

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 314

By: Branan and Mazzei of the  
Senate

3  
4 and

Terrill of the House

5  
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7  
8 ( revenue and taxation - valuation and assessment of  
9 property -

10 effective date )  
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13 AUTHOR: Add the following House Coauthor: Trebilcock

14 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert  
15

16 "An Act relating to revenue and taxation; amending 68  
17 O.S. 2001, Sections 2808 and 2847, which relate to  
the Ad Valorem Tax Code; modifying definitions;  
18 providing for subclassification of certain property;  
imposing duty upon State Board of Equalization with  
19 respect to valuation of certain property; requiring  
filing of certain information by video service  
20 providers; requiring computations by State Board of  
Equalization; prescribing method for assessment by  
21 State Board of Equalization; and providing an  
effective date.

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23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:  
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1 SECTION 1. AMENDATORY 68 O.S. 2001, Section 2808, is  
2 amended to read as follows:

3 Section 2808. A. As used in the Ad Valorem Tax Code:

4 1. "Public service corporation" means all transportation  
5 companies, transmission companies, all gas, electric, light, heat  
6 and power companies and all waterworks and water power companies,  
7 and all persons authorized to exercise the right of eminent domain  
8 or to use or occupy any right-of-way, street, alley, or public  
9 highway, along, over or under the same in a manner not permitted to  
10 the general public;

11 2. "Transportation company" means any company, corporation,  
12 trustee, receiver, or any other person owning, leasing or operating  
13 for hire, a street railway, canal, steamboat line, and also any  
14 sleeping car company, parlor car company and express company, and  
15 any other company, trustee, or person in any way engaged in such  
16 business as a common carrier. As used in the Ad Valorem Tax Code,  
17 the term "transportation company" shall not include any railroad or  
18 any air carrier. However, all railroad and air carrier property  
19 shall continue to be valued and assessed by the State Board of  
20 Equalization for purposes of ad valorem taxation;

21 3. "Transmission company" means any company, corporation,  
22 trustee, receiver, or other person owning, leasing or operating for  
23 hire any telegraph or telephone line or radio broadcasting system;  
24 and

1 4. "Person" means individuals, partnerships, associations, and  
2 corporations in the singular as well as plural number;

3 5. "Video services provider" means a subclass of public service  
4 corporations consisting of any public service corporation offering  
5 video programming services; and

6 6. "Video programming" shall have the same meaning as set forth  
7 in 47 U.S.C., Section 522(20).

8 B. As used in the Ad Valorem Tax Code, "transmission company"  
9 and "public service corporation" shall not be construed to include  
10 cable television companies.

11 C. Any real or personal property used by any company,  
12 corporation, trustee, receiver, or other person owning, leasing, or  
13 operating for hire any pipeline or oil or gas gathering system which  
14 was assessed by the State Board of Equalization after January 1,  
15 1997, shall continue to be assessed by the State Board of  
16 Equalization through ad valorem tax year 1998.

17 SECTION 2. AMENDATORY 68 O.S. 2001, Section 2847, is  
18 amended to read as follows:

19 Section 2847. A. The property of all railroads, air carriers  
20 and public service corporations shall be assessed annually by the  
21 State Board of Equalization at its fair cash value estimated at the  
22 price it would bring at a fair voluntary sale.

23 B. Taxable values of real and personal property of all  
24 railroads, air carriers and public service corporations shall be

1 established in accordance with the requirements of Section 8 of  
2 Article X of the Oklahoma Constitution. The State Board of  
3 Equalization shall determine the taxable value of all taxable  
4 property that the Board is required by law to assess and value, and  
5 shall determine such taxable value in accordance with the  
6 requirements of Section 8 of Article X of the Oklahoma Constitution.

7 C. The State Board of Equalization shall assess the property of  
8 that subclass of public service corporations known as video services  
9 providers, as defined in Section 2808 of this title, as provided:

10 1. Every video services provider shall file with the State  
11 Board of Equalization a certification regarding total gross receipts  
12 for the immediate preceding calendar year by April 15 and shall  
13 specify the total gross receipts derived from video programming  
14 services;

15 2. The State Board of Equalization shall determine the  
16 percentage of gross receipts the video services provider has derived  
17 from video programming in the immediately preceding calendar year;  
18 and

19 3. The percentage determined pursuant to paragraph 2 of this  
20 subsection shall be applied to the taxable fair cash value allocated  
21 to Oklahoma, and the resulting fair cash value attributable to video  
22 programming services shall be assessed using the statewide average  
23 of the assessment ratios applied to the assets of cable television  
24 companies in that tax year. Unless the taxpayer or the State Board

1 of Equalization demonstrates otherwise, the statewide average  
2 assessment ratio applied to the personal property of a cable  
3 television company shall be assumed to be twelve percent (12%).

4 D. The percentage of fair cash value for real and personal  
5 property of railroads, air carriers and public service corporations  
6 required by the Oklahoma Constitution to be taxable shall be the  
7 percentage at which it was assessed on January 1, 1996, in  
8 accordance with the provisions of paragraph 3 of subsection A of  
9 Section 8 of Article X of the Oklahoma Constitution, and, subject to  
10 the requirements of federal law, shall be uniformly applied to  
11 calculate the taxable values of public service corporation property  
12 within the state for the applicable assessment year.

13 SECTION 3. This act shall become effective January 1, 2010."

14 Passed the House of Representatives the 16th day of April, 2009.

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Presiding Officer of the House of  
Representatives

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19 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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Presiding Officer of the Senate

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