

Moved by Souza

Seconded by Burgoyne

IN THE SENATE  
SENATE AMENDMENT TO S.B. NO. 1303

AMENDMENT TO SECTION 1

1 On page 2 of the printed bill, delete lines 6 through 10, and insert:

2 "(3) Any board of commissioners for an urban renewal agency whose  
3 members are comprised entirely of officials elected pursuant to section  
4 50-2006(b) (3) and (5), Idaho Code, may exercise the right of eminent domain.  
5 However, if a board of commissioners for an urban renewal agency includes one  
6 (1) or more commissioners that are appointed to the board of commissioners,  
7 that board may act only in an advisory capacity to the local governing body  
8 with regard to eminent domain decisions, and any final decision on the use  
9 of eminent domain shall be made by the local governing body that created the  
10 urban renewal agency.".  
11

AMENDMENT TO SECTION 2

12 On page 4, delete lines 1 and 2; in line 3, delete "vice." and insert:

13 "(7) Any urban renewal commissioner who has been appointed to the board  
14 of commissioners of an urban renewal agency by virtue of being a member  
15 of the local governing body shall vacate his appointment on the board  
16 upon leaving his elected position on such local governing body.";  
17

18 and following line 47, insert:

19 "(f) Upon dissolution of the urban renewal agency, title to all prop-  
20 erty of the urban renewal agency shall revert to the municipality.".

AMENDMENT TO THE BILL

21 On page 4, following line 47, insert:

22 "SECTION 3. That Section 50-2010, Idaho Code, be, and the same is hereby  
23 amended to read as follows:  
24

25 50-2010. ACQUISITION OF PROPERTY. (a) An urban renewal agency shall  
26 have the right to acquire by negotiation or condemnation any interest in real  
27 property, including a fee simple title thereto, which it may deem necessary  
28 for or in connection with an urban renewal project and related activities un-  
29 der this act. An urban renewal agency may exercise the power of eminent do-  
30 main in the manner now or which may be hereafter provided by any other statu-  
31 tory provisions for the exercise of the power of eminent domain. Any board  
32 of commissioners for an urban renewal agency whose members are comprised en-  
33 tirely of officials elected pursuant to section 50-2006(b) (3) and (5), Idaho  
34 Code, may exercise the right of eminent domain. However, if a board of com-  
35 missioners for an urban renewal agency includes one (1) or more commission-  
36 ers that are appointed to the board of commissioners, that board may act only  
37 in an advisory capacity to the local governing body with regard to eminent  
38 domain decisions, and any final decision on the use of eminent domain shall

1 be made by the local governing body that created the urban renewal agency.  
 2 Property already devoted to a public use may be acquired in like manner: Pro-  
 3 vided, that no real property belonging to the United States, the state, or  
 4 any political subdivision of the state, may be acquired without its consent.

5 (b) In any proceeding to fix or assess compensation for damages for the  
 6 taking or damaging of property, or any interest therein, through the exer-  
 7 cise of the power of eminent domain or condemnation, evidence or testimony  
 8 bearing upon the following matters shall be admissible and shall be consid-  
 9 ered in fixing such compensation or damages, in addition to evidence or tes-  
 10 timony otherwise admissible:

11 (1) any use, condition, occupancy, or operation of such property, which  
 12 is unlawful or violative of, or subject to elimination, abatement, pro-  
 13 hibition, or correction under, any law or any ordinance or regulatory  
 14 measure of the state, county, municipality, other political subdivi-  
 15 sion, or any agency thereof, in which such property is located, as be-  
 16 ing unsafe, substandard, insanitary or otherwise contrary to the public  
 17 health, safety, or welfare;

18 (2) the effect on the value of such property, of any such use, condi-  
 19 tion, occupancy, or operation, or of the elimination, abatement, prohi-  
 20 bition, or correction of any such use, condition, occupancy, or opera-  
 21 tion.

22 (c) The foregoing testimony and evidence shall be admissible notwith-  
 23 standing that no action has been taken by any public body or public officer  
 24 toward the abatement, prohibition, elimination or correction of any such  
 25 use, condition, occupancy, or operation. Testimony or evidence that any  
 26 public body or public officer charged with the duty or authority so to do  
 27 has rendered, made or issued any judgment, decree, determination or order  
 28 for the abatement, prohibition, elimination or correction of any such use,  
 29 condition, occupancy, or operation shall be admissible and shall be prima  
 30 facie evidence of the existence and character of such use, condition or oper-  
 31 ation."

#### 32 CORRECTION TO TITLE

33 On page 1, delete lines 3 through 5, and insert: "THAT A MEMBER APPOINTED  
 34 TO THE BOARD OF COMMISSIONERS OF AN URBAN RENEWAL AGENCY SHALL VACATE HIS AP-  
 35 POINTMENT UPON LEAVING ELECTED OFFICE ON THE LOCAL GOVERNING BODY AND TO PRO-  
 36 VIDE AN EXCEPTION; AMENDING SECTION 50-2006, IDAHO CODE, TO REVISE PROVI-  
 37 SIONS REGARDING URBAN RENEWAL AGENCIES; AND AMENDING SECTION 50-2010, IDAHO  
 38 CODE, TO REVISE PROVISIONS REGARDING THE USE OF EMINENT DOMAIN BY AN URBAN  
 39 RENEWAL AGENCY."