Senator Kevin T. VanTassell proposes the following substitute bill:

1	SEVERANCE TAX RELATED AMENDMENTS
2	2007 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Gordon E. Snow
5	Senate Sponsor: Kevin T. VanTassell
6	
7 0	LONG TITLE
8	General Description:
9	This bill amends provisions related to the Uintah Basin Revitalization Fund, the Navajo
0	Revitalization Fund, and provisions on oil and gas severance tax revenues.
1	Highlighted Provisions:
2	This bill:
3	 modifies definitions;
4	 modifies how monies are allocated from the Uintah Basin Revitalization Fund to
5	each county and the Ute Indian Tribe of the Uintah and Ouray Reservation,
6	including clarifying the relationship between statute and an interlocal agreement
7	amongst the parties;
8	 addresses how monies from the Uintah Basin Revitalization Fund may be used by
9	the Tribe;
20	 removes date restrictions on deposits into the Uintah Basin Revitalization Fund;
21	 increases on an ongoing basis the cap on deposits into the Uintah Basin
22	Revitalization Fund;
23	 eliminates the requirement that the governor annually approve that grants and loans
24	may be made from the Navajo Revitalization Fund;
25	 modifies the cap on severance tax monies that are deposited into the Navajo

26	Revitalization Fund; and
27	 amends oil and gas severance tax provisions to eliminate the tax exemption for the
28	first \$50,000 annually in gross value of oil and gas wells; and
29	 makes technical changes.
30	Monies Appropriated in this Bill:
31	None
32	Other Special Clauses:
33	This bill has retrospective operation to January 1, 2007.
34	Utah Code Sections Affected:
35	AMENDS:
36	9-10-101, as last amended by Chapter 18, Laws of Utah 2004
37	9-10-104, as enacted by Chapter 341, Laws of Utah 1995
38	9-10-106, as enacted by Chapter 341, Laws of Utah 1995
39	9-11-107, as last amended by Chapter 150, Laws of Utah 2001
40	59-5-102, as last amended by Chapter 346, Laws of Utah 2006
41	59-5-116, as last amended by Chapter 13, Laws of Utah 2004
42	59-5-119, as last amended by Chapter 150, Laws of Utah 2001
43	
44	Be it enacted by the Legislature of the state of Utah:
45	Section 1. Section 9-10-101 is amended to read:
46	9-10-101. Definitions.
47	As used in this chapter:
48	(1) "Board" means the Uintah Basin Revitalization Fund Board.
49	(2) "Capital projects" means expenditures for land, improvements on the land, and
50	equipment intended to have long-term beneficial use.
51	(3) "County" means:
52	(a) Duchesne County; or
53	(b) Uintah County.
54	[(3)] (4) "Division" means the Division of Housing and Community Development.
55	[(4)] (5) "Revitalization Fund" means the Uintah Basin Revitalization Fund.
56	[(5)] (6) "Tribe" means the Ute Indian Tribe of the Uintah and Ouray Reservation.

57	Section 2. Section 9-10-104 is amended to read:
58	9-10-104. Duties Loans Interest.
59	(1) The board shall:
60	(a) subject to the other provisions of this chapter and an agreement entered into under
61	[the] Title 11, Chapter 13, Interlocal Cooperation Act, among the state, [Duchesne and Uintah
62	Counties] the counties, and the Tribe, make recommendations to the division for grants and
63	loans from the revitalization fund to county agencies and the Tribe that are or may be socially
64	or economically impacted, directly or indirectly, by mineral resource development;
65	(b) establish procedures for application for and award of grants and loans including:
66	(i) eligibility criteria;
67	(ii) subject to Subsection 9-10-106(2)(b), a preference that capital projects, including
68	subsidized and low-income housing, and other one-time need projects and programs have
69	priority over other projects;
70	(iii) <u>a</u> preference [to] for projects and programs that are associated with the geographic
71	area where the oil and gas were produced; and
72	(iv) coordination of projects and programs with other projects and programs funded by
73	federal, state, and local governmental entities;
74	(c) determine the order in which projects will be funded;
75	(d) allocate the amount to be distributed from the revitalization fund for grants or loans
76	to each county and the Tribe during a fiscal year as follows:
77	(i) up to and including the first \$3,000,000 that is approved for distribution by the
78	board during a fiscal year, the board may allocate the amount in accordance with the interlocal
79	agreement described by Subsection (1)(a), except that the board may not allocate less than 75%
80	of the amount under the interlocal agreement to the Tribe unless the interlocal agreement is
81	further modified by statute; and
82	(ii) beginning with fiscal year 2007-08, any amount approved for distribution by the
83	board during that fiscal year in excess of \$3,000,000 shall be allocated equally amongst each
84	county and the Tribe so that each receives 1/3 of the amount approved for distribution by the
85	board in excess of \$3,000,000;
86	[(d)] (e) qualify for, accept, and administer grants, gifts, loans, or other funds from the
87	federal government and from other sources, public or private; and

