

2015 -- H 5774

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- ACQUISITION OF LAND

Introduced By: Representatives Costa, Trillo, Newberry, Giarrusso, and Shekarchi

Date Introduced: March 04, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 37-6 of the General Laws entitled "Acquisition of Land" is hereby
2 amended by adding thereto the following section:

3 **37-6-28.1. Public use further defined. --** (a) As used in article 1, section 16 of the
4 constitution of the state, "public use" shall not include the taking of private property for transfer
5 to a private entity for the purpose of economic development or enhancement of tax revenue
6 except as allowed pursuant to the provisions of chapter 64.12 of title 42, (eminent domain). In
7 any condemnation action, without the consent of the owner of the property, the burden of proof
8 shall be on the condemning entity to demonstrate, by a preponderance of the evidence, that the
9 taking of private property is for a public use, unless the condemnation action involves a taking for
10 the eradication of blight, in which case the burden of proof shall be on the condemning entity to
11 demonstrate, by clear and convincing evidence, that the taking of the property is necessary for the
12 eradication of blight.

13 (b) Nothing in this section shall affect the right of a private party to condemn property as
14 otherwise expressly provided by law.

15 (c) In any condemnation proceedings instituted pursuant to the provisions of this chapter,
16 no entity shall use condemnation proceedings to acquire private property solely for economic
17 development or to directly benefit a private party or parties, except to the extent provided for in
18 chapter 64.12 of title 42.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide that condemnation for a "public use" would not include the taking
2 of private property for transfer to a private entity for the purpose of economic development or
3 enhancement of tax revenue, except to the extent allowed pursuant to the provisions of chapter
4 42-64.12, "eminent domain".

5 This act would take effect upon passage.

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