

# 2005 SESSION

INTRODUCED

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## HOUSE BILL NO. 2145

Offered January 12, 2005

Prefiled January 11, 2005

*A BILL to amend and reenact § 62.1-145 of the Code of Virginia, relating to service charge payments to localities by the Virginia Port Authority.*

Patron—Joannou

Referred to Committee on Agriculture, Chesapeake and Natural Resources

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 62.1-145 of the Code of Virginia is amended and reenacted as follows:**

§ 62.1-145. Exercise of powers constitutes governmental functions; exemption from taxation.

The exercise of the powers granted by this chapter shall be in all respects for the benefit of the inhabitants of the Commonwealth, for the increase of their commerce, and for the promotion of their safety, health, welfare, convenience, and prosperity, and as the operation and maintenance of the project by the Authority will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Authority under the provisions of this chapter or upon the income therefrom, including sales and use taxes on tangible personal property used in and about a marine terminal under the supervision of the Virginia Port Authority for handling cargo, merchandise, freight, and equipment; nor shall the agents, lessees, sublessees, or users of tangible personal property owned by or leased to the Authority be required to pay any sales or use tax upon such property or the revenue derived therefrom; and the bonds, notes, certificates, or other evidences of debt issued under the provisions of this chapter, their transfer and the income therefrom including any profit made on the sale thereof, shall be exempt from taxation by the Commonwealth and by any municipality, county, or other political subdivision thereof. The exemption from the retail sales and use tax shall apply to property acquired or used by the Authority, or by a nonstock, nonprofit corporation that operates a marine terminal or terminals solely on behalf of the Authority. Service charge payments to any city, county, or town authorized pursuant to subsection D of § 58.1-3403 shall be paid from the general fund, *if so appropriated by the General Assembly. If such appropriation is not made, such service charge payments shall be paid by the Authority.*

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