

## **SB657 Green Valley Farm, LLC**

Uploaded by: Amanda Green

Position: FAV

**Maryland Senate Judicial Proceedings Committee**

February 7, 2025

Dear Chairperson and Members of the Committee,

We are Amanda and Brandon Green, proud owners of Green Valley Farm, LLC, situated at 1107 Slingluff Road in New Windsor, Maryland. Our farm represents the culmination of years of hard work and dedication to sustainable agriculture and land stewardship.

We are writing to express our strong support for **SB0657**, which addresses the issue of just compensation in eminent domain proceedings. As landowners, the prospect of eminent domain is a significant concern, particularly when it threatens the land that is integral to our livelihood and heritage.

SB0657 ensures that property owners are fairly compensated not only for the value of the land taken but also for the associated fees and costs incurred during eminent domain proceedings. This legislation is essential to protect farmers like us from financial losses that could jeopardize our operations and the preservation of agricultural land in Maryland.

We urge you to support SB0657 to uphold the rights of property owners and ensure fair treatment in eminent domain cases, thereby safeguarding the future of family farms across our state.

Thank you for your time and consideration.

Sincerely,

Amanda and Brandon Green  
Green Valley Farm, LLC  
1107 Slingluff Road  
New Windsor, MD 21776

# **HWE Written Testimony - SB 657 and SB 661.pdf**

Uploaded by: Harris Eisenstein

Position: FAV

February 7, 2025

Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

*Re: Testimony in support of –  
SB 657 Eminent Domain - Just Compensation - Fees and Costs; and  
SB 661 Real Property - Condemnation - Compensation for Farm and Agricultural  
Property (Protect Maryland Farm Lands Act)*

Dear Members of the Senate Judicial Proceedings Committee:

My name is Harris Eisenstein. I am a Maryland attorney, and my practice focuses on eminent domain, inverse condemnation, and related litigation. I strongly support SB 657 and SB 661.

Over the past fifteen years, I have represented Maryland citizens and businesses facing the harsh reality of the government taking their private property by eminent domain. This governmental power is rooted in the Fifth Amendment's Takings Clause, which provides: "nor shall private property be taken for public purpose, without just compensation."

Maryland condemnors must observe the Constitutional dictate to pay "just compensation" to those losing property rights. However, current Maryland law does not allow condemnees to recover full and truly "just" compensation for the life-altering experience of losing their property. SB 657 and SB 661 are critical steps in the right direction.

At present, a condemnee is entitled to recover the value of the land and improvements taken by eminent domain plus any diminution in value to the property post-take. Md. Code Ann., Real Prop. §§ 12-104, 12-105. A condemnee cannot recover legal and expert fees incurred defending an eminent domain proceeding except in rare instances. This is true even though a condemnor's initial offer often falls short of just compensation. These below-market offers force my clients to invest significant resources for counsel to develop, in collaboration with experts, the true value of the property taken. The result: while the condemnor may increase its just compensation package, the net received by a condemnee is reduced by whatever sums they must lay out for attorneys and experts. And those condemnees who cannot afford an attorney are left to advocate for themselves against an opponent with endless resources. This is unjust.

SB 657 addresses this inequity by permitting every defendant in an eminent domain proceeding (*i.e.*, the condemnees) to recover the fair market value of the land taken *plus* all legal, expert, and related fees they incur. If enacted, SB 657 will provide Marylanders facing the

difficult circumstance of losing their land to eminent domain with a path to recover full compensation for their loss.

SB 661 addresses an equally important issue, particularly for the hundreds of farmers in Baltimore, Carroll, and Frederick Counties at risk of losing property rights to a planned 70-mile power line project known as the Maryland Piedmont Reliability Project (“MPRP”). If the sponsors of the MPRP ultimately secure the power of eminent domain – a question now before the Maryland Public Service Commission – they will forcibly install high-voltage, above-ground power lines across valuable Maryland farmland.

As any farmer will attest, farmland is a central part of a farmer’s identity. It is more than just their property; it is their livelihood and their legacy.

