

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 168

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-704, IDAHO CODE, TO PROVIDE
3 AN ADDITIONAL FACT PREREQUISITE TO TAKING AND TO MAKE TECHNICAL CORREC-
4 TIONS; AND AMENDING SECTION 40-506, IDAHO CODE, TO PROVIDE A CORRECT
5 CODE REFERENCE.

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

7 SECTION 1. That Section 7-704, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 7-704. FACTS PREREQUISITE TO TAKING. (1) Before property can be taken
10 it must appear:

11 ~~1-(a) That the use to which it is to be applied is a use authorized by~~
12 ~~law;~~

13 ~~2-(b) That the taking is necessary to such use;~~

14 (c) That such use directly serves the interests of the residents of
15 Idaho; and

16 ~~3-(d) If already appropriated to some public use, that the public use to~~
17 ~~which it is to be applied is a more necessary public use.~~

18 ~~4-(2) In addition, for an electrical transmission line with a capacity~~
19 ~~in excess of two hundred thirty (230) KV (kilovolts), to be constructed over~~
20 ~~private real property actively devoted to agriculture, that a public meeting~~
21 ~~shall have been held following ten (10) days' notice, as provided by section~~
22 ~~60-109, Idaho Code, being published in a newspaper of general circulation in~~
23 ~~each county or counties in which the transmission line is proposed to be lo-~~
24 ~~cated with the last publication of the legal notice having occurred prior to~~
25 ~~the public meeting at which testimony from interested persons regarding the~~
26 ~~transmission line location is received.~~

27 SECTION 2. That Section 40-506, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 40-506. COMPENSATION FOR TAKING CERTAIN PROPERTY. (1) The department
30 is authorized to acquire by purchase, gift or condemnation, all advertising
31 displays and any property rights pertaining to them, when those advertising
32 displays are required to be removed under the provisions of chapter 19, title
33 40, Idaho Code.

34 (2) In any appropriation for this purpose the department shall pay com-
35 pensation under existing eminent domain law only for the following:

36 (a) The taking from the owner of a sign, display, or device of all right,
37 title, leasehold, and interest in the sign, display or device; and

38 (b) The taking from the owner of the real property on which the sign,
39 display, or device is located, of the right to erect and maintain signs,
40 displays and devices on that property. Where setback easements re-

1 stricting the erection of structures or advertising displays have been
2 recorded by the state on land where those structures have been erected,
3 the landowner of the land shall be deemed to have been fully compensated
4 for them.

5 (3) In any action at law instituted by the department under this section
6 the state shall not be required, as a prerequisite, to the taking of or ap-
7 propriation to comply with section 7-704 ~~2.~~(1) (b) or section 7-707 7., Idaho
8 Code.