



Maryland

Energy Administration

TO: Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee

FROM: MEA

SUBJECT: SB 189 - Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking

DATE: January 23, 2025

MEA Position: UNFAVORABLE

This bill would create a broad, categorical ban on takings without exception where the taking is of real property subject to a perpetual agricultural or conservation easement.

Generally, policies that unduly restrict electricity asset development reduce benefits or increase per-unit costs. Senate Bill 189 would prohibit the State or an instrumentality thereof from taking property that is subject to a conservation easement by using eminent domain, without exception.

While the effects of energy-related projects on the environment should be avoided or mitigated to the extent possible, the complete exclusion of one particular type of real property may overly tilt permitting outcomes toward projects that totally avoid certain conflicts, rather than those that maximize net benefits. This imbalance has the potential to increase upward pressure on electricity costs, degrade grid reliability during severe weather events, suppress economic development by deterring load growth, and hamper emissions reductions through electrification.

Senate Bill 189 goes beyond the electrical grid, however, creating a ban on taking for any reason whatsoever under certain circumstances. This has the potential to severely limit the government's ability to assist in the development or redevelopment of certain areas, even where that development is in the public interest.

For these reasons, 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 Landon Fahrig, Legislative Liaison, directly (landon.fahrig@maryland.gov, 410.931.1537).