

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:

3
4 "137.123. 1. Beginning January 1, 2022, for purposes of assessing all real property, excluding land,
5 or tangible personal property associated with a project that uses wind energy directly to generate electricity,
6 the following depreciation tables shall be used to determine the true value in money of such property. The
7 first year shown in the table shall be the year immediately following the year of construction of the property.
8 The original costs shall reflect either:

9 (1) The actual and documented original property cost to the taxpayer, as shall be provided by the
10 taxpayer to the assessor; or

11 (2) In the absence of actual and documented original property cost to the taxpayer, the estimated cost
12 of the property by the assessor, using an authoritative cost guide.

13
14 For purposes of this section, and to estimate the value of all real property, excluding land, or tangible personal
15 property associated with a project that uses wind energy directly to generate electricity, each assessor shall
16 apply the percentage shown to the original cost for the first year following the year of construction of the
17 property, and the percentage shown for each succeeding year shall be the percentage of the original cost used
18 for January first of the respective succeeding year as follows:

<u>Year</u>	<u>Percentage</u>
<u>1</u>	<u>40%</u>
<u>2</u>	<u>40%</u>
<u>3</u>	<u>37%</u>
<u>4</u>	<u>37%</u>
<u>5</u>	<u>35%</u>

26
27 Any real property, excluding land, or tangible personal property associated with a project that uses wind
28 energy directly to generate electricity shall continue in subsequent years to have the depreciation percentage
29 last listed in the appropriate column in the table.

30 2. Nothing in this section shall be construed to prohibit a project from engaging in enhanced
31 enterprise zone agreements under sections 135.950 to 135.973 or similar tax abatement agreements with state
32 or local officials or to affect any existing enhanced enterprise zone agreements.

33 153.030. 1. All bridges over streams dividing this state from any other state owned, used, leased or
34 otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges
35 across or over navigable streams within this state, where the charge is made for crossing the same, which are
36 now constructed, which are in the course of construction, or which shall hereafter be constructed, and all
37 property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone,
38 electric power and light companies, electric transmission lines, pipeline companies and express companies
39 shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the
40 property of private persons.

Action Taken _____ Date _____

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

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

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

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

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

- In determining the amount of state aid that a school district receives under section 163.031;
- In determining the amount that may be collected under a property tax levy by such district; or
- 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:

- Assessed under paragraph (b) of subdivision (1) of this subsection; and
- 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; and

(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] real property, excluding land, or personal property related to the wind energy project shall be assessed using the methodology provided under section [137.122] 137.123.";~~ and

Further amend said bill, Page 2, Section 393.106, Line 53, by inserting after all of said section and line the following:

~~"[393.1073. 1. There is hereby established the "Task Force on Wind Energy", which shall be composed of the following members:~~

~~(1) Three members of the house of representatives, with two appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives;~~

~~(2) Three members of the senate, with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate; and~~

~~(3) Two representatives from Missouri county governments with experience in wind energy valuations, with one being a currently elected county assessor to be appointed by the speaker of the house of representatives, and one being a currently elected county clerk to be appointed by the president pro tempore of the senate.~~

1 2. The task force shall conduct public hearings and research, and shall compile a report for
2 delivery to the general assembly by no later than December 31, 2019. Such report shall
3 include information on the following:

4 (1) The economic benefits and drawbacks of wind turbines to local communities and the
5 state;

6 (2) The fair, uniform, and standardized assessment and taxation of wind turbines and their
7 connected equipment owned by a public utility company at the county level in all counties;

8 (3) Compliance with existing federal and state programs and regulations; and

9 (4) Potential legislation that will provide a uniform assessment and taxation methodology for
10 wind turbines and their connected equipment owned by a public utility company that will be
11 used in every county of Missouri.

12 3. The task force shall meet within thirty days after its creation and shall organize by
13 selecting a chairperson and vice chairperson, one of whom shall be a member of the senate
14 and the other a member of the house of representatives. Thereafter, the task force may meet
15 as often as necessary in order to accomplish the tasks assigned to it. A majority of the task
16 force shall constitute a quorum, and a majority vote of such quorum shall be required for any
17 action.

18 4. The staff of house research and senate research shall provide necessary clerical, research,
19 fiscal, and legal services to the task force, as the task force may request.

20 5. The members of the task force shall serve without compensation, but any actual and
21 necessary expenses incurred in the performance of the task force's official duties by the task
22 force, its members, and any staff assigned to the task force shall be paid from the joint
23 contingent fund.

24 6. This section shall expire on December 31, 2019."]; and

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