

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1267

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to classification for taxation;
8 defining term; requiring assessment by local assessor
9 of certain provider; amending 68 O.S. 2021, Section
10 2808, which relates to the Ad Valorem Tax Code;
11 modifying definition; deleting obsolete language;
12 providing for codification; and providing an
13 effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1808 of Title 68, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Wholly owned subsidiaries or affiliate entities of a
19 cooperative organized under the Rural Electric Cooperative Act,
20 Section 437 et seq. of Title 18 of the Oklahoma Statutes, that offer
21 broadband-based services including Internet access, Voice over
22 Internet Protocol, and Internet Protocol television, to end-user
23 consumers, a substantial portion of which are located within one or
24 more cooperative certified territories established under the Retail
Electric Supplier Certified Territory Act, Section 158.21 et seq. of

1 Title 17 of the Oklahoma Statutes, are hereby expressly classified
2 for taxation purposes. Such subsidiaries and affiliate entities are
3 hereinafter defined as and referred to as "cooperative broadband
4 service providers."

5 B. Notwithstanding any other provision of this title including
6 the Ad Valorem Tax Code, the local county assessor of each
7 applicable county shall assess a cooperative broadband service
8 provider; real and personal property for purposes of ad valorem
9 taxes.

10 SECTION 2. AMENDATORY 68 O.S. 2021, Section 2808, is
11 amended to read as follows:

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

13 1. "Public service corporation" means all transportation
14 companies, transmission companies, all gas, electric, light, heat
15 and power companies and all waterworks and water power companies,
16 and all persons authorized to exercise the right of eminent domain
17 or to use or occupy any right-of-way, street, alley, or public
18 highway, along, over or under the same in a manner not permitted to
19 the general public;

20 2. "Transportation company" means any company, corporation,
21 trustee, receiver, or any other person owning, leasing or operating
22 for hire, a street railway, canal, steamboat line, and also any
23 sleeping car company, parlor car company and express company, and
24 any other company, trustee, or person in any way engaged in such

1 business as a common carrier. As used in the Ad Valorem Tax Code,
2 the term "transportation company" shall not include any railroad or
3 any air carrier. However, all railroad and air carrier property
4 shall continue to be valued and assessed by the State Board of
5 Equalization for purposes of ad valorem taxation;

6 3. "Transmission company" means any company, corporation,
7 trustee, receiver, or other person owning, leasing or operating for
8 hire any telegraph or telephone line or radio broadcasting system;

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

11 5. "Video services provider" means a subclass of public service
12 corporations consisting of any public service corporation offering
13 video programming services;

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

16 7. "Fixed wireless broadband Internet service provider" means
17 an entity that solely offers access to the Internet through a
18 stationary fixed point-to-point connection often requiring direct
19 line of sight between the provider's wireless transmitter and its
20 end-user consumer's receiver.

21 B. As used in the Ad Valorem Tax Code, "transmission company",
22 "transportation company", and "public service corporation", and any
23 subclass thereof shall not be construed to include cable television
24 companies, ~~or~~ fixed wireless broadband Internet service providers,
25

1 or cooperative broadband service providers, as defined in Section 1
2 of this act.

3 ~~C. Any real or personal property used by any company,~~
4 ~~corporation, trustee, receiver, or other person owning, leasing, or~~
5 ~~operating for hire any pipeline or oil or gas gathering system which~~
6 ~~was assessed by the State Board of Equalization after January 1,~~
7 ~~1997, shall continue to be assessed by the State Board of~~
8 ~~Equalization through ad valorem tax year 1998.~~

9 SECTION 3. This act shall become effective November 1, 2022.

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