

COUNTY HEALTH CENTER:  
STATE TAX COMMISSION:  
TAXATION:

State Tax Commission will assess the distributable property of public utilities and apportion to each county its share thereof. This assessment is the assessment upon which a tax levy upon said property, for support of a county health center must be based.



January 14, 1954

Honorable Andrew J. Higgins  
Prosecuting Attorney  
Platte County  
Platte City, Missouri

Dear Sir:

By letter of December 23, 1953, you requested an official opinion as follows:

"On May 27, 1953, pursuant to the authority in Chapter 205, Laws of 1951, the voters of Platte County, Missouri, voted to establish and maintain a County Health Center. Said Health Center was immediately put into operation and has been in operation since the date of election.

"Such Center is financed by an annual tax of 10% on each \$100 of the assessed valuation in the county. In December, 1952 one of the utility corporations paid its taxes as apportioned to this county by the State Tax Commission with the exception of the Health Center levy. Again this year the same corporation has paid all of its taxes with the same exception. Another utility is also refusing to pay the Health Center levy this year. Many of the utility corporations have paid their levy in both years without question.

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"The basis for these refusals appears to be that these companies believe the tax to be illegal in that no valid assessment for the tax has been made or can be made by the State Tax Commission. It is my understanding that the Tax Commission has not made such an assessment for the benefit of Platte County, Missouri and further, that the Tax Commission feels they have no authority so to do, and of course, the tax cannot be collected without a valid assessment.

"1. Is there authority at present for the State Tax Commission to make an assessment against the distributable property of these utilities in this county for the benefit of the Health Center?

"2. If the State Tax Commission cannot make such an assessment, can it be done by any other body or officer?

"3. If there is no body or officer empowered to make such assessment, what steps are deemed necessary to rectify this situation in order that Health Centers may benefit from the distributable property of such utilities within this county?"

County health centers are authorized under the provisions of Section 205.010, et seq., Cumulative Supplement of 1951. Section 205.020(2), Cumulative Supplement of 1951 provides for the levy and collection of taxes to support a county health center as follows:

"2. If a two-thirds majority of the votes cast at such election on the proposition so submitted, shall vote in favor of such tax, the county court shall proceed to levy and collect such tax and deposit same in the county treasury to the credit of the health center fund and such fund shall be expended as hereinafter provided."

The State Tax Commission is given the exclusive power of original assessment against public utilities by Section 138.420, RSMo 1949, which reads in part as follows:

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"1. The commission shall have the exclusive power of original assessment of railroads, railroad cars, rolling stock, street railroads, bridges, telegraph, telephone, express companies, and other similar public utility corporations, companies and firms. \* \* \* "

Public utilities are declared subject to taxation, and the manner of taxation thereof is provided by Section 153.030:

\* \* \*

"1.\* \* \* and all property, real and tangible personal, owned by telegraph, telephone, electric power and light companies, electric transmission lines, pipe line companies and express companies shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the property of private persons.

"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 courts, county boards of equalization and the state tax commission are hereby required to perform the same duties and are given the same powers in assessing, equalizing and adjusting the taxes on the property set forth in this section as the said courts 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; \* \* \*"

Since public utilities are to be taxed in the same manner as railroad companies, we turn to Chapter 151, RSMo 1949, and find that the State Tax Commission assesses property of railroad companies by authority of Section 151.060, RSMo 1949.

"1. The state tax commission shall assess, adjust and equalize the aggregate valuation of the property of each one of the railroad companies in this state specified in section 151.020. \* \* \*"

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However, the State Tax Commission may assess only the distributable property of public utilities. State ex rel. v. Baker, 293 S.W. 399, State ex rel. v. Gehner, 286 S.W. 117.

The State Tax Commission, after assessing the total valuation of public utilities, must then apportion the value of such property, as required by Section 151.080, Cumulative Supplement, 1951.

"Said commission shall apportion the aggregate value of all property herein specified belonging to or under the control of each railroad company, to each county, municipal township, (etc.) \* \* \*."

A county health center is supported by taxes raised from the taxable property of the entire county. The State Tax Commission will assess, and apportion to the county the county-wide value of public utilities therein. It only remains, then, for the county court to apply the tax rate to the assessed valuation as apportioned by the State Tax Commission. Having answered your first question in the affirmative, there is no need to discuss the two subsequent questions.

#### CONCLUSION

It is, therefore, the opinion of this office that the State Tax Commission will assess the distributable property of public utilities, and apportion to each county its share thereof. This assessment is the assessment upon which a tax levy upon said distributable property, for support of a county health center, must be based.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Paul McGhee.

Very truly yours,

JOHN M. DALTON  
Attorney General

PMcG:vlw