

SENATE BILL NO. 156—SENATORS SHAFFER, CARE AND TITUS

FEBRUARY 15, 2001

Referred to Committee on Taxation

SUMMARY—Makes various changes concerning exemptions from property and vehicle privilege taxes for veterans. (BDR 32-124)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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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; increasing and providing for the adjustment of the amount of the exemptions from property and vehicle privilege taxes for veterans and veterans' organizations; increasing the maximum amount that the state treasurer may accept from certain persons for credit to the veterans' home account; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 361.090 is hereby amended to read as follows:
2 361.090 1. The property, to the extent of ~~the first \$1,000~~ *\$2,000* assessed
3 valuation, of any actual bona fide resident of the State of Nevada who:
4 (a) Has served a minimum of 90 days on active duty, who was assigned
5 to active duty at some time between April 21, 1898, and June 15, 1903, or
6 between April 6, 1917, and November 11, 1918, or between December 7,
7 1941, and December 31, 1946, or between June 25, 1950, and January 31,
8 1955;
9 (b) Has served a minimum of 90 continuous days on active duty none of
10 which was for training purposes, who was assigned to active duty at some
11 time between January 1, 1961, and May 7, 1975; or
12 (c) Has served on active duty in connection with carrying out the
13 authorization granted to the President of the United States in Public Law
14 102-1,
15 and who received, upon severance from service, an honorable discharge or
16 certificate of satisfactory service from the Armed Forces of the United
17 States, or who, having so served, is still serving in the Armed Forces of the
18 United States, is exempt from taxation.
19 2. For the purpose of this section, the first ~~\$1,000~~ *\$2,000* assessed
20 valuation of property in which such a person has any interest shall be
21 deemed the property of that person.



1 3. The exemption may be allowed only to a claimant who files an
2 affidavit with his claim for exemption on real property pursuant to NRS
3 361.155. The affidavit may be filed at any time by a person claiming
4 exemption from taxation on personal property.

5 4. The affidavit must be made before the county assessor or a notary
6 public and filed with the county assessor. It must state that the affiant is an
7 actual bona fide resident of the State of Nevada who meets all the other
8 requirements of subsection 1 and that the exemption is claimed in no other
9 county in this state. After the filing of the original affidavit, the county
10 assessor shall mail a form for:

11 (a) The renewal of the exemption; and

12 (b) The designation of any amount to be credited to the veterans' home
13 account,

14 to the person each year following a year in which the exemption was
15 allowed for that person. The form must be designed to facilitate its return
16 by mail by the person claiming the exemption.

17 5. Persons in actual military service are exempt during the period of
18 such service from filing annual affidavits of exemption, and the county
19 assessors shall continue to grant exemption to such persons on the basis of
20 the original affidavits filed. In the case of any person who has entered the
21 military service without having previously made and filed an affidavit of
22 exemption, the affidavit may be filed in his behalf during the period of
23 such service by any person having knowledge of the facts.

24 6. Before allowing any veteran's exemption pursuant to the provisions
25 of this chapter, the county assessor of each of the several counties of this
26 state shall require proof of status of the veteran, and for that purpose shall
27 require production of an honorable discharge or certificate of satisfactory
28 service or a certified copy thereof, or such other proof of status as may be
29 necessary.

30 7. If any person files a false affidavit or produces false proof to the
31 county assessor ~~and~~ and, as a result of the false affidavit or false proof, a
32 tax exemption is allowed to a person not entitled to the exemption, he is
33 guilty of a gross misdemeanor.

34 *8. Beginning with the 2002-2003 fiscal year, the monetary amounts*
35 *in subsections 1 and 2 must be adjusted for each fiscal year by adding to*
36 *each amount the product of the amount multiplied by the percentage*
37 *increase in the Consumer Price Index (All Items) from December 2000 to*
38 *the December preceding the fiscal year for which the adjustment is*
39 *calculated.*

40 **Sec. 2.** NRS 361.0905 is hereby amended to read as follows:

41 361.0905 1. Any person who qualifies for an exemption pursuant to
42 NRS 361.090 may, in lieu of claiming his exemption:

43 (a) Pay to the county assessor all or any portion of the amount by which
44 the tax would be reduced if he claimed his exemption; and

45 (b) Direct the county assessor to deposit that amount for credit to the
46 veterans' home account established pursuant to NRS 417.145.

