

## DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).

May 19, 2003

Honorable Mike McGinness  
Chairman Senate Taxation Committee  
401 South Carson Street  
Carson City, NV 89701

Re: Real Property Transfer Tax

Dear Mike:

Just a couple of thoughts I would hope you would keep in mind as the Legislature process' changes to the Real Property Transfer Tax. Carole Vilardo has testified in favor of allowing the county recorders to be compensated at a 6% rate for collecting the tax on behalf of the State. The recorders have asked to be reimbursed for the loss of the interest monies now that the RPTT funds are pooled in a state account. This of course would reduce the state's take by 6%. An easier way would be to amend NRS 247.305 and increase the fee for recording any document, for the first page form \$10 to \$11 and for recording each additional page form \$1 to \$2.

Second, the effective date should be January 1, 2004. It will take that long to adopt new regulations, make the computer program changes and to notify all of the financial institutions of the increase.

Finally allow the county recorders to go directly to the Attorney General for any opinions as regards RPTT.

Sincerely

Alan Glover  
Carson City Clerk-Recorder

cc: Senate Tax, Dave Parks

EXHIBIT E Committee on Taxation

Date: 5/22 Page 1 of 5

~~Recording of title to make effective any order of the  
Securities and Exchange Commission. .... \$250.00~~

~~(2) All fees shall be transmitted to the State Controller for deposit  
in the State General Fund fund.~~

Section 4. NRS 375.090 is hereby amended to read as follows:

**NRS 375.090 Exemptions.** The tax imposed by NRS 375.020 and 375.025 does not apply to:

~~[1. A mere change in identity, form or place of organization,  
such as a transfer between a corporation and its parent corporation,  
a subsidiary or an affiliated corporation if the affiliated corporation  
has identical common ownership.~~

2]1. A transfer of title to the United States, any territory or  
state or any agency, department, instrumentality or political  
subdivision thereof.

[3]2. A transfer of title recognizing the true status of  
ownership of the real property.

[4]3. A transfer of title without consideration from one joint  
tenant or tenant in common to one or more remaining joint tenants  
or tenants in common.

~~[5. A transfer of title to community property without  
consideration when held in the name of one spouse to both spouses  
as joint tenants or tenants in common, or as community property.~~

6]4. A transfer of title between spouses, including gifts[.],

~~[7. A transfer of title between spouses]~~ or to effect a property  
settlement agreement or between former spouses in compliance  
with a decree of divorce.

[8]5. To or from a trust without consideration with a certificate  
of trust presented at time of exemption. ~~[A transfer of title to or  
from a trust, if the transfer is made without consideration, and is  
made to or from:~~

~~—(a) The trustor of the trust;~~

~~—(b) The trustor's legal representative; or~~

~~—(c) A person related to the trustor in the first degree of consanguinity.~~

~~As used in this subsection, "legal representative" has the meaning ascribed to it in NRS 167.020.]~~

[9]6. Transfers, assignments or conveyances of unpatented mines or mining claims.

~~[10. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.~~

[11]7. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of consanguinity and their spouse.

[12]8. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment unless it is pursuant to a sale:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act, if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

[13]9. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:

(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;

(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and

(c) The transfer or conveyance is made in obedience to the order.

~~[14. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.~~

~~— 15. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.~~

~~— 16. A transfer, assignment or other conveyance of real property to a corporation sole from another corporation sole. As used in this subsection, "corporation sole" means a corporation which is organized pursuant to the provisions of chapter 84 of NRS.]~~

**Section 5.** This act becomes effective on July 1, 2003.

H

**NRS 375.090 Exemptions.** The tax imposed by NRS 375.020 and 375.025 does not apply to:

1. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

2. A transfer of title recognizing the true status of ownership of the real property.

3. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

4. A transfer of title between spouses, including gifts, or to effect a property settlement agreement or between former spouses in compliance with a decree of divorce.

5. To or from a trust without consideration with a certificate of trust presented at time of exemption.

6. Transfers, assignments or conveyances of unpatented mines or mining claims.

7. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of consanguinity and their spouse.

8. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment unless it is pursuant to a sale:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act, if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

9. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:

(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;

(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and

(c) The transfer or conveyance is made in obedience to the order.