

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1464

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BERRY.

4698H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 138.445 and 153.030, RSMo, and to enact in lieu thereof two new sections relating to property taxation of telephone companies.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 138.445 and 153.030, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 138.445 and 153.030, to read as follows:

138.445. 1. The state tax commission of Missouri shall annually certify to the director
2 of revenue and to the commissioner of education a copy of its most recent annual report
3 containing the total valuation of all taxable properties in the state according to the county or
4 counties for which the same is assessed. The commission shall also certify to the director and
5 to the commissioner any amendments or modifications to the annual report; provided, however,
6 that no amendments or modifications to the annual report shall be accepted by the state tax
7 commission or certified by it to the director of revenue or the commissioner of education at any
8 time after December thirty-first of the year.

9 2. The annual report of the state tax commission and any amendments or modifications
10 thereto duly certified to the director of revenue and to the commissioner of education shall
11 constitute the official record of the state of Missouri for purposes of section 142.345 and section
12 163.011.

13 3. The reports certified pursuant to this section shall not be construed to represent the
14 assessment ratio or general assessment level of any county in this state.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 4. For the additional duties imposed upon the members of the tax commission under the
16 provisions of this section, each member of the commission shall annually receive nine thousand
17 dollars plus any salary adjustment provided pursuant to section 105.005 payable in equal monthly
18 installments.

19 **5. As a part of the report defined in this section, the state tax commission shall**
20 **include the difference in assessed value for any telephone company that, according to**
21 **subsection 5 of section 153.030, elects to be assessed utilizing the methodology defined in**
22 **section 137.122. The commissioner of education shall transmit the information to each**
23 **school district.**

 153.030. 1. All bridges over streams dividing this state from any other state owned,
2 used, leased or otherwise controlled by any person, corporation, railroad company or joint stock
3 company, and all bridges across or over navigable streams within this state, where the charge is
4 made for crossing the same, which are now constructed, which are in the course of construction,
5 or which shall hereafter be constructed, and all property, real and tangible personal, owned, used,
6 leased or otherwise controlled by telegraph, telephone, electric power and light companies,
7 electric transmission lines, pipeline companies and express companies shall be subject to
8 taxation for state, county, municipal and other local purposes to the same extent as the property
9 of private persons.

10 2. And taxes levied thereon shall be levied and collected in the manner as is now or may
11 hereafter be provided by law for the taxation of railroad property in this state, and county
12 commissions, county boards of equalization and the state tax commission are hereby required
13 to perform the same duties and are given the same powers, including punitive powers, in
14 assessing, equalizing and adjusting the taxes on the property set forth in this section as the county
15 commissions and boards of equalization and state tax commission have or may hereafter be
16 empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an
17 authorized officer of any such bridge, telegraph, telephone, electric power and light companies,
18 electric transmission lines, pipeline companies, or express company or the owner of any such toll
19 bridge, is hereby required to render reports of the property of such bridge, telegraph, telephone,
20 electric power and light companies, electric transmission lines, pipeline companies, or express
21 companies in like manner as the authorized officer of the railroad company is now or may
22 hereafter be required to render for the taxation of railroad property.

23 3. On or before the fifteenth day of April in the year 1946 and each year thereafter an
24 authorized officer of each such company shall furnish the state tax commission and county clerks
25 a report, duly subscribed and sworn to by such authorized officer, which is like in nature and
26 purpose to the reports required of railroads under chapter 151 showing the full amount of all real

27 and tangible personal property owned, used, leased or otherwise controlled by each such
28 company on January first of the year in which the report is due.

29 4. If any telephone company assessed pursuant to chapter 153 has a microwave relay
30 station or stations in a county in which it has no wire mileage but has wire mileage in another
31 county, then, for purposes of apportioning the assessed value of the distributable property of such
32 companies, the straight line distance between such microwave relay stations shall constitute
33 miles of wire. In the event that any public utility company assessed pursuant to this chapter has
34 no distributable property which physically traverses the counties in which it operates, then the
35 assessed value of the distributable property of such company shall be apportioned to the physical
36 location of the distributable property.

