

CHAPTER 299

ORE; TAX UPON ROYALTIES

299.03 Reports to commissioner.
299.05 Assessment by commissioner.

299.12 Records; inspection by commissioner; refusal of access a misdemeanor.

299.03 REPORTS TO COMMISSIONER.

Every person to whom royalty of \$5,000 or more is paid shall, on or before the first day of February, make and file with the commissioner of revenue annually a report setting forth the amount of royalty received by that person during the preceding calendar year, and other information as the commissioner of revenue may require.

History: 1981 c 164 s 9

299.05 ASSESSMENT BY COMMISSIONER.

Upon receipt of the report provided for in section 299.03, the commissioner of revenue shall determine, from information as may be possessed, or obtained, whether the report is correct, or incorrect; and, if found correct, the commissioner shall determine the amount of tax due from the person, enter the amount of the tax in department records, make assessment of taxes due from the person, and the amount that has been paid; and, on or before June 30, of each year, demand payment from the person. The commissioner of revenue shall have power, in case he shall deem the report incorrect, or in case the report is not made and filed with the commissioner as provided in section 299.03, to make findings as to the amount of taxes due after hearing upon notice to the person interested, and the findings shall have the same effect as the determination of the amount of such taxes upon a report made as hereinbefore provided.

A person subletting land for the use of which is received royalty shall be required to pay taxes only on the difference between the amount of royalty paid by him or her and the amount received.

If the amount of tax determined by the commissioner is subsequently found to be erroneous, the commissioner may, at any time within three years from the date allowed above for the original assessment, redetermine the amount of the tax. No redetermination shall be made increasing the tax unless the person from whom the additional amount is due is given ten days written notice of the proposed increase and the person's right to a hearing pursuant to chapter 15. Any person who has paid a royalty tax may apply to the commissioner within three years from the date allowed above for the original assessment for a redetermination of the tax and if the commissioner determines that the tax has been overpaid, he or she shall make and file an order determining the amount of the overpayment and credit the overpayment against the royalty taxes otherwise payable by the person who overpaid the tax. If the tax is increased, interest at the rate specified in section 270.75 from the date payment should have been made shall be determined and added to the tax. If the tax is reduced, interest at the rate of six percent per annum from the date of the overpayment shall be allowed.

History: 1981 c 164 s 10

299.12 RECORDS; INSPECTION BY COMMISSIONER; REFUSAL OF ACCESS A MISDEMEANOR.

All books, way-bills, inventories, correspondence, and memoranda relating to or used in the transaction of the business of any person paying or receiving royalty

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on ore mined in this state shall, upon request be open to inspection or examination by the commissioner of revenue. If any person shall neglect or refuse, on request of the commissioner of revenue, access to these papers and books, that person shall be guilty of a misdemeanor; and, upon conviction, punished therefor as provided by law.

The provisions of section 298.15 which relate to the examination of records, appointment of examiners, issuance of subpoenas and punishment for disobeying a subpoena, are made applicable to royalty tax records, reports, and returns.

History: 1981 c 164 s 11