

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 167

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-701, IDAHO CODE, TO REVISE  
2 A PROVISION RELATED TO AUTHORIZED USES FOR EMINENT DOMAIN AND TO MAKE  
3 TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-  
4 FECTIVE DATE.  
5

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

7 SECTION 1. That Section 7-701, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 7-701. USES FOR WHICH AUTHORIZED. Subject to the provisions of this  
10 chapter, the right of eminent domain may be exercised in behalf of the fol-  
11 lowing public uses:

12 1. Public buildings and grounds for the use of the state, and all other  
13 public uses authorized by the legislature.

14 2. Public buildings and grounds for the use of any county, incorporated  
15 city or school district; canals, aqueducts, flumes, ditches or pipes for  
16 conducting water for use on state property or for the use of the inhabitants  
17 of any county or incorporated city, or for draining state property for any  
18 county or incorporated city, raising the banks of streams, removing obstruc-  
19 tions therefrom and widening, deepening or straightening their channels,  
20 roads, streets, alleys, and all other public uses for the benefit of the  
21 state or of any county, incorporated city or the inhabitants thereof.

22 3. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads,  
23 byroads, plank and turnpike roads, steam, electric and horse railroads,  
24 reservoirs, canals, ditches, flumes, aqueducts and pipes, for public  
25 transportation supplying mines and farming neighborhoods with water, and  
26 draining and reclaiming lands, and for storing and floating logs and lumber  
27 on streams not navigable.

28 4. Roads, tunnels, ditches, flumes, pipes and dumping places for work-  
29 ing mines; also outlets, natural or otherwise, for the flow, deposit or con-  
30 duct of tailings or refuse matter from mines; also, an occupancy in common  
31 by the owners or possessors of different mines of any place for the flow, de-  
32 posit or conduct of tailings or refuse matter from their several mines.

33 5. Byroads, leading from highways to residences and farms.

34 6. Telephones, telegraph and telephone lines.

35 7. Sewerage of any incorporated city.

36 8. Cemeteries for the burial of the dead, and enlarging and adding to  
37 the same and the grounds thereof.

38 9. ~~Pipe lines~~ Pipelines for the transmission, delivery, furnishing or  
39 distribution of natural or manufactured gas for light, heat or power, or for  
40 the transportation of crude petroleum or petroleum products; also for tanks,  
41 reservoirs, storage, terminal and pumping facilities, telephone, telegraph  
42 and power lines necessarily incident to such ~~pipe lines~~ pipelines.

1           10. Snow fences or barriers for the protection of highways from drift-  
2 ing snow.

3           11. Electric distribution and transmission lines for the delivery,  
4 furnishing, distribution, and transmission of electric current for power,  
5 lighting, heating or other purposes; and structures, facilities and equip-  
6 ment for the production, generation, and manufacture of electric current  
7 for power, lighting, heating or other purposes, provided that at least sev-  
8 enty-five percent (75%) of the electricity generated therefrom remains for  
9 sale within the state of Idaho at Idaho market rate prices in effect at the  
10 time of the sale of electricity.

11           SECTION 2. An emergency existing therefor, which emergency is hereby  
12 declared to exist, this act shall be in full force and effect on and after  
13 July 1, 2025.