47 2. Any person who wishes to waive his exemption pursuant to this
48 section shall designate the amount to be credited to the account on a form
49 provided by the Nevada tax commission.



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1 3. The county assessor shall deposit any money received pursuant to
2 this section with the state treasurer for credit to the veterans' home account
3 established pursuant to NRS 417.145. The state treasurer shall not accept
4 more than a total of ~~\$1,000,000~~ \$2,000,000 for credit to the account
5 pursuant to this section and NRS 371.1035 during any fiscal year.

6 **Sec. 3.** NRS 361.091 is hereby amended to read as follows:

7 361.091 1. A bona fide resident of the State of Nevada who has
8 incurred a permanent service-connected disability and has been honorably
9 discharged from the Armed Forces of the United States, or his surviving
10 spouse, is entitled to a disabled veteran's exemption.

11 2. The amount of exemption is based on the total percentage of
12 permanent service-connected disability. The maximum allowable
13 exemption for total permanent disability is the first ~~\$10,000~~ \$20,000
14 assessed valuation. A person with a permanent service-connected disability
15 of:

16 (a) Eighty to 99 percent, inclusive, is entitled to an exemption of
17 ~~\$7,500~~ \$15,000 assessed value.

18 (b) Sixty to 79 percent, inclusive, is entitled to an exemption of ~~\$5,000~~
19 \$10,000 assessed value.

20 For the purposes of this section, any property in which an applicant has any
21 interest is deemed to be the property of the applicant.

22 3. The exemption may be allowed only to a claimant who has filed an
23 affidavit with his claim for exemption on real property pursuant to NRS
24 361.155. The affidavit may be made at any time by a person claiming an
25 exemption from taxation on personal property.

26 4. The affidavit must be made before the county assessor or a notary
27 public and be submitted to the county assessor. It must be to the effect that
28 the affiant is a bona fide resident of the State of Nevada, that he meets all
29 the other requirements of subsection 1 and that he does not claim the
30 exemption in any other county within this state. After the filing of the
31 original affidavit, the county assessor shall mail a form for renewal of the
32 exemption to the person each year following a year in which the exemption
33 was allowed for that person. The form must be designed to facilitate its
34 return by mail by the person claiming the exemption.

35 5. Before allowing any exemption pursuant to the provisions of this
36 section, the county assessor shall require proof of the applicant's status,
37 and for that purpose shall require him to produce an original or certified
38 copy of:

39 (a) An honorable discharge or other document of honorable separation
40 from the Armed Forces of the United States which indicates the total
41 percentage of his permanent service-connected disability;

42 (b) A certificate of satisfactory service which indicates the total
43 percentage of his permanent service-connected disability; or

44 (c) A certificate from the Department of Veterans Affairs or any other
45 military document which shows that he has incurred a permanent service-
46 connected disability and which indicates the total percentage of that
47 disability, together with a certificate of honorable discharge or satisfactory
48 service.



1 6. A surviving spouse claiming an exemption pursuant to this section
2 must file with the county assessor an affidavit declaring that:

3 (a) The surviving spouse was married to and living with the disabled
4 veteran for the 5 years preceding his death;

5 (b) The disabled veteran was eligible for the exemption at the time of
6 his death or would have been eligible if he had been a resident of the State
7 of Nevada;

8 (c) The surviving spouse has not remarried; and

9 (d) The surviving spouse is a bona fide resident of the State of
10 Nevada.

11 The affidavit required by this subsection is in addition to the certification
12 required pursuant to subsections 4 and 5. After the filing of the original
13 affidavit required by this subsection, the county assessor shall mail a form
14 for renewal of the exemption to the person each year following a year in
15 which the exemption was allowed for that person. The form must be
16 designed to facilitate its return by mail by the person claiming the
17 exemption.

