

We have under consideration Committee Recommendation SF-3, being presented by the Vice Chairman of the Committee, Delegate Case.

The Chair requests him to come forward and resume the presentation of the report.

At the hour of adjournment last evening, Delegate Hanson was engaged in asking a series of questions to the Chairman of the Committee. The Chair recognizes Delegate Hanson for the purpose of resuming the questioning.

Delegate Hanson.

DELEGATE HANSON: Mr. Case, our discussion last night regarding section 8.02, talking about the final clause in that section relating to the property devoted to agricultural uses as prescribed by law, will you explain what difference there is in the effect of the last phrase, "as described by law," and the previous phrase in the preceding clause, "as may be determined by law"? Does the latter add anything to the former?

DELEGATE CASE: The purpose of the latter is to give the General Assembly and/or its creature, the State Department of Assessments and Taxation, the power to define a farm for the purpose of this particular clause.

I suppose that that would be a determination also, and therefore it is possible that they are synonymous.

DELEGATE HANSON: Thank you.

Is there anything in the second clause of 8.02 which through the use of the word "shall" would prohibit the General Assembly from repealing the farmland assessment act if it saw fit to do so?

DELEGATE CASE: You mean the present farmland—

DELEGATE HANSON: Yes.

DELEGATE CASE: Well, Delegate Hanson, if this is passed in the form that it is now in, the General Assembly could modify the present law in any way that it saw fit.

Of course, you must understand that this section as written mandates classification.

Now, among the classes that must be struck is classification for agricultural use, so the General Assembly could not repeal absolutely the present law which is on the books, leaving no law on the books with respect to agricultural classifications, but

it could repeal and re-enact it to change it to modify it, to bring it up to modern standards, and so on.

THE CHAIRMAN: Delegate Hanson, will you pause just a second?

The Chair has been asked to announce—I suppose the tag number, 883182, a Volvo, is on the legislative parking lot with a motor running. It is a very quiet motor. *(Laughter.)*

Delegate Hanson.

DELEGATE HANSON: As I understand your responses yesterday evening and this morning, the General Assembly could also leave the law as it is, assuming that this is an adequate definition, subject to the authority that it has given the Department of Taxation and Assessment to establish a criteria for the assessors, which now I believe number twenty-nine various criteria.

DELEGATE CASE: No. You are mistaken about that, Delegate Hanson. The regulation has twenty-nine criteria. The law has four.

Would you like to know what they are?

DELEGATE HANSON: No, I know what they are.

THE CHAIRMAN: Do you have any further questions, Delegate Hanson?

DELEGATE HANSON: No, Mr. Chairman. I believe this concludes my questions.

THE CHAIRMAN: Does any other Delegate have questions?

Delegate Moser.

DELEGATE MOSER: I take it section 8.02 and 8.02(1) and 8.02(2) all look to the General Assembly acting by general law, that is, by law which is uniform. I think that is very clear, and it will not have county-by-county variations; is that correct? When you say "law," you really mean general law?

DELEGATE CASE: That is a pretty broad question. I will have to take it question by question.

THE CHAIRMAN: The Chair was about to observe that your last statement would hardly seem correct. It would not seem that it is clear they can act only on the general law. The last sentence would seem to be exactly to the contrary.

DELEGATE MOSER: I meant to refer only to section 8.02(1) and (2). I am not at all referring to 8.01.