0.0	
88	[(e)] (f) perform other duties assigned to it under the [Interlocal Cooperation Act]
89	interlocal agreement described in Subsection (1)(a) that are not prohibited by law or otherwise
90	modified by this chapter.
91	(2) The board shall ensure that loan repayments and interest are deposited into the
92	revitalization fund.
93	(3) The interlocal agreement described in Subsection (1)(a) shall be consistent with the
94	following statutes, including any subsequent amendments to those statutes:
95	(a) this chapter;
96	(b) Title 11, Chapter 13, Interlocal Cooperation Act:
97	(c) Section 59-5-116; and
98	(d) any other applicable provision of this Utah Code.
99	Section 3. Section 9-10-106 is amended to read:
100	9-10-106. Eligibility for assistance Applications Review by board Terms
101	Security.
102	(1) Counties or the Tribe that wish to receive loans or grants from the board shall
103	submit formal applications to the board containing the information required by the board.
104	(2) The board may not fund:
105	(a) start-up or operational costs of private business ventures; and
106	(b) general operating budgets of the counties or the Tribe[-], except that the Tribe may
107	use a grant or loan to fund costs associated with the management and administration of energy
108	or mineral development on:
109	(i) lands held in trust by the United States for the Tribe and its members; or
110	(ii) lands owned by the Tribe.
111	(3) (a) The board shall review each application for a loan or grant before approving it.
112	(b) The board may approve loan or grant applications subject to the applicant's
113	compliance with certain conditions established by the board.
114	(c) The board shall:
115	(i) ensure that each loan specifies the terms for repayment; and
116	(ii) secure the loans by proceeds from any general obligation, special assessment, or
117	revenue bonds, notes, or other obligations of the appropriate subdivision.
118	Section 4. Section 9-11-107 is amended to read:

119	9-11-107. Revitalization fund administered by board Eligibility for assistance
120	Review by board Restrictions on loans and grants Governor's approval prerequisite
121	Division to distribute monies.
122	(1) (a) If an eligible entity wishes to receive a loan or grant from the board, the eligible
123	entity shall apply to the board. The application shall contain the information required by the
124	board.
125	(b) The board shall review each application for a loan or grant before approving the
126	loan or grant.
127	(c) The board may approve loan or grant applications subject to the applicant's
128	compliance with certain conditions established by the board.
129	(2) In determining whether an eligible entity may receive a loan or grant, the board
130	shall give priority to:
131	(a) capital projects and infrastructure, including electrical power, water, and other one
132	time need projects;
133	(b) housing projects that consist of:
134	(i) the purchase of new housing;
135	(ii) the construction of new housing; or
136	(iii) a significant remodeling of existing housing; or
137	(c) matching educational endowments that:
138	(i) promote economic development within the Utah portion of the Navajo Reservation;
139	(ii) promote the preservation of Navajo culture, history, and language; or
140	(iii) support postsecondary educational opportunities for Navajo students enrolled in
141	courses or programs taught within the Utah portion of the Navajo Reservation.
142	(3) A loan or grant issued under this chapter may not fund:
143	(a) start-up or operational costs of private business ventures;
144	(b) general operating budgets of the eligible entities; or
145	(c) a project or program that will operate or be located outside of the Navajo
146	Reservation in San Juan County, Utah, except for educational endowments approved by the
147	board under Subsection (2)(c).
148	(4) (a) The board may not approve a loan unless the loan:
149	(i) specifies the terms for repayment; and

