

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 835, Page 1, Section A, Line 2, by inserting after
2 all of said section and line the following:
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4 "153.030. 1. All bridges over streams dividing this state from any other state owned, used, leased or
5 otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges
6 across or over navigable streams within this state, where the charge is made for crossing the same, which are
7 now constructed, which are in the course of construction, or which shall hereafter be constructed, and all
8 property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone,
9 electric power and light companies, electric transmission lines, pipeline companies and express companies
10 shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the
11 property of private persons.

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

24 3. On or before the fifteenth day of April in the year 1946 and each year thereafter an authorized
25 officer of each such company shall furnish the state tax commission and county clerks a report, duly
26 subscribed and sworn to by such authorized officer, which is like in nature and purpose to the reports required
27 of railroads under chapter 151 showing the full amount of all real and tangible personal property owned,
28 used, leased or otherwise controlled by each such company on January first of the year in which the report is
29 due.

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

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

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

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consisting of land and buildings and be assessed for all other property exclusively using the methodology utilized under section 137.122.

If a telephone company begins operations, including a merger of multiple telephone companies, after August 28, 2018, it shall make its one-time election to be assessed using the methodology for property tax purposes as described under paragraph (b) of subdivision (1) of this subsection within the year in which the telephone company begins its operations. A telephone company that fails to make a timely election shall be deemed to have elected to be assessed using the methodology for property tax purposes as provided under subsections 1 to 4 of this section.

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

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

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

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

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

- a. In determining the amount of state aid that a school district receives under section 163.031;
- b. In determining the amount that may be collected under a property tax levy by such district; or
- c. For any other purpose.

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

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

- a. Assessed under paragraph (b) of subdivision (1) of this subsection; and
- b. Assessed exclusively under subsections 1 to 4 of this section.

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

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

6. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a project which uses wind energy directly to generate electricity, such wind energy project property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of the law.

1 (2) Notwithstanding any provision of law to the contrary, beginning January 1, 2020, for any public
2 utility company assessed pursuant to this chapter which has a wind energy project, such wind energy project
3 shall be assessed using the methodology for real and personal property as provided in this subsection:

4 (a) Any wind energy property of such company shall be assessed upon the county assessor's local tax
5 rolls;

6 (b) Any property consisting of land and buildings related to the wind energy project shall be assessed
7 under chapter 137; and

8 (c) All other business or personal property related to the wind energy project shall be assessed using
9 the methodology provided under section 137.122.

10 7. (1) If any public utility company assessed under this chapter has ownership of any real or
11 personal property associated with a generation project that was originally constructed utilizing financing
12 authorized under chapter 100 for construction, upon the transfer of ownership of such property to the public
13 utility, such property shall be valued and taxed by any local authorities having jurisdiction under the
14 provisions of chapter 137 and other relevant provisions of law.

15 (2) Notwithstanding any provision of law to the contrary, beginning January 1, 2022, for any public
16 utility company assessed under this chapter that has ownership of any real or personal property associated
17 with a generation project that was originally constructed utilizing financing authorized under chapter 100 for
18 construction, such property shall be assessed using the methodology for real and personal property as
19 provided in this subsection, upon transfer of ownership of such property to the public utility:

20 (a) Any property associated with a generation project that was originally constructed utilizing
21 financing authorized under chapter 100 for construction, such property shall be assessed upon the county
22 assessor's local tax rolls; the assessor shall rely on the public utility's original depreciated cost of the
23 generation portion of the property at the time of transfer of ownership in the determination of the initial
24 valuation of the generation property;

25 (b) Any property consisting of land and buildings related to the generation property associated with a
26 generation project that was originally constructed utilizing financing authorized under chapter 100 for
27 construction shall be assessed under chapter 137; and

28 (c) All other business or personal property related to a generation project that was originally
29 constructed utilizing financing authorized under chapter 100 for construction shall be assessed using the
30 methodology provided under section 137.122."; and

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32 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.