

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 95, As Amended, As Amended in the Senate

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2006, IDAHO CODE, TO PRO-  
2 VIDE FOR AN ELECTION, TO REVISE PROVISIONS RELATING TO ESTABLISHING A  
3 BOARD OF COMMISSIONERS, TO PROVIDE FOR COMPOSITION OF A BOARD OF COM-  
4 MISSIONERS, TO PROVIDE FOR BOARD TERMS, TO REVISE PROVISIONS RELATING  
5 TO REMOVAL OF A COMMISSIONER, TO PROVIDE FOR FILLING A VACANCY, TO RE-  
6 VISE PROVISIONS RELATING TO THE ELECTION OF BOARD OFFICERS AND TO MAKE  
7 A TECHNICAL CORRECTION; AMENDING SECTION 50-2007, IDAHO CODE, TO RE-  
8 VISE POWERS OF URBAN RENEWAL; AMENDING SECTION 50-2008, IDAHO CODE, TO  
9 REVISE THE COMMENT PERIOD, TO PROVIDE A CORRECT CITATION AND TO PROVIDE  
10 ADDITIONAL PLAN REQUIREMENTS; AMENDING SECTION 50-2018, IDAHO CODE,  
11 TO REVISE THE DEFINITIONS OF "DETERIORATED AREA" AND "DETERIORATING  
12 AREA"; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF  
13 A NEW SECTION 50-2033, IDAHO CODE, TO PROVIDE FOR PROHIBITED AMEND-  
14 MENTS; AMENDING SECTION 50-2903, IDAHO CODE, TO REVISE THE DEFINITIONS  
15 OF "DETERIORATED AREA" AND "TERMINATION DATE" AND TO MAKE TECHNICAL  
16 CORRECTIONS; AMENDING SECTION 50-2904, IDAHO CODE, TO REVISE PROVI-  
17 SIONS RELATING TO REVENUE ALLOCATION AREAS AND MONEYS OBTAINED THERETO;  
18 AMENDING SECTION 50-2905, IDAHO CODE, TO PROVIDE FOR A STATEMENT DE-  
19 SCRIBING CERTAIN VALUES; AMENDING SECTION 50-2909, IDAHO CODE, TO PRO-  
20 VIDE ON AND AFTER JULY 1, 2011, THAT BONDS MAY BE ISSUED FOR A MAXIMUM PE-  
21 RIOD OF TWENTY YEARS; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY,  
22 PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.  
23

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

25 SECTION 1. That Section 50-2006, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each mu-  
28 nicipality an independent public body corporate and politic to be known as  
29 the "urban renewal agency" that was created by resolution as provided in sec-  
30 tion 50-2005, Idaho Code, before July 1, 2011, for the municipality; pro-  
31 vided, that such agency shall not transact any business or exercise its pow-  
32 ers hereunder until or unless: (1) the local governing body has made the  
33 findings prescribed in section 50-2005, Idaho Code; and provided further,  
34 that such agency created after July 1, 2011, shall not transact any busi-  
35 ness or exercise its powers provided for in this chapter until (2) a major-  
36 ity of qualified electors, voting in a citywide or countywide election de-  
37 pending on the municipality in which such agency is created, vote to autho-  
38 rize such agency to transact business and exercise its powers provided for in  
39 this chapter. If prior to July 1, 2011, the local governing body has made the  
40 findings prescribed in subsection (a) (1) of this section then such agency  
41 shall transact business and shall exercise its powers hereunder and is not  
42 subject to the requirements of subsection (a) (2) of this section.

1           (b) Upon satisfaction of the requirements under subsection (a) of  
2 this ~~Upon the local governing body making such findings,~~ section, the ur-  
3 ban renewal agency is authorized to transact the business and exercise the  
4 powers hereunder by a board of commissioners to be ~~appointed or designated~~  
5 established as follows:

6           (1) The mayor, by and with the advice and consent of the local governing  
7 body, shall appoint a board of commissioners of the urban renewal agency  
8 which shall consist of not less than three (3) commissioners nor more  
9 than nine (9) commissioners. In the order of appointment, the mayor  
10 shall designate the number of commissioners to be appointed, and the  
11 term of each, provided that the original term of office of no more than  
12 two (2) commissioners shall expire in the same year. The commissioners  
13 shall serve for terms not to exceed five (5) years, from the date of ap-  
14 pointment, except that all vacancies shall be filled for the unexpired  
15 term.

16           (2) For inefficiency or neglect of duty or misconduct in office, a com-  
17 missioner may be removed by a majority vote of the board or by the local  
18 governing body only after a hearing and after he shall have been given  
19 a copy of the charges at least ten (10) days prior to such hearings and  
20 have had an opportunity to be heard in person or by counsel. Any commis-  
21 sion position which becomes vacant at a time other than the expiration  
22 of a term shall be filled by a majority vote of the board. The board may  
23 elect any person to fill such vacant position where such person meets  
24 the requirements of a commissioner provided for in this chapter.

25           (23) By enactment of an ordinance, the local governing body may appoint  
26 and designate itself to be the board of commissioners of the urban re-  
27 newal agency, in which case all the rights, powers, duties, privileges  
28 and immunities vested by the urban renewal law of 1965, and as amended,  
29 in an appointed board of commissioners, shall be vested in the local  
30 governing body, who shall, in all respects when acting as an urban re-  
31 newal agency, be acting as an arm of state government, entirely separate  
32 and distinct from the municipality, to achieve, perform and accomplish  
33 the public purposes prescribed and provided by said urban renewal law of  
34 1965, and as amended.

35           (34) By enactment of an ordinance, the local governing body may termi-  
36 nate the appointed board of commissioners and thereby appoint and des-  
37 ignate itself as the board of commissioners of the urban renewal agency.

38           (c) A commissioner shall receive no compensation for his services but  
39 shall be entitled to the necessary expenses, including traveling expenses,  
40 incurred in the discharge of his duties. Each commissioner shall hold office  
41 until his successor has been appointed and has qualified. A certificate of  
42 the appointment or reappointment of any commissioner shall be filed with the  
43 clerk of the municipality and such certificate shall be conclusive evidence  
44 of the due and proper appointment of such commissioner.

