

it has already defined agriculture under the present law and continue the present arrangement without enacting any new law?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Well of course, I cannot answer for what the legislature might or might not do. Assuming this provision on classification becomes part of the integral law of the State, if I were drawing the act I would have drawn it a little differently, but it might well be that either through transitory legislation, which this body might devise, or otherwise, the law would be different than it is today.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Am I not correct then, in concluding that the power that is given the legislature in the first clause of section 8.02 is a sufficient grant of power to the legislature to permit it to define agriculture just as it would permit it to define open space or any other use?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: You are absolutely right, and I think in fairness to you and to the Committee it ought to be stated very clearly why there is a seeming hanging out of the wording "agriculture" in this document. The reason Delegate Hanson and ladies and gentlemen of the Committee, is two-fold: first, every agricultural group, every society, every agency within the State came before the Committee through its representatives and asked specifically that the word be included, because of their fears that if it were not included, that the agricultural economy of this State might be seriously affected.

I think that the majority of members of the Committee felt that this was a bona fide and justified position for them to take. I am not going into all of the ramifications of that now, but suffice it to say a most persuasive case was presented for the proposition that the true bona fide farmer needed and deserved protection.

That is point one.

Point two is that of course this matter had been up and down the legal and legislative hill for quite a few parades in the recent past. Bear in mind the sequence of events and again I call this to the attention of the Committee.

First the law is passed authorizing this treatment. It is vetoed by the governor, a lot of publicity is given to it. The General Assembly passes it over his veto. Court of Appeals declares it to be unconstitutional.

With that much spotlight on the subject, you get the legislature reconvening, a constitutional amendment passed, so that you have a constitutional amendment suggested by the General Assembly which in effect sought to overturn a decision of the Court of Appeals, sought to overturn a decision of the governor of the State.

Here the issue was clearly drawn. It was clearly drawn and in no unmistakable terms — the vote on this was overwhelmingly in favor of granting the farm use assessment.

We felt in our Committee that this was a fact that could not be brushed aside, it had to be taken into account. I forgot the vote, I can give it to you in a minute — it was overwhelmingly in favor of this thing. This in view of the fact the Court of Appeals itself had said it was unconstitutional. You could not have an issue where the spotlight was more directed on the subject matter.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: I would agree with the direction of the spotlight and importance of the subject matter, but assuming with me for a moment that whatever is said here so long as the law is not repealed by some action in this new constitution that the farm land assessments act or some similar act giving tax advantages to bona fide farmers is to remain on the books in Maryland, why did the Committee decide to use the mandatory "shall" in the creation of any classifications that require the establishment of a class for agricultural uses rather than to continue the current language of the Constitution which is permissive where it says in Article 43, the legislature may provide, and so forth?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Delegate Hanson, you now reach me in an ambivalency which results from the fact that I was a member of the so-called Eney Commission on the one hand, and a member of this Convention on the other.

You will find if you read the report of the Commission that the word "may" was used. I was chairman of the tax committee of that Commission and it was my recommendation at the time, it was the unanimous recommendation of the Commission, that the word "may" should be used. That is the way it came to this body.

On the other hand, an abundance of intelligence came to the Committee by way of testimony from interested groups, from