
3 "water or sewer facilities," within their boundaries or (except for
4 counties) within ten miles from their corporate limits connecting with
5 the public water or sewerage system to serve the area in which the real
6 estate of such owners is located, and to provide for a period of not to
7 exceed fifteen years for the reimbursement of such owners and their
8 assigns by any owner of real estate who did not contribute to the
9 original cost of such water or sewer facilities and who subsequently
10 tap onto or use the same of a fair pro rata share of the cost of the
11 construction of said water or sewer facilities, including not only
12 those directly connected thereto, but also users connected to laterals
13 or branches connecting thereto, subject to such reasonable rules and
14 regulations as the governing body of such municipality may provide or
15 contract, and notwithstanding the provisions of any other law.

16 (b) Notwithstanding any limitation on counties in (a) of this
17 subsection, a county may contract with a public speedway authority or
18 its lessee for the construction of water or sewer facilities within ten
19 miles of its corporate limits connecting with the county's public
20 sewerage system to service a professional motorsports entertainment and
21 family recreation facility, and to provide for a period of not to
22 exceed fifteen years for the reimbursement of the authority or its
23 lessee and their assigns by any owner of real estate who did not
24 contribute to the original cost of such sewer facilities and who
25 subsequently tap onto or use the same of a fair pro rata share of the
26 cost of the construction of said sewer facilities, including not only
27 those directly connected thereto, but also users connected to laterals
28 or branches connecting thereto, subject to such reasonable rules and
29 regulations as the governing body of such county may provide or
30 contract.

31 (2)(a) The contract may provide for an extension of the
32 fifteen-year reimbursement period for a time not to exceed the duration
33 of any moratorium, phasing ordinance, concurrency designation, or other
34 governmental action that prevents making applications for, or the
35 approval of, any new development within the benefit area for a period
36 of six months or more.

37 (b) Upon the extension of the reimbursement period pursuant to (a)
38 of this subsection, the contract must specify the duration of the

1 contract extension and must be filed and recorded with the county
2 auditor. Property owners who are subject to the reimbursement
3 obligations under subsection (1) of this section shall be notified by
4 the contracting municipality of the extension filed under this
5 subsection.

6 (3) Each contract shall include a provision requiring that every
7 two years from the date the contract is executed a property owner
8 entitled to reimbursement under this section provide the contracting
9 municipality with information regarding the current contract name,
10 address, and telephone number of the person, company, or partnership
11 that originally entered into the contract. If the property owner fails
12 to comply with the notification requirements of this subsection within
13 sixty days of the specified time, then the contracting municipality may
14 collect any reimbursement funds owed to the property owner under the
15 contract. Such funds must be deposited in the capital fund of the
16 municipality.

17 (4) To the extent it may require in the performance of such
18 contract, such municipality may install said water or sewer facilities
19 in and along the county streets in the area to be served as hereinabove
20 provided, subject to such reasonable requirements as to the manner of
21 occupancy of such streets as the county may by resolution provide. The
22 provisions of such contract shall not be effective as to any owner of
23 real estate not a party thereto unless such contract has been recorded
24 in the office of the county auditor of the county in which the real
25 estate of such owner is located prior to the time such owner taps into
26 or connects to said water or sewer facilities.

27 **Sec. 607.** RCW 84.34.037 and 1992 c 69 s 6 are each amended to read
28 as follows:

29 (1) Applications for classification or reclassification under RCW
30 84.34.020(1) shall be made to the county legislative authority. An
31 application made for classification or reclassification of land under
32 RCW 84.34.020(1) (b) and (c) which is in an area subject to a
33 comprehensive plan shall be acted upon in the same manner in which an
34 amendment to the comprehensive plan is processed. Application made for
35 classification of land which is in an area not subject to a
36 comprehensive plan shall be acted upon after a public hearing and after
37 notice of the hearing shall have been given by one publication in a

1 newspaper of general circulation in the area at least ten days before
2 the hearing: PROVIDED, That applications for classification of land in
3 an incorporated area shall be acted upon by a granting authority
4 composed of three members of the county legislative body and three
5 members of the city legislative body in which the land is located.

6 (2) In determining whether an application made for classification
7 or reclassification under RCW 84.34.020(1) (b) and (c) should be
8 approved or disapproved, the granting authority may take cognizance of
9 the benefits to the general welfare of preserving the current use of
10 the property which is the subject of application, and shall consider:

11 (a) The resulting revenue loss or tax shift;