45           The powers of an urban renewal agency shall be exercised by the commis-  
46 sioners thereof. A majority of the commissioners shall constitute a quo-  
47 rum for the purpose of conducting business and exercising the powers of the  
48 agency and for all other purposes. Action may be taken by the agency upon a  
49 vote of a majority of the commissioners present, unless in any case the by-  
50 laws shall require a larger number.

1        ~~The mayor may appoint a chairman, a cochairman, or a vice chairman for~~  
 2 ~~a term of office of one (1) year from among the commissioners, thereafter~~  
 3 ~~the commissioners shall elect the chairman, cochairman or vice chairman for~~  
 4 ~~a term of one (1) year from among their members. An agency may employ an~~  
 5 ~~executive director, technical experts and such other agents and employees,~~  
 6 ~~permanent and temporary, as it may require, and determine their qualifica-~~  
 7 ~~tions, duties and compensation. For such legal service as it may require,~~  
 8 ~~an agency may employ or retain its own counsel and legal staff. An agency~~  
 9 ~~authorized to transact business and exercise powers under this chapter shall~~  
 10 ~~file, with the local governing body, on or before March 31 of each year a~~  
 11 ~~report of its activities for the preceding calendar year, which report shall~~  
 12 ~~include a complete financial statement setting forth its assets, liabili-~~  
 13 ~~ties, income and operating expense as of the end of such calendar year. The~~  
 14 ~~agency shall be required to hold a public meeting to report these findings~~  
 15 ~~and take comments from the public. At the time of filing the report, the~~  
 16 ~~agency shall publish in a newspaper of general circulation in the community~~  
 17 ~~a notice to the effect that such report has been filed with the municipality~~  
 18 ~~and that the report is available for inspection during business hours in the~~  
 19 ~~office of the city clerk or county recorder and in the office of the agency.~~

20        (d) An urban renewal agency shall have the same fiscal year as a municipi-  
 21 ~~pality and shall be subject to the same audit requirements as a municipality.~~  
 22 ~~An urban renewal agency shall be required to prepare and file with its lo-~~  
 23 ~~cal governing body an annual financial report and shall prepare, approve and~~  
 24 ~~adopt an annual budget for filing with the local governing body, for informa-~~  
 25 ~~tional purposes. A budget means an annual estimate of revenues and expenses~~  
 26 ~~for the following fiscal year of the agency.~~

27        (e) An urban renewal agency shall comply with the public records law  
 28 ~~pursuant to chapter 3, title 9, Idaho Code, open meetings law pursuant to~~  
 29 ~~chapter 23, title 67, Idaho Code, the ethics in government law pursuant to~~  
 30 ~~chapter 7, title 59, Idaho Code, and the competitive bidding provisions of~~  
 31 ~~chapter 28, title 67, Idaho Code.~~

32        SECTION 2. That Section 50-2007, Idaho Code, be, and the same is hereby  
 33 ~~amended to read as follows:~~

34        50-2007. POWERS. Every urban renewal agency shall have all the powers  
 35 ~~necessary or convenient to carry out and effectuate the purposes and pro-~~  
 36 ~~visions of this act, including the following powers in addition to others~~  
 37 ~~herein granted:~~

38        (a) to undertake and carry out urban renewal projects and related ac-  
 39 ~~tivities within its area of operation; and to make and execute contracts and~~  
 40 ~~other instruments necessary or convenient to the exercise of its powers un-~~  
 41 ~~der this act; and to disseminate slum clearance and urban renewal informa-~~  
 42 ~~tion;~~

43        (b) to provide or to arrange or contract for the furnishing or repair  
 44 ~~by any person or agency, public or private, of services, privileges, works,~~  
 45 ~~streets, roads, public utilities or other facilities for or in connec-~~  
 46 ~~tion with an urban renewal project; to install, construct, and reconstruct~~  
 47 ~~streets, utilities, parks, playgrounds, off-street parking facilities,~~  
 48 ~~public facilities, other buildings or public improvements; and any improve-~~  
 49 ~~ments necessary or incidental to a redevelopment project; and to agree to~~

1 any conditions that it may deem reasonable and appropriate attached to fed-  
2 eral financial assistance and imposed pursuant to federal law relating to  
3 the determination of prevailing salaries or wages or compliance with labor  
4 standards, in the undertaking or carrying out of an urban renewal project and  
5 related activities, and to include in any contract let in connection with  
6 such a project and related activities, provisions to fulfill such of said  
7 conditions as it may deem reasonable and appropriate;

8 (c) within its area of operation, to enter into any building or property  
9 in any urban renewal area in order to make inspections, surveys, appraisals,  
10 soundings or test borings, and to obtain, upon sufficient cause and after a  
11 hearing on the matter, an order for this purpose from a court of competent  
12 jurisdiction in the event entry is denied or resisted; to acquire by pur-  
13 chase, lease, option, gift, grant, bequest, devise, eminent domain or oth-  
14 erwise, any real property (or personal property for its administrative pur-  
15 poses) together with any improvements thereon; to hold, improve, renovate,  
16 rehabilitate, clear or prepare for redevelopment any such property or build-  
17 ings; to mortgage, pledge, hypothecate or otherwise encumber or dispose of  
18 any real property; to insure or provide for the insurance of any real or per-  
19 sonal property or operations of the municipality against any risks or haz-  
20 ards, including the power to pay premiums on any such insurance; and to enter  
21 into any contracts necessary to effectuate the purposes of this act: Pro-  
22 vided, however, that no statutory provision with respect to the acquisition,  
23 clearance or disposition of property by public bodies shall restrict a mu-  
24 nicipality or other public body exercising powers hereunder in the exercise  
25 of such functions with respect to an urban renewal project and related activ-  
26 ities, unless the legislature shall specifically so state;

27 (d) with the approval of the local governing body, (1) prior to approval  
28 of an urban renewal plan, or approval of any modifications of the plan, to ac-  
29 quire real property in an urban renewal area, demolish and remove any struc-  
30 tures on the property, and pay all costs related to the acquisition, demoli-  
31 tion, or removal, including any administrative or relocation expenses; and  
32 (2) to assume the responsibility to bear any loss that may arise as the result  
33 of the exercise of authority under this subsection in the event that the real  
34 property is not made part of the urban renewal project;

