

## **STATEMENT OF PURPOSE**

### **RS21776C1**

The purpose of this amendment to I.C. § 7-711 is to allow landowner to recover actual costs and be made whole when the condemning agency changes project plans after the initial offer in a condemnation proceeding. The condemning agency control the acquisition process, the timing, and the project design. They can tender preliminary or final designs to the landowner. Every change in plans requires a separate evaluation of the impacts of the project of that property. The intent of this amendment is to force better pre-condemnation planning; and not allow plan change costs to be transferred to, and become a financial burden on the landowner in the condemnation process. The amendment includes a landowner requested exception prior to filing litigation; and minor plan changes that do not affect a property or damage to the property.

### **FISCAL NOTE**

The fiscal impact of this bill is largely avoidable when acquisitions are based upon final designs. Idaho Transportation Department (ITD) information indicates about 40% of current condemnation cases involved plan changes. Cost shifting from landowners to the condemning agency can be avoided if the agency studies designs and acquires property based upon final designs. Plan changes requested by property owners prior to litigation are exempted from the cost rule.

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