

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 404

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2007, IDAHO CODE, TO PROVIDE
2 FOR REIMBURSEMENT OF TELECOMMUNICATIONS SERVICE PROVIDERS BY URBAN RE-
3 NEWAL AGENCIES FOR RELOCATION OF FACILITIES, TO DEFINE TERMS AND TO MAKE
4 A TECHNICAL CORRECTION.
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 acquire by purchase, lease, op-
33 tion, gift, grant, bequest, devise, eminent domain or otherwise, any real
34 property or personal property for its administrative purposes, together
35 with any improvements thereon; to hold, improve, renovate, rehabilitate,
36 clear or prepare for redevelopment any such property or buildings; to mort-
37 gage, pledge, hypothecate or otherwise encumber or dispose of any real
38 property; to insure or provide for the insurance of any real or personal
39 property or operations of the municipality against any risks or hazards, in-
40 cluding the power to pay premiums on any such insurance; and to enter into any
41 contracts necessary to effectuate the purposes of this act: Provided how-
42 ever, that no statutory provision with respect to the acquisition, clearance

1 or disposition of property by public bodies shall restrict a municipality
2 or other public body exercising powers hereunder in the exercise of such
3 functions with respect to an urban renewal project and related activities,
4 unless the legislature shall specifically so state;

5 (d) With the approval of the local governing body⁷: (1) prior to ap-
6 proval of an urban renewal plan, or approval of any modifications of the
7 plan, to acquire real property in an urban renewal area, demolish and remove
8 any structures on the property, and pay all costs related to the acquisition,
9 demolition, or removal, including any administrative or relocation ex-
10 penses; and (2) to assume the responsibility to bear any loss that may arise
11 as the result of the exercise of authority under this subsection in the event
12 that the real property is not made part of the urban renewal project;

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

20 (f) To borrow money and to apply for and accept advances, loans, grants,
21 contributions and any other form of financial assistance from the federal
22 government, the state, county, or other public body, or from any sources,
23 public or private, for the purposes of this act, and to give such security
24 as may be required and to enter into and carry out contracts or agreements
25 in connection therewith; and to include in any contract for financial as-
26 sistance with the federal government for or with respect to an urban renewal
27 project and related activities such conditions imposed pursuant to federal
28 laws as the municipality may deem reasonable and appropriate and which are
29 not inconsistent with the purposes of this act;

30 (g) Within its area of operation, to make or have made all surveys and
31 plans necessary to the carrying out of the purposes of this act and to con-
32 tract with any person, public or private, in making and carrying out such
33 plans and to adopt or approve, modify and amend such plans, which plans may
34 include, but are not limited to: (1) plans for carrying out a program of vol-
35 untary compulsory repair and rehabilitation of buildings and improvements,
36 (2) plans for the enforcement of state and local laws, codes and regulations
37 relating to the use of land and the use and occupancy of buildings and im-
38 provements and to the compulsory repair, rehabilitation, demolition, or
39 removal of buildings and improvements, and (3) appraisals, title searches,
40 surveys, studies, and other plans and work necessary to prepare for the un-
41 dertaking of urban renewal projects and related activities; and to develop,
42 test, and report methods and techniques, and carry out demonstrations and
43 other activities, for the prevention and the elimination of slums and urban
44 blight and developing and demonstrating new or improved means of providing
45 housing for families and persons of low income and to apply for, accept and
46 utilize grants of funds from the federal government for such purposes;

47 (h) To prepare plans for and assist in the relocation of persons, in-
48 cluding individuals, families, business concerns, nonprofit organizations
49 and others displaced from an urban renewal area, and notwithstanding any
50 statute of this state to make relocation payments to or with respect to such

1 persons for which reimbursement or compensation is not otherwise made, in-
2 cluding the making of such payments financed by the federal government;

3 (i) To exercise all or any part or combination of powers herein granted;

4 (j) In addition to its powers under subsection (b) of this section,
5 an agency may construct foundations, platforms, and other like structural
6 forms necessary for the provision or utilization of air rights sites for
7 buildings and to be used for residential, commercial, industrial, and other
8 uses contemplated by the urban renewal plan, and to provide utilities to the
9 development site; and

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

12 (l) In the event that a telecommunications service provider is re-
13 quired to relocate its facilities to accommodate an Idaho urban renewal
14 agency project within its area of operation as described in subsection
15 (b) of this section, an urban renewal agency shall directly reimburse the
16 telecommunications service provider one hundred percent (100%) of the cost
17 of relocation of its facilities. The provisions of this subsection shall
18 also apply to any such facility relocation in the process of being conducted
19 on the effective date of this act if such relocation cost has not previously
20 been agreed upon in writing between the agency and service provider.

21 (m) As used in this section:

22 (1) "Cost of relocation" means the entire cost incurred by the telecom-
23 munications service provider attributable to the relocation of the
24 utility facility after deducting any salvage value derived from the old
25 utility facility.

26 (2) "Telecommunications service provider" means any provider of
27 telecommunications services in the state of Idaho as defined in section
28 62-603(13), Idaho Code.