150	(ii) is secured by proceeds from a general obligation, special assessment, or revenue
151	bond, note, or other obligation.
152	(b) Any loan repayment or interest on a loan issued under this chapter shall be
153	deposited into the fund.
154	(5) The board may not approve a loan or grant unless the loan or grant provides for
155	matching monies or in-kind services from:
156	(a) the Navajo Nation;
157	(b) the Navajo Trust Fund;
158	(c) San Juan County;
159	(d) the state;
160	(e) the federal government;
161	(f) a Utah Navajo Chapter, as defined in Section 63-88-101; or
162	(g) other private or public organization.
163	[(6) (a) During any fiscal year, the board may not approve a loan or grant unless the
164	governor notifies the division in writing that loans and grants may be approved during that
165	fiscal year.]
166	[(b) The governor shall provide the notice required by Subsection (6)(a) if the governor
167	finds that there is progress in resolving issues between:]
168	[(i) the state, including its political subdivisions; and]
169	[(ii) (A) the Navajo Nation; or]
170	[(B) the members of the Navajo Nation living in Utah.]
171	[(7)] (6) The division shall distribute loan and grant monies:
172	(a) if the loan or grant is approved by the board;
173	(b) in accordance with the instructions of the board, except that the board may not
174	instruct that monies be distributed in a manner:
175	(i) inconsistent with this chapter; or
176	(ii) in violation of rules and procedures of the department; and
177	(c) in the case of a loan, in accordance with Section 63A-3-205.
178	Section 5. Section 59-5-102 is amended to read:
179	59-5-102. Severance tax Rate Computation Annual exemption Tax credit
	c) c 102. Severance tax nate compatition findul exemption fax creat

