

2021 -- H 6444

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LC003038
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

AMENDING AN ACT ESTABLISHING THE SMITHFIELD LAND TRUST

Introduced By: Representatives Hawkins, Costantino, and Cardillo

Date Introduced: June 17, 2021

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 7 and 8 of Chapter 13 of the 2001 Public Laws entitled "An Act
2 Establishing the Smithfield Land Trust" are hereby amended to read as follows:

3 Section 7. The trust shall have the responsibility to recommend to the town council to:

4 (a) Purchase, receive by gift, or otherwise acquire fee simple or lesser interests in real
5 property, including development rights as defined in section 42-82-2 of the general laws, or any
6 interest in real property consistent with purposes of this act, including other development rights on
7 easements of any kind whatsoever;

8 (b) Accept gifts, grants or loans of funds or resources or services from any source, public
9 or private, and comply, subject to the provisions of this act, with any terms and conditions thereof
10 within the limits of its available funds;

11 (c) Accept from state and/or federal agencies, loans or grants or resources for use in
12 carrying out the trust's purposes and enter into agreements with such agencies respecting any such
13 loans or grants within the limits of its available funds;

14 (d) Employ counsel, auditors, engineers, surveyors, appraisers, private consultants,
15 advisors, secretaries or other personnel needed to perform its duties within the limits of its available
16 funds;

17 (e) Administer and manage land and interests in land held by it in a manner which allows
18 public use and enjoyment consistent with the natural and scenic resources thereof, including
19 conveyance of any such land or interests in land to, and contracts with, nonprofit organizations,

1 provided such land shall continue to be used in a manner consistent with the purposes of this act
2 and with the terms of any grant or devise by which such land was acquired by the trust;

3 (f) Dispose of all or any portion of its real property or interests therein held by it, whenever
4 in the opinion of the trustees said lands or properties have become unsuitable or have ceased to be
5 used for the purpose set forth in this act. Such disposition shall be made only by a vote of the
6 trustees in which at least six (6) members vote in favor of such a disposition and further only after
7 having been approved by a ~~two thirds (2/3)~~ four-fifths (4/5) affirmative vote of the town council ~~at~~
8 ~~an annual or special financial town meeting of the town~~. Nothing in this subsection shall be
9 construed to authorize the sale, lease or conveyance of lands or improvements held by the trust as
10 part of a charitable trust or acquired by gift or devise for the public use, whether or not such gift or
11 devise is subject to a condition subsequent or reverter.

12 Section 8. All funds collected by virtue of the town's bonding authority for the purpose of
13 financing the activities of the trust under this act shall be deposited in a reserve fund by the town
14 treasurer. Additional moneys or other liquid assets received as voluntary contributions, grants or
15 loans, funds appropriated to the trust by vote of the annual town meeting or special appropriation
16 process, or proceeds from disposal of real property or interests shall be deposited into said account.
17 All operating expenses lawfully incurred by the trust in carrying out the provisions of this act shall
18 be evidenced by proper vouchers and shall be paid by the treasurer of the town only upon
19 submission of invoices approved by the trust and by the town manager. The treasurer of the town
20 shall prudently invest available assets of the funds, and all income thereon shall accrue to the fund.

21 The decision to dissolve the trust shall only result after a vote of the trustees in which at
22 least six (6) members vote to recommend dissolution of the trust to the town council. The town
23 council shall then hold a public hearing on the recommendation to dissolve. At the conclusion of
24 the public hearing the town council shall vote on the matter within forty-five (45) days of said
25 hearing. Dissolution shall require three (3) affirmative votes of the town council.

26 Upon termination or dissolution of the trust, the title of all funds and other properties owned
27 by the trust which remain after payment or making provision for payment of all bonds, notes and
28 other obligations of the trust shall vest in the town which shall manage the lands of the dissolved
29 trust in the same manner for which such lands were donated or purchased in the best interest of the
30 purposes of the dissolved trust. If in the opinion of the town council said land of the dissolved trust
31 no longer meet the purposes set forth in this act, the town may dispose of said lands upon a ~~two~~
32 ~~thirds (2/3)~~ four-fifths (4/5) affirmative vote of the town council ~~at an annual or special financial~~
33 ~~town meeting of the town~~.

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SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
AMENDING AN ACT ESTABLISHING THE SMITHFIELD LAND TRUST

1 This act would amend the public law establishing the Smithfield Land Trust by requiring
2 a four-fifths (4/5) affirmative vote of the town council to dispose of land that no longer meets the
3 needs of the trust.

4 This act would take effect upon passage.

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