37 **5. (1) Notwithstanding any provision of law to the contrary, beginning January 1,**
38 **2019, a telephone company shall make a one-time election within the tax year to be**
39 **assessed:**

40 (a) Using the methodology for property tax purposes as provided under this
41 section; or

42 (b) Using the methodology for property tax purposes as provided under this section
43 for property consisting of land and buildings and be assessed for all other property
44 exclusively using the methodology utilized under section 137.122.

45
46 **If a telephone company begins operations, including a merger of multiple telephone**
47 **companies, after the effective date of this section, it shall make its one-time election to be**
48 **assessed using the methodology for property tax purposes as described under paragraph**
49 **(b) of subdivision (1) of this subsection within the year in which the telephone company**
50 **begins its operations. A telephone company that fails to make a timely election shall be**
51 **deemed to have elected to be assessed using the methodology for property tax purposes as**
52 **provided under subsections 1 to 4 of this section.**

53 **(2) The provisions of this subsection shall not be construed to change the original**
54 **assessment jurisdiction of the state tax commission.**

55 **(3) Nothing in subdivision (1) of this subsection shall be construed as applying to**
56 **any other utility.**

57 **(4) (a) The provisions of this subdivision shall ensure that school districts may**
58 **avoid any fiscal impact as a result of a telephone company being assessed under the**
59 **provisions of paragraph (b) of subdivision (1) of this subsection. If a school district's**
60 **current operating levy is below the greater of its most recent voter-approved tax rate or the**
61 **most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of**
62 **section 137.073, it shall comply with section 137.073.**

63 **(b) Beginning January 1, 2019, any school district currently operating at a tax rate**
64 **equal to the greater of the most recent voter-approved tax rate or the most recent**
65 **voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073**
66 **that receives less tax revenue from a specific telephone company under this subsection, on**
67 **or before January thirty-first of the year following the tax year in which the school district**
68 **received less revenue from a specific telephone company, may by resolution of the school**
69 **board impose a fee, as determined under this subsection, in order to obtain such revenue.**
70 **The resolution shall include all facts that support the imposition of the fee. If the school**
71 **district receives voter approval to raise its tax rate, the district shall no longer impose the**
72 **fee authorized in this paragraph.**

73 **(c) Any fee imposed under paragraph (b) of this subdivision shall be determined**
74 **by taking the difference between the tax revenue the telephone company paid in the tax**
75 **year in question and the tax revenue the telephone company would have paid in such year**
76 **had it not made an election under subdivision (1) of this subsection, which shall be**
77 **calculated by taking the telephone company valuations in the tax year in question, as**
78 **determined by the state tax commission under paragraph (d) of this subdivision, and**
79 **applying such valuations to the apportionment process in subsection 2 of section 151.150.**
80 **The school district shall issue a billing, as provided in this subdivision, to any such**
81 **telephone company. A telephone company shall have forty-five days after receipt of a**
82 **billing to remit its payment of its portion of the fees to the school district. Notwithstanding**
83 **any other provision of law, the issuance or receipt of such fee shall not be used:**

84 **a. In determining the amount of state aid that a school district receives under**
85 **section 163.031;**

86 **b. In determining the amount that may be collected under a property tax levy by**
87 **such district; or**

88 **c. For any other purpose.**
89

90 **For the purposes of accounting, a telephone company that issues a payment to a school**
91 **district under this subsection shall treat such payment as a tax.**

92 **(d) When establishing the valuation of a telephone company assessed under**
93 **paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also**
94 **determine the difference between the assessed value of a telephone company if:**

95 **a. Assessed under paragraph (b) of subdivision (1) of this subsection; and**

96 **b. Assessed exclusively under subsections 1 to 4 of this section.**
97

98 **The state tax commission shall then apportion such amount to each county and provide**
99 **such information to any school district making a request for such information.**

100 **(e) This subsection shall expire when no school district is eligible for a fee.**

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