AN ACT

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:

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

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

(a) Plan. -- The entity shall have a plan for the proposed development, which shall be approved by the governing body of the entity prior to the initiation of any eminent domain proceeding, which plan shall set forth the purposes of the development, the intended benefits to the community, the necessary infrastructure improvements, the presence and correction of any substandard conditions and/or environmental hazards, and the parcels which will be acquired in order to effectuate the plan. In addition, the plan shall include provisions and/or analyses which can support a rational basis determination that potential takings by eminent domain inure a preponderance of benefits to the public with only incidental benefits to a private party or parties.

The plan shall only be adopted after public notice of not less than fourteen (14) days, a public hearing and a period for public comment of not less than thirty (30) days. Where other applicable planning requirements are established by law, those planning requirements shall not be deemed to be superseded by the requirements of this subsection, provided, that the plan prepared pursuant to such planning requirements substantially address the matter specified in this subsection and the
opportunity for public review and comment is no less than that provided for by this subsection.

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

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

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
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 purposes.
2 This act would take effect upon passage.

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