35 (e) to invest any urban renewal funds held in reserves or sinking funds  
36 or any such funds not required for immediate disbursement, in property  
37 or securities in which savings banks may legally invest funds subject to  
38 their control; to redeem such bonds as have been issued pursuant to section  
39 50-2012, Idaho Code, at the redemption price established therein or to pur-  
40 chase such bonds at less than redemption price, all such bonds so redeemed or  
41 purchased to be canceled;

42 (f) to borrow money and to apply for and accept advances, loans, grants,  
43 contributions and any other form of financial assistance from the federal  
44 government, the state, county, or other public body, or from any sources,  
45 public or private, for the purposes of this act, and to give such security  
46 as may be required and to enter into and carry out contracts or agreements  
47 in connection therewith; and to include in any contract for financial as-  
48 sistance with the federal government for or with respect to an urban renewal  
49 project and related activities such conditions imposed pursuant to federal

1 laws as the municipality may deem reasonable and appropriate and which are  
2 not inconsistent with the purposes of this act;

3 (g) within its area of operation, to make or have made all surveys and  
4 plans necessary to the carrying out of the purposes of this act and to con-  
5 tract with any person, public or private, in making and carrying out such  
6 plans and to adopt or approve, modify and amend such plans, which plans may  
7 include, but are not limited to: (1) plans for carrying out a program of vol-  
8 untary compulsory repair and rehabilitation of buildings and improvements,  
9 (2) plans for the enforcement of state and local laws, codes and regulations  
10 relating to the use of land and the use and occupancy of buildings and im-  
11 provements and to the compulsory repair, rehabilitation, demolition, or  
12 removal of buildings and improvements, and (3) appraisals, title searches,  
13 surveys, studies, and other plans and work necessary to prepare for the un-  
14 dertaking of urban renewal projects and related activities; and to develop,  
15 test, and report methods and techniques, and carry out demonstrations and  
16 other activities, for the prevention and the elimination of slums and urban  
17 blight and developing and demonstrating new or improved means of providing  
18 housing for families and persons of low income and to apply for, accept and  
19 utilize grants of funds from the federal government for such purposes;

20 (h) to prepare plans for and assist in the relocation of persons (in-  
21 cluding individuals, families, business concerns, nonprofit organizations  
22 and others) displaced from an urban renewal area, and notwithstanding any  
23 statute of this state to make relocation payments to or with respect to such  
24 persons for which reimbursement or compensation is not otherwise made, in-  
25 cluding the making of such payments financed by the federal government;

26 (i) to exercise all or any part or combination of powers herein granted;

27 (j) in addition to its powers under subsection (b) of this section,  
28 an agency may construct foundations, platforms, and other like structural  
29 forms necessary for the provision or utilization of air rights sites for  
30 buildings and to be used for residential, commercial, industrial, and other  
31 uses contemplated by the urban renewal plan, and to provide utilities to the  
32 development site; and

33 (k) to use, lend or invest funds obtained from the federal government  
34 for the purposes of this act if allowable under federal laws or regulations.

35 SECTION 3. That Section 50-2008, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 50-2008. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL  
38 PROJECT. (a) An urban renewal project for an urban renewal area shall not  
39 be planned or initiated unless the local governing body has, by resolution,  
40 determined such area to be a deteriorated area or a deteriorating area or  
41 a combination thereof and designated such area as appropriate for an urban  
42 renewal project.

43 (b) An urban renewal agency may itself prepare or cause to be prepared  
44 an urban renewal plan, or any person or agency, public or private, may sub-  
45 mit such a plan to an urban renewal agency. Prior to its approval of an urban  
46 renewal project, the local governing body shall submit such plan to the plan-  
47 ning commission of the municipality, if any, for review and recommendations  
48 as to its conformity with the general plan for the development of the munic-  
49 ipality as a whole. The planning commission shall submit its written recom-

1 mendations with respect to the proposed urban renewal plan to the local gov-  
2 erning body within ~~thirty~~ sixty (~~30~~) days after receipt of the plan for re-  
3 view. Upon receipt of the recommendations of the planning commission, or if  
4 no recommendations are received within said ~~30~~ sixty (60) days, then without  
5 such recommendations, the local governing body may proceed with the hearing  
6 on the proposed urban renewal project prescribed by subsection (c) hereof.

7 (c) The local governing body shall hold a public hearing on an urban  
8 renewal project, after public notice thereof by publication in a newspaper  
9 having a general circulation in the area of operation of the municipality.  
10 The notice shall describe the time, date, place and purpose of the hearing,  
11 shall generally identify the urban renewal area covered by the plan, and  
12 shall outline the general scope of the urban renewal project under consid-  
13 eration.

14 (d) Following such hearing, the local governing body may approve an ur-  
15 ban renewal project and the plan therefor if it finds that (1) a feasible  
16 method exists for the location of families who will be displaced from the ur-  
17 ban renewal area in decent, safe and sanitary dwelling accommodations within  
18 their means and without undue hardship to such families; (2) the urban re-  
19 newal plan conforms to the general plan of the municipality as a whole; (3)  
20 the urban renewal plan gives due consideration to the provision of adequate  
21 park and recreational areas and facilities that may be desirable for neigh-  
22 borhood improvement, with special consideration for the health, safety and  
23 welfare of children residing in the general vicinity of the site covered by  
24 the plan; and (4) the urban renewal plan will afford maximum opportunity,  
25 consistent with the sound needs of the municipality as a whole, for the reha-  
26 bilitation or redevelopment of the urban renewal area by private enterprise:  
27 Provided, that if the urban renewal area consists of an area of open land to  
28 be acquired by the urban renewal agency, such area shall not be so acquired  
29 unless (1) if it is to be developed for residential uses, the local governing  
30 body shall determine that a shortage of housing of sound standards and design  
31 which is decent, safe and sanitary exists in the municipality; that the need  
32 for housing accommodations has been or will be increased as a result of the  
33 clearance of slums in other areas; that the conditions of blight in the area  
34 and the shortage of decent, safe and sanitary housing cause or contribute to  
35 an increase in and spread of disease and crime and constitute a menace to the  
36 public health, safety, morals, or welfare; and that the acquisition of the  
37 area for residential uses is an integral part of and essential to the pro-  
38 gram of the municipality, or (2) if it is to be developed for nonresidential  
39 uses, the local governing body shall determine that such nonresidential uses  
40 are necessary and appropriate to facilitate the proper growth and develop-  
41 ment of the community in accordance with sound planning standards and local  
42 community objectives, which acquisition may require the exercise of govern-  
43 mental action, as provided in this act, because of defective or unusual con-  
44 ditions of title, diversity of ownership, tax delinquency, improper subdivi-  
45 sions, outmoded street patterns, deterioration of site, economic disuse,  
46 unsuitable topography or faulty lot layouts, the need for the correlation of  
47 the area with other areas of a municipality by streets and modern traffic re-  
48 quirements, or any combination of such factors or other conditions which re-  
49 tard development of the area.

