

CHAPTER.....

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:

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

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

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

This bill extends the time for mailing a certificate when an amended statement 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:

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

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

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

2. The statement must:

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

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

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

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

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

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

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

(a) April 20 immediately following the month of February during which the statement was filed ~~§~~ ; or

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

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

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