

2013 -- S 0214

LC00741

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO PROPERTY - CONSERVATION AND PRESERVATION RESTRICTION ON
REAL PROPERTY

Introduced By: Senators Sosnowski, Sheehan, Cool Rumsey, and Bates

Date Introduced: February 06, 2013

Referred To: Senate 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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RELATING TO PROPERTY - CONSERVATION AND PRESERVATION RESTRICTION ON
REAL PROPERTY

- 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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