

2013 -- H 5386

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO PROPERTY - CONSERVATION AND PRESERVATION RESTRICTION ON  
REAL PROPERTY

Introduced By: Representatives Walsh, Handy, Tanzi, and Ruggiero

Date Introduced: February 12, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 34-39 of the General Laws entitled "Conservation and Preservation  
2     Restrictions on Real Property" is hereby amended by adding thereto the following section:

3           **34-39-6. Use of eminent domain against conservation restrictions.** -- Any state or  
4     local agency must demonstrate extreme need and the lack of any viable alternative before  
5     exercising a right of eminent domain over any land which is protected with a conservation  
6     restriction or preservation restriction. The agency shall file a separate report with the department  
7     of natural resources and provide a copy to the agency or organization that holds the conservation  
8     or preservation restriction showing the necessity of condemning this land. If the easement holder  
9     feels that cause has not been adequately demonstrated, it shall have recourse to the superior court  
10    for a decision on the matter.

11          SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would restrict the use of eminent domain over any land which is protected with a
- 2           conservation or preservation restriction.
- 3           This act would take effect upon passage.

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