182production, or any other interest, in oil or gas produced from a well in the state, or in the183proceeds of the production, shall pay to the state a severance tax on the basis of the value184determined under Section 59-5-103.1 of the oil or gas:185(a) produced; and186(b) (i) saved;187(ii) sold; or188(iii) transported from the field where the substance was produced.189(2) (a) Subject to Subsection (2)(d), the severance tax rate for oil is as follows:190(i) 3% of the value of the oil up to and including the first \$13 per barrel for oil; and191(ii) 5% of the value of the oil from \$13.01 and above per barrel for oil.192(b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows:193(i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for194gas; and195(ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas.196(c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of197the value of the natural gas from \$1.51 and above per MCF for gas.198(d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst199and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating199the amount of revenues that:201(A) would be generated by the taxes imposed by this part for the calendar year202beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and203(B) will be gene	181	(1) Each person owning an interest, working interest, royalty interest, payments out of
184determined under Section 59-5-103.1 of the oil or gas:185(a) produced; and186(b) (i) saved;187(ii) sold; or188(iii) transported from the field where the substance was produced.189(2) (a) Subject to Subsection (2)(d), the severance tax rate for oil is as follows:190(i) 3% of the value of the oil up to and including the first \$13 per barrel for oil; and191(ii) 5% of the value of the oil from \$13.01 and above per barrel for oil.192(b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows:193(i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for194gas; and195(ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas.196(c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of197the value of the natural gas liquids.198(d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst199and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating109the amount of revenues that:201(A) would be generated by the taxes imposed by this part for the calendar year202beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and203(ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through204(c) shall be:207(A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated208under Subsec	182	production, or any other interest, in oil or gas produced from a well in the state, or in the
185(a) produced; and186(b) (i) saved;187(ii) sold; or188(iii) transported from the field where the substance was produced.189(2) (a) Subject to Subsection (2)(d), the severance tax rate for oil is as follows:190(i) 3% of the value of the oil up to and including the first \$13 per barrel for oil; and191(iii) 5% of the value of the oil from \$13.01 and above per barrel for oil.192(b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows:193(i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for194gas; and195(ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas.196(c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of197the value of the natural gas liquids.198(d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst199and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating101(A) would be generated by the taxes imposed by this part for the calendar year102beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and103(b) will be generated by the taxes imposed by this part for the calendar year beginning104(i) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through105(ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through106(b) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues e	183	proceeds of the production, shall pay to the state a severance tax on the basis of the value
186(b) (i) saved;187(ii) sold; or188(iii) transported from the field where the substance was produced.189(2) (a) Subject to Subsection (2)(d), the severance tax rate for oil is as follows:190(i) 3% of the value of the oil up to and including the first \$13 per barrel for oil; and191(ii) 5% of the value of the oil from \$13.01 and above per barrel for oil.192(b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows:193(i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for194gas; and195(ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas.196(c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of197the value of the natural gas liquids.198(d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst199and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating101(A) would be generated by the taxes imposed by this part for the calendar year102(ii) Effective on January 1, 2004, the concernation S.B. 191 not taken effect; and103(c) shall be:104(c) shall be:105(A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated108under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection109(2)(d)(i)(A); or101(B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated	184	determined under Section 59-5-103.1 of the oil or gas:
187(ii) sold; or188(iii) transported from the field where the substance was produced.189(2) (a) Subject to Subsection (2)(d), the severance tax rate for oil is as follows:190(i) 3% of the value of the oil up to and including the first \$13 per barrel for oil; and191(ii) 5% of the value of the oil from \$13.01 and above per barrel for oil.192(b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows:193(i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for194gas; and195(ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas.196(c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of197the value of the natural gas liquids.198(d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst199and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating200the amount of revenues that:201(A) would be generated by the taxes imposed by this part for the calendar year202beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and203(ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through204(c) shall be:207(A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated208under Subsection (2)(d)(i(B) is less than the amount of revenues estimated under Subsection209(2)(d)(i)(A); or210(B) decreased as pro	185	(a) produced; and
 (iii) transported from the field where the substance was produced. (2) (a) Subject to Subsection (2)(d), the severance tax rate for oil is as follows: (i) 3% of the value of the oil up to and including the first \$13 per barrel for oil; and (ii) 5% of the value of the oil from \$13.01 and above per barrel for oil. (b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows: (i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for gas; and (ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas. (c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of the value of the natural gas liquids. (d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating the amount of revenues that: (A) would be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (B) will be generated by the taxe imposed by this part for the calendar year beginning on January 1, 2004. (i) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	186	(b) (i) saved;
 (2) (a) Subject to Subsection (2)(d), the severance tax rate for oil is as follows: (i) 3% of the value of the oil up to and including the first \$13 per barrel for oil; and (ii) 5% of the value of the oil from \$13.01 and above per barrel for oil. (b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows: (i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for gas; and (c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of the value of the natural gas liquids. (d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating the amount of revenues that: (A) would be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (d) will be generated by the taxes imposed by this part for the calendar year beginning (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated (d) (i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	187	(ii) sold; or
 (i) 3% of the value of the oil up to and including the first \$13 per barrel for oil; and (ii) 5% of the value of the oil from \$13.01 and above per barrel for oil. (b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows: (i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for gas; and (ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas. (c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of the value of the natural gas liquids. (d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating the amount of revenues that: (A) would be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (b) will be generated by the taxes imposed by this part for the calendar year beginning (c) shall be: (d) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	188	(iii) transported from the field where the substance was produced.
 (ii) 5% of the value of the oil from \$13.01 and above per barrel for oil. (b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows: (i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for gas; and (ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas. (c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of the value of the natural gas liquids. (d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating the amount of revenues that: (A) would be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (i) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through (c) shall be: (d) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated (d) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	189	(2) (a) Subject to Subsection (2)(d), the severance tax rate for oil is as follows:
192(b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows:193(i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for194gas; and195(ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas.196(c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of197the value of the natural gas liquids.198(d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst199and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating200the amount of revenues that:201(A) would be generated by the taxes imposed by this part for the calendar year202beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and203(B) will be generated by the taxes imposed by this part for the calendar year beginning204on January 1, 2004.205(ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through206(c) shall be:207(A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated208under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection209(2)(d)(i)(A); or210(B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated	190	(i) 3% of the value of the oil up to and including the first \$13 per barrel for oil; and
 (i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for gas; and (ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas. (c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of the value of the natural gas liquids. (d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating the amount of revenues that: (A) would be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (B) will be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004. (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	191	(ii) 5% of the value of the oil from \$13.01 and above per barrel for oil.
194gas; and195(ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas.196(c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of197the value of the natural gas liquids.198(d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst199and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating200the amount of revenues that:201(A) would be generated by the taxes imposed by this part for the calendar year202beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and203(B) will be generated by the taxes imposed by this part for the calendar year beginning204on January 1, 2004.205(ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through206(c) shall be:207(A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated208under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection209(2)(d)(i)(A); or210(B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated	192	(b) Subject to Subsection (2)(d), the severance tax rate for natural gas is as follows:
 (ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas. (c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of the value of the natural gas liquids. (d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating the amount of revenues that: (A) would be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (B) will be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004. (i) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	193	(i) 3% of the value of the natural gas up to and including the first \$1.50 per MCF for
 (c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of the value of the natural gas liquids. (d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating the amount of revenues that: (A) would be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (B) will be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004. (i) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	194	gas; and
 the value of the natural gas liquids. (d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating the amount of revenues that: (A) would be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (B) will be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004. (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	195	(ii) 5% of the value of the natural gas from \$1.51 and above per MCF for gas.
198(d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst199and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating200the amount of revenues that:201(A) would be generated by the taxes imposed by this part for the calendar year202beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and203(B) will be generated by the taxes imposed by this part for the calendar year beginning204on January 1, 2004.205(ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through206(c) shall be:207(A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated208under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection209(2)(d)(i)(A); or210(B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated	196	(c) Subject to Subsection (2)(d), the severance tax rate for natural gas liquids is 4% of
 and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating the amount of revenues that: (A) would be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (B) will be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004. (i) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	197	the value of the natural gas liquids.
 the amount of revenues that: (A) would be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (B) will be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004. (i) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	198	(d) (i) On or before December 15, 2004, the Office of the Legislative Fiscal Analyst
 (A) would be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (B) will be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004. (ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	199	and the Governor's Office of Planning and Budget shall prepare a revenue forecast estimating
 beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and (B) will be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004. (ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	200	the amount of revenues that:
 (B) will be generated by the taxes imposed by this part for the calendar year beginning on January 1, 2004. (ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	201	(A) would be generated by the taxes imposed by this part for the calendar year
 on January 1, 2004. (ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	202	beginning on January 1, 2004 had 2004 General Session S.B. 191 not taken effect; and
 (ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	203	(B) will be generated by the taxes imposed by this part for the calendar year beginning
 (c) shall be: (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	204	on January 1, 2004.
 207 (A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 208 under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection 209 (2)(d)(i)(A); or 210 (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	205	(ii) Effective on January 1, 2005, the tax rates described in Subsections (2)(a) through
 under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection (2)(d)(i)(A); or (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	206	(c) shall be:
 209 (2)(d)(i)(A); or 210 (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated 	207	(A) increased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated
210 (B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated	208	under Subsection (2)(d)(i)(B) is less than the amount of revenues estimated under Subsection
	209	(2)(d)(i)(A); or
211 under Subsection (2)(d)(i)(B) is greater than the amount of revenues estimated under	210	(B) decreased as provided in Subsection (2)(d)(iii) if the amount of revenues estimated
	211	under Subsection (2)(d)(i)(B) is greater than the amount of revenues estimated under

