

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 99

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2007, IDAHO CODE, TO PROVIDE  
2 FOR AN ELECTION; AND AMENDING SECTION 50-2012, IDAHO CODE, TO PROVIDE  
3 FOR AN ELECTION AND TO REVISE PROVISIONS RELATING TO THE ISSUANCE OF  
4 CERTAIN BONDS AND TO MAKE TECHNICAL CORRECTIONS.  
5

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

7 SECTION 1. That Section 50-2007, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 50-2007. POWERS. Every urban renewal agency shall have all the powers  
10 necessary or convenient to carry out and effectuate the purposes and pro-  
11 visions of this act, including the following powers in addition to others  
12 herein granted:

13 (a) to undertake and carry out urban renewal projects and related ac-  
14 tivities within its area of operation; and to make and execute contracts and  
15 other instruments necessary or convenient to the exercise of its powers un-  
16 der this act; and to disseminate slum clearance and urban renewal informa-  
17 tion;

18 (b) to provide or to arrange or contract for the furnishing or repair  
19 by any person or agency, public or private, of services, privileges, works,  
20 streets, roads, public utilities or other facilities for or in connec-  
21 tion with an urban renewal project; to install, construct, and reconstruct  
22 streets, utilities, parks, playgrounds, off-street parking facilities,  
23 public facilities, other buildings or public improvements; and any improve-  
24 ments necessary or incidental to a redevelopment project; and to agree to  
25 any conditions that it may deem reasonable and appropriate attached to fed-  
26 eral financial assistance and imposed pursuant to federal law relating to  
27 the determination of prevailing salaries or wages or compliance with labor  
28 standards, in the undertaking or carrying out of an urban renewal project and  
29 related activities, and to include in any contract let in connection with  
30 such a project and related activities, provisions to fulfill such of said  
31 conditions as it may deem reasonable and appropriate;

32 (c) within its area of operation, to enter into any building or property  
33 in any urban renewal area in order to make inspections, surveys, appraisals,  
34 soundings or test borings, and to obtain, upon sufficient cause and after a  
35 hearing on the matter, an order for this purpose from a court of competent  
36 jurisdiction in the event entry is denied or resisted; to acquire by pur-  
37 chase, lease, option, gift, grant, bequest, devise, eminent domain or oth-  
38 erwise, any real property (or personal property for its administrative pur-  
39 poses) together with any improvements thereon; to hold, improve, renovate,  
40 rehabilitate, clear or prepare for redevelopment any such property or build-  
41 ings; to mortgage, pledge, hypothecate or otherwise encumber or dispose of  
42 any real property; to insure or provide for the insurance of any real or per-

1 sonal property or operations of the municipality against any risks or haz-  
2 ards, including the power to pay premiums on any such insurance; and to enter  
3 into any contracts necessary to effectuate the purposes of this act: Pro-  
4 vided, however, that no statutory provision with respect to the acquisition,  
5 clearance or disposition of property by public bodies shall restrict a mu-  
6 nicipality or other public body exercising powers hereunder in the exercise  
7 of such functions with respect to an urban renewal project and related activ-  
8 ities, unless the legislature shall specifically so state;

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

17 (e) to invest any urban renewal funds held in reserves or sinking funds  
18 or any such funds not required for immediate disbursement, in property  
19 or securities in which savings banks may legally invest funds subject to  
20 their control; to redeem such bonds as have been issued pursuant to section  
21 50-2012, Idaho Code, at the redemption price established therein or to pur-  
22 chase such bonds at less than redemption price, all such bonds so redeemed or  
23 purchased to be canceled;

24 (f) to borrow money and to apply for and accept advances, loans, grants,  
25 contributions and any other form of financial assistance from the federal  
26 government, the state, county, or other public body, or from any sources,  
27 public or private, for the purposes of this act, and to give such security  
28 as may be required and to enter into and carry out contracts or agreements  
29 in connection therewith; and to include in any contract for financial as-  
30 sistance with the federal government for or with respect to an urban renewal  
31 project and related activities such conditions imposed pursuant to federal  
32 laws as the municipality may deem reasonable and appropriate and which are  
33 not inconsistent with the purposes of this act. Provided however, that any  
34 debt incurred pursuant to this act, including any and all bonds, or other li-  
35 abilities or obligations lasting more than one (1) fiscal year, shall be in-  
36 curring only after two-thirds (2/3) of qualified electors of the county vot-  
37 ing in an election relating to such proposed debt or obligation, have ap-  
38 proved such debt or obligation;

39 (g) within its area of operation, to make or have made all surveys and  
40 plans necessary to the carrying out of the purposes of this act and to con-  
41 tract with any person, public or private, in making and carrying out such  
42 plans and to adopt or approve, modify and amend such plans, which plans may  
43 include, but are not limited to: (1) plans for carrying out a program of vol-  
44 untary compulsory repair and rehabilitation of buildings and improvements,  
45 (2) plans for the enforcement of state and local laws, codes and regulations  
46 relating to the use of land and the use and occupancy of buildings and im-  
47 provements and to the compulsory repair, rehabilitation, demolition, or  
48 removal of buildings and improvements, and (3) appraisals, title searches,  
49 surveys, studies, and other plans and work necessary to prepare for the un-  
50 dertaking of urban renewal projects and related activities; and to develop,

