

1 THE PRESIDENT: Delegate Hardwicke.

2 DELEGATE HARDWICKE: But the Legislature could
3 not arbitrarily define--in other words, the definition of
4 the use has got to be reasonable and so forth, and if that
5 test -- if the Legislature does use a reasonable definition,
6 a reasonable classification, then you would consider that
7 to be agricultural property.

8 THE PRESIDENT: Delegate Penniman.

9 DELEGATE PENNIMAN: Yes, that is correct.

10 THE PRESIDENT: Delegate Henderson.

11 DELEGATE HENDERSON: I suggest that Delegate
12 Hardwicke is putting words in the mouth of the chairman
13 which I don't think really belong there. As I recall the
14 colloquy, I think it was Delegate Case who referred par-
15 ticularly to the decision of the Court of Appeals which had
16 thrown out all of the subsidiary tests and relied upon the
17 words in the constitutional amendment which referred to
18 agricultural use, and the Court of Appeals said, in effect,
19 that that was the only test but that the committee as
20 reported on the floor here intended to overrule that Court
21 of Appeals decision, and I suggest that the use of the word