1 (e) An urban renewal plan may be modified at any time: Provided that  
 2 if modified after the lease or sale by the urban renewal agency of real prop-  
 3 erty in the urban renewal project area, such modification may be conditioned  
 4 upon such approval of the owner, lessee or successor in interest as the urban  
 5 renewal agency may deem advisable and in any event shall be subject to such  
 6 rights at law or in equity as a lessee or purchaser, or his successor or suc-  
 7 cessors in interest, may be entitled to assert.

8 (f) Upon the approval by the local governing body of an urban renewal  
 9 plan or of any modification thereof, such plan or modification shall be  
 10 deemed to be in full force and effect for the respective urban renewal area,  
 11 and the urban renewal agency may then cause such plan or modification to be  
 12 carried out in accordance with its terms.

13 (g) Notwithstanding any other provisions of this act, where the local  
 14 governing body certifies that an area is in need of redevelopment or reha-  
 15 bilitation as a result of a flood, fire, hurricane, earthquake, storm, or  
 16 other catastrophe respecting which the governor of the state has certified  
 17 the need for disaster assistance under ~~Public Law 875, Eighty-first Congress~~  
 18 42 U.S.C. section 5121, or other federal law, the local governing body may  
 19 approve an urban renewal plan and an urban renewal project with respect to  
 20 such area without regard to the provisions of subsection (d) of this section  
 21 and the provisions of this section requiring a general plan for the munici-  
 22 pality and a public hearing on the urban renewal project.

23 (h) Any urban renewal plan containing a revenue allocation financing  
 24 provision shall include the information set forth in section 50-2905, Idaho  
 25 Code.

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

28 50-2018. DEFINITIONS. The following terms wherever used or referred  
 29 to in this chapter, shall have the following meanings, unless a different  
 30 meaning is clearly indicated by the context:

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

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

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

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

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

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

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

48 (8) "Deteriorated area" shall mean an area in which there is a predomi-  
 49 nance of buildings or improvements, whether residential or nonresidential,

1 which by reason of dilapidation, deterioration, age or obsolescence, inad-  
2 equate provision for ventilation, light, air, sanitation, or open spaces,  
3 high density of population and overcrowding, or the existence of conditions  
4 which endanger life or property by fire and other causes, or any combination  
5 of such factors is conducive to ill health, transmission of disease, infant  
6 mortality, juvenile delinquency, or crime, and is detrimental to the public  
7 health, safety, morals or welfare. Provided however, this definition shall  
8 not apply to any agricultural operation, as defined in section 22-4502(1),  
9 Idaho Code, absent the consent of the owner of the agricultural operation  
10 or to any forest land as defined in section 63-1701(4), Idaho Code, absent  
11 the consent of the forest landowner, as defined in section 63-1701(5), Idaho  
12 Code, except for an agricultural operation or forest land that has not been  
13 used for three (3) consecutive years.

14 (9) "Deteriorating area" shall mean an area which by reason of the pres-  
15 ence of a substantial number of deteriorated or deteriorating structures,  
16 predominance of defective or inadequate street layout, faulty lot layout  
17 in relation to size, adequacy, accessibility or usefulness, insanitary or  
18 unsafe conditions, deterioration of site or other improvements, diversity  
19 of ownership, tax or special assessment delinquency exceeding the fair value  
20 of the land, defective or unusual conditions of title, or the existence of  
21 conditions which endanger life or property by fire and other causes, or any  
22 combination of such factors, substantially impairs or arrests the sound  
23 growth of a municipality, retards the provision of housing accommodations  
24 or constitutes an economic or social liability and is a menace to the public  
25 health, safety, morals or welfare in its present condition and use; pro-  
26 vided, that if such deteriorating area consists of open land the conditions  
27 contained in the proviso in section 50-2008(d), Idaho Code, shall apply; and  
28 provided further, that any disaster area referred to in section 50-2008(g),  
29 Idaho Code, shall constitute a deteriorating area. Provided however, this  
30 definition shall not apply to any agricultural operation, as defined in  
31 section 22-4502(1), Idaho Code, absent the consent of the owner of the agri-  
32 cultural operation or to any forest land as defined in section 63-1701(4),  
33 Idaho Code, absent the consent of the forest landowner, as defined in section  
34 63-1701(5), Idaho Code, except for an agricultural operation or forest land  
35 that has not been used for three (3) consecutive years.

36 (10) "Urban renewal project" may include undertakings and activities of  
37 a municipality in an urban renewal area for the elimination of deteriorated  
38 or deteriorating areas and for the prevention of the development or spread  
39 of slums and blight, and may involve slum clearance and redevelopment in an  
40 urban renewal area, or rehabilitation or conservation in an urban renewal  
41 area, or any combination or part thereof in accordance with an urban renewal  
42 plan. Such undertakings and activities may include:

- 43 (a) Acquisition of a deteriorated area or a deteriorating area or por-  
44 tion thereof;
- 45 (b) Demolition and removal of buildings and improvements;
- 46 (c) Installation, construction, or reconstruction of streets, utili-  
47 ties, parks, playgrounds, off-street parking facilities, public facil-  
48 ities or buildings and other improvements necessary for carrying out in  
49 the urban renewal area the urban renewal objectives of this chapter in  
50 accordance with the urban renewal plan;



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

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

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

12 (g) Acquisition of any other real property in the urban renewal area  
13 where necessary to eliminate unhealthful, insanitary or unsafe condi-  
14 tions, lessen density, eliminate obsolete or other uses detrimental to  
15 the public welfare, or otherwise to remove or to prevent the spread of  
16 blight or deterioration, or to provide land for needed public facili-  
17 ties;

18 (h) Lending or investing federal funds; and

19 (i) Construction of foundations, platforms and other like structural  
20 forms.

