

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

125 of a billing to remit its payment of its portion of the fees
126 to the school district. Notwithstanding any other provision
127 of law, the issuance or receipt of such fee shall not be
128 used:

129 a. In determining the amount of state aid that a
130 school district receives under section 163.031;

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

133 c. For any other purpose.

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

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

142 a. Assessed under paragraph (b) of subdivision (1) of
143 this subsection; and

144 b. Assessed exclusively under subsections 1 to 4 of
145 this section.

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

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

151 6. (1) If any public utility company assessed
152 pursuant to this chapter has ownership of any real or
153 personal property associated with a project which uses wind
154 energy directly to generate electricity, such wind energy
155 project property shall be valued and taxed by any local

156 authorities having jurisdiction under the provisions of
157 chapter 137 and other relevant provisions of the law.

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

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

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

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

172 7. (1) If any public utility company assessed
173 pursuant to this chapter has ownership of any real or
174 personal property associated with a generation project which
175 was originally constructed utilizing financing authorized
176 pursuant to chapter 100 for construction, upon the transfer
177 of ownership of such property to the public utility company
178 such property shall be valued and taxed by any local
179 authorities having jurisdiction under the provisions of
180 chapter 137 and other relevant provisions of law.

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

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

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

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

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

211 153.034. 1. The term "distributable property" of an
212 electric company shall include all the real or tangible
213 personal property which is used directly in the generation
214 and distribution of electric power, but not property used as
215 a collateral facility nor property held for purposes other
216 than generation and distribution of electricity. Such
217 distributable property includes, but is not limited to:

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

220 (2) Station equipment;

- 221 (3) Towers, fixtures, poles, conductors, conduit
222 transformers, services and meters;
- 223 (4) Substation equipment and fences;
- 224 (5) Rights-of-way;
- 225 (6) Reactor, reactor plant equipment, and cooling
226 towers;
- 227 (7) Communication equipment used for control of
228 generation and distribution of power;
- 229 (8) Land associated with such distributable property.
- 230 2. The term "local property" of an electric company
231 shall include all real and tangible personal property owned,
232 used, leased or otherwise controlled by the electric company
233 not used directly in the generation and distribution of
234 power and not defined in subsection 1 of this section as
235 distributable property. Such local property includes, but
236 is not limited to:
- 237 (1) Motor vehicles;
- 238 (2) Construction work in progress;
- 239 (3) Materials and supplies;
- 240 (4) Office furniture, office equipment, and office
241 fixtures;
- 242 (5) Coal piles and nuclear fuel;
- 243 (6) Land held for future use;
- 244 (7) Workshops, warehouses, office buildings and
245 generating plant structures;
- 246 (8) Communication equipment not used for control of
247 generation and distribution of power;
- 248 (9) Roads, railroads, and bridges;
- 249 (10) Reservoirs, dams, and waterways;
- 250 (11) Land associated with other locally assessed
251 property and all generating plant land.
- 252 3. (1) Any real or tangible personal property
253 associated with a project which uses wind energy directly to

254 generate electricity shall be valued and taxed by local
255 authorities having jurisdiction under the provisions of
256 chapter 137 and any other relevant provisions of law. The
257 method of taxation prescribed in subsection 2 of section
258 153.030 and subsection 1 of this section shall not apply to
259 such property.

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

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

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

279 Further amend the title and enacting clause accordingly.