

SENATE BILL 189

N1

(PRE-FILED)

5lr1076

CF 5lr0712

By: **Senators Brooks and Hettleman**

Requested: October 2, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings and Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Eminent Domain – Agricultural and Conservation Easements – Prohibited**
3 **Taking**

4 FOR the purpose of prohibiting the State or any of its instrumentalities or political
5 subdivisions from taking certain property that is subject to a permanent agricultural
6 or conservation easement; and generally relating to eminent domain.

7 BY repealing and reenacting, with amendments,
8 Article – Real Property
9 Section 12–101
10 Annotated Code of Maryland
11 (2023 Replacement Volume and 2024 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Real Property**

15 12–101.

16 (a) All proceedings for the acquisition of private property for public use by
17 condemnation are governed by the provisions of this title and of Title 12, Chapter 200 of
18 the Maryland Rules.

19 (b) **(1) [Nothing] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
20 **SUBSECTION, NOTHING** in this title prevents this State or any of its instrumentalities or
21 political subdivisions, acting under statute or ordinance passed pursuant to Article III of
22 the Maryland Constitution, from taking private property for public use immediately on
23 making the required payment and giving any required security.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE STATE OR ANY OF ITS INSTRUMENTALITIES OR POLITICAL**
2 **SUBDIVISIONS MAY NOT TAKE BY EMINENT DOMAIN PRIVATELY OWNED PROPERTY**
3 **THAT IS SUBJECT TO A PERPETUAL AGRICULTURAL OR CONSERVATION EASEMENT.**

4 (c) This title does not prevent the State Roads Commission from using the
5 procedures set forth in Title 8, Subtitle 3 of the Transportation Article, or prevent Baltimore
6 City from using the procedure set forth in the Charter of Baltimore City and §§ 21–12
7 through 21–22, inclusive, of the Public Local Laws of Baltimore City.

8 (d) Notwithstanding any other law, from June 1, 2014, to May 30, 2016, both
9 inclusive, the State or any of its instrumentalities or political subdivisions may not acquire
10 a mortgage or deed of trust by condemnation.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2025.