12 (b) Whether granting the application for land applying under RCW
13 84.34.020(1)(b) will (i) conserve or enhance natural, cultural, or
14 scenic resources, (ii) protect streams, stream corridors, wetlands,
15 natural shorelines and aquifers, (iii) protect soil resources and
16 unique or critical wildlife and native plant habitat, (iv) promote
17 conservation principles by example or by offering educational
18 opportunities, (v) enhance the value of abutting or neighboring parks,
19 forests, wildlife preserves, nature reservations, sanctuaries, or other
20 open spaces, (vi) enhance recreation opportunities, (vii) preserve
21 historic and archaeological sites, (viii) preserve visual quality along
22 highway, road, and street corridors or scenic vistas, (ix) affect any
23 other factors relevant in weighing benefits to the general welfare of
24 preserving the current use of the property; and

25 (c) Whether granting the application for land applying under RCW
26 84.34.020(1)(c) will (i) either preserve land previously classified
27 under RCW 84.34.020(2) or preserve land that is traditional farmland
28 and not classified under chapter 84.33 or 84.34 RCW, (ii) preserve land
29 with a potential for returning to commercial agriculture, and (iii)
30 affect any other factors relevant in weighing benefits to the general
31 welfare of preserving the current use of property.

32 (3) If a public benefit rating system is adopted under RCW
33 84.34.055, the county legislative authority shall rate property for
34 which application for classification has been made under RCW
35 84.34.020(1) (b) and (c) according to the public benefit rating system
36 in determining whether an application should be approved or
37 disapproved, but when such a system is adopted, open space properties

1 then classified under this chapter which do not qualify under the
2 system shall not be removed from classification but may be rated
3 according to the public benefit rating system.

4 (4) The granting authority may approve the application with respect
5 to only part of the land which is the subject of the application. If
6 any part of the application is denied, the applicant may withdraw the
7 entire application. The granting authority in approving in part or
8 whole an application for land classified or reclassified pursuant to
9 RCW 84.34.020(1) may also require that certain conditions be met,
10 including but not limited to the granting of easements. As a condition
11 of granting open space classification, the legislative body may not
12 require public access on land classified under RCW 84.34.020(1)(b)(iii)
13 for the purpose of promoting conservation of wetlands.

14 (5) The granting authority shall approve an application for open
15 space classification for any portion of a property used for a
16 professional motorsports entertainment and family recreation facility
17 that is (a) not covered with impervious surface and (b) maintained in
18 a condition consistent with the open space designation, including
19 without limitation portions used for activities such as recreation,
20 temporary parking for events, storm water management, wetlands, and
21 wetland buffers.

22 (6) The granting or denial of the application for current use
23 classification or reclassification is a legislative determination and
24 shall be reviewable only for arbitrary and capricious actions.

25 **PART VII**
26 **MISCELLANEOUS**

27 **Sec. 701.** RCW 36.96.010 and 1999 c 153 s 50 are each amended to
28 read as follows:

29 As used in this chapter, unless the context requires otherwise:

30 (1) "Special purpose district" means every municipal and quasi-
31 municipal corporation other than counties, cities, and towns. Such
32 special purpose districts shall include, but are not limited to, water-
33 sewer districts, fire protection districts, port districts, public
34 utility districts, county park and recreation service areas, flood
35 control zone districts, diking districts, drainage improvement
36 districts, public speedway authorities, and solid waste collection

1 districts, but shall not include industrial development districts
2 created by port districts, and shall not include local improvement
3 districts, utility local improvement districts, and road improvement
4 districts;

5 (2) "Governing authority" means the commission, council, or other
6 body which directs the affairs of a special purpose district;

7 (3) "Inactive" means that a special purpose district, other than a
8 public utility district, is characterized by either of the following
9 criteria:

10 (a) Has not carried out any of the special purposes or functions
11 for which it was formed within the preceding consecutive five-year
12 period; or

13 (b) No election has been held for the purpose of electing a member
14 of the governing body within the preceding consecutive seven-year
15 period or, in those instances where members of the governing body are
16 appointed and not elected, where no member of the governing body has
17 been appointed within the preceding seven-year period.

18 A public utility district is inactive when it is characterized by
19 both criteria (a) and (b) of this subsection.

20 NEW SECTION. **Sec. 702.** APPLICABILITY OF PUBLIC LAWS. A public
21 speedway authority, its officers, and the board of directors, created
22 under this act, are subject to the general laws regulating local
23 governments and local governmental officials including, but not limited
24 to, the requirement to be audited by the state auditor and various
25 accounting requirements under chapter 43.09 RCW, the open public record
26 requirements under chapter 42.17 RCW, the prohibition on using its
27 facilities for campaign purposes under RCW 42.17.130, the open public
28 meetings law under chapter 42.30 RCW, the code of ethics for municipal
29 officers under chapter 42.23 RCW, and the local government
30 whistleblower law under chapter 42.41 RCW.

31 NEW SECTION. **Sec. 703.** No direct or collateral attack on any
32 public speedway authority purported to be authorized or created in
33 conformance with this chapter may be commenced more than thirty days
34 after creation.

1 preservation of the public peace, health, or safety, or support of the
2 state government and its existing public institutions, and takes effect
3 July 1, 2007.

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