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LC002432/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- EMINENT DOMAIN

Introduced By: Senators LaMountain, and Vargas

Date Introduced: March 14, 2025

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-64.12-6 of the General Laws in Chapter 42-64.12 entitled
2 "Eminent Domain" is hereby amended to read as follows:

3 **42-64.12-6. Permissible uses of eminent domain powers.**

4 All entities delegated eminent domain powers under the laws of this state may exercise
5 such powers consistent with other restrictions and limitations established by law, rule, regulation,
6 or ordinance, to acquire property for the following purposes:

7 (1) Providing for public ownership and use including, but not limited to, the department of
8 environmental management acquiring established foot paths that provide the public with reasonable
9 access to streams, rivers, lakes and ponds located within the state for the purpose of environmental
10 stewardship, recreational use, and public benefit. In exercising said right, the department shall give
11 due deference to any parcel of land currently used for agricultural purposes and shall not acquire
12 any interest in such land if doing so would materially interfere with the primary agricultural use of
13 the property. The department may allow local community groups to care for and maintain said foot
14 paths;

15 (2) Providing for transportation infrastructure including, but not limited to, roads,
16 highways, bridges, and associated ramps;

17 (3) Providing for public utilities, including telecommunications, and for common carriers;

18 (4) Eliminating an identifiable public harm and/or correcting conditions adversely affecting
19 public health, safety, morals, or welfare, including, but not limited to, the elimination and

1 prevention of blighted and substandard areas, as defined by chapter 31 of title 45, and correcting
2 conditions of environmental contamination that pose a significant risk to the public health,
3 correcting and repairing facilities, and correcting conditions from damages that result from a
4 declared disaster;

5 (5) Providing good and marketable title that is free and clear of liens and encumbrances
6 when property is to be acquired or is to be conveyed for any of the purposes set forth in subsections
7 (1) — (4) of this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- EMINENT DOMAIN

- 1 This act would allow the department of environmental management to acquire established
- 2 foot paths by eminent domain in order to provide public access to streams, rivers, lakes and ponds.
- 3 This act would take effect upon passage.

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