212	Subsection (2)(d)(i)(A).
213	(iii) For purposes of Subsection (2)(d)(ii):
214	(A) subject to Subsection (2)(d)(iv)(B):
215	(I) if an increase is required under Subsection (2)(d)(ii)(A), the total increase in the tax
216	rates shall be by the amount necessary to generate for the calendar year beginning on January 1,
217	2005 revenues equal to the amount by which the revenues estimated under Subsection
218	(2)(d)(i)(A) exceed the revenues estimated under Subsection (2)(d)(i)(B); or
219	(II) if a decrease is required under Subsection (2)(d)(ii)(B), the total decrease in the tax
220	rates shall be by the amount necessary to reduce for the calendar year beginning on January 1,
221	2005 revenues equal to the amount by which the revenues estimated under Subsection
222	(2)(d)(i)(B) exceed the revenues estimated under Subsection (2)(d)(i)(A); and
223	(B) an increase or decrease in each tax rate under Subsection (2)(d)(ii) shall be in
224	proportion to the amount of revenues generated by each tax rate under this part for the calendar
225	year beginning on January 1, 2003.
226	(iv) (A) The commission shall calculate any tax rate increase or decrease required by
227	Subsection (2)(d)(ii) using the best information available to the commission.
228	(B) If the tax rates described in Subsections (2)(a) through (c) are increased or
229	decreased as provided in this Subsection (2)(d), the commission shall mail a notice to each
230	person required to file a return under this part stating the tax rate in effect on January 1, 2005
231	as a result of the increase or decrease.
232	(v) The Office of the Legislative Fiscal Analyst and the Governor's Office of Planning
233	and Budget shall report the estimates prepared in the revenue forecast required by Subsection
234	(2)(d)(i) to the:
235	(A) commission on or before December 15, 2004; and
236	(B) Executive Appropriations Committee on or before January 31, 2005.
237	(3) If oil or gas is shipped outside the state:
238	(a) the shipment constitutes a sale; and
239	(b) the oil or gas is subject to the tax imposed by this section.
240	(4) (a) Except as provided in Subsection (4)(b), if the oil or gas is stockpiled, the tax is
241	not imposed until the oil or gas is:
242	(i) sold;

