

SENATE No. 1259

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to tax uniformity..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Clause Sixteenth of Section 5 of Chapter 59 of the General Laws, as
2 amended by Sections 3 and 4 of Chapter 173 of the Acts of 2008, is hereby amended by striking
3 paragraph (3) and inserting in place thereof the following new paragraph:-

4 (3) In the case of (i) a manufacturing corporation or a research and development
5 corporation, as defined in section 42B of chapter 63, or (ii) a limited liability company that has
6 its usual place of business in the commonwealth, is engaged in manufacturing in the
7 commonwealth or in research and development in the commonwealth, is a disregarded entity, as
8 defined in section 30 of chapter 63, and , and whose sole member is a business corporation, as
9 defined in paragraph 1 of section 30 of chapter 63, all property owned by such corporation other
10 than the following:--real estate, poles and underground conduits, wires and pipes; provided,
11 however, that no property, except property entitled to a pollution control abatement pursuant to
12 the provisions of the forty-fourth clause or a cogeneration facility as defined herein, shall be
13 exempt from taxation if it is used in the manufacture or generation of electricity and it has not
14 received a manufacturing classification effective on or before January 1, 1996. For the purposes

15 of this section, a cogeneration facility shall be defined as any electrical generating unit having
16 power production capacity which, together with any other power generation facilities located at
17 the same site, is not greater than 30 megawatts and which produces electric energy and steam or
18 other form of useful energy utilized for industrial, commercial, heating, or cooling purposes.
19 This clause, as it applies to a research and development corporation as defined in section 42B of
20 said chapter 63 or a limited liability company as so described in subparagraph (ii), shall take
21 effect only upon its acceptance by any city or town.