

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 198

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2027, IDAHO CODE, TO MAKE
2 TECHNICAL CORRECTIONS, TO DELETE REFERENCE TO AN ARCHAIC CODE SECTION,
3 TO REVISE CERTAIN PERIODS OF TIME RELATING TO CONTESTING THE CERTAIN
4 ORDINANCE, RESOLUTION OR PROCEEDING OR CERTAIN BONDS, TO PROVIDE THAT
5 NOTHING IN THIS SECTION SHALL BAR A CHALLENGE AND TO CORRECT A COD-
6 IFIER'S ERROR; AND AMENDING SECTION 50-2911, IDAHO CODE, TO REVISE
7 CERTAIN PERIODS OF TIME RELATING TO CONTESTING THE CERTAIN ORDINANCE,
8 RESOLUTION OR PROCEEDING OR CERTAIN BONDS, TO PROVIDE THAT NOTHING IN
9 THIS SECTION SHALL BAR A CHALLENGE AND TO MAKE TECHNICAL CORRECTIONS.
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11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 50-2027, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 50-2027. LIMITATIONS ON REVIEW OF ADOPTION OR MODIFICATION OF PLAN,
15 AND ISSUANCE OF BONDS. (1) No direct or collateral action attacking or oth-
16 erwise questioning the validity of any urban renewal plan, project or mod-
17 ification thereto, ~~(including one (1) containing a revenue allocation pro-~~
18 ~~vision),~~ or the adoption or approval of such plan, project or modification,
19 or any of the findings or determinations of the agency or the local governing
20 body in connection with such plan, project or modification, shall be brought
21 prior to the effective date of the ordinance adopting or modifying the plan.
22 No direct or collateral action attacking or otherwise questioning the va-
23 lidity of bonds issued pursuant to section 50-2012, Idaho Code, ~~or section~~
24 ~~50-2026(a), Idaho Code,~~ shall be brought prior to the effective date of the
25 resolution or ordinance authorizing such bonds.

26 (2) For a period of ~~thirty ninety~~ (390) days after the effective date
27 of the ordinance or resolution, any person in interest shall have the right
28 to contest the legality of such ordinance, resolution or proceeding or any
29 bonds which may be authorized thereby. No contest or proceeding to ques-
30 tion the validity or legality of any ordinance, resolution or proceeding, or
31 any bonds which may be authorized thereby, passed or adopted under the pro-
32 visions of this chapter shall be brought in any court by any person for any
33 cause whatsoever, after the expiration of ~~thirty ninety~~ (390) days from the
34 effective date of the ordinance, resolution or proceeding, and after such
35 time the validity, legality and regularity of such ordinance, resolution or
36 proceeding or any bonds authorized thereby shall be conclusively presumed.
37 If the question of the validity of any adopted plan or bonds issued pursuant
38 to this chapter is not raised within ~~thirty ninety~~ (390) days from the effec-
39 tive date of the ordinance, resolution or ~~preceeding~~ proceeding issuing said
40 bonds and fixing their terms, the authority of the plan, the authority adopt-
41 ing the plan, or the authority to issue the bonds, and the legality thereof,
42 the same shall be conclusively presumed and no court shall thereafter have

1 authority to inquire into such matters. Provided, that nothing in this sec-
2 tion shall bar any challenge of the validity or legality of any statute, or-
3 dinance, resolution, proceeding, or bonds authorized thereby on grounds of
4 violation of the constitution of the state of Idaho or the constitution of
5 the United States.

6 SECTION 2. That Section 50-2911, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 50-2911. LIMITATIONS ON REVIEW. (1) No direct or collateral action
9 attacking or otherwise questioning the validity of any urban renewal plan,
10 project or modification thereto, ~~(including one (1) containing a revenue~~
11 ~~allocation provision),~~ or the adoption or approval of such plan, project or
12 modification, or any of the findings or determinations of the agency or the
13 local governing body in connection with such plan, project or modification,
14 shall be brought prior to the effective date of the ordinance adopting or
15 modifying the plan. No direct or collateral action attacking or otherwise
16 questioning the validity of bonds issued pursuant to section 50-2909, Idaho
17 Code, shall be brought prior to the effective date of the resolution or ordi-
18 nance authorizing such bonds.

19 (2) For a period of ~~thirty ninety~~ (390) days after the effective date
20 of the ordinance or resolution, any person in interest shall have the right
21 to contest the legality of such ordinance, resolution or proceeding or any
22 bonds which may be authorized thereby. No contest or proceeding to ques-
23 tion the validity or legality of any ordinance, resolution or proceeding, or
24 any bonds which may be authorized thereby, passed or adopted under the pro-
25 visions of this chapter shall be brought in any court by any person for any
26 cause whatsoever, after the expiration of ~~thirty ninety~~ (390) days from the
27 effective date of the ordinance, resolution or proceeding, and after such
28 time the validity, legality and regularity of such ordinance, resolution or
29 proceeding or any bonds authorized thereby shall be conclusively presumed.
30 If the question of the validity of any adopted plan or bonds issued pursuant
31 to this chapter is not raised within ~~thirty ninety~~ (390) days from the ef-
32 fective date of the ordinance, resolution or proceeding issuing said bonds
33 and fixing their terms, the authority of the plan, the authority adopting
34 the plan, or the authority to issue the bonds, and the legality thereof, the
35 same shall be conclusively presumed and no court shall thereafter have au-
36 thority to inquire into such matters. Provided, that nothing in this sec-
37 tion shall bar any challenge of the validity or legality of any statute, or-
38 dinance, resolution, proceeding, or bonds authorized thereby on grounds of
39 violation of the constitution of the state of Idaho or the constitution of
40 the United States.