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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2013**

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A N A C T

RELATING TO PROPERTY - CONSERVATION AND PRESERVATION RESTRICTIONS  
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 that is exercising a right of eminent domain over any land which is protected with a  
5 conservation restriction or preservation restriction shall notify the agency or organization that  
6 holds the conservation or preservation restriction and the Rhode Island department of  
7 environmental management at the same time they are notifying fee property owners of their  
8 intentions to condemn the properties. Such notification will include an explanation of the public  
9 purpose for which the land protected by the conservation or preservation restriction is being  
10 condemned.

11           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 PROPERTY - CONSERVATION AND PRESERVATION RESTRICTIONS  
ON REAL PROPERTY

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1           This act would require that any state or local agency exercising a right of eminent domain  
2 over any land which is protected with a conservation restriction or preservation restriction, notify  
3 the agency or organization that holds the restriction and the department of environmental  
4 management of their intent to condemn the properties.

5           This act would take effect upon passage.

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