

Moved by Moyle

Seconded by Barrett

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO H.B. NO. 95

AMENDMENT TO SECTION 1

1  
2 On page 1 of the printed bill, delete line 30, and insert: "majority of  
3 qualified electors, voting in a citywide or countywide election depending  
4 on the municipality in"; delete lines 33 through 35, and insert: "(b) Upon  
5 satisfaction of the requirements under subsection (a) of this section, and  
6 uUpon the local governing body making such findings, the urban renewal".

7 On page 2, in line 8, following "board" insert: "or by the local govern-  
8 ing body"; in line 26, delete "3" and insert: "34".

9 On page 3, in line 4, following "year." insert: "The agency shall be re-  
10 quired to hold a public meeting to report these findings and take comments  
11 from the public.".

AMENDMENT TO SECTION 5

12  
13 On page 8, in line 40, following "plan" insert: "beyond the maximum term  
14 allowed under chapter 29, title 50, Idaho Code".

AMENDMENT TO SECTION 6

15  
16 On page 9, in line 24, following "roll" insert: ", provided any increase  
17 in valuation from change of use of agricultural land in a revenue allocation  
18 area shall be added to the base assessment roll".

AMENDMENT TO THE BILL

19  
20 On page 7, delete lines 14 through 49; and on page 8, delete lines 1  
21 through 32, and insert:

22 "SECTION 4. That Section 50-2018, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 50-2018. DEFINITIONS. The following terms wherever used or referred  
25 to in this chapter, shall have the following meanings, unless a different  
26 meaning is clearly indicated by the context:

27 (1) "Agency" or "urban renewal agency" shall mean a public agency cre-  
28 ated by section 50-2006, Idaho Code.

29 (2) "Municipality" shall mean any incorporated city or town, or county  
30 in the state.

31 (3) "Public body" shall mean the state or any municipality, township,  
32 board, commission, authority, district, or any other subdivision or public  
33 body of the state.

34 (4) "Local governing body" shall mean the council or other legislative  
35 body charged with governing the municipality.

1 (5) "Mayor" shall mean the mayor of a municipality or other officer or  
2 body having the duties customarily imposed upon the executive head of a mu-  
3 nicipality.

4 (6) "Clerk" shall mean the clerk or other official of the municipality  
5 who is the custodian of the official records of such municipality.

6 (7) "Federal government" shall include the United States of America or  
7 any agency or instrumentality, corporate or otherwise, of the United States  
8 of America.

9 (8) "Deteriorated area" shall mean an area in which there is a predomi-  
10 nance of buildings or improvements, whether residential or nonresidential,  
11 which by reason of dilapidation, deterioration, age or obsolescence, inad-  
12 equate provision for ventilation, light, air, sanitation, or open spaces,  
13 high density of population and overcrowding, or the existence of conditions  
14 which endanger life or property by fire and other causes, or any combination  
15 of such factors is conducive to ill health, transmission of disease, infant  
16 mortality, juvenile delinquency, or crime, and is detrimental to the public  
17 health, safety, morals or welfare. Provided however, this definition shall  
18 not apply to any agricultural operation or forestry use, as defined in sec-  
19 tion 22-4502(1), Idaho Code, absent the consent of the owner of the agricul-  
20 tural operation or forestry operation, except for an agricultural operation  
21 or forestry operation that has not been used for three (3) consecutive years.

22 (9) "Deteriorating area" shall mean an area which by reason of the pres-  
23 ence of a substantial number of deteriorated or deteriorating structures,  
24 predominance of defective or inadequate street layout, faulty lot layout  
25 in relation to size, adequacy, accessibility or usefulness, insanitary or  
26 unsafe conditions, deterioration of site or other improvements, diversity  
27 of ownership, tax or special assessment delinquency exceeding the fair value  
28 of the land, defective or unusual conditions of title, or the existence of  
29 conditions which endanger life or property by fire and other causes, or any  
30 combination of such factors, substantially impairs or arrests the sound  
31 growth of a municipality, retards the provision of housing accommodations  
32 or constitutes an economic or social liability and is a menace to the public  
33 health, safety, morals or welfare in its present condition and use; pro-  
34 vided, that if such deteriorating area consists of open land the conditions  
35 contained in the proviso in section 50-2008(d), Idaho Code, shall apply; and  
36 provided further, that any disaster area referred to in section 50-2008(g),  
37 Idaho Code, shall constitute a deteriorating area. Provided however, this  
38 definition shall not apply to any agricultural operation or forestry use, as  
39 defined in section 22-4502(1), Idaho Code, absent the consent of the owner  
40 of the agricultural operation or forestry operation, except for an agricul-  
41 tural operation or forestry operation that has not been used for three (3)  
42 consecutive years.

