

entitled to. If we are going to give it, we should give it by free will of the General Assembly granting it and not by constitutional mandate.

What does it mean at the present time? In a study recently done by Peter Howes, who happens to be on my staff for the U. S. Department of Agriculture, Mr. Howes discovered that what the meaning of this is is not only to state the obvious which Mr. Case conceded this morning but it also points out that in Baltimore County, for example, the existing operation of this law means that the assessable base is reduced by \$12.7 million dollars.

THE CHAIRMAN: Delegate Hanson, you have two minutes left, including the question period.

DELEGATE HANSON: Thank you, Mr. Chairman.

In Montgomery County it means a loss in the assessable base of \$83.4 million dollars. In Harford County it means an increase on the property tax rates of 14-cents per hundred dollars in valuation for non-farm owners. In Montgomery and Prince George's Counties, it means a similar increase on property tax rates. In Carroll County, it means a 19-cent increase on the non-farm tax rate.

To give a few examples of the way this tends to operate at the present time, in my county there is one tract of land with 164 acres which sold last year for \$479,000. It was assessed under the law for \$105,680 and the tax on it was \$462, which is about what I pay on my single family home on an individual lot.

I could give you a whole series of other examples of the way in which this is subject to abuse at the present time and certainly, ladies and gentlemen, if definitions of open space are subject to abuse, this is an equally, at least, subject to abuse and it means the other taxpayers pay more. It is highly probable as we go out from the central cities of Baltimore and Washington into the genuinely rural areas of this State that the ratio of assessment under this act to the market value of the land becomes nearly equalized. In fact, there are some tracts in Carroll County, the Agriculture Department study shows, that are assessed at a higher rate under this act than they would have been if they had been assessed on the sale value as other land in the county under a uniform policy of assessment. I point this out not to tell you that at this point we should enact into the Constitution something that would repeal

the inequities but rather to point out we should leave the constitution free so that the legislature can deal with these inequities as it sees fit when it sees fit to do so.

THE CHAIRMAN: Your time has expired, Delegate Hanson.

Delegate Case.

DELEGATE CASE: Mr. Chairman, ladies and gentlemen of the Committee, I rise in opposition to the amendment offered by my good friend, Delegate Hanson.

I should say at the outset that he has attempted to over-simplify the problem in an effort to obtain your vote.

The first point he makes is that the clause is unnecessary because he said in answer to a question he asked me last night I stated that the General Assembly could, with the questioned clause eliminated, do exactly the same thing as it could do with the clause in the section.

This, of course, is true but it is only half the story. The other half of the story is not what the legislature could do but what it would not do. If the clause is taken out, then there would be no assurance that our farmers in this State, I mean by that the legitimate farmers, would be protected. With the clause in, it means that the farmers will get the protection which they deserve and which they have asked and which they would receive under this section.

The first point is, Delegate Hanson has only told you one half the story. Remove this clause, protection for the farmers disappears.

The second point that Delegate Hanson makes is that he is confused by my statement concerning the Alsop case and whether it has or has not been overruled by the proposal which the Committee makes. Let me state to him so that he can understand it because I believe everyone else in here does, that my statements go to the point that the result of the Alsop case would be overruled if this section is adopted as it exists. Put differently, what I am trying to tell you is that the use criteria for farming would disappear and other criteria which the legislature might prescribe would obtain—

THE CHAIRMAN: You have one minute, Delegate Case.

DELEGATE CASE: This means that the legitimate farmer would be protected under the language we have in the section and the speculator would not.