

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: It would be the absolute, rather than variation?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: It means that it is just not subject to tax. It is not in the tax base.

Now, the farm property assessed for farming is in the tax base, but it is given a different treatment than other real estate.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: Then with respect to the counties acting with respect to farmland, it could exempt or it could not exempt it from tax? Totally exempt?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: It could probably exempt farmland totally from tax if this were what they wanted to do, yes. Just as they could exempt any other type of property which is properly classified.

They could exempt tools and machinery, they could exempt manufacturer's inventory, they could exempt inventory held by merchants, so long as the classification is valid. Then it can be treated in a different manner.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: And, of course, the same thing specifically under 8.02-2 could be done by the State?

DELEGATE CASE: That is true.

THE CHAIRMAN: Delegate Clagett?

DELEGATE CLAGETT: All right.

DELEGATE CHABOT: Mr. Chairman.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Delegate Case, before we had described a number of factual elements that I believe you had indicated might be taken into account in determining the propriety of applying a farm assessment classification to any particular property.

Would this language permit the General Assembly to state by law that one particular element or one combination of elements would be determinative?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: It gives the General Assembly the broadest type of latitude to make the judgment, Delegate Chabot.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Would it permit the General Assembly to make this judgment, that some of the elements were elements that related to the nature of the taxpayer as well as the property. Would it permit the General Assembly to make these judgments with relation to combinations of events and the property so that the General Assembly might be permitted to enact a law under which, if the property that had received this special treatment were sold, that there would be some special tax which relates to the amount of tax benefit that the property had enjoyed before?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: There is no doubt about that in my mind.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Well, would this power of the General Assembly be just as broad if the entire last clause on line 7 and 8 were deleted?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: I think I should have to say that the answer to that is yes, in my judgment it would be just as broad, but if it wanted to act positively, as a matter of fact it would be even broader because if the last sentence were deleted, then while classification is mandated in the section, classification, some classification for farm use is not mandated, so that the General Assembly, if the last sentence were deleted, could completely ignore the farm, completely ignore it.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Well, let us assume for the moment that this last clause is not deleted, it is in there and you have a General Assembly which is determined, as you put it, to ignore the farmer. Could the General Assembly simply not make such a classification?

And of course, your next question is, if they do not make it, how do you make them make it?

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: The answer to that is simply this: this section mandates the General Assembly to act. Now, we passed, must have passed 40 or 50 provisions here in this Convention already that mandate the General Assembly to act in some way.