

## STATEMENT OF PURPOSE

RS27640 / H0508

In the 2000 Legislative Session, the Idaho Legislature passed, and the governor signed House Bill 681 to define "just compensation" in the event of an eminent domain taking. Just compensation is a constitutional requirement in the event of a taking under eminent domain condemnation law. The question of how "just" the compensation may be is established, in part, through statute.

Idaho Supreme and District Court cases have demonstrated a need to further define just compensation in Idaho Code. Inspired by those cases, this proposed legislation clarifies what can be considered just compensation in eminent domain condemnations that damage businesses and business operations.

### FISCAL NOTE

There is a potential fiscal impact to condemning agencies who are not currently following the precedent established by the Idaho Supreme Court in *Subert v City of McCall* (2005) with respect to just compensation claims. For condemning authorities that follow the Supreme Court's guidance, there is no fiscal impact.

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**DISCLAIMER:** This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).