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Committee: Judicial Proceedings

Testimony on: SB189 “Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking”

Position: Support

Hearing Date: January 23, 2025

Valleys Planning Council, a non-profit that conserves land and resources, preserves historic character and maintains the rural feel and land uses in northwestern Baltimore County, urges a favorable report on SB189, which would prohibit the State or its instrumentalities or political subdivisions from using eminent domain to take privately owned property that is subject to a perpetual agricultural or conservation easement.

Maryland has spent more than a billion dollars over more than 40 years preserving and protecting land by purchasing and accepting donations of conservation easements. Owners of preserved land are bound by the terms of the easement. Pressures on natural resources are reduced, air and water quality is improved, and everyone in Maryland benefits.

Conservation easements protect areas from overdevelopment and activities that would disrupt communities. While zoning can change, perpetual conservation and agricultural easements are forever, protecting land no matter who owns it.

Preserving agricultural land has allowed agriculture, the largest commercial industry in Maryland, to continue to employ hundreds of thousands of people. In FY 2023, Maryland agriculture generated more than \$3.3 billion in cash receipts for farmers.¹ Additional impact was provided by related jobs and services. Agricultural easements help guarantee farming will continue to be viable in Maryland. Conservation easements protect wildlife, open space, scenic vistas, and water quality.

Maryland understands that spending money on easements benefits everyone; land preservation is truly for the greater good. Eminent domain is the right of the government to take land for the greater good. When land that has been preserved is condemned, the implication is that one greater good is “greater” than another, and who is qualified to make that judgement?

Enacting SB189 will protect Maryland’s investment in agricultural land and open space. Valleys Planning Council urges a favorable report on SB189.

Respectfully,

Renée Hamidi, Executive Director

¹ [Maryland Department of Agriculture FY2023 Annual Report](#)

Protect. Preserve. Enjoy.