

HOUSE BILL No. 4487

March 3, 2009, Introduced by Reps. Miller, Liss, Gregory and Johnson and referred to the Committee on Tax Policy.

A bill to amend 1929 PA 48, entitled

"An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes,"

by amending section 3 (MCL 205.303), as amended by 1996 PA 135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Except as provided in subsections (2) and (3), the
2 severance tax required to be paid by each producer at the time of
3 rendering each monthly report, or by a pipeline company, common
4 carrier, or common purchaser, for and on behalf of a producer,
5 shall be in the amount of 5% of the gross cash market value of the
6 total production of gas or 6.6% of the gross cash market value of
7 the total production of oil during the preceding monthly period,

1 exclusive of the production or proceeds from the production
2 attributable to ~~the~~**THIS** state, the government of the United
3 States, or a political subdivision of ~~the~~**THIS** state or government
4 of the United States. The value of all production shall be computed
5 as of the time when and at the place where the production was
6 severed or taken from the soil immediately after the severance.
7 Except as otherwise provided in this section, the payment of the
8 severance tax shall be required of each producer. If the production
9 is sold or delivered to a pipeline company and is transported by
10 the pipeline company through lines connected with the oil or gas
11 well of the owner, or of a common purchaser, the pipeline company,
12 or common purchaser shall receive and accept all the oil and gas,
13 subject to a lien, ~~as prescribed in section 8,~~ and the pipeline
14 company shall withhold out of the proceeds or price to be paid for
15 the products severed, the proportionate parts of the tax due by the
16 respective owners of the oil and gas at the time of severance and,
17 at the time required for the filing of the monthly reports required
18 in section 2, shall pay to the department of ~~revenue~~**TREASURY** all
19 the tax money collected or withheld. Each pipeline company, common
20 carrier, or common purchaser shall deduct from the purchase price
21 paid to a producer from whom it may receive the oil or gas the
22 amount of the severance tax levied in this section before making
23 the payment. If under the terms of a contract the pipeline company,
24 common carrier, or common purchaser is required to reimburse a
25 producer of oil or gas for the amount of the severance tax or a
26 part of the severance tax, the tax reimbursement shall not be
27 considered a part of the gross cash market value of the total

1 production of the oil or gas.

2 (2) ~~The~~ **FOR MONTHS ENDING BEFORE SEPTEMBER 30, 2007, THE**
3 severance tax required to be paid by each producer at the time of
4 rendering each monthly report, or by a pipeline company, common
5 carrier, or common purchaser, for and on behalf of a producer, on
6 stripper well crude oil, as defined in **FORMER** section 8 of the
7 emergency petroleum allocation act of 1973, 15 ~~U.S.C.~~ **USC** 757 and
8 on crude oil from marginal properties as defined in **FORMER** part
9 212, subpart D, of chapter II of title 10 of the code of federal
10 regulations 10 CFR 212.72 to 212.77, shall be in the amount of 4%
11 of the gross cash market value of the total production of the oil,
12 during the preceding monthly period, exclusive of the production or
13 proceeds from the production attributable to the state, the
14 government of the United States, or a political subdivision of the
15 state or government of the United States. The value of all
16 production shall be computed as of the time when and at the place
17 where the production was severed or taken from the soil immediately
18 after the severance.

19 (3) A producer is not required to pay a severance tax on
20 income received from the hydrocarbons produced from devonian or
21 antrim shale qualifying for the nonconventional fuel credit
22 contained in section 29 of the internal revenue code, ~~of 1986,~~ 26
23 ~~U.S.C.~~ **USC** 29 and acquired pursuant to a royalty interest sold by
24 the state under section 503.