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

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

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

28 (b) Shall be sufficiently complete to indicate such land acquisition,  
29 demolition and removal of structures, redevelopment, improvements,  
30 and rehabilitation as may be proposed to be carried out in the urban  
31 renewal area, zoning and planning changes, if any, land uses, maximum  
32 densities, building requirements, and any method or methods of financ-  
33 ing such plan, which methods may include revenue allocation financing  
34 provisions.

35 (13) "Related activities" shall mean:

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

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

40 (14) "Real property" shall include all lands, including improvements  
41 and fixtures thereon, and property of any nature appurtenant thereto, or  
42 used in connection therewith, and every estate, interest, right and use,  
43 legal or equitable, therein, including terms for years and liens by way of  
44 judgment, mortgage or otherwise.

45 (15) "Bonds" shall mean any bonds, including refunding bonds, notes,  
46 interim certificates, certificates of indebtedness, debentures or other  
47 obligations.

48 (16) "Obligee" shall include any bondholder, agents or trustees for any  
49 bondholders, or lessor demising to the municipality property used in connec-  
50 tion with urban renewal, or any assignee or assignees of such lessor's inter-

1 est or any part thereof, and the federal government when it is a party to any  
2 contract with the municipality.

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

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

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

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

19 SECTION 5. That Chapter 20, Title 50, Idaho Code, be, and the same is  
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
21 ignated as Section 50-2033, Idaho Code, and to read as follows:

22 50-2033. PROHIBITED AMENDMENT. Except for consolidation of revenue  
23 allocation areas, a revenue allocation area may not be amended to extend its  
24 boundaries. An amendment to an urban renewal plan created under this chapter  
25 that does not seek to increase the geographic area of the plan, or does not  
26 seek to extend the years of the plan beyond the maximum term allowed under  
27 chapter 29, title 50, Idaho Code, is not a prohibited amendment. No amend-  
28 ment to an existing revenue allocation area shall be interpreted to or shall  
29 cause an extension of the limitations established for the existing revenue  
30 allocation area as set forth in section 50-2904, Idaho Code. Notwith-  
31 standing these limitations, an urban renewal plan that includes a revenue  
32 allocation area may be extended only one (1) time to extend the boundary of  
33 the revenue allocation so long as the total area to be added is not greater  
34 than ten percent (10%) of the existing revenue allocation area and the area  
35 to be added is contiguous to the existing revenue allocation area but such  
36 contiguity cannot be established solely by a shoestring or strip of land  
37 which comprises a railroad or public right-of-way.

38 SECTION 6. That Section 50-2903, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 50-2903. DEFINITIONS. The following terms used in this chapter shall  
41 have the following meanings, unless the context otherwise requires:

42 (1) "Act" or "this act" means this revenue allocation act.

43 (2) "Agency" or "urban renewal agency" means a public body created pur-  
44 suant to section 50-2006, Idaho Code.

45 (3) "Authorized municipality" or "municipality" means any county or  
46 incorporated city which has established an urban renewal agency, or by or-

1 dinance has identified and created a competitively disadvantaged border  
2 community.

3 (4) "Base assessment roll" means the equalized assessment rolls, for  
4 all classes of taxable property, on January 1 of the year in which the local  
5 governing body of an authorized municipality passes an ordinance adopting  
6 or modifying an urban renewal plan containing a revenue allocation financ-  
7 ing provision, except that the base assessment roll shall be adjusted as fol-  
8 lows: the equalized assessment valuation of the taxable property in a rev-  
9 enue allocation area as shown upon the base assessment roll shall be reduced  
10 by the amount by which the equalized assessed valuation as shown on the base  
11 assessment roll exceeds the current equalized assessed valuation of any tax-  
12 able property located in the revenue allocation area, and by the equalized  
13 assessed valuation of taxable property in such revenue allocation area that  
14 becomes exempt from taxation subsequent to the date of the base assessment  
15 roll. The equalized assessed valuation of the taxable property in a rev-  
16 enue allocation area as shown on the base assessment roll shall be increased  
17 by the equalized assessed valuation, as of the date of the base assessment  
18 roll, of taxable property in such revenue allocation area that becomes tax-  
19 able after the date of the base assessment roll, provided any increase in  
20 valuation caused by the removal of the agricultural tax exemption from unde-  
21 veloped agricultural land in a revenue allocation area shall be added to the  
22 base assessment roll.

23 (5) "Budget" means an annual estimate of revenues and expenses for the  
24 following fiscal year of the agency. An agency shall, by September 1 of each  
25 calendar year, adopt and publish, as described in section 50-1002, Idaho  
26 Code, a budget for the next fiscal year. An agency may amend its adopted  
27 budget using the same procedures as used for adoption of the budget. For  
28 the fiscal year that immediately predates the termination date for an urban  
29 renewal plan involving a revenue allocation area or will include the termi-  
30 nation date, the agency shall adopt and publish a budget specifically for the  
31 projected revenues and expenses of the plan and make a determination as to  
32 whether the revenue allocation area can be terminated before the January 1  
33 of the termination year pursuant to the terms of section 50-2909(4), Idaho  
34 Code. In the event that the agency determines that current tax year revenues  
35 are sufficient to cover all estimated expenses for the current year and all  
36 future years, by September 1 the agency shall adopt a resolution advising and  
37 notifying the local governing body, the county auditor, and the state tax  
38 commission and recommending the adoption of an ordinance for termination of  
39 the revenue allocation area by December 31 of the current year and declaring  
40 a surplus to be distributed as described in section 50-2909, Idaho Code,  
41 should a surplus be determined to exist. The agency shall cause the ordi-  
42 nance to be filed with the office of the county recorder and the Idaho state  
43 tax commission as provided in section 63-215, Idaho Code. Upon notification  
44 of revenues sufficient to cover expenses as provided herein, the increment  
45 value of that revenue allocation area shall be included in the net taxable  
46 value of the appropriate taxing districts when calculating the subsequent  
47 property tax levies pursuant to section 63-803, Idaho Code. The increment  
48 value shall also be included in subsequent notification of taxable value for  
49 each taxing district pursuant to section 63-1312, Idaho Code, and subsequent

1 certification of actual and adjusted market values for each school district  
2 pursuant to section 63-315, Idaho Code.