243	(ii) transported; or
244	(iii) delivered.
245	(b) Notwithstanding Subsection (4)(a), if oil or gas is stockpiled for more than two
246	years, the oil or gas is subject to the tax imposed by this section.
247	(5) A tax is not imposed under this section upon:
248	[(a) the first \$50,000 annually in gross value of each well or wells as defined in this
249	part, to be prorated among the owners in proportion to their respective interests in the
250	production or in the proceeds of the production;]
251	[(b)] (a) stripper wells, unless the exemption prevents the severance tax from being
252	treated as a deduction for federal tax purposes;
253	[(c)] (b) the first 12 months of production for wildcat wells started after January 1,
254	1990; or
255	[(d)] (c) the first six months of production for development wells started after January
256	1, 1990.
257	(6) (a) Subject to Subsections (6)(b) and (c), a working interest owner who pays for all
258	or part of the expenses of a recompletion or workover may claim a nonrefundable tax credit
259	equal to 20% of the amount paid.
260	(b) The tax credit under Subsection (6)(a) for each recompletion or workover may not
261	exceed \$30,000 per well during each calendar year.
262	(c) If any amount of tax credit a taxpayer is allowed under this Subsection (6) exceeds
263	the taxpayer's tax liability under this part for the calendar year for which the taxpayer claims
264	the tax credit, the amount of tax credit exceeding the taxpayer's tax liability for the calendar
265	year may be carried forward for the next three calendar years.
266	(7) A 50% reduction in the tax rate is imposed upon the incremental production
267	achieved from an enhanced recovery project.
268	(8) The taxes imposed by this section are:
269	(a) in addition to all other taxes provided by law; and
270	(b) delinquent, unless otherwise deferred, on June 1 next succeeding the calendar year
271	when the oil or gas is:
272	(i) produced; and
272	(ii) (A) sayad:

273 (ii) (A) saved;

274	(B) sold; or
275	(C) transported from the field.
276	(9) With respect to the tax imposed by this section on each owner of oil or gas or in the
277	proceeds of the production of those substances produced in the state, each owner is liable for
278	the tax in proportion to the owner's interest in the production or in the proceeds of the
279	production.
280	(10) The tax imposed by this section shall be reported and paid by each producer that
281	takes oil or gas in kind pursuant to agreement on behalf of the producer and on behalf of each
282	owner entitled to participate in the oil or gas sold by the producer or transported by the
283	producer from the field where the oil or gas is produced.
284	(11) Each producer shall deduct the tax imposed by this section from the amounts due
285	to other owners for the production or the proceeds of the production.
286	(12) (a) The Tax Review Commission shall review the tax provided for in this part on
287	or before the October 2008 interim meeting.
288	(b) The Tax Review Commission shall address in its review the following statutory
289	provisions:
290	(i) the severance tax rate structure provided for in this section;
291	(ii) the exemptions provided for in Subsection (5);
292	(iii) the tax credit provided for in Subsection (6), including:
293	(A) the cost of the tax credit;
294	(B) the purpose and effectiveness of the tax credit; and
295	(C) whether the tax credit benefits the state;
296	(iv) the tax rate reduction provided for in Subsection (7);
297	(v) other statutory provisions or issues as determined by the Tax Review Commission;
298	and
299	(vi) whether the statutory provisions the Tax Review Commission reviews under this
300	Subsection (12) should be:
301	(A) continued;
302	(B) modified; or
303	(C) repealed.
304	(c) The Tax Review Commission shall report its findings and recommendations

