

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 92**

**101ST GENERAL ASSEMBLY**

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ADRIANE D. CROUSE, Secretary

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**AN ACT**

To repeal sections 153.030 and 153.034, RSMo, and to enact in lieu thereof two new sections relating to the assessment of certain public utility property.

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

Section A. Sections 153.030 and 153.034, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 153.030 and 153.034, to read as follows:

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

15 2. And taxes levied thereon shall be levied and  
16 collected in the manner as is now or may hereafter be  
17 provided by law for the taxation of railroad property in

18 this state, and county commissions, county boards of  
19 equalization and the state tax commission are hereby  
20 required to perform the same duties and are given the same  
21 powers, including punitive powers, in assessing, equalizing  
22 and adjusting the taxes on the property set forth in this  
23 section as the county commissions and boards of equalization  
24 and state tax commission have or may hereafter be empowered  
25 with, in assessing, equalizing, and adjusting the taxes on  
26 railroad property; and an authorized officer of any such  
27 bridge, telegraph, telephone, electric power and light  
28 companies, electric transmission lines, pipeline companies,  
29 or express company or the owner of any such toll bridge, is  
30 hereby required to render reports of the property of such  
31 bridge, telegraph, telephone, electric power and light  
32 companies, electric transmission lines, pipeline companies,  
33 or express companies in like manner as the authorized  
34 officer of the railroad company is now or may hereafter be  
35 required to render for the taxation of railroad property.

36 3. On or before the fifteenth day of April in the year  
37 1946 and each year thereafter an authorized officer of each  
38 such company shall furnish the state tax commission and  
39 county clerks a report, duly subscribed and sworn to by such  
40 authorized officer, which is like in nature and purpose to  
41 the reports required of railroads under chapter 151 showing  
42 the full amount of all real and tangible personal property  
43 owned, used, leased or otherwise controlled by each such  
44 company on January first of the year in which the report is  
45 due.

46 4. If any telephone company assessed pursuant to  
47 chapter 153 has a microwave relay station or stations in a  
48 county in which it has no wire mileage but has wire mileage  
49 in another county, then, for purposes of apportioning the

50 assessed value of the distributable property of such  
51 companies, the straight line distance between such microwave  
52 relay stations shall constitute miles of wire. In the event  
53 that any public utility company assessed pursuant to this  
54 chapter has no distributable property which physically  
55 traverses the counties in which it operates, then the  
56 assessed value of the distributable property of such company  
57 shall be apportioned to the physical location of the  
58 distributable property.

59 5. (1) Notwithstanding any provision of law to the  
60 contrary, beginning January 1, 2019, a telephone company  
61 shall make a one-time election within the tax year to be  
62 assessed:

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

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

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

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

(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.

109 (c) Any fee imposed under paragraph (b) of this  
110 subdivision shall be determined by taking the difference  
111 between the tax revenue the telephone company paid in the

112 tax year in question and the tax revenue the telephone  
113 company would have paid in such year had it not made an  
114 election under subdivision (1) of this subsection, which  
115 shall be calculated by taking the telephone company  
116 valuations in the tax year in question, as determined by the  
117 state tax commission under paragraph (d) of this  
118 subdivision, and applying such valuations to the  
119 apportionment process in subsection 2 of section 151.150.  
120 The school district shall issue a billing, as provided in  
121 this subdivision, to any such telephone company. A  
122 telephone company shall have forty-five days after receipt  
123 of a billing to remit its payment of its portion of the fees  
124 to the school district. Notwithstanding any other provision  
125 of law, the issuance or receipt of such fee shall not be  
126 used:

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

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

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

- 140 a. Assessed under paragraph (b) of subdivision (1) of  
141 this subsection; and

142                   b. Assessed exclusively under subsections 1 to 4 of  
143 this section.

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

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

149                   6. (1) If any public utility company assessed  
150 pursuant to this chapter has ownership of any real or  
151 personal property associated with a project which uses wind  
152 energy directly to generate electricity, such wind energy  
153 project property shall be valued and taxed by any local  
154 authorities having jurisdiction under the provisions of  
155 chapter 137 and other relevant provisions of the law.

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

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

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

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

170                   7. (1) **If any public utility company assessed**  
171 **pursuant to this chapter has ownership of any real or**  
172 **personal property associated with a generation project which**

173 was originally constructed utilizing financing authorized  
174 pursuant to chapter 100 for construction, upon the transfer  
175 of ownership of such property to the public utility company  
176 such property shall be valued and taxed by any local  
177 authorities having jurisdiction under the provisions of  
178 chapter 137 and other relevant provisions of law.

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

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

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

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

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

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

10 (2) Station equipment;

13 (4) Substation equipment and fences;

14 (5) Rights-of-way;

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

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

19 (8) Land associated with such distributable property.

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

27 (1) Motor vehicles;

28 (2) Construction work in progress;  
29 (3) Materials and supplies;  
30 (4) Office furniture, office equipment, and office  
31 fixtures;

32 (5) Coal piles and nuclear fuel;

33 (6) Land held for future use;

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

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

38 (9) Roads, railroads, and bridges;

39 (10) Reservoirs, dams, and waterways;

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

42           3. (1) Any real or tangible personal property  
43 associated with a project which uses wind energy directly to  
44 generate electricity shall be valued and taxed by local  
45 authorities having jurisdiction under the provisions of  
46 chapter 137 and any other relevant provisions of law. The  
47 method of taxation prescribed in subsection 2 of section  
48 153.030 and subsection 1 of this section shall not apply to  
49 such property.

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

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

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