

## CHAPTER 884

(Senate Bill 78)

AN ACT to add a new sub-section to Section 8 of Article 81 of the Annotated Code of Maryland (1957 edition), title "Revenue and Taxes", sub-title "What Shall Be Taxed and Where", said new sub-section to follow immediately after sub-section (7) of said section and said Article, and to be known as sub-section (8), to provide for the taxation of certain lessees, bailees, pledgees, agents or other parties in possession and users of tax exempt real and personal property; ; AND ENACTING SPECIAL PROVISIONS APPLICABLE HEREUNDER IN ALLEGANY, ANNE ARUNDEL, MONTGOMERY AND WASHINGTON COUNTIES.

~~WHEREAS, IT HAS COME TO THE ATTENTION OF THE GENERAL ASSEMBLY OF MARYLAND THAT THE CIRCUIT COURT OF BALTIMORE CITY HAS HELD THAT, IN THE CASE OF *MARTIN CO. V. STATE TAX COMMISSION*, A PERSON OR CORPORATION HAVING THE BENEFICIAL POSSESSION AND CONTROL OF PERSONAL PROPERTY IS SUBJECT TO THE STATE'S RIGHT TO ASSESS AND TAX GOVERNMENT OWNED PROPERTY WHEN IT IS IN THE POSSESSION, CUSTODY AND CONTROL OF A PRIVATE CORPORATION; AND~~

~~WHEREAS, IT HAS FURTHER COME TO THE ATTENTION OF THE GENERAL ASSEMBLY OF MARYLAND THAT AN APPEAL HAS BEEN TAKEN TO THE COURT OF APPEALS OF MARYLAND FROM THE AFORESAID DECISION, WHICH APPEAL IS NOW PENDING AND HAS NOT YET BEEN ARGUED OR DECIDED; AND~~

~~WHEREAS, THE GENERAL ASSEMBLY OF MARYLAND HERE STATES THAT IT HAS NO INTENT IN THE INTRODUCTION OR ENACTMENT OF THIS ACT TO AFFECT THE OUTCOME OF ANY LITIGATION PRESENTLY PENDING IN THE COURT OF APPEALS OF MARYLAND; NOW THEREFORE~~

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That a new sub-section be added to Section 8 of Article 81 of the Annotated Code of Maryland (1957 edition), title "Revenue and Taxes", sub-title "What Shall be Taxed and Where", to follow immediately after sub-section (7) of said section and said Article and to be known as sub-section (8), said new sub-section to read as follows:

8.

*(8) Leaseholds and Other Limited Interests in Real or Personal Property—No leasehold or other limited interest in real or tangible personal property shall be subject to taxation except the following*

EXPLANATION: *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

~~Strike out~~ indicates matter stricken out of bill.