1 test, and report methods and techniques, and carry out demonstrations and  
 2 other activities, for the prevention and the elimination of slums and urban  
 3 blight and developing and demonstrating new or improved means of providing  
 4 housing for families and persons of low income and to apply for, accept and  
 5 utilize grants of funds from the federal government for such purposes;

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

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

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

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

21 SECTION 2. That Section 50-2012, Idaho Code, be, and the same is hereby  
 22 amended to read as follows:

23 50-2012. ISSUANCE OF BONDS. (a) An urban renewal agency shall have  
 24 power to issue bonds from time to time in its discretion to finance the un-  
 25 dertaking of any urban renewal project under this act, including, without  
 26 limiting the generality thereof, the payment of principal and interest upon  
 27 any advances for surveys and plans or preliminary loans, and shall also have  
 28 power to issue refunding bonds for the payment or retirement of such bonds  
 29 previously issued by it. Such bonds shall be made payable, as to both princi-  
 30 pal and interest, solely from the income, proceeds, revenues, and funds of  
 31 the urban renewal agency derived from or held in connection with its under-  
 32 taking and carrying out of urban renewal projects under this act: Provided,  
 33 however, that payment of such bonds, both as to principal and interest, may  
 34 be further secured by a pledge of any loan, grant or contribution from the  
 35 federal government or other source, in aid of any urban renewal projects  
 36 under this act, and by a mortgage of any such urban renewal projects, or any  
 37 part thereof, title to which is in the urban renewal agency.

38 (b) Bonds issued under this section shall not constitute an indebted-  
 39 ness within the meaning of any constitutional or statutory debt limitation  
 40 or restriction, and shall not be subject to the provisions of any other law  
 41 or charter relating to the authorization, issuance or sale of bonds. Bonds  
 42 and other obligations of an urban renewal agency, ~~and such bonds and obli-~~  
 43 ~~gations shall so state on their face,~~ shall not be a debt of the municipi-  
 44 ~~ality, the state or any political subdivision thereof, and neither the mu-~~  
 45 ~~nicipality, the state nor any political subdivision thereof shall be liable~~  
 46 ~~thereon, nor in any event shall such bonds or obligations be payable out of~~  
 47 ~~any funds other than those of said urban renewal agency. Bonds issued under~~  
 48 ~~the provisions of this act are declared to be issued for an essential pub-~~  
 49 ~~lic and governmental purpose and, together with interest thereon and income~~

1 therefrom, shall be exempted from all taxes. As a prerequisite to the is-  
2 suance of bonds or other similar obligations provided for in this section,  
3 there shall be required a countywide election by qualified electors in the  
4 county wherein the agency is located. Such election shall be for the pur-  
5 pose of approving and authorizing the issuance of such bonds or other similar  
6 obligations. Approval and authorization shall require a two-thirds (2/3)  
7 majority of the electors voting in such election.

8 (c) In addition to the voting requirements provided for in subsection  
9 (b), bBonds issued under this section shall be authorized by resolution or  
10 ordinance of the urban renewal agency and may be issued in one (1) or more se-  
11 ries and shall bear such date or dates, be payable upon demand or mature at  
12 such time, or times, bear interest at a rate or rates, be in such denomina-  
13 tion or denominations, be in such form either with or without coupon or reg-  
14 istered, carry such conversion or registration privileges, have such rank or  
15 priority, be executed in such manner, be payable in such medium of payment,  
16 at such place or places, and be subject to such terms of repayment, at such  
17 place or places, and be subject to such terms of redemption, ~~with or without~~  
18 ~~premium~~, be secured in such manner, and have such other characteristics, as  
19 may be provided by such resolution or ordinance, or trust indenture or mort-  
20 gage issued pursuant thereto.

21 (d) Such bonds may be sold at not less than par at public or private  
22 sales held after notice published prior to such sale in a newspaper having a  
23 general circulation in the area of operation and in such other medium of pub-  
24 lication as the agency may determine or may be exchanged for other bonds on  
25 the basis of par: Provided, that such bonds may be sold to the federal gov-  
26 ernment at private sale at not less than par, and, in the event less than all  
27 of the authorized principal amount on such bonds is sold to the federal gov-  
28 ernment, the balance may be sold at private sale at not less than par at an in-  
29 terest cost to the agency of not to exceed the interest cost to the agency of  
30 the portion of the bonds sold to the federal government.

31 (e) In case any of the officials of the urban renewal agency whose sig-  
32 natures appear on any bonds or coupons issued under this act shall cease to  
33 be such officials before the delivery of such bonds, such signatures shall,  
34 nevertheless, be valid and sufficient for all purposes, the same as if such  
35 officials had remained in office until such delivery. Any provision of any  
36 law to the contrary notwithstanding, any bonds issued pursuant to this act  
37 shall be fully negotiable.

38 (f) In any suit, action or proceeding involving the validity or en-  
39 forceability of any bond issued under this act or the security therefor,  
40 any such bond reciting in substance that it has been issued by the agency  
41 in connection with an urban renewal project, as herein defined, shall be  
42 conclusively deemed to have been issued for such purpose and such project  
43 shall be conclusively deemed to have been planned, located and carried out in  
44 accordance with the provisions of this act.