
ASSEMBLY BILL NO. 163—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE DEPARTMENT OF TAXATION)

MARCH 3, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing reporting and certification of gross yield and claimed net proceeds of minerals extracted for purposes of taxing such proceeds. (BDR 32-640)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to taxation; revising provisions governing reporting and certification of gross yield and claimed net proceeds of minerals extracted for purposes of taxing such proceeds; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a person who extracts minerals or receives royalties from
2 extracting minerals is required to file a statement with the Department of Taxation
3 by February 16 of each year showing the gross yield and claimed net proceeds from
4 each of the person’s mining operations. The person may file an amended statement
5 with the Department within 30 days upon written application showing good cause
6 for the amendment. (NRS 362.110)

7 This bill allows a person to file an amended statement without filing a written
8 application or obtaining the approval from the Department.

9 Existing law requires the Department to prepare a certificate of the amount of
10 the net proceeds and the tax due. The certificate is based on the statement of gross
11 yield and claimed net proceeds. The Department must mail the certificate to the
12 owner or operator of the mine or to the person receiving a royalty by April 20 of
13 each year. (NRS 362.130)

14 This bill extends the time for mailing a certificate when an amended statement
15 of gross yield and claimed net proceeds has been filed to no later than April 30.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 362.110 is hereby amended to read as follows:
2 362.110 1. Every person extracting any mineral in this State
3 or receiving any royalty:

4 (a) Shall, on or before February 16 of each year, file with the
5 Department a statement showing the gross yield and claimed net
6 proceeds from each geographically separate operation where a
7 mineral is extracted by that person during the calendar year
8 immediately preceding the year in which the statement is filed.

9 (b) May have up to 30 days after filing the statement required by
10 paragraph (a) to file an amended statement . ~~[- if beforehand he~~
11 ~~submits a written application to the Department and the Department~~
12 ~~finds good cause to allow the amendment of the statement.]~~

13 2. The statement must:

14 (a) Show the claimed deductions from the gross yield in the
15 detail set forth in NRS 362.120. The deductions are limited to
16 the costs incurred during the calendar year immediately preceding
17 the year in which the statement is filed.

18 (b) Be in the form prescribed by the Department.

19 (c) Be verified by the manager, superintendent, secretary or
20 treasurer of the corporation, or by the owner of the operation, or, if
21 the owner is a natural person, by someone authorized in his behalf.

22 3. Each recipient of a royalty as described in subsection 1 shall
23 annually file with the Department a list showing each of the lessees
24 responsible for taxes due in connection with the operation or
25 operations included in the statement filed pursuant to subsections
26 1 and 2.

27 **Sec. 2.** NRS 362.130 is hereby amended to read as follows:

28 362.130 1. When the Department determines from the annual
29 statement filed pursuant to NRS 362.110 the net proceeds of any
30 minerals extracted, it shall prepare its certificate of the amount of
31 the net proceeds and the tax due and shall send a copy to the owner
32 of the mine, operator of the mine or recipient of the royalty, as the
33 case may be.

34 2. The certificate must be prepared and mailed not later than :

35 (a) April 20 immediately following the month of February
36 during which the statement was filed ~~[-]; or~~

37 (b) *April 30 immediately thereafter if an amended statement is*
38 *filed in a timely manner.*

39 3. The tax due as indicated in the certificate prepared pursuant
40 to this section must be paid on or before May 10 of the year in
41 which the certificate is received.



1 4. If an overpayment was made, the overpayment may be
2 credited toward the payment due on May 10 of the next calendar
3 year. If the certificate prepared pursuant to this section shows a net
4 loss for the year covered by the certificate or an amount of tax due
5 for that year which is less than an overpayment made for the
6 preceding year, the amount or remaining amount of the
7 overpayment must be refunded to the taxpayer within 30 days after
8 the certification was sent to the taxpayer.

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