43 (10) "Urban renewal project" may include undertakings and activities of  
44 a municipality in an urban renewal area for the elimination of deteriorated  
45 or deteriorating areas and for the prevention of the development or spread  
46 of slums and blight, and may involve slum clearance and redevelopment in an  
47 urban renewal area, or rehabilitation or conservation in an urban renewal  
48 area, or any combination or part thereof in accordance with an urban renewal  
49 plan. Such undertakings and activities may include:

1 (a) Acquisition of a deteriorated area or a deteriorating area or por-  
2 tion thereof;

3 (b) Demolition and removal of buildings and improvements;

4 (c) Installation, construction, or reconstruction of streets, utili-  
5 ties, parks, playgrounds, off-street parking facilities, public facil-  
6 ities or buildings and other improvements necessary for carrying out in  
7 the urban renewal area the urban renewal objectives of this chapter in  
8 accordance with the urban renewal plan;

9 (d) Disposition of any property acquired in the urban renewal area, in-  
10 cluding sale, initial leasing or retention by the agency itself, at its  
11 fair value for uses in accordance with the urban renewal plan except for  
12 disposition of property to another public body;

13 (e) Carrying out plans for a program of voluntary or compulsory repair  
14 and rehabilitation of buildings or other improvements in accordance  
15 with the urban renewal plan;

16 (f) Acquisition of real property in the urban renewal area which, under  
17 the urban renewal plan, is to be repaired or rehabilitated for dwelling  
18 use or related facilities, repair or rehabilitation of the structures  
19 for guidance purposes, and resale of the property;

20 (g) Acquisition of any other real property in the urban renewal area  
21 where necessary to eliminate unhealthful, insanitary or unsafe condi-  
22 tions, lessen density, eliminate obsolete or other uses detrimental to  
23 the public welfare, or otherwise to remove or to prevent the spread of  
24 blight or deterioration, or to provide land for needed public facili-  
25 ties;

26 (h) Lending or investing federal funds; and

27 (i) Construction of foundations, platforms and other like structural  
28 forms.

29 (11) "Urban renewal area" means a deteriorated area or a deteriorating  
30 area or a combination thereof which the local governing body designates as  
31 appropriate for an urban renewal project.

32 (12) "Urban renewal plan" means a plan, as it exists from time to time,  
33 for an urban renewal project, which plan:

34 (a) Shall conform to the general plan for the municipality as a whole  
35 except as provided in section 50-2008 (g), Idaho Code; and

36 (b) Shall be sufficiently complete to indicate such land acquisition,  
37 demolition and removal of structures, redevelopment, improvements,  
38 and rehabilitation as may be proposed to be carried out in the urban  
39 renewal area, zoning and planning changes, if any, land uses, maximum  
40 densities, building requirements, and any method or methods of financ-  
41 ing such plan, which methods may include revenue allocation financing  
42 provisions.

43 (13) "Related activities" shall mean:

44 (a) Planning work for the preparation or completion of a community-wide  
45 plan or program pursuant to section 50-2009, Idaho Code; and

46 (b) The functions related to the acquisition and disposal of real prop-  
47 erty pursuant to section 50-2007 (d), Idaho Code.

48 (14) "Real property" shall include all lands, including improvements  
49 and fixtures thereon, and property of any nature appurtenant thereto, or  
50 used in connection therewith, and every estate, interest, right and use,

1 legal or equitable, therein, including terms for years and liens by way of  
2 judgment, mortgage or otherwise.

3 (15) "Bonds" shall mean any bonds, including refunding bonds, notes,  
4 interim certificates, certificates of indebtedness, debentures or other  
5 obligations.

6 (16) "Obligee" shall include any bondholder, agents or trustees for any  
7 bondholders, or lessor demising to the municipality property used in connec-  
8 tion with urban renewal, or any assignee or assignees of such lessor's inter-  
9 est or any part thereof, and the federal government when it is a party to any  
10 contract with the municipality.

11 (17) "Person" shall mean any individual, firm, partnership, corpora-  
12 tion, company, association, joint stock association, or body politic; and  
13 shall include any trustee, receiver, assignee, or other person acting in a  
14 similar representative capacity.

