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Vincent J. Mesolella Chairman

Laurie A. Horridge Executive Director

April 22, 2025

The Honorable Evan P. Shanley *Chair*House State Government & Elections State House
Providence, RI 02903

RE: Narragansett Bay Commission; House Bill 6112; Against

Dear Chairman Shanley and Members of the Committee:

The Narragansett Bay Commission (NBC) respectfully submits this letter to express its concerns and opposition to 2025 House Bill 6112, which proposes to amend the Eminent Domain statute.

NBC already adheres to robust notice and negotiation practices, and unlike municipalities, is subject to a thorough State Properties Committee (SPC) approval process for eminent domain actions. The SPC hearings are typically conducted in open session. The SPC's public process requires public notice, a meeting, and testimony. The SPC's meetings are held twice a month and typically accommodate agenda requests about two weeks prior to the desired hearing date. The SPCs process is thorough and already imposes significant public oversight.

House Bill 6112 would impose requirements for a formal plan, providing at least 14 days' public notice, holding an additional public hearing, and allowing a 30-day public comment period before initiating eminent domain proceedings. These requirements add 6 weeks to 2 months to the process, which could lead to substantial duplication of efforts and would exacerbate delays and costs, burdening ratepayers while hindering NBC's ability to promptly undertake infrastructure projects critical to public health, safety, the environment and compliance with federal Clean Water Act mandates.

Unlike other agencies with eminent domain authority, the NBC's takings are solely to improve sewer infrastructure, leaving little discretion in their location as they must occur near existing infrastructure. For example, when repairing a sewer line, the NBC requires a construction easement at specific sites, regardless of feedback from public hearings or comment periods.

Additionally, since the NBC's takings typically involve federal funds, federal law requires two independent appraisals and a review appraisal, which must be completed and submitted to the SPC before the hearing date. Adding the bill's requirements risks appraisals becoming stale by the time the NBC can take the property, further delaying projects and increasing costs.

Given the thorough oversight already provided by the SPC and federal appraisal requirements, these additional requirements are impractical and redundant, threatening the NBC's ability to fulfill its mission with significant delays, increased costs, risk of substantial fines, and potential non-compliance with state and federal environmental laws and regulations.

To that end, the NBC respectfully opposes House Bill 6112 and urges the legislature to give due consideration to this bill's unintended consequences.

Thank you for the opportunity to comment and are available to discuss this matter further.

Sincerely,

Jennifo J. Harrington, 8-3.
Jennifer J. Harrington, Esq.

General Counsel and Legislative Liaison