

March 4, 2025

Education, Energy, and the Environment Committee
West Miller Senate Building, Room 2
Annapolis, Maryland 21401

*Re: Testimony in support of –
SB 955 Overhead Transmission Lines – Eminent Domain*

Dear Members of the Education, Energy, and the Environment Committee:

My name is Harris Eisenstein. I am a Maryland attorney, and my practice focuses on eminent domain and related litigation. I strongly support SB 955.

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 to the United States Constitution, which reads in relevant part: “nor shall private property be taken for public purpose, without just compensation.”

While Maryland condemners must pay “just compensation,” Maryland law does not allow condemnees to recover a truly *just* amount for the life-altering experience of losing their property rights. SB 955 is an important step in the right direction.

Currently, a condemnee is entitled to recover the value of the land and improvements taken by eminent domain plus any diminution in value to whatever property remains 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 resources for attorneys 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 my clients is reduced by whatever sums they must lay out for attorneys and experts. This is unjust.

SB 955 addresses this inequity, particularly for those in Baltimore, Carroll, and Federick 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 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 Maryland.

The State’s energy supply is at an inflection point and future utility projects like the MPRP are all but inevitable. SB 955 will protect citizens in the path of utility projects by

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allowing them to recover the market value of the land taken *plus* all legal, expert, and related fees they incur. In my opinion, every condemnee should have the right to recoup their legal expenses irrespective of who condemns their land or why. That broader, necessary protection for Marylanders must wait another day.

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