

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 189

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-701, IDAHO CODE, TO PROVIDE THAT CERTAIN ENTITIES EXERCISING THE RIGHT OF EMINENT DOMAIN IN BEHALF OF CERTAIN PUBLIC USES SHALL DEMONSTRATE THAT SUCH USE DIRECTLY SERVES THE INTERESTS OF THE RESIDENTS OF IDAHO AND TO MAKE TECHNICAL CORRECTIONS.

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

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

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

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

(2-) Public buildings and grounds for the use of any county, incorporated city or school district; canals, aqueducts, flumes, ditches or pipes for conducting water for use on state property or for the use of the inhabitants of any county or incorporated city, or for draining state property for any county or incorporated city, raising the banks of streams, removing obstructions therefrom and widening, deepening or straightening their channels, roads, streets, alleys, and all other public uses for the benefit of the state or of any county, incorporated city or the inhabitants thereof.

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

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

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

(6-) Telephones, telegraph and telephone lines.

(7-) Sewerage of any incorporated city.

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

(9-) Pipe lines for the transmission, delivery, furnishing or distribution of natural or manufactured gas for light, heat or power, or for the 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 directly serves the interests of the residents of Idaho.