

SB0640-EEE_MACo_SUP.pdf

Uploaded by: Dominic Butchko

Position: FAV



MARYLAND
Association of
COUNTIES

Senate Bill 640

Public Utilities - Solar Energy Generating Stations – Eminent Domain

MACo Position: **SUPPORT**

To: Education, Energy, and the Environment
Committee

Date: March 6, 2025

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** SB 640. This bill prevents the use of eminent domain in the construction of solar energy generating stations.

The 2025 Maryland General Assembly is grappling with an unprecedented number of complex, generational challenges. As demand grows for renewable energy, one of the greatest fears of rural landowners is the use of eminent domain for the construction of solar projects. Across rural Maryland, solar energy developments are expanding rapidly—often without consideration for local communities. Many developers bypass collaboration with local officials, site projects on irreplaceable prime farmland, and pressure landowners into seemingly lucrative but ultimately costly agreements. SB 640 seeks to alleviate fears and ensure the rights of private property owners remain protected.

SB 640 is a commonsense bill which seeks to underscore the rights of private property owners. For this reason, MACo urges the Committee to give SB 640 a **FAVORABLE** report.

SB 640 - Public Utilities - Solar Energy Generating

Uploaded by: Grayson Middleton

Position: FAV



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Date: March 4, 2025
To: Members of the Senate Committee on Education, Energy, and the Environment
From: Grayson Middleton, Government Affairs Manager
Re: SB0640 – Solar Energy Generating Stations – Eminent Domain – **Support**

Delmarva Chicken Association (DCA) is the trade association representing the meat-chicken growers, companies, and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware. On behalf of our members, we support SB 640 and urge a favorable committee report.

SB 640 would prohibit a person constructing a solar energy generating station from exercising a right of condemnation in connection with the construction of the project. We believe that this will serve as a vital protection for agricultural lands on the Eastern Shore.

Chicken growers were some of the first to widely adopt solar technology in Maryland, and DCA fully supports its use as a cost-effective and environmentally friendly energy source. We also support the thoughtful development of solar in our region that is congruent with the needs of the community and agricultural production, as determined by local planning and zoning authorities. Furthermore, we believe that the potential use of eminent domain for solar projects should be prohibited, as it would remove any local oversight and would set a very dangerous precedent.

As an agricultural organization representing an overwhelmingly rural membership, we have serious concerns about the potential lack of consultation with local governments on solar development, especially in light of recently introduced legislation that would considerably diminish their authority. As many of you will recognize, the zoning of renewable energy facilities (particularly solar) is a contentious issue in rural areas. While we support its use and proliferation, we want to ensure that energy needs and environmental benefits are balanced with the economic and cultural interests of agrarian communities. Furthermore, we do not believe that eminent domain should ever be used for the taking of agricultural lands for solar projects, as this could result in a precipitous decline in both public trust and productive agricultural lands.

Because of their geography, prime agricultural lands on the Eastern Shore are some of the most attractive in the state for solar development. [Modeling by the American Farmland Trust](#) estimates that 83% of projected solar development will be on agricultural land, of which 43% will be on land ATF deems nationally significant due to high levels of productivity. Customary oversight by county and local governments will help ensure that this stimulus does not result in a significant reduction of agricultural outputs in Maryland. With eminent domain, such oversight is impossible.

In 2024, our five companies purchased over \$1.3 billion in corn, soybeans, and wheat, comprising the vast majority of grain purchases on Delmarva. As the local output is reduced from the proliferation of solar and other development, the industry is required to import grain from other states and countries at



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higher prices. Aside from the economic harm to both our farmers and industry, this would also raise our net carbon emissions.

Furthermore, we have serious concerns about the potential of large-scale solar projects to reduce grid capacity and thus prohibit some of our members from getting small-scale on-farm solar. We have already heard from numerous members who have sought to install solar on their farms but were told they were unable to do so because of the lack of grid capacity in their area.

We believe that county governments know the needs of their farmers and citizens best. They alone have the intimate knowledge of their localities that is required to responsibly site solar in a manner that prioritizes the preservation of agricultural lands while also supporting the proliferation of solar development. Therefore, we strongly oppose the use of eminent domain for solar projects, especially when it applies to the taking of limited agricultural lands.

For these reasons, we urge a favorable vote on SB 640.

Should you have any additional questions, please feel free to contact me at middleton@dcachicken.com or 410-490-3329.

Sincerely,

Grayson Middleton
Government Affairs Manager

SB640.pdf

Uploaded by: Jessica Worley

Position: FAV

Theresa Giordano, Chair
M&T Bank

Vanessa Torres Albarran, Vice Chair
Warwick Mushroom Farm

Yvette Valentin, Past Chair
CHEP, Inc.

