

flict with Chapter 700, and that the language of 8.01(b) was to be limited in the way provided in 7.00, and then leave to the Committee on Style the actual choice of words to accomplish the purpose.

DELEGATE CASE: I will adopt the Chair's statement on that.

DELEGATE MOSER: I would, too. And I would like to comment that I like your language very well, too, except for the failure to exclude municipalities from the power to vary the taxes. I think we are now in agreement.

DELEGATE CASE: I am sure that we will work it out.

THE CHAIRMAN: So there will not be any misunderstanding, as the Chair understands the statement of Vice-Chairman Case of the Committee, it is not intended by section 8.01(b) to conflict with sections 7.07, 7.08, and 7.09 heretofore approved by the Committee of the Whole; but rather that section 8.01(b) is to be deemed limited by section 7.07, 7.08 and 7.09, and that the Committee on Style will, by appropriate use of the language of either section, carry out that purpose.

Is that a correct statement?

DELEGATE CASE: That is a correct statement.

THE CHAIRMAN: Does that satisfy you, Delegate Moser?

DELEGATE MOSER: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: Mr. Chairman, I commend Delegate Case and the Chair for a graceful way of handling a very important question, but my question, Delegate Case, goes back to section 8.02 and 8.02-1 and -2. Yesterday I asked you to give us a definition of what was meant by classification of events, and I would like to ask you this question: In Article 43 of the present Constitution, the legislature may provide that land actively devoted to farm or agricultural use shall be assessed in a certain way, and not as a subdivision. Is that the event, within your definition?

DELEGATE CASE: No, sir. As I said last evening, that would be property.

Now, let me carry it a little further, if I may. If this is strictly from the basic laws, and we hope it will be, and the provision which we now have before us comes forward, then the nineteen or so criteria that

are found in Regulation 9 would come into play, and some of these are events, so that you can have under the recommendation that we are making, a combination of property and events.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: Then the words "actively devoted" would not constitute an event?

DELEGATE CASE: Not according to the Court of Appeals. The Court of Appeals said it was an objective test, what was happening to the land, not what somebody might be doing or not doing. This was the fight, you see, in the Court of Appeals, in the Alsop case.

The property owner claimed he was entitled to an objection because an objective examination of the land indicated that it was being farmed, and that is all you need.

The State, on the other hand, contended that this fellow was not a farmer, and therefore you had to determine subjectively what he was before you could find that the law implementing Article 43 of the Declaration of Rights was ample. The Court of Appeals held the former.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: Well, possibly my understanding can be clarified if I use an extreme situation. Assuming for the moment that there exists 100 acres of ground which has been plowed and planted, and from which crops are being harvested and all of the agricultural uses that we normally understand to be such are applicable to that piece of ground, but it happens to be owned by somebody who is living in the City of Baltimore or someplace like that, and is engaged in a profession of some kind, does that mean, or does this language mean that the relationship of the owner to the land can be such that it would deny the classification of that land as agricultural use?

DELEGATE CASE: What it means is that the administrative agency which is vested with the power to control the regulation and ultimately the courts could take that fact into consideration, along with a great many other facts, to determine whether or not the farm exemption was available to that particular land owner.

DELEGATE CLAGETT: And in the process of taking that fact into consideration, could they deny the classification of that land as agricultural? Is that correct?

THE CHAIRMAN: Delegate Case.