305	regarding the tax provided for in this part to the Revenue and Taxation Interim Committee on
306	or before the November 2008 interim meeting.
307	(d) (i) The Tax Review Commission shall review the applicability of the tax provided
308	for in this chapter to coal-to-liquids, oil shale, and tar sands technology on or before the
309	October 2011 interim meeting.
310	(ii) The Tax Review Commission shall address in its review the cost and benefit of not
311	applying the tax provided for in this chapter to coal-to-liquids, oil shale, and tar sands
312	technology.
313	(iii) The Tax Review Commission shall report its findings and recommendations under
314	Subsections (12)(d)(i) and (ii) to the Revenue and Taxation Interim Committee on or before the
315	November 2011 interim meeting.
316	(13) (a) The commission shall during the 2004 interim:
317	(i) subject to Subsection (13)(b), conduct a study of the effective tax burden for the
318	taxes imposed by this part per barrel of oil or MCF of gas for the time period beginning on
319	January 1, 1984 and ending on September 30, 2004;
320	(ii) study whether the effective tax burden studied under Subsection (13)(a)(i) has
321	increased or decreased;
322	(iii) receive input from the oil and gas industry in conducting the study required by
323	Subsections (13)(a)(i) and (ii);
324	(iv) make findings and recommendations regarding whether any provision of this part
325	should be amended, including:
326	(A) whether any tax rate under this part should be amended;
327	(B) whether a minimum value of oil or gas should be established by statute;
328	(C) whether a limit should be established by statute on the amount of processing costs
329	that may be deducted under Section 59-5-103.1; and
330	(D) whether a limit other than the limit established in Section 59-5-103.1 should be
331	established by statute on the amount of transportation costs that may be deducted under Section
332	59-5-103.1; and
333	(v) report the findings and recommendations required by Subsection (13)(a)(iv) on or
334	before the October 2004 interim meeting to:
335	(A) the Revenue and Taxation Interim Committee; and

336	(B) the Utah Tax Review Commission.
337	(b) In conducting the study required by Subsections (13)(a)(i) and (ii), the commission
338	shall take into account factors including:
339	(i) the production volume of oil and gas;
340	(ii) the sales price of oil and gas; and
341	(iii) the revenues raised by the taxes imposed by this part for the time period described
342	in Subsection (13)(a)(i).
343	Section 6. Section 59-5-116 is amended to read:
344	59-5-116. Disposition of certain taxes collected on Ute Indian land.
345	(1) Except as provided in Subsection (2), there shall be deposited into the Uintah Basin
346	Revitalization Fund established in Section 9-10-102:
347	(a) for taxes imposed under this part [beginning on July 1, 1996], 33% of the taxes
348	collected on oil, gas, or other hydrocarbon substances produced from a well:
349	(i) for which production began on or before June 30, 1995; and
350	(ii) attributable to interests:
351	(A) held in trust by the United States for the Tribe and its members; or
352	(B) [for taxes imposed under this part beginning on July 1, 1996, and ending on
353	December 31, 2009,] on lands identified in Pub. L. No. 440, 62 Stat. 72 (1948);
354	(b) for taxes imposed under this part [beginning on July 1, 1996], 80% of taxes
355	collected on oil, gas, or other hydrocarbon substances produced from a well:
356	(i) for which production began on or after July 1, 1995; and
357	(ii) attributable to interests:
358	(A) held in trust by the United States for the Tribe and its members; or
359	(B) [for taxes imposed under this part beginning on July 1, 1996, and ending on
360	December 31, 2009,] on lands identified in Pub. L. No. 440, 62 Stat. 72 (1948); and
361	(c) for taxes imposed under this part [beginning on January 1, 2001, and ending on
362	December 31, 2009], 80% of taxes collected on oil, gas, or other hydrocarbon substances
363	produced from a well:
364	(i) for which production began on or after January 1, 2001; and
365	(ii) attributable to interests on lands conveyed to the tribe under the Ute-Moab Land
366	Restoration Act, Pub. L. No. 106-398, Sec. 3303.