Gianluca Santinelli, Treasurer
Fluoron

MEMBERS

Lisa DeRose
Whisman Giordano Associates

Amy DiPietro
Morris & Ritchie Associates

John Gonzalez
EXIT Preferred Realty

Josh Huegel
AUT Power

John Mettee, IV
Frederick Ward Associate

John Ness
West Cecil Health Center, Inc.

Joe Shephard
BlackForge

Toni Sprengle
Bainbridge Development

Andy Stansfield
Geo-Technology Associates Inc

Aaron Wright
Voices of Hope

CORPORATE PARTNERS



CECIL COUNTY

CHAMBER of COMMERCE

March 4, 2025

Senator Brian Feldman, Chair
Education, Energy, & the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 640 – Public Utilities – Solar Energy Generating Stations – Eminent Domain

Senator Feldman & Members of the Education, Energy, & the Environment Committee:

The Cecil County Chamber of Commerce, representing over 400 businesses and organizations in Cecil County, is writing to express our support regarding the proposed ***Senate Bill 640 – Public Utilities – Solar Energy Generating Stations – Eminent Domain***. Our Government Relations Committee, comprised of Chamber members who monitor and provide testimony on pending legislation, has carefully reviewed this bill and request a **FAVORABLE** vote.

The Chamber has reviewed multiple bills before the legislature related to locating ***Solar Energy Generation Stations*** in Maryland. We are very aware of the need for Maryland to address the state's energy deficiency; but there must remain sensitivity to property rights, individual liberties, and the principles of equity by restricting the option of eminent domain. The application of eminent domain powers must be always approached with caution.

The Cecil Chamber foresees a displacement of farmers and the loss of productive farmland having far-reaching consequences for local community sustainability and food security. Agriculture is a critical component of the local economy in Cecil County. When farmland is taken for development projects, it diminishes the community's capacity to sustain itself, leading to increased reliance on external sources for food and economic support.

The Cecil County Chamber of Commerce's membership believes that protecting the lands of our constituency through property rights control is essential. We appreciate your attention and ask for your **FAVORABLE** ruling on **Senate Bill 640**.

Please feel free to contact our Government Relations Committee through Jessica Worley at jworley@cecilchamber.com (410-392-3833) or Committee Chair Carl Roberts at cdennyroberts1@aol.com (443-206-3068).

Sincerely,

Cecil County Chamber of Commerce
Government Relations Committee

MDFB - Support - SB640 Public Utilities - Solar En

Uploaded by: Tyler Hough

Position: FAV



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

March 6, 2025

To: Senate Education, Energy, and the Environment Committee

From: Maryland Farm Bureau, Inc.

RE: Support – SB640 – Public Utilities - Solar Energy Generating Stations - Eminent Domain

On behalf of the nearly 8,000 member families of the Maryland Farm Bureau, I submit written testimony in support of SB640 Public Utilities - Solar Energy Generating Stations - Eminent Domain. This proposed legislation would prohibit a person constructing a solar energy generating station from exercising a right of condemnation in connection with that construction.

Maryland farmers invest significant amounts of time, resources, and effort into maintaining their land as a valuable asset and a cornerstone of the state's agricultural heritage. Condemnation proceedings that undervalue farmland not only jeopardize individual farm operations but also undermine the long-term viability of Maryland's agricultural industry. It is a concern to the members of Maryland Farm Bureau that at some point eminent domain would be used for the construction of a solar energy generating station. This legislation would give them ease of mind, that the only possibility for their land to be developed for solar power is if they make the decision to do so.

A handwritten signature in black ink, appearing to read "Tyler Hough". The signature is written in a cursive, flowing style with a long horizontal line extending from the top of the first letter.

Tyler Hough

Director of Government Relations

Please reach out to Tyler Hough, though@marylandfb.org, with any questions

SB640 UNF PHI 3.6.25 3.6.25.pdf

Uploaded by: Anne Klase

Position: UNF



March 6, 2025

112 West Street
Annapolis, MD 21401

OPPOSE – Senate Bill 640 – Public Utilities - Solar Energy Generating Stations - Eminent Domain

Potomac Electric Power Company (Pepco) and Delmarva Power & Light Company (Delmarva Power) respectfully oppose **Senate Bill 640 – Public Utilities - Solar Energy Generating Stations - Eminent Domain**. Senate Bill 640 prohibits a person constructing a solar energy generating station from exercising a right of condemnation in connection with the construction of solar energy generating stations. Pepco and Delmarva Power are concerned that this legislation has the potential to impact Maryland ratepayers economically, impede progress in addressing regional resource adequacy challenges, and jeopardize the State's net-zero goals.

Senate Bill 640 introduces new obstacles for the construction of solar energy generating projects, thereby potentially undermining the ability to meet the states clean energy goals. As energy demand continues to rise due to electrification and the transition to cleaner energy sources, it is crucial that we remain focused on working towards reaching these goals.

