Senate Ways and Means
April 19, 2016
2016-1463s
10/09

Amendment to HB 1198-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Change. Amend RSA 72:8-a to read as follows:

72:8-a Telecommunications Poles and Conduits. [~~Except as provided in RSA 72:8-b,~~] All structures, poles, towers, and conduits employed in the transmission of telecommunication, cable, or commercial mobile radio services shall be taxed as real estate in the town in which such property or any part of it is situated. ***Except as provided in RSA 72:8-c,*** the valuation of such property shall be based on its value as real estate. Other devices and equipment, including wires, fiber optics, and switching equipment employed in the transmission of telecommunication, cable, or commercial mobile radio services shall not be taxable as real estate.

2 New Section; Property Taxation; Valuation of Poles and Conduits Owned by Telephone Utilities; Rulemaking. Amend RSA 72 by inserting after section 8-b the following new section:

72:8-c Valuation of Telecommunications Poles and Conduits; Rulemaking.

I. The value of wooden poles or conduits employed in the transmission of telecommunications owned in whole or in part by telephone utilities, as described in RSA 362:7, or providers of Voice over Internet Protocol ("VoIP") service or IP-enabled service, each as defined in RSA 362:7, or commercial mobile radio services, for purposes of tax assessment against said entity, shall be determined by the following formula: the Replacement Cost New (RCN) of the telecommunications pole or conduit, less depreciation calculated on a straight-line basis for a period of 40 years with a residual value of 20 percent.

II. On or before July 1 of the tax year, the department of revenue administration shall provide to every municipality a schedule of telecommunications pole and conduit RCN, using national published telecommunications standard cost data guides calculated annually using a 5-year rolling average.

III. The commissioner of the department of revenue administration shall adopt rules pursuant to RSA 541-A relative to how telecommunications pole and conduit RCN shall be established, including a process for receiving public input prior to such establishment.

3 New Section; Taxable Property; Inventory; Telecommunications Poles and Conduits. Amend RSA 74 by inserting after section 18 the following new section:

74:19 Inventories of Telecommunications Poles and Conduits.

I. In order to properly determine the value of property under RSA 72:8-c, an inventory of telecommunications poles and conduits shall be filed with the department of revenue administration and with the municipality where the property is located by each owner of telecommunications poles and conduits. Each form may include the following information:

(a) Name and address of a contact person if the owner is a trust or corporation.

(b) Detailed description of the telecommunication poles using most recent readily available information held by the owner.

(c) Description of conduits using most recent readily available information held by the owner.

(d) The filer's dated signature certifying that the information indicated on the form is true.

II. The inventory of telecommunications poles and conduits required by this section shall be filed with the department of revenue administration and with the municipality where the property is located by the owner of telecommunications poles and conduits no later than July 1. Persons required to file the inventory of telecommunications poles and conduits who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. Any person or corporation required to file an inventory of telecommunications poles and conduits shall be subject to the provisions of RSA 74:12.

4 Reference Change. Amend RSA 75:1 to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, buildings and land appraised under RSA 79-G as qualifying historic buildings, qualifying chartered public school property appraised under RSA 79-H, residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, renewable generation facility property subject to a voluntary payment in lieu of taxes agreement under RSA 72:74 as determined under said agreement, ***telecommunications poles and conduits pursuant to RSA 72:8-c,*** and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

5 Effective Date. This act shall take effect September 1, 2016.

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AMENDED ANALYSIS

This bill establishes the valuation for purposes of the property tax assessment of wooden poles and conduits employed in the transmission of telecommunication owned in whole or in part by telephone utilities.