

1 zoned for residential or higher than agricultural use would
2 not be considered agricultural property be valid under
3 this section.

4 DELEGATE SHERBOW: I can only answer it this
5 way. That if the Legislature defined "agricultural
6 property" as property which is not zoned for residential
7 or for industrial purposes, but could only include property
8 which is zoned for agricultural use, then that might be
9 considered as a legal classification. But I am not ready
10 to go completely out on a limb and say that that by itself
11 would be the test.

12 In my own judgment I believe that the Court of
13 Appeals might consider other factors in determining whether
14 that is so, but if the General Assembly said that in order
15 for it to be within this classification it must be zoned
16 agricultural, then you got some litigation where the Court
17 of Appeals might sustain that, but I don't know what you
18 do in some jurisdictions which have various classifications
19 where farm land has partly residential, partly agricultural
20 and partly industrial, but it is all being used as one farm.

21 THE PRESIDENT: Any other questions?