

The President put the question: Shall the bill pass notwithstanding the objections of the Executive?

The President announced the veto was not sustained by roll call as follows:

Affirmative

Senators—

Mr. President, Anderson, Bailey, Bertorelli, Bishop, Brubaker, Byron, Clark, Connolly, Conroy, Crawford, Dean, Emanuel, Friedler, Gore, Hart, Hodges, Hoyer, Lapidés, Mitchell, McCourt, Schweinhaut, Smelser, Staszak, Steinberg, Stone, Welcome, Wineland.

Total—28

Negative

Senators—

Azrael, Bailey, Cook, Curran, Hall, Hughes, H., Malkus, McGuirk, Nock, Pine, Snyder, Staten, Steffey.

Total—13

Said bill was then sent to the House of Delegates.

EXECUTIVE DEPARTMENT

May 28, 1969.

Honorable William S. James
President of the Senate
State House
Annapolis, Maryland

Dear Mr. President:

In accordance with Article 11, Section 17, of the Maryland Constitution, I have today vetoed Senate Bill 429 and am returning it to you.

This bill would remove the existing power from the Montgomery County Council to impose a transfer tax on the sale of land which has been under an agricultural use tax schedule within five years prior to the sale. The maximum amount of the tax is six percent of the sale price of the realty. This bill does not affect the farmland assessment law as such; land which enjoys a reduced tax rate because it is devoted to the actual farm or agricultural use will continue to be taxed on that basis.

The Montgomery County Council has used this tax power and its 1969-1970 budget relies on \$500,000 it anticipates receiving from this tax source. The Council has gone on record in opposition to this bill. I am attaching herewith a copy of the letter to me from the Montgomery County Attorney written upon the instructions of the County Council.

Supporters of the measure point out that there will be a one-half percent tax on such transfers effective July 1, 1969, pursuant to House Bill 29 which I have previously signed into law. They argue, persuasively, that the transfer tax imposed by the Montgomery County Council is burdensome on this type of realty and that it does not deal with problems of alleged loopholes in farmland assessment in suburban counties.

In view of the impact that Montgomery County would suffer if Senate Bill 429 were to become law, I have decided to veto it. However, I urge the General Assembly and the Montgomery County Council to address themselves more thoughtfully to this tax and to the implications of its level when Senate Bill 139, changing the formula on farmland assessments, takes effect. Future legislation and my evaluation of the situation should not be based on the fact that, under all the circumstances, I have vetoed this bill in this year.

Sincerely,

/s/ Marvin Mandel,
Governor.