

IN THE SENATE

SENATE BILL NO. 1245

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-712, IDAHO CODE, TO PROVIDE  
2 THAT THE VALUE OF THE PROPERTY TO BE TAKEN IN AN EMINENT DOMAIN PROCEED-  
3 ING SHALL NOT INCLUDE CERTAIN INCREASES OR DECREASES IN VALUE AND TO  
4 PROVIDE A CORRECT CODE REFERENCE.  
5

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

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

9 7-712. DAMAGES -- DATE OF ACCRUAL -- FAIR MARKET VALUE. (1) For the  
10 purpose of assessing compensation and damages, the right thereto shall be  
11 deemed to have accrued at the date of the summons, and its actual value, at  
12 that date, shall be the measure of compensation for all property to be ac-  
13 tually taken, and the basis of damages to property not actually taken, but  
14 injuriously affected, in all cases where such damages are allowed, as pro-  
15 vided in ~~the last~~ section 7-711, Idaho Code. No improvements put upon the  
16 property subsequent to the date of the service of summons shall be included  
17 in the assessment of compensation or damages. The compensation and damages  
18 awarded shall draw lawful interest from the date of the summons.

19 (2) The value of the property to be taken shall not include any increase  
20 or decrease in value that is attributable to the following:

21 (a) The project for which the property is sought to be condemned;

22 (b) The proceeding in which the property is sought to be condemned; or

23 (c) Preliminary action of the plaintiff or another government agency  
24 taken in anticipation of the condemnation proceedings.