

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 171, As Amended

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO WATERCOURSES AND PORT DISTRICTS; AMENDING SECTION 70-2201,
2 IDAHO CODE, TO REVISE PROVISIONS REGARDING COUNTY-BASED OR CITY-BASED
3 INTERMODAL COMMERCE AUTHORITY; AMENDING SECTION 70-2206, IDAHO CODE,
4 TO REVISE PROVISIONS REGARDING GENERAL POWERS OF A COUNTY-BASED OR
5 CITY-BASED INTERMODAL COMMERCE AUTHORITY AND TO MAKE A TECHNICAL COR-
6 RECTION; AMENDING CHAPTER 22, TITLE 70, IDAHO CODE, BY THE ADDITION OF
7 A NEW SECTION 70-2214, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING
8 PUBLICATION OF PROCEEDINGS AUTHORIZING REVENUE BONDS; AND DECLARING AN
9 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
10

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

12 SECTION 1. That Section 70-2201, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 70-2201. COUNTY-BASED OR CITY-BASED INTERMODAL COMMERCE AUTHORITY
15 AUTHORIZED. A county-based or city-based intermodal commerce authority,
16 hereinafter referred to as the intermodal authority, is hereby authorized
17 to acquire, construct, maintain, operate, develop and regulate rail, truck,
18 and other on-land transfer and terminal facilities, buildings, warehouses
19 and storage facilities, utility services facilities, manufacturing, indus-
20 trial and economic development facilities and services, reasonably incident
21 to a modern, efficient and competitive land-based port, and may be estab-
22 lished according to this chapter in any county or incorporated city.

23 SECTION 2. That Section 70-2206, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 70-2206. GENERAL POWERS OF A COUNTY-BASED OR CITY-BASED INTERMODAL
26 COMMERCE AUTHORITY. An intermodal authority shall have the powers provided
27 to it by a local county or city governing body including:

28 (1) Have perpetual succession unless abolished as provided in this
29 chapter;

30 (2) Sue and be sued;

31 (3) Have a seal;

32 (4) Execute contracts and other instruments and take other action that
33 may be necessary or convenient to carry out the purposes of this chapter;

34 (5) Plan, establish, acquire, develop, construct, purchase, en-
35 large, improve, modify, maintain, equip, operate, regulate, and protect
36 transportation, storage, or other facilities or other personal property
37 necessary or convenient to carry out the purposes of this chapter. Other
38 facilities may encompass utility services, including water and sewer fa-
39 ilities, but not including facilities to transmit, distribute, or produce
40 electrical energy or broadband services;

1 (6) Acquire any land or interest in land. All land and other property
2 and privileges acquired and used by or on behalf of any intermodal authority
3 must be used for intermodal authority purposes. The property of an inter-
4 modal authority acquired or held for the purposes of this chapter is declared
5 to be public property used for essential public and governmental purposes
6 and, effective the date an intermodal authority acquires title to such prop-
7 erty, it shall be exempt from all taxes of the municipality, the county, the
8 state or any political subdivision thereof; provided, that such tax exemp-
9 tion shall terminate when the authority sells or otherwise disposes of such
10 property for development to a purchaser that is not a public body entitled to
11 tax exemption with respect to such property. As specified in this chapter, a
12 port authority may pledge, lease, sell, or mortgage all or any part of its fa-
13 cilities to secure bonds or for other financing purposes;

14 (7) Recommend to the county or city that created it, comprehensive
15 county or city intermodal commerce authority zoning regulations in accord-
16 dance with the laws of this state and the county or city governing body; and

17 (8) Provide financial and other support to corporations or other busi-
18 ness entities or organizations under the provisions of Idaho law, whose pur-
19 pose is to promote, stimulate, develop and advance the economic development
20 and prosperity of its jurisdiction and of the state and its citizens by stim-
21 ulating, assisting in, and supporting the growth of all kinds of economic
22 activity, including the creation, expansion, modernization, retention, and
23 relocation of new and existing businesses and industry in the state, all of
24 which will tend to promote business development, maintain the economic sta-
25 bility and prosperity of the state, and thus provide maximum opportunities
26 for employment and improvement in the standards of living of citizens of the
27 state.

28 SECTION 3. That Chapter 22, Title 70, Idaho Code, be, and the same is
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
30 ignated as Section 70-2214, Idaho Code, and to read as follows:

31 70-2214. PUBLICATION OF PROCEEDINGS - CONTEST PERIOD. (1) A resolu-
32 tion authorizing the issuance of any revenue bonds and the execution of an
33 indenture as security pursuant to section 70-2211, Idaho Code, shall be pub-
34 lished one (1) time in a newspaper of general circulation in the municipal-
35 ity. Any such indenture, or other instrument authorized in such resolution
36 to be executed, may be incorporated as an exhibit to such resolution but need
37 not be published as part of the resolution.

38 (2) For a period of thirty (30) days from the date of such publication
39 any person in interest may file suit in any court of competent jurisdic-
40 tion to contest the regularity, formality, or legality of the proceedings
41 authorizing the revenue bonds, the legality of such resolution and its pro-
42 visions, or the legality of the revenue bonds to be issued pursuant thereto
43 and the provisions securing the revenue bonds. After the expiration of
44 the thirty (30) day period provided for in this section, no one shall have
45 any right of action to contest the validity of the revenue bonds, such pro-
46 ceedings, or such resolution or to contest the validity of the pledges and
47 covenants made in such proceedings and resolution, and the revenue bonds and
48 the provisions for their payment shall be conclusively presumed to be legal
49 and no court shall thereafter have authority to inquire into such matters.

1 SECTION 4. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2025.