In addition, when farmland is taken for public use, it is nearly impossible for the displaced farmer to find suitable land to relocate their operations. And even if a farmer is fortunate enough to find another location, it is never truly comparable to the property taken by eminent domain. Farmland is often passed down for generations. That legacy is shattered in the eminent domain process.

SB 661 offers a lifeline for Maryland farmers. By requiring the condemnor to pay 350% of the highest appraised value of the property taken, the displaced farmer receives compensation for losing not only their property, but also their identity, livelihood, and legacy. This is, as the Constitution contemplates, a just outcome.

I thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "H. Eisenstein", with a long horizontal flourish extending to the right.

Harris W. Eisenstein

# **FAV\_SB0657\_StopMPRPInc.pdf**

Uploaded by: Joanne Frederick

Position: FAV

**BILL NO.:** Senate Bill 657 – Eminent Domain – Just Compensation – Fees and Costs

**COMMITTEE:** Senate Judicial Proceedings Committee

**HEARING DATE:** February 11, 2025

**SPONSOR:** Senators Ready, Gile, Salling, and Simonaire

**POSITION:** Favorable

**On behalf of Stop MPRP, Inc.,** I respectfully submit this testimony in strong support of Senate Bill 657, which ensures that landowners who have property taken through eminent domain receive full and fair compensation, including reimbursement for legal, expert, and other costs incurred in the condemnation process.

Stop MPRP, Inc. is a non-profit, non-partisan organization dedicated to protecting Maryland’s farmland, rural communities, and private property rights from unjust land seizures, such as those proposed under the Maryland Piedmont Reliability Project (MPRP). Our members—many of whom are landowners, farmers, and business owners—stand to be directly impacted by the misuse of eminent domain for transmission infrastructure that primarily benefits corporate interests over Maryland residents.

Eminent domain allows the government or authorized entities to seize private property for public use, but under current law, landowners are forced to bear the financial burden of defending their rights. Property owners must often pay out of pocket for legal representation, expert witnesses, and other necessary costs simply to ensure they receive just compensation. These expenses create an uneven playing field, where well-funded corporations and government agencies have the upper hand, while private landowners are pressured into accepting undervalued settlements.

SB 657 would correct this fundamental inequity by requiring that landowners be reimbursed for the legal and expert fees incurred in condemnation proceedings. By doing so, the bill:

- **Protects Maryland Property Owners** – Landowners should not suffer financial hardship while defending their constitutional property rights.
- **Ensures Fair Compensation** – Just compensation should account for all costs associated with the forced taking of property, not just the land’s fair market value.
- **Promotes Equitable Negotiations** – Condemning authorities will be incentivized to negotiate in good faith rather than forcing landowners into costly litigation.
- **Deters Unnecessary and Harmful Land Seizures** – By increasing the cost of condemnation for condemning authorities, this bill serves as a deterrent to speculative or unnecessary infrastructure projects that disproportionately target rural communities.

Without these critical protections, Maryland’s rural landowners— many of whom have stewarded their land for generations—will continue to be easy targets for large infrastructure projects that prioritize profits over communities. By ensuring that those facing eminent domain proceedings are fully compensated, Maryland can send a clear message that its landowners, farmers, and rural communities are not expendable. This law will help prevent future projects from unjustly targeting Maryland’s rural landscapes and will encourage responsible, community-focused infrastructure planning.

**Recommendation:** Stop MPRP, Inc. strongly urges the committee to issue a **favorable** report on SB 657 to ensure fairness, full compensation, and stronger protections for Maryland’s landowners against eminent domain abuses.

**Respectfully submitted,**

Joanne Frederick

President

Stop MPRP, Inc.

joanne.frederick@stopmprp.org



# **Testimony SB 657 Eminent Domain - Just Compensation**

Uploaded by: Justin Ready

Position: FAV

**JUSTIN READY**  
*Legislative District 5*  
Carroll County

—  
**MINORITY WHIP**  
—  
Finance Committee



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11 Bladen Street, Room 315  
Annapolis, Maryland 21401  
410-841-3683 · 301-858-3683  
800-492-7122 Ext. 3683  
Justin.Ready@senate.state.md.us

**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

February 11, 2025

**Senator Justin Ready**  
**SB 657 - Eminent Domain - Just Compensation - Fees and Costs**

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Chairman Smith and Members of the Judicial Proceedings Committee:

This bill is one of many that seeks to address the hardship that many of my and my colleagues' constituents are facing with the proposed MPRP power line project. I have heard from hundreds of constituents whose livelihood is tied to their property, in many cases an agricultural property – often whom have been there for generations. This generational livelihood is now under threat from corporate interests.