Pepco and Delmarva Power are committed to supporting and advancing Maryland's clean energy and climate goals, with a focus on equitable and affordable solutions. For the reasons stated, Pepco and Delmarva Power respectfully oppose Senate Bill 640 and request an unfavorable report.

Pepco Holdings, the parent company of Pepco, an electric utility serving Washington, D.C., and suburban Maryland; Delmarva Power, an electric and gas utility serving Delaware and portions of the Delmarva Peninsula; and Atlantic City Electric, an electric utility serving southern New Jersey. Anthony and his team are responsible for guiding the company's delivery of reliable and excellent service to more than two million customers in the Mid-Atlantic. Pepco Holdings is a subsidiary of Exelon Corporation, one of the nation's leading energy services companies.

Valencia McClure | Anne Klase | Allyson Black-Woodson | Poetri Deal | 410 980 5347

BGE-EEE-SB640-OPP-SolarEnergyGeneratingStationsEmi

Uploaded by: Brittany Jones

Position: UNF

Oppose
Education, Energy, and Education Committee
3/6/2025

Senate Bill 640 – Public Utilities – Solar Energy Generating Stations – Eminent Domain

Baltimore Gas and Electric Company (BGE) opposes *Senate Bill 640 - Public Utilities – Solar Energy Generating Stations – Eminent Domain*. Senate Bill 640 would prohibit a person constructing a solar energy generating station from exercising a right of condemnation in connection with that construction.

BGE believes eminent domain should always be considered as a last resort. However, there may be instances where the public benefit is so significant that eminent domain may be warranted. The Certificate of Public Convenience and Necessity (CPCN) is a prerequisite before eminent domain can be declared. This process offers appropriate stakeholder engagement amongst state agencies, the developer, and the public to ensure a due process considering all perspectives and facts takes place. Ultimately, the Public Service Commission (PSC) will approve or deny the CPCN which will determine if the construction of a new generating station presents enough public benefit to warrant eminent domain.

Senate Bill 640 adds an exemption to this process to disallow a person from exercising a right of condemnation specifically in connection with the construction of a solar energy generating station. BGE does not recommend passing such definitive legislation that would have the potential to hinder new electricity generation at a time when Maryland faces resource adequacy challenges. The retirement of electricity generation facilities in Maryland is causing significant resource adequacy issues, which has increased pricing in the capacity market and has prompted multiple large-scale transmission projects to be constructed to import more energy into the State. For this reason, BGE supports all sources of new electricity generation.

BGE respectfully requests an unfavorable report on Senate Bill 640 to avoid unintended consequences with clean energy deployment and with supporting Maryland in becoming more energy independent.

BGE, headquartered in Baltimore, is Maryland's largest gas and electric utility, delivering power to more than 1.3 million electric customers and more than 700,000 natural gas customers in central Maryland. The company's approximately 3,400 employees are committed to the safe and reliable delivery of gas and electricity, as well as enhanced energy management, conservation, environmental stewardship and community assistance. BGE is a subsidiary of Exelon Corporation (NYSE: EXC), the nation's largest energy delivery company.

Charles Washington | Brittany Jones | Guy Andes | Dytonia Reed | 410.269.5281

SB0640 (HB0742) - UNF - Public Utilities - Solar

Uploaded by: Landon Fahrig

Position: UNF



Maryland

Energy Administration

TO: Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee

FROM: MEA

SUBJECT: SB 640 - Public Utilities - Solar Energy Generating Stations - Eminent Domain

DATE: March 6, 2025

MEA Position: UNFAVORABLE

This bill would prohibit the use of eminent domain for the construction of solar energy generating stations, undermining Maryland's clean energy goals and slowing down the development of renewable infrastructure critical to achieving a sustainable future.

Maryland has set ambitious targets for clean energy generation, which prioritizes expanding the state's solar capacity. Restricting eminent domain for solar projects while allowing it for traditional energy infrastructure places an unfair burden on clean energy development.

Eminent domain has long been a tool used to serve the public good, ensuring that critical infrastructure - such as roads, powerlines, and energy generation facilities - can be built when necessary. Solar energy generating stations provide immense public benefits, including job creation, economic investment, in local communities, and improved energy resilience. Blocking the ability to secure land for these projects will only exacerbate Maryland's existing challenges in meeting its energy benchmarks.

This bill only creates unnecessary barriers to solar development and reinforces reliance on outdated energy systems.

For the reasons outlined above, MEA urges the committee to issue an **unfavorable report**.

Our sincere thanks for your consideration of this testimony. For questions or additional information, please contact Megan Outten, Policy Manager, directly at megan.outten@maryland.gov, 443-842-1780).