

2016 -- S 2409

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LC004262  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- EMINENT DOMAIN

Introduced By: Senators Cote, Archambault, Pagliarini, and Kettle

Date Introduced: February 11, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 42-64.12-7 of the General Laws in Chapter 42-64.12 entitled  
2 "Eminent Domain" is hereby amended to read as follows:

3           **42-64.12-7. Restricted use of eminent domain powers.** -- No entity subject to the  
4 provisions of the chapter shall exercise eminent powers to acquire any property for economic  
5 development purposes ~~unless it has explicit authority to do so and unless it conforms to the~~  
6 ~~provisions of this section.~~

7           (a) ~~Plan.—The entity shall have a plan for the proposed development, which shall be~~  
8 ~~approved by the governing body of the entity prior to the initiation of any eminent domain~~  
9 ~~proceeding, which plan shall set forth the purposes of the development, the intended benefits to~~  
10 ~~the community, the necessary infrastructure improvements, the presence and correction of any~~  
11 ~~substandard conditions and/or environmental hazards, and the parcels which will be acquired in~~  
12 ~~order to effectuate the plan. In addition, the plan shall include provisions and/or analyses which~~  
13 ~~can support a rational basis determination that potential takings by eminent domain inure a~~  
14 ~~preponderance of benefits, to the public with only incidental, benefits to a private party or parties.~~  
15 ~~The plan shall only be adopted after public notice of not less than fourteen (14) days, a public~~  
16 ~~hearing and a period for public comment of not less than thirty (30) days. Where other applicable~~  
17 ~~planning requirements are established by law, those planning requirements shall not be deemed to~~  
18 ~~be superceded by the requirements of this subsection, provided, that the plan prepared pursuant to~~  
19 ~~such planning requirements substantially address the matter specified in this subsection and the~~

1 ~~opportunity for public review and comment is no less than that provided for by this subsection.~~

2 (b) ~~Notice.—The entity shall give the owner(s) of property which may be acquired by~~  
3 ~~eminent domain advanced notice of the potential taking and shall provide the opportunity to sell~~  
4 ~~the property for a negotiated, mutually agreed upon price.~~

5 (c) ~~Except for taking of temporary easements and partial takings subject to the provisions~~  
6 ~~of § 42-64.12-10, no local government entity shall implement any eminent domain proceeding for~~  
7 ~~economic development purposes unless the acquisition of the property by eminent domain has~~  
8 ~~been approved by the city or town council, and no state government entity shall implement any~~  
9 ~~eminent domain proceeding for economic development purposes unless the acquisition of the~~  
10 ~~property by eminent domain has been approved by an act of the general assembly.~~

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO STATE AFFAIRS AND GOVERNMENT -- EMINENT DOMAIN

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- 1           This act would prohibit the use of eminent domain powers for economic development
- 2 purposes.
- 3           This act would take effect upon passage.

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