Senate Bill 657 would require the plaintiff to reimburse for any legal, expert, or other fees or costs of the condemnation proceedings incurred by the defendant.

I respectfully request a favorable on Senate Bill 657.

## **25 MGPA\_SB661\_EmDomain350.pdf**

Uploaded by: Lindsay Thompson

Position: FAV



Maryland Grain Producers Association  
118 Dundee Ave, Chester, MD 21619  
Lindsay.mdag@gmail.com (p) 443-262-8491  
www.marylandgrain.com

Date: February 11, 2025

Senate Bill 661 - Real Property - Condemnation - Compensation for Farm and Agricultural Property  
(Protect Maryland Farm Lands Act)

Committee: Economic Matters

MGPA Position: SUPPORT

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. MGPA supports Senate Bill 661 which requires that the fair market value for agriculture lands being actively farmed be 350% of the highest appraisal value in condemnation proceedings.

Taking of agricultural lands via eminent domain is very disruptive to the farming operation often taking large swaths of land out of production and easement agreements restricting access from one parcel to the other. For example, one of the proposed routes of the Maryland Piedmont Reliability Project bisected one of our members farms in half. The easement agreement prohibited the use of equipment over 12' under the lines. This would not only restrict the farmers ability to farm under the transmission lines but also prohibit them from passing equipment under the lines to access fields on the other side of the easement making it nearly impossible to effectively manage both now halves of their farm. Additionally, the devaluation of farms due to eminent domain and the resulting transmission lines makes it difficult for farmers to meet the existing obligations for loans on their property and secure necessary lines of credit to continue operating the family businesses.

The proposed route for the MPRP appears to almost target preserved agricultural lands. These properties would have lower appraised values because the development rights have already been purchased during the easement process. This legislation would both help to avoid targeting of preserved properties and also adequately compensate farmers for lost revenue, land devaluation and inconvenience of continued farming.

MGPA urges your support of Senate Bill 661.

Thank you,

Lindsay Thompson

Executive Director

# **MDFB - Support - SB657 Eminent Domain – Just Compe**

Uploaded by: Tyler Hough

Position: FAV



## Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035  
410-922-3426 | [www.mdfarmbureau.com](http://www.mdfarmbureau.com)

February 7, 2025

To: Senate Judicial Proceedings Committee

From: Maryland Farm Bureau, Inc.

RE: Support of SB657 - Eminent Domain – Just Compensation – Fees and Costs

On behalf of the nearly 8,000 members of the Maryland Farm Bureau, I submit written testimony in favor of SB657 Eminent Domain – Just Compensation – Fees and Costs. This legislation would establish that damages to be awarded for the taking of land in a condemnation proceeding include, in addition to the fair market value of the land taken, any legal, expert, or other fees or costs of the action incurred by a defendant.

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. It is vital to protect Maryland's farmland and to honor the contributions of farmers who play an essential role in feeding our communities, preserving open spaces, and supporting the state's economy. Eminent domain proceedings can be a long, drawn-out process that is very financially taxing on the defendant. Even if the defendant was to win their eminent domain case, the time and effort placed into the process could leave farmers without the financial stability to continue the operation. Legislation that would include legal fees, expert fees, or other costs incurred during this process would allow for the financial stability for the continuation of the operation.

Maryland Farm Bureau Supports SB657

Sincerely,

Tyler Hough  
Director of Government Relations

Please reach out to Tyler Hough, [though@marylandfb.org](mailto:though@marylandfb.org), with any questions

## **SB657**

Uploaded by: Guy Andes

Position: UNF

OPPOSE  
Judicial Proceedings  
2/11/2025

**Senate Bill 657 - Eminent Domain - Just Compensation - Fees and Costs**

Baltimore Gas and Electric Company (BGE) opposes *Senate Bill 657 - Eminent Domain - Just Compensation - Fees and Costs*. Senate Bill 657 expands the damages awarded to a defendant in condemnation actions to include legal, expert, and other associated fees or costs.

