

DRAFT

DRPEC036

This bill draft contains confidential and privileged information exempt from disclosure under Section 74-109(1), Idaho Code. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning the Legislative Services Office at (208) 334-2475.

AN ACT

RELATING TO REGIONAL PUBLIC TRANSPORTATION AUTHORITIES; AMENDING SECTION 40-2108, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CORPORATE POWERS OF A REGIONAL PUBLIC TRANSPORTATION AUTHORITY; AMENDING CHAPTER 21, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-2114, IDAHO CODE, TO AUTHORIZE THE LEVY OF A TAX; AMENDING CHAPTER 21, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-2115, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF CERTAIN BONDS AND TO PROVIDE FOR AN ELECTION TO AUTHORIZE SUCH BONDS; AMENDING SECTION 40-2114, IDAHO CODE, TO RENUMBER THE SECTION; AND DECLARING AN EMERGENCY.

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

12 SECTION 1. That Section 40-2108, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 40-2108. CORPORATE POWERS OF AN AUTHORITY. A regional public trans-
15 portation authority has power:

- (1) To sue and be sued;
- (2) To raise and expend funds as provided in this chapter;
- (3) To issue revenue bonds;
- (4) To adopt and use an official seal;
- (5) To purchase and hold lands, make contracts, purchase and hold personal property as may be necessary or convenient for the purposes of this act, and to sell and exchange real and personal property. The board shall first adopt a resolution finding that the property to be sold or exchanged is no longer needed by or useful to the district; that a public hearing is to be held, of which hearing notice shall be published in accordance with the provisions of section 40-206, Idaho Code.

31 SECTION 2. That Chapter 21, Title 40, Idaho Code, be, and the same is
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
33 ignated as Section 40-2114, Idaho Code, and to read as follows:

34 40-2114. LEVY OF TAX. (1) Subject to voter approval, the board is em-
35 powered to levy a tax for the uses and purposes of the authority in an amount
36 not exceeding one-tenth of one percent (.1%) of the market value for assess-
37 ment purposes on all of the taxable property within the authority's region.
38 Such tax may only be used for the purposes of financing, constructing, oper-
39 ating, and maintaining the public transportation systems of the authority as
40 provided in a plan adopted by resolution of the authority. If an authority

DRAFT

DRPEC036

2

1 desires to levy a tax, it shall submit the question to the electors of the au-
 2 thority's region at an election held in November pursuant to the provisions
 3 of section 34-106, Idaho Code, and it shall be approved upon the affirmative
 4 vote of at least two-thirds (2/3) of the qualified electors within the au-
 5 thority's region. The ballot question submitted to the voters shall provide
 6 a detailed description and general explanation of the tax to be approved, the
 7 maximum rate of the tax, and a detailed summary of the exact purpose or pur-
 8 poses for which the revenues derived from the tax shall be used as detailed
 9 in the plan adopted by the authority. If such taxing power is approved by the
 10 voters, the board shall be empowered to levy a tax each year thereafter pur-
 11 suant to this section for all lawful purposes of the authority.

12 (2) The board shall by resolution fix the levy to be made for the au-
 13 thority for the year and the secretary shall transmit a certified copy of the
 14 resolution to the county commissioners at the time and in the manner provided
 15 by section 63-804, Idaho Code. Such taxes shall be collected as provided by
 16 section 63-802, Idaho Code, and shall be remitted to the treasurer of the au-
 17 thority as provided by section 63-1202, Idaho Code.

18 (3) The property tax portion of the authority's budget shall be subject
 19 to the budget limitations pursuant to section 63-802, Idaho Code.

20 SECTION 3. That Chapter 21, Title 40, Idaho Code, be, and the same is
 21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 22 ignated as Section 40-2115, Idaho Code, and to read as follows:

23 40-2115. ISSUANCE OF GENERAL OBLIGATION COUPON BONDS -- ELECTION. (1)
 24 Whenever the board shall determine that it is in the interest of the region
 25 to incur indebtedness that exceeds the income and revenue provided for the
 26 year for the purposes of acquiring necessary equipment or constructing fa-
 27 cilities necessary to provide the services of the authority as provided in
 28 a plan adopted by resolution pursuant to section 40-2114, Idaho Code, the
 29 board shall have the power and authority as provided in this section to issue
 30 general obligation coupon bonds not to exceed in the aggregate at any time
 31 two percent (2%) of market value for assessment purposes of the real and per-
 32 sonal property in said district to fund such plan.

33 (2) The board shall provide for the issuance of such bonds by resolu-
 34 tion which shall specify and set forth all the purposes, objects and things
 35 required by section 57-203, Idaho Code, and this section, and make provi-
 36 sion for the collection of an annual tax sufficient to constitute a sinking
 37 fund for the payment of the principal thereof within thirty (30) years from
 38 the time of contracting said bonded indebtedness and to pay the interest on
 39 such proposed bonds as it falls due. The resolution shall include a detailed
 40 analysis demonstrating that annual debt service on the proposed bonds, to-
 41 gether with all other debt service, will not exceed twenty percent (20%) of
 42 the authority's projected annual tax revenues from the levy authorized in
 43 section 40-2114, Idaho Code. The resolution shall also provide for holding
 44 an election with the notice in compliance with section 34-1406, Idaho Code.

45 (3) The election shall be conducted in the manner and form, the returns
 46 canvassed, and the qualifications of electors of the authority voting or of-
 47 fering to vote shall be determined, as provided by the pertinent and applica-
 48 ble provisions of title 34, Idaho Code. The voting at such election must be

DRAFT

DRPEC036

3

1 by ballot and the ballot used shall be substantially as follows: "In favor of
2 issuing bonds to the amount of..... dollars for the purpose stated in
3 Resolution No....." and "Against issuing bonds to the amount of.....
4 dollars for the purpose stated in Resolution No....." If at such election
5 two-thirds (2/3) of the qualified electors voting at such election, assent
6 to the issuing of such bonds and the incurring of the indebtedness thereby
7 created for the purposes, objects, and things provided in said resolution,
8 such bonds shall be issued in the manner provided by chapter 2, title 57,
9 Idaho Code, the municipal bond law of the state of Idaho.

10 (4) The board may, in its discretion, submit the question of authorizing
11 the tax levy pursuant to section 40-2114, Idaho Code, and the question of
12 issuing general obligation coupon bonds as a single combined proposition at
13 the same election. In such case the ballot shall clearly state all information
14 required by law, and approval of the combined proposition shall require
15 the assent of two-thirds (2/3) of the qualified electors voting thereon.

16 SECTION 4. That Section 40-2114, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 40-211416. SEVERABILITY . The provisions of this chapter are hereby
19 declared to be severable and if any provision of this act [chapter] or the
20 application of such provision to any person or circumstance is declared in-
21 valid for any reason, such declaration shall not affect the validity of the
22 remaining portions of this chapter.

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