3 (6) "Clerk" means the clerk of the municipality.

4 (7) "Competitively disadvantaged border community area" means a parcel  
5 of land consisting of at least forty (40) acres which is situated within the  
6 jurisdiction of a county or an incorporated city and within twenty-five (25)  
7 miles of a state or international border, which the governing body of such  
8 county or incorporated city has determined by ordinance is disadvantaged in  
9 its ability to attract business, private investment, or commercial develop-  
10 ment, as a result of a competitive advantage in the adjacent state or nation  
11 resulting from inequities or disparities in comparative sales taxes, income  
12 taxes, property taxes, population or unique geographic features.

13 (8) "Deteriorated area" means:

14 (a) Any area, including a slum area, in which there is a predominance  
15 of buildings or improvements, whether residential or nonresidential,  
16 which by reason of dilapidation, deterioration, age or obsolescence,  
17 inadequate provision for ventilation, light, air, sanitation, or open  
18 spaces, high density of population and overcrowding, or the existence  
19 of conditions which endanger life or property by fire and other causes,  
20 or any combination of such factors, is conducive to ill health, trans-  
21 mission of disease, infant mortality, juvenile delinquency, or crime,  
22 and is detrimental to the public health, safety, morals or welfare.

23 (b) Any area which by reason of the presence of a substantial number of  
24 deteriorated or deteriorating structures, predominance of defective or  
25 inadequate street layout, faulty lot layout in relation to size, ade-  
26 quacy, accessibility or usefulness, insanitary or unsafe conditions,  
27 deterioration of site or other improvements, diversity of ownership,  
28 tax or special assessment delinquency exceeding the fair value of the  
29 land, defective or unusual conditions of title, or the existence of con-  
30 ditions which endanger life or property by fire and other causes, or any  
31 combination of such factors, results in economic underdevelopment of  
32 the area, substantially impairs or arrests the sound growth of a munici-  
33 pality, retards the provision of housing accommodations or constitutes  
34 an economic or social liability and is a menace to the public health,  
35 safety, morals or welfare in its present condition and use.

36 (c) Any area which is predominately open and which because of obsolete  
37 platting, diversity of ownership, deterioration of structures or im-  
38 provements, or otherwise, results in economic underdevelopment of the  
39 area or substantially impairs or arrests the sound growth of a munici-  
40 pality. The provisions of section 50-2008(d), Idaho Code, shall apply  
41 to open areas.

42 (d) Any area which the local governing body certifies is in need of  
43 redevelopment or rehabilitation as a result of a flood, storm, earth-  
44 quake, or other natural disaster or catastrophe respecting which the  
45 governor of the state has certified the need for disaster assistance  
46 under any federal law.

47 (e) Any area which by reason of its proximity to the border of an ad-  
48 jacent state is competitively disadvantaged in its ability to attract  
49 private investment, business or commercial development which would  
50 promote the purposes of this chapter.

1       (f) "Deteriorated area" does not mean not developed beyond agricul-  
2 tural, or any agricultural operation as defined in section 22-4502(1),  
3 Idaho Code, or any forest land as defined in section 63-1701(4), Idaho  
4 Code, unless the owner of the agricultural operation or the forest  
5 landowner of the forest land gives written consent to be included in the  
6 deteriorated area, except for an agricultural operation or forest land  
7 that has not been used for three (3) consecutive years.

8       (9) "Facilities" means land, rights in land, buildings, structures,  
9 machinery, landscaping, extension of utility services, approaches, road-  
10 ways and parking, handling and storage areas, and similar auxiliary and re-  
11 lated facilities.

12       (10) "Increment value" means the total value calculated by summing the  
13 differences between the current equalized value of each taxable property in  
14 the revenue allocation area and that property's current base value on the  
15 base assessment roll, provided such difference is a positive value.

16       (11) "Local governing body" means the city council or board of county  
17 commissioners of a municipality.

18       (12) "Plan" or "urban renewal plan" means a plan, as it exists or may  
19 from time to time be amended, prepared and approved pursuant to section  
20 50-2008, Idaho Code, and any method or methods of financing such plan, which  
21 methods may include revenue allocation financing provisions.

22       (13) "Project" or "urban renewal project" or "competitively disadvan-  
23 taged border areas" may include undertakings and activities of a municipal-  
24 ity in an urban renewal area for the elimination of deteriorated or deterio-  
25 rating areas and for the prevention of the development or spread of slums and  
26 blight, and may involve slum clearance and redevelopment in an urban renewal  
27 area, or rehabilitation or conservation in an urban renewal area, or any com-  
28 bination or part thereof in accordance with an urban renewal plan. Such un-  
29 dertakings and activities may include:

30       (a) Acquisition of a deteriorated area or a deteriorating area or por-  
31 tion thereof;

32       (b) Demolition and removal of buildings and improvement;

33       (c) Installation, construction, or reconstruction of streets, utili-  
34 ties, parks, playgrounds, open space, off-street parking facilities,  
35 public facilities, public recreation and entertainment facilities or  
36 buildings and other improvements necessary for carrying out, in the ur-  
37 ban renewal area or competitively disadvantaged border community area,  
38 the urban renewal objectives of this act in accordance with the urban  
39 renewal plan or the competitively disadvantaged border community area  
40 ordinance.

