

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 560

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO URBAN RENEWAL LAW; REPEALING CHAPTER 20, TITLE 50, IDAHO CODE,
2 RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2904, IDAHO CODE,
3 TO REMOVE LANGUAGE REFERRING TO URBAN RENEWAL PLANS; REPEALING SEC-
4 TION 50-2905, IDAHO CODE, RELATING TO RECOMMENDATION OF URBAN RENEWAL
5 AGENCY; PROVIDING FOR THE ASSUMPTION OF FIDUCIARY RESPONSIBILITY AND
6 THE RETURN OF CERTAIN UNEXPENDED MONEYS; AND DECLARING AN EMERGENCY.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 20, Title 50, Idaho Code, be, and the same is
10 hereby repealed.

11 SECTION 2. That Section 50-2904, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 50-2904. AUTHORITY TO CREATE REVENUE ALLOCATION AREA. An authorized
14 municipality is hereby authorized and empowered to adopt, at any time, a rev-
15 enue allocation financing provision, as described in this chapter, as part
16 of ~~an urban renewal plan or a~~ competitively disadvantaged border community
17 area ordinance. A revenue allocation financing provision may be adopted ei-
18 ther at the time of the ~~original adoption of an urban renewal plan or the~~ cre-
19 ation by ordinance of a competitively disadvantaged border community area or
20 thereafter as a modification of ~~an urban renewal plan or the~~ ordinance cre-
21 ating the competitively disadvantaged border community area. ~~Urban renewal~~
22 ~~plans existing prior to the effective date of this section may be modified~~
23 ~~to include a revenue allocation financing provision.~~ Except as provided in
24 subsections (1), (2), (3) and (4) of this section, no revenue allocation pro-
25 vision of ~~an urban renewal plan or a~~ competitively disadvantaged border com-
26 munity area ordinance, including all amendments thereto, shall have a dura-
27 tion exceeding twenty (20) years from the date the ordinance is approved by
28 the municipality; and provided further, no additions to the land area of an
29 existing revenue allocation area shall be interpreted to or shall cause an
30 extension of the date of the twenty (20) year limit that was originally es-
31 tablished for the revenue allocation area. Notwithstanding these limita-
32 tions, the duration of the revenue allocation financing provision may be ex-
33 tended if:

34 (1) The maturity date of any bonds issued to provide funds for a spe-
35 cific project in the revenue allocation area and payable from the revenue al-
36 location financing provision exceeds the duration of the revenue allocation
37 financing provision, provided such bond maturity is not greater than twenty
38 (20) years; or

39 (2) The urban renewal agency determines that it is necessary to refi-
40 nance outstanding bonds payable from the revenue allocation financing pro-

1 vision to a maturity exceeding the twenty (20) year duration of the revenue
2 allocation financing provision in order to avoid a default on the bonds; or

3 (3) The local governing body has adopted ~~an urban renewal plan or a com-~~
4 ~~petitively disadvantaged border community area ordinance or an amendment to~~
5 ~~an urban renewal plan or a~~ competitively disadvantaged border community area
6 ordinance prior to July 1, 2000, in which is defined the duration of the plan
7 beyond a period of twenty (20) years, in which case the revenue allocation
8 provision shall have a duration as described in such ~~urban renewal plan or~~
9 competitively disadvantaged border community area ordinance or may be ex-
10 tended as set forth in subsection (2) of this section; and

11 (4) The local governing body has adopted ~~an urban renewal plan or a com-~~
12 ~~petitively disadvantaged border community area ordinance or an amendment to~~
13 ~~an urban renewal plan or a~~ competitively disadvantaged border community area
14 ordinance after July 1, 2000, and prior to July 1, 2011, in which is defined
15 the duration of the plan beyond a period of twenty (20) years in which case
16 the revenue allocation provision shall have a duration as described in such
17 ~~urban renewal plan or~~ competitively disadvantaged border community area
18 ordinance. The duration of the revenue allocation financing provision set
19 forth in this subsection may be extended if the maturity date of any bonds
20 issued to provide funds for a specific project in the revenue allocation
21 area and payable from the revenue allocation financing provision exceeds the
22 duration of the revenue allocation financing provision, provided such bond
23 maturity is not greater than thirty (30) years or may be extended as set forth
24 in subsection (2) of this section.

25 (5) During the extension set forth in subsections (1), (2), (3) and (4)
26 of this section, any revenue allocation area revenues exceeding the amount
27 necessary to repay the bonds during the period exceeding the maximum year ma-
28 turity of the revenue allocation financing provision shall be returned to
29 the taxing districts in the revenue allocation area on a pro rata basis.

30 SECTION 3. That Section [50-2905](#), Idaho Code, be, and the same is hereby
31 repealed.

32 SECTION 4. The repeal of Chapter 20, Title 50, Idaho Code, as provided
33 for in Section 1 of this act, and the amendments to Section 50-2904, Idaho
34 Code, as provided for in Section 2 of this act, and the repeal of Section
35 50-2905, Idaho Code, as provided for in Section 3 of this act, shall have no
36 effect on any obligations or liabilities incurred by an agency established
37 pursuant to the provisions of Chapter 20, Title 50, Idaho Code, or incurred
38 by such agency pursuant to the provisions of Chapter 29, Title 50, Idaho
39 Code, prior to the passage and approval of this act. Provided however, that
40 such obligations or liabilities shall have been incurred by such agency
41 prior to the passage and approval of this act. The appropriate local govern-
42 ing body shall assume the fiduciary responsibility of such agency and shall
43 ensure that any such obligations or liabilities are appropriately retired in
44 a manner consistent with the terms under which such obligations and liabil-
45 ities were incurred. Any urban renewal area revenues collected that exceed
46 the amount necessary for the urban renewal agency to meet its existing fi-
47 nancial obligations, including those incurred under the urban renewal plan,
48 competitively disadvantaged border community area ordinance, revenue allo-

1 cation bonds, agreements or other financial obligations of the urban renewal
2 agency, shall be disbursed to the taxing districts on a pro rata basis.

3 SECTION 5. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after its
5 passage and approval.