

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 54

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-712, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LAWFUL INTEREST ON COMPENSATION AND DAMAGES AWARDED IN EMINENT DOMAIN CASES.

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

SECTION 1. That Section 7-712, Idaho Code, be, and the same is hereby amended to read as follows:

7-712. DAMAGES – DATE OF ACCRUAL. For the purpose of assessing compensation and damages, the right thereto shall be deemed to have accrued at the date of the summons, and its actual value, at that date, shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken, but injuriously affected, in all cases where such damages are allowed, as provided in ~~the last~~ section 7-711, Idaho Code. No improvements put upon the property subsequent to the date of the service of summons shall be included in the assessment of compensation or damages. The compensation and damages awarded shall draw lawful interest ~~from the date of the summons~~ at the rate of eight percent (8%) per annum from the date of taking actual possession of the property or the date of the summons, whichever is earlier.