41       (d) Disposition of any property acquired in the urban renewal area or  
42 the competitively disadvantaged border community area (including sale,  
43 initial leasing or retention by the agency itself) or the municipality  
44 creating the competitively disadvantaged border community area at its  
45 fair value for uses in accordance with the urban renewal plan except for  
46 disposition of property to another public body;

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

1 (f) Acquisition of real property in the urban renewal area or the com-  
2 petitively disadvantaged border community area which, under the urban  
3 renewal plan, is to be repaired or rehabilitated for dwelling use or re-  
4 lated facilities, repair or rehabilitation of the structures for guid-  
5 ance purposes, and resale of the property;

6 (g) Acquisition of any other real property in the urban renewal area  
7 or competitively disadvantaged border community area where necessary  
8 to eliminate unhealthful, insanitary or unsafe conditions, lessen den-  
9 sity, eliminate obsolete or other uses detrimental to the public wel-  
10 fare, or otherwise to remove or to prevent the spread of blight or dete-  
11 rioration, or to provide land for needed public facilities or where nec-  
12 essary to accomplish the purposes for which a competitively disadvan-  
13 tagged border community area was created by ordinance;

14 (h) Lending or investing federal funds; and

15 (i) Construction of foundations, platforms and other like structural  
16 forms.

17 (14) "Project costs" includes, but is not limited to:

18 (a) Capital costs, including the actual costs of the construction of  
19 public works or improvements, facilities, buildings, structures, and  
20 permanent fixtures; the demolition, alteration, remodeling, repair or  
21 reconstruction of existing buildings, structures, and permanent fix-  
22 tures; the acquisition of equipment; and the clearing and grading of  
23 land;

24 (b) Financing costs, including interest during construction and capi-  
25 talized debt service or repair and replacement or other appropriate re-  
26 serves;

27 (c) Real property assembly costs, meaning any deficit incurred from the  
28 sale or lease by a municipality of real or personal property within a  
29 revenue allocation district;

30 (d) Professional service costs, including those costs incurred for ar-  
31 chitectural, planning, engineering, and legal advice and services;

32 (e) Direct administrative costs, including reasonable charges for the  
33 time spent by municipal employees in connection with the implementation  
34 of a project plan;

35 (f) Relocation costs;

36 (g) Other costs incidental to any of the foregoing costs.

37 (15) "Revenue allocation area" means that portion of an urban renewal  
38 area or competitively disadvantaged border community area where the equal-  
39 ized assessed valuation (as shown by the taxable property assessment rolls)  
40 of which the local governing body has determined, on and as a part of an urban  
41 renewal plan, is likely to increase as a result of the initiation of an urban  
42 renewal project or competitively disadvantaged border community area. The  
43 base assessment roll or rolls of revenue allocation area or areas shall not  
44 exceed at any time ten percent (10%) of the current assessed valuation of all  
45 taxable property within the municipality.

46 (16) "State" means the state of Idaho.

47 (17) "Tax" or "taxes" means all property tax levies upon taxable prop-  
48 erty.

1 (18) "Taxable property" means taxable real property, personal prop-  
 2 erty, operating property, or any other tangible or intangible property  
 3 included on the equalized assessment rolls.

4 (19) "Taxing district" means a taxing district as defined in section  
 5 63-201, Idaho Code, as that section now exists or may hereafter be amended.

6 (20) "Termination date" means a specific date no later than twenty-~~four~~  
 7 (240) years from the effective date of an urban renewal plan or as described  
 8 in section 50-2904, Idaho Code, on which date the plan shall terminate. Ev-  
 9 ery urban renewal plan shall have a termination date that can be modified or  
 10 extended subject to the twenty-~~four~~ (240) year maximum limitation. Provided  
 11 however, the duration of a revenue allocation financing provision may be ex-  
 12 tended as provided in section 50-2904, Idaho Code.

13 SECTION 7. That Section 50-2904, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 50-2904. AUTHORITY TO CREATE REVENUE ALLOCATION AREA. An authorized  
 16 municipality is hereby authorized and empowered to adopt, at any time, a  
 17 revenue allocation financing provision, as described in this chapter, as  
 18 part of an urban renewal plan or competitively disadvantaged border com-  
 19 munity area ordinance. A revenue allocation financing provision may be  
 20 adopted either at the time of the original adoption of an urban renewal plan  
 21 or the creation by ordinance of a competitively disadvantaged border com-  
 22 munity area or thereafter as a modification of an urban renewal plan or the  
 23 ordinance creating the competitively disadvantaged border community area.  
 24 Urban renewal plans existing prior to the effective date of this section  
 25 may be modified to include a revenue allocation financing provision. Ex-  
 26 cept as provided in subsections (1), (2), ~~and~~ (3) and (4) of this section,  
 27 no revenue allocation provision of an urban renewal plan or competitively  
 28 disadvantaged border community area ordinance, including all amendments  
 29 thereto, shall have a duration exceeding twenty-~~four~~ (240) years from the  
 30 date the ordinance is approved by the municipality; and provided further,  
 31 no additions to the land area of an existing revenue allocation area shall  
 32 be interpreted to or shall cause an extension of the date of the twenty-~~four~~  
 33 (240) year limit that was originally established for the revenue allocation  
 34 area. Notwithstanding these limitations, the duration of the revenue allo-  
 35 cation financing provision may be extended if:

36 (1) The maturity date of any bonds issued to provide funds for a spe-  
 37 cific project in the revenue allocation area and payable from the revenue al-  
 38 location financing provision exceeds the duration of the revenue allocation  
 39 financing provision, provided such bond maturity is not greater than ~~thirty~~  
 40 twenty (~~320~~) years; or

41 (2) The urban renewal agency determines that it is necessary to refi-  
 42 nance outstanding bonds payable from the revenue allocation financing pro-  
 43 vision to a maturity exceeding the twenty-~~four~~ (240) year duration of the  
 44 revenue allocation financing provision in order to avoid a default on the  
 45 bonds; or

46 (3) The local governing body has adopted an urban renewal plan or com-  
 47 petitively disadvantaged border community area ordinance or an amendment to  
 48 an urban renewal plan or competitively disadvantaged border community area  
 49 ordinance prior to July 1, 2000, in which is defined the duration of the plan

1 beyond a period of twenty-four (24) years, in which case the revenue alloca-  
 2 tion provision shall have a duration as described in such urban renewal plan  
 3 or competitively disadvantaged border community area ordinance or may be ex-  
 4 tended as set forth in subsection (2) of this section; and

