

Regular Session, 2013

SENATE CONCURRENT RESOLUTION NO. 100

BY SENATOR PEACOCK

COMMITTEE STUDIES. Creates a task force to study the deduction and withholding of certain oil and gas proceeds of out-of-state individuals and entities.

A CONCURRENT RESOLUTION

To establish a task force to study the tax collection processes in other energy-producing states and make recommendations regarding procedures relative to the deduction and withholding of oil and gas proceeds of out-of-state entities and individuals.

WHEREAS, R.S. 47:164 authorizes the secretary of the Department of Revenue to require all persons making payments of interest, rent, salaries, wages, premiums, annuities, compensation, remunerations, emoluments, or other fixed or determinable gains, profits, and income of one thousand dollars or more to another person to report such payment to the Department of Revenue; and

WHEREAS, current regulations require the filing of an informational return such as the Federal Form 1099 MISC for any payment of one thousand dollars or more that is made to a non-resident of Louisiana for rent or royalties from properties located in Louisiana; and

WHEREAS, a number of other energy-producing states provide for withholding of such income; and

WHEREAS, in Louisiana the income on any amount derived from oil and gas production from any well located in the state and payable as a mineral lease, royalty interest, oil payment, overriding royalty interest, production payment interest, working interest, or any other obligation expressed as a right to a specified interest in the cash proceeds received

1 from the sale of oil and gas production or in the cash value of that production is taxable to
2 Louisiana and the tax is required to be paid on this income through the filing of annual
3 income tax returns.

4 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
5 establish the Withholding Study Task Force to study the tax collection processes in other
6 energy-producing states, including types of taxes levied, the amounts of each collected, and
7 the percentage of total collections of each, and make recommendations, if needed, regarding
8 procedures relative to a requirement to deduct and withhold oil and gas proceeds of out-of-
9 state individuals and entities.

10 BE IT FURTHER RESOLVED that the Withholding Study Task Force shall be
11 comprised of the following members:

12 (1) The chairman of the Senate Committee on Revenue and Fiscal Affairs, or his
13 designee.

14 (2) The chairman of the House Committee on Ways and Means, or his designee.

15 (3) One member of the Senate appointed by the president of the Senate.

16 (4) One member of the House appointed by the speaker of the House of
17 Representatives.

18 (5) The secretary of the Department of Revenue, or his designee.

19 (6) The secretary of the Department of Natural Resources, or his designee.

20 (7) The chairman of the Louisiana State Mineral and Energy Board, or his designee.

21 (8) One member with experience in accounting in the oil and gas field appointed by
22 the governor.

23 (9) The chairman of the Senate Committee on Transportation, Highways, and Public
24 Works, or his designee.

25 (10) The chairman of the House Committee on Transportation, Highways, and Public
26 Works, or his designee.

27 BE IT FURTHER RESOLVED that the Withholding Study Task Force requests
28 participation in the meetings and the discussions from other representatives of the oil and
29 gas industry and Louisiana land owners.

30 BE IT FURTHER RESOLVED that the Legislature of Louisiana urges and requests

1 the Department of Revenue in conjunction with the Louisiana Mineral and Energy Board and
2 any other necessary association to compile information on which types of taxes are levied,
3 the amounts of collections from each, and the percentage of total collections of each in
4 energy-producing states and how taxes are collected in those states from out-of-state
5 taxpayers relative to any amount derived from oil and gas production from any well located
6 in the state and payable as a mineral lease, royalty interest, oil payment, overriding royalty
7 interest, production payment interest, working interest, or any other obligation expressed as
8 a right to a specified interest in the cash proceeds received from the sale of oil and gas
9 production or in the cash value of that production.

10 BE IT FURTHER RESOLVED that the Legislature of Louisiana urges and requests
11 the Department of Revenue to provide a cost benefit analysis report to the Withholding
12 Study Task Force.

13 BE IT FURTHER RESOLVED that the Withholding Study Task Force shall hold
14 its organizational meeting no later than August 30, 2013, to elect a chairman and vice
15 chairman from among its membership.

16 BE IT FURTHER RESOLVED that the task force shall meet as necessary during the
17 interim, between the 2013 and 2014 Regular Sessions, and shall report its findings to the
18 members of the Senate and the House of Representatives and to the governor no later than
19 January 15, 2014.

20 BE IT FURTHER RESOLVED that the Withholding Study Task Force report shall
21 be direct and concise and shall detail filing and payment requirements and necessary
22 recommendations on tax policies to benefit the state and to insure the state receives its fair
23 share of revenues from taxable properties located in the state.

24 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
25 secretary of the Department of Revenue, the secretary of the Department of Natural
26 Resources, the chairman of the State Mineral and Energy Board, and to all members of the
27 Withholding Study Task Force.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Danielle Doiron.

DIGEST

Peacock

SCR No. 100

Establishes the Withholding Study Task Force to study the tax collection processes, including the types of taxes and the amounts collected, in other energy-producing states and to make recommendations, if needed, regarding procedures relative to dedication and withholding of oil and gas proceeds of out-of-state individuals and entities.

Requests that the task force shall be comprised of the following members:

- (1) The chairman of the Senate Committee on Revenue and Fiscal Affairs, or his designee.
- (2) The chairman of the House Committee on Ways and Means, or his designee.
- (3) One member of the Senate appointed by the president of the Senate.
- (4) One member of the House appointed by the speaker of the House of Representatives.
- (5) The secretary of the Department of Revenue, or his designee.
- (6) The secretary of the Department of Natural Resources, or his designee.
- (7) The chairman of the Louisiana State Mineral and Energy Board, or his designee.
- (8) One member with experience in accounting in the oil and gas field appointed by the governor.
- (9) The chairman of the Senate Committee on Transportation, Highways, and Public Works, or his designee.
- (10) The chairman of the House Committee on Transportation, Highways, and Public Works, or his designee.

Also requests participation in the meetings and discussions by representatives of the oil and gas industry and Louisiana land owners.

Requests that its organizational meeting be no later than August 30, 2013, to elect a chairman and vice chairman from among its membership. Further requests the Withholding Study Task Force shall meet as necessary over the interim and shall report its findings to the members of the Senate and the House of Representatives and to the governor no later than January 15, 2014.

Requests the Withholding Study Task Force report shall be direct and concise and shall detail filing and payment requirements and necessary recommendations on tax policies to benefit the state from taxable properties located in the state.

A copy of this Resolution shall be transmitted to the secretary of the Department of Revenue, the secretary of the Department of Natural Resources, the chairman of the State Mineral and Energy Board, and to the members of the Withholding Study Task Force.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Adds the chairman of the House Committee on Transportation, Highways, and Public Works, or his designee, to the task force.
2. Adds the chairman of the Senate Committee on Transportation, Highways, and Public Works, or his designee, to the task force.
3. Adds the types of taxes and amounts collected of each by other energy-producing states to the study.