

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 560

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

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

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

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 That Chapter 20, Title 50, Idaho Code, be, and the same is hereby repealed.

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

50-2904. AUTHORITY TO CREATE REVENUE ALLOCATION AREA. An authorized municipality is hereby authorized and empowered to adopt, at any time, a revenue allocation financing provision, as described in this chapter, as part of ~~an urban renewal plan or a~~ competitively disadvantaged border community area ordinance. A revenue allocation financing provision may be adopted either at the time of the ~~original adoption of an urban renewal plan or the~~ creation by ordinance of a competitively disadvantaged border community area or thereafter as a modification of ~~an urban renewal plan or the~~ ordinance creating the competitively disadvantaged border community area. ~~Urban renewal plans existing prior to the effective date of this section may be modified to include a revenue allocation financing provision.~~ Except as provided in subsections (1), (2), (3) and (4) of this section, no revenue allocation provision of ~~an urban renewal plan or a~~ competitively disadvantaged border community area ordinance, including all amendments thereto, shall have a duration exceeding twenty (20) years from the date the ordinance is approved by the municipality; and provided further, no additions to the land area of an existing revenue allocation area shall be interpreted to or shall cause an extension of the date of the twenty (20) year limit that was originally established for the revenue allocation area. Notwithstanding these limitations, the duration of the revenue allocation financing provision may be extended if:

(1) The maturity date of any bonds issued to provide funds for a specific project in the revenue allocation area and payable from the revenue allocation financing provision exceeds the duration of the revenue allocation financing provision, provided such bond maturity is not greater than twenty (20) years; or

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

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

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

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

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

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

SECTION 4. The repeal of Chapter 20, Title 50, Idaho Code, as provided for in Section 1 of this act, and the amendments to Section 50-2904, Idaho Code, as provided for in Section 2 of this act, and the repeal of Section 50-2905, Idaho Code, as provided for in Section 3 of this act, shall have no effect on any obligations or liabilities incurred by an agency established pursuant to the provisions of Chapter 20, Title 50, Idaho Code, or incurred by such agency pursuant to the provisions of Chapter 29, Title 50, Idaho Code, prior to the passage and approval of this act. Provided however, that such obligations or liabilities shall have been incurred by such agency prior to the passage and approval of this act. The appropriate local governing body shall assume the fiduciary responsibility of such agency and shall ensure that any such obligations or liabilities are appropriately retired in a manner consistent with the terms under which such obligations and liabilities were incurred. Any urban renewal area revenues collected that exceed the amount necessary for the urban renewal agency to meet its existing financial obligations, including those incurred under the urban renewal plan, competitively disadvantaged border community area ordinance, revenue allo-

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

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