

cash value on the date of finality, and that the term full cash value as applied to real property assessments shall mean current value less an allowance for inflation; and providing further that personal property shall be assessed at full cash value on the date of finality, and that the term full cash value as applied to personal property shall mean current value without any allowance for inflation; and providing further that for the purposes of assessing stock in business, the term fair average value shall mean cost or market value, whichever is lower, without any allowance for inflation; and providing further that distilled spirits shall be valued and assessed at fair value, and that the term fair value shall mean cost or market value, whichever is lower, without any allowance for inflation; and to provide that no person, firm, or corporation shall be subject to criminal prosecution as a result of the retroactive nature of this Act.

WHEREAS, the Court of Appeals of Maryland has recently decided the case of Sears Roebuck and Company v. State Tax Commission of Maryland, docketed as No. 28 in the September Term of said Court, and reported as 136 A.2d 567; and

WHEREAS, by the terms of said decision, the Court of Appeals has held that real property and stock in business have been classified alike by the General Assembly for assessment purposes; and that under such circumstances, the same allowance must be made for inflation in respect to stock in business as is made in respect to real property; and

WHEREAS, Article 15 of the Maryland Declaration of Rights confers upon the General Assembly the right to provide for the separate assessment of land and classification and sub-classification of personal property as it may deem proper; and

WHEREAS, it is the intention of the General Assembly to classify real property separate and distinct from personal property, and to separately sub-classify certain classes of personal property for assessment purposes, to the end that an allowance for inflation may be made in respect to real property, but not in respect to personal property; and

WHEREAS, it is the belief of the General Assembly that the natural and inherent differences between real and personal property, and the peculiarities of certain classes of personal property require and justify separate classification and sub-classification for assessment purposes as aforesaid, and require and justify the making of an allowance for inflation in respect to real estate assessments but not in respect to personal property assessments; and

WHEREAS, the State will lose substantial revenues as the result of the Sears Roebuck decision unless remedial legislation is enacted and made retroactive to January 1, 1957; and

WHEREAS, the great majority of taxpayers have paid taxes upon stock in business without protest for the year 1957, leaving only a small number of protesting taxpayers to whom the Sears Roebuck decision will be applicable unless remedial legislation is made retroactive; and AND