

to the people just eight years ago they voted for it approximately three to one, to permit different or differing classifications of land.

DELEGATE CASE: That is correct.

DELEGATE SYBERT: After that the Alsop case, the one test case laid down in that constitutional amendment, said that is bona fide. Possibly the words were that the land being actively devoted to farm or agricultural use was the only criteria that the assessing authority could apply.

DELEGATE CASE: That is correct.

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: For what reason then does the Committee recommend scrapping the action of the people eight years ago in permitting or requiring assessment as farmland if it is actively devoted to farm use? What is the theory?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: We prefer the words "gently modifying," rather than "scrapping" the words of the people.

The reason for it, as I have suggested before, is that as the law now stands, the law being the Constitutional amendment of Articles 15 and 18 of the Declaration of Rights as interpreted by the Alsop case permits people, namely real estate speculators for whom this particular provision was never designed to reap tremendous benefits.

The Committee felt that this was wrong. We felt that it was wrong for a number of reasons.

First and most importantly, the proponent of the constitutional amendment himself suggested to us that he never intended the result which came out of the Alsop case.

Secondly, if you read Article 18 you will see that it does use the word "may," and also you will conclude with me that although I believe you sat on that case, that the Court might have reached a different result. Certainly a lot of people thought it was going to reach a different result.

Thirdly, it is my considered judgment that the people in voting did not intend to confer benefits upon land speculators through the guise of a farm tax assessment. All of the literature at that time, including the editorials in the *Baltimore Sun* and the *News Post* — I did not read the ones in the Washington papers — were

directed toward helping the legitimate farmer, the man who makes his living by working the land.

Now, this is what we are trying to do, and by the same token, we are trying to give the administrative officers of the State the tools to prevent the land speculator from making a bonanza in an area in which he should not participate.

DELEGATE SYBERT: Will it not also have the effect of hamstringing the legitimate developers who, to stay in business, must look forward and purchase available land, often years before the time comes for them to develop it in the normal course of their business? Will it not also have the effect of —

DELEGATE CASE: I could answer that very quickly, Delegate Sybert. I do not know whether it would hamstring them or not, but I could not care less. They are able to take care of themselves. We are not worrying about developers or people who buy large chunks of land and put it aside to make a future profit. What we are talking about is a bona fide, legitimate farmer.

DELEGATE SYBERT: Will this change not also have the effect of making developers develop sooner than they ordinarily would, and thereby destroy by that much time the open spaces that everyone in the neighborhood has theretofore enjoyed?

DELEGATE CASE: No. What it will have an effect on, if it has any effect, it will preclude the developers from going out and snapping up the land at the present time. They will let the farmer continue to use it, and when the farmer can continue to use it at the use type assessment, then the desired result, which the Committee seeks to accomplish, has been achieved.

I do not see why we should encourage a developer to go and buy farmland.

THE CHAIRMAN: Are there any further questions to the Committee Chairman?

Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: You have given special consideration to the agricultural uses of the land. I wonder if your Committee has given any consideration to some of the problems in urban areas; for instance, you have many real estate companies buying lots of apartment houses, say in the cities and large urban areas, and after buying this large area of land, many times they let the property deteriorate, and in this way they avoid paying high taxes. And, of course, in Baltimore City where I