18 7. If a tax exemption is allowed under this section, the claimant is not
19 entitled to an exemption under NRS 361.090.

20 8. If any person makes a false affidavit or produces false proof to the
21 county assessor or a notary public ~~and~~ and , as a result of the false affidavit
22 or false proof, the person is allowed a tax exemption to which he is not
23 entitled, he is guilty of a gross misdemeanor.

24 *9. Beginning with the 2002-2003 fiscal year, the monetary amount in*
25 *subsection 2 must be adjusted for each fiscal year by adding to the*
26 *amount the product of the amount multiplied by the percentage increase*
27 *in the Consumer Price Index (All Items) from December 2000 to the*
28 *December preceding the fiscal year for which the adjustment is*
29 *calculated.*

30 **Sec. 4.** NRS 361.095 is hereby amended to read as follows:

31 361.095 1. The funds, furniture, paraphernalia and regalia owned and
32 used exclusively by any post of any national organization of ~~ex-service~~
33 ~~men or women~~ *ex-servicemen or ex-servicewomen* for the legitimate
34 purposes and customary objects of such posts ~~shall be~~ *are* exempt from
35 taxation, but such *an* exemption ~~shall in no case~~ *must not* exceed the sum
36 of ~~the \$5,000~~ *\$10,000* assessed valuation to any one post or organization
37 thereof.

38 2. The buildings, with their fixtures and the lots of ground on which
39 they stand, used for its legitimate purposes and necessary thereto, of any
40 such organization ~~shall be~~ *are* exempt from taxation, but when any such
41 property is used for purposes other than those of such *an* organization ~~it~~
42 and a rent or other valuable consideration is received for its use, the
43 property so used ~~shall~~ *must* be taxed.

44 3. Where any structure or parcel of land is used partly for the purposes
45 of such *an* organization and partly for rental purposes, the area used for
46 rental purposes ~~shall~~ *must* be assessed separately and that portion only
47 ~~shall~~ *may* be taxed.

48 *4. Beginning with the 2002-2003 fiscal year, the monetary amount in*
49 *subsection 1 must be adjusted for each fiscal year by adding to the*



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amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2000 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 5. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of ~~1,000~~ \$2,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and January 31, 1955;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975; or

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1,

and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first ~~1,000~~ \$2,000 determined valuation of vehicles in which such a person has any interest shall be deemed to belong to that person.

3. A person claiming the exemption shall file annually with the department in the county where the exemption is claimed an affidavit declaring that he is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 ~~+~~ and that the exemption is claimed in no other county in this state. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the veterans' home account,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption, and the department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

5. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the department shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or



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1 certificate of satisfactory service or a certified copy thereof, or such other
2 proof of status as may be necessary.

3 6. If any person files a false affidavit or produces false proof to the
4 department ~~and~~ and , as a result of the false affidavit or false proof , a tax
5 exemption is allowed to a person not entitled to the exemption, he is guilty
6 of a gross misdemeanor.

7 *7. Beginning with the 2002-2003 fiscal year, the monetary amounts*
8 *in subsections 1 and 2 must be adjusted for each fiscal year by adding to*
9 *each amount the product of the amount multiplied by the percentage*
10 *increase in the Consumer Price Index (All Items) from December 2000 to*
11 *the December preceding the fiscal year for which the adjustment is*
12 *calculated.*

13 **Sec. 6.** NRS 371.1035 is hereby amended to read as follows:

14 371.1035 1. Any person who qualifies for an exemption pursuant to
15 NRS 371.103 may, in lieu of claiming his exemption:

16 (a) Pay to the department all or any portion of the amount by which the
17 tax would be reduced if he claimed his exemption; and

18 (b) Direct the department to deposit that amount for credit to the
19 veterans' home account established pursuant to NRS 417.145.