As a utility providing electricity to 1.3 million customers and natural gas to more than 700,000 customers in Central Maryland, BGE is concerned this legislation would economically disadvantage Maryland ratepayers, impede progress in addressing regional resource adequacy challenges, and jeopardize the State's climate goals.

BGE opposes this legislation for several reasons. First, the bill incentivizes landowners to negotiate for higher compensation amounts prior to initiating condemnation proceedings. This could substantially increase the costs associated with these negotiations, as landowners may leverage the threat of additional legal and associated fees to secure higher settlements.

Additionally, the bill removes the requirement for defendants to prevail in order to receive payment for legal and other associated costs, including reasonable attorney's fees on appeal. The bill encourages more defendants to challenge condemning authorities in condemnation proceedings, regardless of the merits of their case. Consequently, BGE ratepayers will bear these additional and potentially imprudent costs.

Finally, Senate Bill 657 incentivizes attorneys to pursue litigation in condemnation actions, creating additional obstacles for the State's energy transition. Maryland's ambitious decarbonization goals require significant investments in electric infrastructure to reliably serve current and future loads. Essential infrastructure components, such as new transmission lines, substations, and feeder lines, are necessary to achieve full electrification. Senate Bill 657 will hinder the construction of these critical projects, exacerbating resource adequacy challenges. The exponential growth in energy demand, coupled with the retirement of generating plants, necessitates the fortification of grid reliability and resiliency. Increased litigation could lead to significant delays or cancellations of important projects, as utilities grapple with the heightened costs and extended timelines associated with these legal challenges.

BGE remains committed to supporting Maryland's energy transition and supports policies that keep affordably, resiliency, and reliability a priority. For these reasons, BGE firmly opposes Senate Bill 657 and requests an unfavorable report.

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**



# **SB0657 - SHA - LOO - Eminent Domain – Just Compens**

Uploaded by: Patricia Westervelt

Position: UNF

February 11, 2025

The Honorable William C Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, MD 21401

***RE: Letter of Opposition – SB 657– Eminent Domain – Just Compensation – Fees and Costs***

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes Senate Bill 657 and offers the following information for the Committee’s consideration.

SB 657 establishes that damages awarded for taking land in a condemnation proceeding include any legal, expert, or other fees or costs incurred by a defendant.

Under the Constitution of Maryland and the Annotated Code, the State has the right to acquire private property for public use through the process of eminent domain. This is not a right that is exercised lightly by the State – the Maryland State Highway Administration (SHA) works to acquire property in a friendly manner with minimal disruption to affected parties.

If passed, SB 657 would adversely affect the timely settlement of land acquisition by encouraging litigation and substantially overburdening the courts. If property owners have no associated fees or costs, the owners may be encouraged to unduly contest the State’s fair market value assessment, as there is no incentive to reach amicable, fair, and reasonable settlements for just compensation. Those legal costs (attorney fees, appraisal fees, expert witness fees, and survey costs) would then be passed onto the State. Cases with complex legal issues would likely incur higher litigation costs. Notably, the bill has no cap to fees that can be charged to the State or its units, including MDOT and the SHA.

In addition to direct costs associated with land acquisition, the cost for construction delays due to legal proceedings further impacts the State. These costs cannot be quantified but could be significant. There are no funds in the operating or capital budget to account for these additional costs, which will ultimately hamper efficient delivery of projects in the Consolidated Transportation Program.

The Maryland Department of Transportation requests that the Committee consider this information during its deliberations and issue Senate Bill 657 an unfavorable report.

Respectfully submitted,

April King  
Acting Director  
Office of Government Affairs  
Maryland State Highway Administration  
410-210-5780

Matthew Mickler  
Director  
Office of Government Affairs  
Maryland Department of Transportation  
410-865-1090