

operation or is permitting a neighbor to use the land for raising cattle without monetary consideration, but instead is whether the land is actively devoted to a farm or agricultural use.”

Now, our provision seeks to change this and give the legislature or the state Department of Assessments and Taxation the right to say what is a farm.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Does not the agricultural assessments act at this time do exactly that by establishing the criteria in the law by which a definition of agriculture is made and by delegating to the Department of Assessments and Taxation the power to establish rules for the implementation of the law?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: The act says that but the Court of Appeals said it did not mean anything. That is the whole point.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Then I am afraid we may have a disagreement on the language of the court, which as I read the case, did not get to the question of the power of the legislature in this area, but rather based its finding on what it says was the fact that the assessor and the tax courts had misconstrued the provision.

Do we read the case the same way?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: No, sir, we apparently do not. I think I would have to suggest that you see your lawyer Mr. Scanlan, about this, because I think you are reading it incorrectly. He was not listening, that's why I said that.

THE CHAIRMAN: Delegate Hanson.

DELEGATE CASE: I wanted to get his attention.

DELEGATE HANSON: I was hoping, Mr. Chairman, I would get some free legal advice from Mr. Case, but I can see we may not get along as client and attorney.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: You are safe for a while, Delegate Hanson. But may I, to implement this, Delegate Hanson, getting back in a more serious vein, after finding these old criterias were out on the Alsop farm, the Court of Appeals said, I now again will quote you in addition to what I already

quoted, “This was enough to require a finding that the land was in fact a bona fide farm without resorting to any of the other criteria set forth in Regulation 9, some of which seemed to have a related use as a guide in determining whether or not a particular tract of land is a farm within the meaning of the constitutional statutory provisions.”

This was enough. All they had to do was see the sheep on the pasture. Then all the rest of the criteria went out the window.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: What in the judgment of the Committee is the manner in which the General Assembly will make the decision as to what is a bona fide farm?

I note in the Committee Report that the Committee has deleted the provision that was in the Commission draft to link open spaces use with agricultural use on the ground that open spaces are too difficult to define.

I wonder if the Committee looked into the ease with which agriculture can be defined?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Yes, the Committee had before it not only Regulation 9 of the state Department of Assessments and Taxation, various laws which I have talked about in my presentation, but it had a great number of witnesses including the chief supervisor of assessments of the state, Mr. Albert W. Ward, his deputy, Mr. Riley, and a great many other people.

They had all said that given the right to make the classification, they can do it. They exhibited, for example, a questionnaire which contained about six or seven pages, going into many facets of this.

The sum total of it all is that the administrator says they can within a reasonable degree of accuracy and a complete degree of fairness define a farm for this purpose, if they are given the legislative right to do so.

But the Alsop case withdrew that right. What we are trying to do is give them that right back again.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Would giving them this right require the legislature to do anything more than exists in the present law? Can the legislature simply conclude