20 2. Any person who wishes to waive his exemption pursuant to this
21 section shall designate the amount to be credited to the account on a form
22 provided by the department.

23 3. The department shall deposit any money received pursuant to this
24 section with the state treasurer for credit to the veterans' home account
25 established pursuant to NRS 417.145. The state treasurer shall not accept
26 more than a total ~~of \$1,000,000~~ *of \$2,000,000* for credit to the account
27 pursuant to this section and NRS 361.0905 during any fiscal year.

28 **Sec. 7.** NRS 371.104 is hereby amended to read as follows:

29 371.104 1. A bona fide resident of the State of Nevada who has
30 incurred a permanent service-connected disability and has been honorably
31 discharged from the Armed Forces of the United States, or his surviving
32 spouse, is entitled to a veteran's exemption from the payment of vehicle
33 privilege taxes on vehicles of the following determined valuations:

34 (a) If he has a disability of 100 percent, the first ~~\$10,000~~ *\$20,000* of
35 determined valuation;

36 (b) If he has a disability of 80 to 99 percent, inclusive, the first ~~\$7,500~~
37 *\$15,000* of determined valuation; or

38 (c) If he has a disability of 60 to 79 percent, inclusive, the first ~~\$5,000~~
39 *\$10,000* of determined valuation.

40 2. For the purpose of this section, the first ~~\$10,000~~ *\$20,000*
41 determined valuation of vehicles in which an applicant has any interest
42 shall be deemed to belong entirely to that person.

43 3. A person claiming the exemption shall file annually with the
44 department in the county where the exemption is claimed an affidavit
45 declaring that he is a bona fide resident of the State of Nevada who meets
46 all the other requirements of subsection 1 ~~and~~ and that the exemption is
47 claimed in no other county within this state. After the filing of the original
48 affidavit, the county assessor shall mail a form for renewal of the
49 exemption to the person each year following a year in which the exemption



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1 was allowed for that person. The form must be designed to facilitate its
2 return by mail by the person claiming the exemption.

3 4. Before allowing any exemption pursuant to the provisions of this
4 section, the department shall require proof of the applicant's status, and for
5 that purpose shall require production of:

6 (a) A certificate from the Department of Veterans Affairs that the
7 veteran has incurred a permanent service-connected disability, which
8 shows the percentage of that disability; and

9 (b) Any one of the following:

10 (1) An honorable discharge;

11 (2) A certificate of satisfactory service; or

12 (3) A certified copy of either of these documents.

13 5. A surviving spouse claiming an exemption pursuant to this section
14 must file with the department in the county where the exemption is claimed
15 an affidavit declaring that:

16 (a) The surviving spouse was married to and living with the disabled
17 veteran for the 5 years preceding his death;

18 (b) The disabled veteran was eligible for the exemption at the time of
19 his death; and

20 (c) The surviving spouse has not remarried.

21 The affidavit required by this subsection is in addition to the certification
22 required pursuant to subsections 3 and 4. After the filing of the original
23 affidavit required by this subsection, the county assessor shall mail a form
24 for renewal of the exemption to the person each year following a year in
25 which the exemption was allowed for that person. The form must be
26 designed to facilitate its return by mail by the person claiming the
27 exemption.

28 6. If a tax exemption is allowed under this section, the claimant is not
29 entitled to an exemption under NRS 371.103.

30 7. If any person makes a false affidavit or produces false proof to the
31 department ~~and~~ and , as a result of the false affidavit or false proof, the
32 person is allowed a tax exemption to which he is not entitled, he is guilty of
33 a gross misdemeanor.

34 *8. Beginning with the 2002-2003 fiscal year, the monetary amounts*
35 *in subsections 1 and 2 must be adjusted for each fiscal year by adding to*
36 *each amount the product of the amount multiplied by the percentage*
37 *increase in the Consumer Price Index (All Items) from December 2000 to*
38 *the December preceding the fiscal year for which the adjustment is*
39 *calculated.*

40 **Sec. 8.** This act becomes effective on July 1, 2001.