367	(2) (a) The maximum amount deposited in the Uintah Basin Revitalization Fund may					
368	not exceed:					
369	(i) \$3,000,000 in [any state] fiscal year[-] 2005-06;					
370	(ii) \$5,000,000 in fiscal year 2006-07;					
371	(iii) \$6,000,000 in fiscal years 2007-08 and 2008-09; and					
372	(iv) for fiscal years beginning with fiscal year 2009-10, the amount determined by the					
373	commission as described in Subsection (2)(b).					
374	(b) (i) The commission shall increase or decrease the dollar amount described in					
375	Subsection (2)(a)(iii) by a percentage equal to the percentage difference between the consumer					
376	price index for the preceding calendar year and the consumer price index for calendar year					
377	<u>2007-08; and</u>					
378	(ii) after making an increase or decrease under Subsection (2)(b)(i), round the dollar					
379	amount to the nearest whole dollar.					
380	(c) For purposes of this Subsection (2), "consumer price index" is as described in					
381	Section 1(f)(4), Internal Revenue Code, and defined in Section (1)(f)(5), Internal Revenue					
382	Code.					
383	[(b)] (d) Any amounts in excess of the maximum described in Subsection (2)(a) shall					
384	be deposited into the General Fund.					
385	Section 7. Section 59-5-119 is amended to read:					
386	59-5-119. Disposition of certain taxes collected on Navajo Nation Land located in					
387	Utah.					
388	(1) Except as provided in Subsection (2), there shall be deposited into the Navajo					
389	Revitalization Fund established in Section 9-11-104 for taxes imposed under this part					
390	beginning on July 1, 1997:					
391	(a) 33% of the taxes collected on oil, gas, or other hydrocarbon substances produced					
392	from a well:					
393	(i) for which production began on or before June 30, 1996; and					
394	(ii) attributable to interests in Utah held in trust by the United States for the Navajo					
395	Nation and its members; and					
396	(b) 80% of the taxes collected on oil, gas, or other hydrocarbon substances produced					
397	from a well:					

398	(i) for which production began on or after July 1, 1996; and
399	(ii) attributable to interests in Utah held in trust by the United States for the Navajo
400	Nation and its members.
401	(2) (a) The maximum amount deposited in the Navajo Revitalization Fund may not
402	exceed:
403	(i) \$2,000,000 in [any state] fiscal year[-] 2006-07; and
404	(ii) \$3,000,000 for fiscal years beginning with fiscal year 2007-08.
405	(b) Any amounts in excess of the maximum described in Subsection (2)(a) shall be
406	deposited into the General Fund.
407	Section 8. Retrospective operation.
408	This bill has retrospective operation to January 1, 2007.

H.B. 87 2nd Sub. (Gray) - Severance Tax Related Amendments

Fiscal Note

2007 General Session State of Utah

State Impact

Enactment of this bill could increase General Fund revenues by \$20,000 in FY 2007, by \$40,000 in FY 2008 and by \$177,500 in FY 2009. Based on the provisions of the bill there would also be an increase to the Uintah Basin Revitalization Fund of \$2,000,000 in FY 2007, \$3,000,000 in FY 2008 and FY 2009 and an increase of \$1,000,000 beginning in FY 2008 to the Navajo Revitalization Fund.

	FY 2007 <u>Approp.</u>	FY 2008 <u>Approp.</u>	FY 2009 <u>Approp.</u>	FY 2007		F I 2007
				Revenue	Revenue	Revenue
General Fund	\$ 0	\$ 0	\$0	\$20,000	\$40.000	
Restricted Funds	\$2,000,000	\$4,000,000	JH,000,000	\$2,000,000	54 UND UND	\$4,000,000
Total	\$2,000,000	\$4,000,000	\$4,000,000	\$2,020,000	\$4,040,000	\$4,177,500

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals. Enactment likely will benefit entities eligible to receive funding from the Uintah Basin Revitalization Fund and the Navajo Revitalization Fund.

2/26/2007, 7:41:22 AM, Lead Analyst: Wilko, A.

Office of the Legislative Fiscal Analyst