

ASSEMBLY BILL NO. 354—ASSEMBLYWOMAN
LESLIE (BY REQUEST)

MARCH 22, 2005

Referred to Committee on Growth and Infrastructure

SUMMARY—Provides for certain veterans and surviving spouses to apply their property tax exemption to more than one property under certain circumstances. (BDR 32-825)

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; providing for certain veterans and surviving spouses to apply their property tax exemption to more than one property under certain circumstances; 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 \$2,000 assessed
3 valuation, of any actual bona fide resident of the State of Nevada
4 who:
5 (a) Has served a minimum of 90 days on active duty, who was
6 assigned to active duty at some time between April 21, 1898, and
7 June 15, 1903, or between April 6, 1917, and November 11, 1918,
8 or between December 7, 1941, and December 31, 1946, or between
9 June 25, 1950, and May 7, 1975, or between September 26, 1982,
10 and December 1, 1987, or between October 23, 1983, and
11 November 21, 1983, or between December 20, 1989, and
12 January 31, 1990, or between August 2, 1990, and April 11, 1991,
13 or between December 5, 1992, and March 31, 1994, or between
14 November 20, 1995, and December 20, 1996;



(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;

(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; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

➤ 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 \$2,000 assessed valuation of property in which such a person has any interest shall be deemed the property of that person.

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

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. ~~##~~ *The affidavit* must state that the affiant 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. 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 Gift Account for Veterans' Homes established pursuant to NRS 417.145, ➤ 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.

5. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption, and the county assessors shall continue to grant exemption to such 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.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor of each of the several counties of this State shall require proof of status of the veteran, and



1 for that purpose shall require production of an honorable discharge
2 or certificate of satisfactory service or a certified copy thereof, or
3 such other proof of status as may be necessary.

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

8 8. Beginning with the 2005-2006 Fiscal Year, the monetary
9 amounts in subsections 1 and 2 must be adjusted for each fiscal year
10 by adding to each amount the product of the amount multiplied by
11 the percentage increase in the Consumer Price Index (All Items)
12 from December 2003 to the December preceding the fiscal year for
13 which the adjustment is calculated.

14 9. *If the veteran ceases to own the property for which the*
15 *exemption provided by this section is claimed, the exemption must*
16 *be prorated for the portion of the fiscal year during which the*
17 *veteran owns the property. If the veteran owns other property*
18 *during the remaining portion of the fiscal year and wishes to apply*
19 *the remaining portion of the exemption for the fiscal year to the*
20 *other property, the veteran must provide written notice to the*
21 *county assessor of the county where the other property is located.*
22 *The notice must include a request that the remaining portion of*
23 *the exemption be applied to the other property. Upon receipt of the*
24 *written notice, the county assessor shall apply the remaining*
25 *portion of the exemption for the fiscal year to the other property.*
26 *For the purposes of this subsection, ownership of property*
27 *changes on the date of recording of the deed to the purchaser.*

28 **Sec. 2.** NRS 361.091 is hereby amended to read as follows:

29 361.091 1. A bona fide resident of the State of Nevada who
30 has incurred a permanent service-connected disability and has been
31 honorably discharged from the Armed Forces of the United States,
32 or his surviving spouse, is entitled to a disabled veteran's
33 exemption.

34 2. The amount of exemption is based on the total percentage of
35 permanent service-connected disability. The maximum allowable
36 exemption for total permanent disability is the first \$20,000 assessed
37 valuation. A person with a permanent service-connected disability
38 of:

39 (a) Eighty to 99 percent, inclusive, is entitled to an exemption of
40 \$15,000 assessed value.

41 (b) Sixty to 79 percent, inclusive, is entitled to an exemption of
42 \$10,000 assessed value.

43 ➤ For the purposes of this section, any property in which an
44 applicant has any interest is deemed to be the property of the
45 applicant.



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

4. The affidavit must be made before the county assessor or a notary public and be submitted to the county assessor. ~~It~~ **The affidavit** must be to the effect that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that he does not claim the exemption in any other county within this State. 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 Gift Account for Veterans' Homes established pursuant to NRS 417.145, 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.

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

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

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

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

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

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

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

(c) The surviving spouse has not remarried; and

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

➤ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county



1 assessor shall mail a form for renewal of the exemption to the
2 person each year following a year in which the exemption was
3 allowed for that person. The form must be designed to facilitate its
4 return by mail by the person claiming the exemption.

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

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

11 9. Beginning with the 2005-2006 Fiscal Year, the monetary
12 amounts in subsection 2 must be adjusted for each fiscal year by
13 adding to the amount the product of the amount multiplied by the
14 percentage increase in the Consumer Price Index (All Items) from
15 December 2003 to the December preceding the fiscal year for which
16 the adjustment is calculated.

17 *10. If the veteran or surviving spouse ceases to own the*
18 *property for which the exemption provided by this section is*
19 *claimed, the exemption must be prorated for the portion of the*
20 *fiscal year during which the veteran or surviving spouse owns the*
21 *property. If the veteran or surviving spouse owns other property*
22 *during the remaining portion of the fiscal year and wishes to apply*
23 *the remaining portion of the exemption for the fiscal year to the*
24 *other property, the veteran or surviving spouse must provide*
25 *written notice to the county assessor of the county where the other*
26 *property is located. The notice must include a request that the*
27 *remaining portion of the exemption be applied to the other*
28 *property. Upon receipt of the written notice, the county assessor*
29 *shall apply the remaining portion of the exemption for the fiscal*
30 *year to the other property. For the purposes of this subsection,*
31 *ownership of property changes on the date of recording of the*
32 *deed to the purchaser.*

33 **Sec. 3.** NRS 361.155 is hereby amended to read as follows:

34 361.155 1. *Except as otherwise provided in NRS 361.090*
35 *and 361.091:*

36 (a) All claims for personal tax exemptions on real property, the
37 initial claim of an organization for a tax exemption on real property
38 and the designation of any amount to be credited to the Gift Account
39 for Veterans' Homes pursuant to NRS 361.0905 must be filed on or
40 before June 15.

41 (b) All exemptions provided for pursuant to this chapter apply
42 on a fiscal year basis and any exemption granted pursuant to this
43 chapter must not be in an amount which gives the taxpayer a total
44 exemption greater than that to which he is entitled during any fiscal
45 year.



2. Each claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions; or

(b) Each county in which property is located for the tax exemption of an organization.

3. After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

4. If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection 3, the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years must be added.

Sec. 4. This act becomes effective on July 1, 2005.



