

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 375

An Act to amend and reenact § 58.1-3660 of the Code of Virginia, relating to the exemption of certified pollution control equipment and facilities from taxation; offsetting economic development assistance.

[S 417]

Approved March 30, 2006

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3660 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3660. Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. The governing body of any county, city or town may, by ordinance, exempt or partially exempt such property from local taxation. *Certified pollution control equipment and facilities consisting of equipment used in collecting, processing, and distributing or generating electricity from landfill gas or synthetic or natural gas recovered from waste, including equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as landfill gas or synthetic or natural gas recovered from waste, placed in service on or after July 1, 2006, shall be exempt from state and local taxation pursuant to subsection d of Section 6 of Article X of the Constitution of Virginia.*

B. As used in this section:

"Certified pollution control equipment and facilities" shall mean any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, *landfill gas, synthetic or natural gas recovered from waste*, or other fuel, and *equipment used in collecting, processing, and distributing or generating electricity from landfill gas or synthetic or natural gas recovered from waste*, whether or not such property has been certified to the Department of Taxation by a state certifying authority.

"State certifying authority" shall mean the State Water Control Board, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal, *landfill gas, and synthetic or natural gas recovery from waste* facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

2. That the Virginia Economic Development Partnership Authority, in cooperation with the Virginia Manufacturers Association, the Virginia Chamber of Commerce, the Virginia Poultry Federation, Printing Industries of Virginia, the Virginia Association of Counties, the Virginia Municipal League, the Commissioners of the Revenue Association of Virginia, the Secretary of Commerce and Trade, the Department of Business Assistance, and the Virginia Tobacco Indemnification and Community Revitalization Commission, shall prepare a specific five-year plan to assist localities in diversifying their economies that are dependent upon facilities used for manufacturing purposes. The plan shall be presented to the Virginia Joint Subcommittee Studying Manufacturing (The Manufacturing Development Commission), no later than November 1, 2006, and address the following topics:

- 1. The direct and indirect economic impact of manufacturing on the Commonwealth; and**
- 2. Economic development assistance that will aid cities, counties, and towns with tax base diversification and skill-enhancing employment and training opportunities.**