5 ~~(4) During the extensions set forth in subsections (1) and (2) of this~~  
 6 ~~section, any revenue allocation area revenues exceeding the amount neces-~~  
 7 ~~sary to repay the bonds during the period exceeding the twenty-four (24) year~~  
 8 ~~maturity of the revenue allocation financing provision shall be returned to~~  
 9 ~~the taxing districts in the revenue allocation area on a pro rata basis. The~~  
 10 ~~local governing body has adopted an urban renewal plan or competitively dis-~~  
 11 ~~advantaged border community area ordinance or an amendment to an urban re-~~  
 12 ~~newal plan or competitively disadvantaged border community area ordinance~~  
 13 ~~after July 1, 2000, and prior to July 1, 2011, in which is defined the du-~~  
 14 ~~ration of the plan beyond a period of twenty (20) years in which case the~~  
 15 ~~revenue allocation provision shall have a duration as described in such ur-~~  
 16 ~~ban renewal plan or competitively disadvantaged border community area ordi-~~  
 17 ~~nance. The duration of the revenue allocation financing provision set forth~~  
 18 ~~in this subsection may be extended if the maturity date of any bonds issued~~  
 19 ~~to provide funds for a specific project in the revenue allocation area and~~  
 20 ~~payable from the revenue allocation financing provision exceeds the dura-~~  
 21 ~~tion of the revenue allocation financing provision, provided such bond matu-~~  
 22 ~~rity is not greater than thirty (30) years or may be extended as set forth in~~  
 23 ~~subsection (2) of this section.~~

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

29 SECTION 8. That Section 50-2905, Idaho Code, be, and the same is hereby  
 30 amended to read as follows:

31 50-2905. RECOMMENDATION OF URBAN RENEWAL AGENCY. In order to imple-  
 32 ment the provisions of this chapter, the urban renewal agency of the munic-  
 33 ipality shall prepare and adopt a plan for each revenue allocation area and  
 34 submit the plan and recommendation for approval thereof to the local govern-  
 35 ing body. The plan shall include ~~a statement listing:~~

36 (1) A statement describing the total assessed valuation of the base as-  
 37 essment roll of the revenue allocation area and the total assessed valua-  
 38 tion of all taxable property within the municipality;

39 (2) A statement listing tThe kind, number, and location of all proposed  
 40 public works or improvements within the revenue allocation area;

41 ~~(23) An economic feasibility study;~~

42 ~~(34) A detailed list of estimated project costs;~~

43 ~~(45) A fiscal impact statement showing the impact of the revenue allo-~~  
 44 ~~cation area, both until and after the bonds are repaid, upon all taxing dis-~~  
 45 ~~tricts levying taxes upon property on the revenue allocation area; and~~

46 ~~(56) A description of the methods of financing all estimated project~~  
 47 ~~costs and the time when related costs or monetary obligations are to be in-~~  
 48 ~~curred-;~~



1 (67) A termination date for the plan and the revenue allocation area as  
 2 provided for in section 50-2903(20), Idaho Code. In determining the termi-  
 3 nation date, the plan shall recognize that the agency shall receive alloca-  
 4 tion of revenues in the calendar year following the last year of the revenue  
 5 allocation provision described in the urban renewal plan; and

6 (78) A description of the disposition or retention of any assets of the  
 7 agency upon the termination date. Provided however, nothing herein shall  
 8 prevent the agency from retaining assets or revenues generated from such as-  
 9 sets as long as the agency shall have resources other than revenue allocation  
 10 funds to operate and manage such assets.

11 SECTION 9. That Section 50-2909, Idaho Code, be, and the same is hereby  
 12 amended to read as follows:

13 50-2909. ISSUANCE OF BONDS -- BOND PROVISIONS. (1) If the local gov-  
 14 erning body of an authorized municipality has enacted an ordinance adopting  
 15 a revenue allocation financing provision as part of an urban renewal plan,  
 16 the urban renewal agency established by such municipality is hereby autho-  
 17 rized and empowered:

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

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

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

29 All bonds issued under this section shall be issued in accordance with sec-  
 30 tion 50-2012, Idaho Code, except that such bonds shall be payable solely from  
 31 the special fund or funds established pursuant to section 50-2908, Idaho  
 32 Code. On and after July 1, 2011, bonds may be issued for a maximum period of  
 33 twenty (20) years.

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

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

42 (4) When the revenue allocation area plan budget described in section  
 43 50-2903(5), Idaho Code, estimates that all financial obligations have been  
 44 provided for, the principal of and interest on such moneys, indebtedness and  
 45 bonds have been paid in full, or when deposits in the special fund or funds  
 46 created under this chapter are sufficient to pay such principal and interest  
 47 as they come due, and to fund reserves, if any, or any other obligations of  
 48 the agency funded through revenue allocation proceeds shall be satisfied and  
 49 the agency has determined no additional project costs need be funded through

1 revenue allocation financing, the allocation of revenues under section  
2 50-2908, Idaho Code, shall thereupon cease; any moneys in such fund or funds  
3 in excess of the amount necessary to pay such principal and interest shall be  
4 distributed to the affected taxing districts in which the revenue allocation  
5 area is located in the same manner and proportion as the most recent distri-  
6 bution to the affected taxing districts of the taxes on the taxable property  
7 located within the revenue allocation area; and the powers granted to the  
8 urban renewal agency under section 50-2909, Idaho Code, shall thereupon  
9 terminate.

10 SECTION 10. SEVERABILITY. The provisions of this act are hereby de-  
11 clared to be severable and if any provision of this act or the application  
12 of such provision to any person or circumstance is declared invalid for any  
13 reason, such declaration shall not affect the validity of the remaining por-  
14 tions of this act.

15 SECTION 11. An emergency existing therefor, which emergency is hereby  
16 declared to exist, this act shall be in full force and effect on and after its  
17 passage and approval, and retroactively to January 1, 2011, only as it ap-  
18 pears to the amendment of Section 50-2903(4), Idaho Code. All other provi-  
19 sions of this act shall be in full force and effect on and after July 1, 2011.