15 (18) "Area of operation" shall mean the area within the corporate limits  
16 of the municipality and the area within five (5) miles of such limits, except  
17 that it shall not include any area which lies within the territorial bound-  
18 aries of another incorporated city or town or within the unincorporated area  
19 of the county unless a resolution shall have been adopted by the governing  
20 body of such other city, town or county declaring a need therefor.

21 (19) "Board" or "commission" shall mean a board, commission, depart-  
22 ment, division, office, body or other unit of the municipality.

23 (20) "Public officer" shall mean any officer who is in charge of any de-  
24 partment or branch of the government of the municipality relating to health,  
25 fire, building regulations, or to other activities concerning dwellings in  
26 the municipality."

27 On page 14, following line 26, insert:

28 "SECTION 8. That Section 50-2909, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 50-2909. ISSUANCE OF BONDS -- BOND PROVISIONS. (1) If the local gov-  
31 erning body of an authorized municipality has enacted an ordinance adopting  
32 a revenue allocation financing provision as part of an urban renewal plan,  
33 the urban renewal agency established by such municipality is hereby autho-  
34 rized and empowered:

35 (a) To apply the revenues allocated to it pursuant to section 50-2908,  
36 Idaho Code, for payment of the projected costs of any urban renewal  
37 project located in the revenue allocation area;

38 (b) To borrow money, incur indebtedness and issue one (1) or more series  
39 of bonds to finance or refinance, in whole or in part, the urban renewal  
40 projects authorized pursuant to such plan within the limits established  
41 by paragraph (c) of this subsection; and

42 (c) To pledge irrevocably to the payment of principal of and interest  
43 on such moneys borrowed, indebtedness incurred or bonds issued by the  
44 agency the revenues allocated to it pursuant to section 50-2908, Idaho  
45 Code.

46 All bonds issued under this section shall be issued in accordance with sec-  
47 tion 50-2012, Idaho Code, except that such bonds shall be payable solely from  
48 the special fund or funds established pursuant to section 50-2908, Idaho

1 Code. On and after July 1, 2011, bonds may be issued for a maximum period of  
 2 twenty (20) years.

3 (2) The agency shall be obligated and bound to pay such borrowed moneys,  
 4 indebtedness, and bonds as the same shall become due, but only to the extent  
 5 that the moneys are available in a special fund or funds established under  
 6 section 50-2908, Idaho Code; and the agency is authorized to maintain an ad-  
 7 equate reserve therefor from any moneys deposited in such a special fund or  
 8 funds.

9 (3) Nothing in this chapter shall in any way impair any powers an urban  
 10 renewal agency may have under subsection (a) of section 50-2012, Idaho Code.

11 (4) When the revenue allocation area plan budget described in section  
 12 50-2903(5), Idaho Code, estimates that all financial obligations have been  
 13 provided for, the principal of and interest on such moneys, indebtedness and  
 14 bonds have been paid in full, or when deposits in the special fund or funds  
 15 created under this chapter are sufficient to pay such principal and interest  
 16 as they come due, and to fund reserves, if any, or any other obligations of  
 17 the agency funded through revenue allocation proceeds shall be satisfied and  
 18 the agency has determined no additional project costs need be funded through  
 19 revenue allocation financing, the allocation of revenues under section  
 20 50-2908, Idaho Code, shall thereupon cease; any moneys in such fund or funds  
 21 in excess of the amount necessary to pay such principal and interest shall be  
 22 distributed to the affected taxing districts in which the revenue allocation  
 23 area is located in the same manner and proportion as the most recent distri-  
 24 bution to the affected taxing districts of the taxes on the taxable property  
 25 located within the revenue allocation area; and the powers granted to the  
 26 urban renewal agency under section 50-2909, Idaho Code, shall thereupon  
 27 terminate.".

28 On page 14, in line 27, delete "8" and insert: "9".

29 CORRECTION TO TITLE

30 On page 1, delete lines 11 through 13, and insert: "A CORRECT CITATION;  
 31 AMENDING SECTION 50-2018, IDAHO CODE, TO REVISE THE DEFINITIONS OF "DETE-  
 32 RIORATED AREA" AND "DETERIORATING AREA"; AMENDING CHAPTER 20, TITLE 50,  
 33 IDAHO CODE, BY THE ADDITION OF A"; in line 18, following "THERETO;" insert:  
 34 "AMENDING SECTION 50-2909, IDAHO CODE, TO PROVIDE ON AND AFTER JULY 1, 2011,  
 35 THAT BONDS MAY BE ISSUED FOR A MAXIMUM PERIOD OF TWENTY YEARS;".