

Amendment No. 441

Senate Amendment to Senate Bill No. 390

(BDR 32-760)

Proposed by: Committee on Taxation**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will REMOVE the 2/3s majority vote requirement for final passage of SB390 (6).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 1, by deleting lines 5 through 8 and inserting:

“shall request an opinion from the district attorney pursuant to NRS 252.160. The district attorney shall request an opinion on the question from the Attorney General pursuant to NRS 228.150 if:

(a) The county recorder informs the district attorney that there is a conflict between the opinions of two or more district attorneys in this State on the question; or

(b) The district attorney:

(1) Chooses not to render an opinion on the question; or

(2) Determines that he will not be able to render an opinion on the question within a reasonable time.

SJC/BJE

Date: 4/19/2005

S.B. No. 390—Makes various changes regarding applicability and administration of certain taxes on transfers of real property.



2. A county recorder shall not delay the recordation of any document pending the issuance of an opinion requested from the Attorney General pursuant to subsection 1 if the appropriate fees and taxes, as determined by the county recorder, have been paid.

3. If, according to an opinion issued by the Attorney General in response to a request submitted pursuant to subsection 1, the amount of any taxes received by a county recorder differs from the amount required by law, the difference between those two amounts must be refunded or collected by the county recorder, as appropriate.”.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 6 as sections 3 through 5.

Amend sec. 6, page 4, by deleting lines 1 through 31 and inserting:

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

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

4. 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, 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 lineal consanguinity or affinity.

~~6. 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.

~~[6.]~~ 7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

~~[7.]~~ 8. Transfers, assignments or conveyances of unpatented mines or mining claims.

~~[8.]~~ 9. 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.

~~[9. 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.]~~

10. The making, delivery or filing of conveyances of real”.

Amend sec. 6, page 4, line 42, by deleting “[11.] 9.” and inserting “11.”.

Amend sec. 6, page 5, line 10, by deleting “[12.] 10.” and inserting “12.”.

Amend sec. 6, page 5, line 13, by deleting “[13.] 11.” and inserting “13.”.

Amend the bill as a whole by deleting sec. 7 and renumbering sections 8 and 9 as sections 6 and 7.

Amend sec. 9, page 7, by deleting lines 38 through 40 and inserting:

“2. The district attorney is not required to give his legal opinion on any question regarding which he requests an opinion from the Attorney General pursuant to section 1 of”.

Amend the bill as a whole by deleting sections 10 through 12 and renumbering sec. 13 as sec. 8.