

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SS/Senate Bill No. 44, Page 1, Section A, Line 4,

2 by inserting after all of said line the following:

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

17 2. And taxes levied thereon shall be levied and  
18 collected in the manner as is now or may hereafter be  
19 provided by law for the taxation of railroad property in  
20 this state, and county commissions, county boards of  
21 equalization and the state tax commission are hereby  
22 required to perform the same duties and are given the same  
23 powers, including punitive powers, in assessing, equalizing  
24 and adjusting the taxes on the property set forth in this  
25 section as the county commissions and boards of equalization  
26 and state tax commission have or may hereafter be empowered

27 with, in assessing, equalizing, and adjusting the taxes on  
28 railroad property; and an authorized officer of any such  
29 bridge, telegraph, telephone, electric power and light  
30 companies, electric transmission lines, pipeline companies,  
31 or express company or the owner of any such toll bridge, is  
32 hereby required to render reports of the property of such  
33 bridge, telegraph, telephone, electric power and light  
34 companies, electric transmission lines, pipeline companies,  
35 or express companies in like manner as the authorized  
36 officer of the railroad company is now or may hereafter be  
37 required to render for the taxation of railroad property.

38       3. On or before the fifteenth day of April in the year  
39 1946 and each year thereafter an authorized officer of each  
40 such company shall furnish the state tax commission and  
41 county clerks a report, duly subscribed and sworn to by such  
42 authorized officer, which is like in nature and purpose to  
43 the reports required of railroads under chapter 151 showing  
44 the full amount of all real and tangible personal property  
45 owned, used, leased or otherwise controlled by each such  
46 company on January first of the year in which the report is  
47 due.

48       4. If any telephone company assessed pursuant to  
49 chapter 153 has a microwave relay station or stations in a  
50 county in which it has no wire mileage but has wire mileage  
51 in another county, then, for purposes of apportioning the  
52 assessed value of the distributable property of such  
53 companies, the straight line distance between such microwave  
54 relay stations shall constitute miles of wire. In the event  
55 that any public utility company assessed pursuant to this  
56 chapter has no distributable property which physically  
57 traverses the counties in which it operates, then the  
58 assessed value of the distributable property of such company

59 shall be apportioned to the physical location of the  
60 distributable property.

61 5. (1) Notwithstanding any provision of law to the  
62 contrary, beginning January 1, 2019, a telephone company  
63 shall make a one-time election within the tax year to be  
64 assessed:

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

67 (b) Using the methodology for property tax purposes as  
68 provided under this section for property consisting of land  
69 and buildings and be assessed for all other property  
70 exclusively using the methodology utilized under section  
71 137.122.

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

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

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

87 (4) (a) The provisions of this subdivision shall  
88 ensure that school districts may avoid any fiscal impact as  
89 a result of a telephone company being assessed under the  
90 provisions of paragraph (b) of subdivision (1) of this  
91 subsection. If a school district's current operating levy

92 is below the greater of its most recent voter-approved tax  
93 rate or the most recent voter-approved tax rate as adjusted  
94 under subdivision (2) of subsection 5 of section 137.073, it  
95 shall comply with section 137.073.

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

111 (c) Any fee imposed under paragraph (b) of this  
112 subdivision shall be determined by taking the difference  
113 between the tax revenue the telephone company paid in the  
114 tax year in question and the tax revenue the telephone  
115 company would have paid in such year had it not made an  
116 election under subdivision (1) of this subsection, which  
117 shall be calculated by taking the telephone company  
118 valuations in the tax year in question, as determined by the  
119 state tax commission under paragraph (d) of this  
120 subdivision, and applying such valuations to the  
121 apportionment process in subsection 2 of section 151.150.  
122 The school district shall issue a billing, as provided in  
123 this subdivision, to any such telephone company. A  
124 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.

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

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

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

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

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

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2022, for any public utility company assessed pursuant to this chapter which has ownership of any real or personal property associated with a generation project which was originally constructed utilizing financing authorized pursuant to chapter 100 for construction, upon the transfer of ownership of such

property to the public utility company such property shall  
be assessed as follows:

(a) Any property associated with a generation project  
which was originally constructed utilizing financing  
authorized pursuant to chapter 100 for construction shall be  
assessed upon the county assessor's local tax rolls. The  
assessor shall rely on the public utility company for cost  
information of the generation portion of the property as  
found in the public utility company's Federal Energy  
Regulatory Commission Financial Report Form Number One at  
the time of transfer of ownership, and depreciate the costs  
provided in a manner similar to other commercial and  
industrial property.

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

(c) All other business or personal property related to  
a generation project which was originally constructed  
utilizing financing pursuant to chapter 100 for construction  
shall be assessed using the methodology provided under  
section 137.122.

153.034. 1. The term "distributable property" of an  
electric company shall include all the real or tangible  
personal property which is used directly in the generation  
and distribution of electric power, but not property used as  
a collateral facility nor property held for purposes other  
than generation and distribution of electricity. Such  
distributable property includes, but is not limited to:

(1) Boiler plant equipment, turbogenerator units and  
generators;

(2) Station equipment;

(3) Towers, fixtures, poles, conductors, conduit transformers, services and meters;

(4) Substation equipment and fences;

(5) Rights-of-way;

(6) Reactor, reactor plant equipment, and cooling towers;

(7) Communication equipment used for control of generation and distribution of power;

(8) Land associated with such distributable property.

2. The term "local property" of an electric company shall include all real and tangible personal property owned, used, leased or otherwise controlled by the electric company not used directly in the generation and distribution of power and not defined in subsection 1 of this section as distributable property. Such local property includes, but is not limited to:

(1) Motor vehicles;

(2) Construction work in progress;

(3) Materials and supplies;

(4) Office furniture, office equipment, and office fixtures;

(5) Coal piles and nuclear fuel;

(6) Land held for future use;

(7) Workshops, warehouses, office buildings and generating plant structures;

(8) Communication equipment not used for control of generation and distribution of power;

(9) Roads, railroads, and bridges;

(10) Reservoirs, dams, and waterways;

(11) Land associated with other locally assessed property and all generating plant land.

3. (1) Any real or tangible personal property associated with a project which uses wind energy directly to



generate electricity shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property.

(2) The real or tangible personal property referenced in subdivision (1) of this subsection shall include all equipment whose sole purpose is to support the integration of a wind generation asset into an existing system.

Examples of such property may include, but are not limited to, wind chargers, windmills, wind turbines, wind towers, and associated electrical equipment such as inverters, pad mount transformers, power lines, storage equipment directly associated with wind generation assets, and substations.

4. For any real or tangible personal property associated with a generation project which was originally constructed utilizing financing authorized under chapter 100 for construction, upon the transfer of ownership of such property to a public utility, such property shall be valued and taxed by local authorities having jurisdiction under the provisions of chapter 137 and any other relevant provisions of law. The method of taxation prescribed in subsection 2 of section 153.030 and subsection 1 of this section shall not apply to such property."; and

Further amend the title and enacting clause accordingly.