



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 188** HLS 19RS 256
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **w/ #2 SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: May 21, 2019	3:52 PM	Author: MORRIS, JIM
Dept./Agy.: Revenue		Analyst: Greg Albrecht
Subject: Severance Tax Exemption - Stripper Well Production		

TAX/SEVERANCE TAX RE2 -\$7,000,000 GF RV See Note Page 1 of 1
 Provides with respect to the exemption from severance tax on oil produced from stripper wells

Present law imposes a severance tax on the production from stripper wells (no more than 10 barrels of oil per producing day) of 3.125% of the value of the oil when severed. This tax suspended in any month when the average value is less than \$20 per barrel.

Proposed law will suspend the tax on stripper wells and fields in any month when the average value is less than \$75 per barrel, and financial security is provided for each well, and that 1/4 of the oilfield site restoration fee has been paid. The Dept. of Revenue shall determine the oil value quarterly based on the average New York Mercantile Exchange Price in the prior three months. This exemption is available for nine and one-half years, from July 1, 2020 through December 31, 2029.

Effective upon governor's signature.

EXPENDITURES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total		\$0	\$0	\$0	\$0	\$0

REVENUES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	\$0	(\$5,880,000)	(\$5,880,000)	(\$5,880,000)	(\$5,880,000)	(\$23,520,000)
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	(\$1,120,000)	(\$1,120,000)	(\$1,120,000)	(\$1,120,000)	(\$4,480,000)
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	(\$7,000,000)	(\$7,000,000)	(\$7,000,000)	(\$7,000,000)	(\$28,000,000)

EXPENDITURE EXPLANATION

The Department of Revenue will incur staff costs associated with modifications to the tax processing system to incorporate a new tax return necessary to implement the price-based exemption in this bill. These costs estimated at approximately \$140,000 of staff time. Additional staff time costs associated with handling issues with taxpayers resulting from this change may also be incurred.

REVENUE EXPLANATION

The current exemption was enacted by Act 2 of 1994, resulting in intermittent months of tax exemption from FY95 through FY99. Since then, oil prices have generally exceeded \$20/bbl and these wells have been subject to the stripper rate of 3.125% of value (1/4 the tax of full-rate production). Currently, these wells are producing approximately 4 million - 4.5 million barrels of oil per year, and being exempted from approximately \$19 million - \$22 million of severance tax per year (\$21.4 million in FY18) relative to the full-rate tax of 12.5% of value.

Oil prices are currently less than \$75/bbl, and are not currently expected to exceed that price during the fiscal note horizon. Thus, the bill is expected to exempt these wells from their current level of tax payment, some \$6 million to \$7.5 million per year (\$7.3 million in FY18). Modestly rising oil price projections are assumed to offset modestly declining production to result in approximately \$7 million per year of foregone severance tax receipts. The price/exemption determination is to be made on a quarterly basis, and in some portions of a year this production could be exempt, and in some portions taxable.

The bill's exemption is available beginning with FY21. On a full-year basis, approximately 84% of any annual loss will affect the state general fund (\$5.880 million), with 14% affecting the parish severance tax allocation (\$980,000) and 2% the wetlands fund allocation (\$140,000).

To qualify for the bill's tax rate suspension, the bill appears to require financial security for wells not exempt under rules for R.S. 30:4 and 30:4.3, and to have paid 1/4 of the oilfield site restoration fee in R.S. 30:87(F)(1). According to DNR, financial security can be based on well depth (land: \$2/ft if <3,000 ft, \$5/ft if 3,000 - 10,000 ft, \$4/ft if > 10,000 ft) or number of wells (land: \$50,000 if <10, \$250,000 if 11 - 99, \$500,000 if >100). One-quarter of the oilfield site restoration fee would be .00375 cents per barrel. DNR indicated that it is possible that some potentially eligible wells already meet these conditions or are exempt from them, but the associated number of wells and/or volume is not known. In addition, some eligible wells will likely find it advantageous to meet these conditions in order to qualify for the tax rate suspension. It is also possible that some operators will not meet these conditions, and not qualify for the tax suspension. The predominance of either situation is not known, but these conditions can work to dampen the maximum revenue loss exposure above.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

John D. Carpenter
 Legislative Fiscal Officer