

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 268

BY WAYS AND MEANS COMMITTEE

AN ACT

1
2 RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-701, IDAHO CODE, TO PROVIDE
3 THAT CERTAIN ENTITIES EXERCISING THE RIGHT OF EMINENT DOMAIN IN BE-
4 HALF OF CERTAIN PUBLIC USES SHALL DEMONSTRATE THAT SUCH USE MATERIALLY
5 SERVES THE INTERESTS OF THE CITIZENS OF IDAHO AND TO MAKE TECHNICAL COR-
6 RECTIONS.

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

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

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

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

15 (2-) Public buildings and grounds for the use of any county, incorpo-
16 rated city or school district; canals, aqueducts, flumes, ditches or pipes
17 for conducting water for use on state property or for the use of the inhabi-
18 tants of any county or incorporated city, or for draining state property for
19 any county or incorporated city, raising the banks of streams, removing ob-
20 structions therefrom and widening, deepening or straightening their chan-
21 nels, roads, streets, alleys, and all other public uses for the benefit of
22 the state or of any county, incorporated city or the inhabitants thereof.

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

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

34 (5-) Byroads, leading from highways to residences and farms.

35 (6-) Telephones, telegraph and telephone lines.

36 (7-) Sewerage of any incorporated city.

37 (8-) Cemeteries for the burial of the dead, and enlarging and adding to
38 the same and the grounds thereof.

39 (9-) Pipe lines for the transmission, delivery, furnishing or distri-
40 bution of natural or manufactured gas for light, heat or power, or for the
41 transportation of crude petroleum or petroleum products; also for tanks,

1 reservoirs, storage, terminal and pumping facilities, telephone, telegraph
2 and power lines necessarily incident to such pipe lines.

3 (10-) Snow fences or barriers for the protection of highways from
4 drifting snow.

5 (11-) Electric distribution and transmission lines for the delivery,
6 furnishing, distribution, and transmission of electric current for power,
7 lighting, heating or other purposes; and structures, facilities and equip-
8 ment for the production, generation, and manufacture of electric current
9 for power, lighting, heating or other purposes, provided that any entity
10 exercising the right of eminent domain in behalf of the uses set forth in this
11 subsection, other than a public utility, cooperative or municipality as such
12 terms are defined in section 61-332A, Idaho Code, shall demonstrate that
13 such use materially serves the interests of the citizens of Idaho.