

SENATE BILL NO. 394—COMMITTEE ON TAXATION

(ON BEHALF OF THE NEVADA ASSESSORS' ASSOCIATION)

MARCH 29, 2005

Referred to Committee on Taxation

SUMMARY—Makes various changes to provisions governing conveyance, subdivision and taxation of property. (BDR 32-258)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

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 property; revising various provisions governing the assessment, valuation and exemption of property for purposes of levying property taxes; increasing the rate of compensation that may be established for certain members of county boards of equalization; providing additional funding for the accounts for the acquisition and improvement of technology in the office of the county assessor; establishing certain requirements to effectuate a deed that conveys an interest in real property to a grantee which becomes effective upon the death of the owner of that interest; increasing the assessed value of the home of a senior citizen for determining eligibility for a refund of a certain amount of property taxes paid by that senior citizen; providing penalties; 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 361.069 is hereby amended to read as follows:

2 361.069 1. Except as otherwise provided in this section,
3 household goods and furniture are exempt from taxation.

4 2. Except as otherwise provided in subsection 3, appliances
5 and furniture which are owned by a person who engages in the
6 business of renting the appliances or furniture to other persons are
7 not exempt from taxation.

8 3. Except as otherwise provided in this subsection, the
9 assessment of rented or leased appliances or furniture, or both, of a
10 time-share project governed by the provisions of chapter 119A of
11 NRS, which contains five or more units, must be reduced by a
12 percentage equal to the average percentage of time that all of the
13 units are occupied by an owner of a time share in the project. If the
14 units of the time-share project are occupied by owners of time
15 shares in the project for an average of more than 90 percent of the
16 fiscal year, the rented or leased appliances or furniture, or both, are
17 exempt from taxation. *As used in this subsection:*

18 (a) *“Owner” has the meaning ascribed to it in NRS 119A.056.*

19 (b) *“Unit” has the meaning ascribed to it in NRS 119A.160.*

20 4. As used in this section:

21 (a) “Household goods and furniture” includes, without
22 limitation, the following items if used in a residence:

23 (1) Clothing;

24 (2) Personal effects;

25 (3) Gold and silver;

26 (4) Jewelry;

27 (5) Appliances that are not attached to real property or a
28 mobile or manufactured home;

29 (6) Furniture;

30 (7) Recreational equipment not required by NRS to be
31 registered; and

32 (8) Portable goods and storage sheds and other household
33 equipment.

34 (b) “Engages in the business of renting appliances or furniture”
35 means:

36 (1) Renting or leasing appliances or furniture, or both, to
37 other persons not in conjunction with the rental or lease of a
38 dwelling unit; or

39 (2) Renting or leasing appliances or furniture, or both, to
40 other persons in conjunction with the rental or lease of a dwelling
41 unit located in a complex containing five or more dwelling units



1 which are rented or leased by the owner to other persons in
2 conjunction with appliances or furniture, or both.

3 ~~[(c) "Owner" has the meaning ascribed to it in NRS 119A.056.~~

4 ~~—(d) "Unit" has the meaning ascribed to it in NRS 119A.160.]~~

5 **Sec. 2.** NRS 361.080 is hereby amended to read as follows:

6 361.080 1. The property of surviving spouses, not to exceed
7 the amount of \$1,000 assessed valuation, is exempt from taxation,
8 but no such exemption may be allowed to anyone but ~~[actual]~~ *a*
9 bona fide ~~[residents]~~ *resident* of this State, and must be allowed in
10 but one county in this State to the same family.

11 2. For the purpose of this section, property in which the
12 surviving spouse has any interest shall be deemed the property of
13 the surviving spouse.

14 3. The person claiming such an exemption ~~[shall]~~ *must* file
15 with the county assessor an affidavit declaring ~~[his residency]~~ *that*
16 *he is a bona fide resident of this State* and that the exemption has
17 been claimed in no other county in this State . ~~[for that year.]~~ The
18 affidavit must be made before the county assessor or a notary
19 public. After the filing of the original affidavit, the county assessor
20 shall mail a form for renewal of the exemption to the person each
21 year following a year in which the exemption was allowed for that
22 person. The form must be designed to facilitate its return by mail by
23 the person claiming the exemption.

24 4. A surviving spouse is not entitled to the exemption provided
25 by this section in any fiscal year beginning after any remarriage,
26 even if the remarriage is later annulled.

27 5. *If any person files a false affidavit or provides false proof*
28 *to the county assessor or a notary public and, as a result of the*
29 *false affidavit or false proof, the person is allowed a tax exemption*
30 *to which he is not entitled, he is guilty of a gross misdemeanor.*

31 6. Beginning with the ~~[2005-2006]~~ *2006-2007* Fiscal Year, the
32 monetary amount in subsection 1 must be adjusted for each fiscal
33 year by adding to ~~[each]~~ *the* amount the product of the amount
34 multiplied by the percentage increase in the Consumer Price Index
35 (All Items) from ~~[December 2003]~~ *July 2004* to the ~~[December]~~
36 *July* preceding the fiscal year for which the adjustment is calculated.
37 *The Department shall provide to each county assessor the adjusted*
38 *amount, in writing, on or before September 30 of each year.*

39 **Sec. 3.** NRS 361.085 is hereby amended to read as follows:

40 361.085 1. The property of all blind persons, not to exceed
41 the amount of \$3,000 of assessed valuation, is exempt from taxation,
42 including community property to the extent only of the blind
43 person's interest therein, but no such exemption may be allowed to
44 anyone but *a* bona fide ~~[residents]~~ *resident* of this State, and must be



1 allowed in but one county in this State on account of the same blind
2 person.

3 2. The person claiming such an exemption must file with the
4 county assessor an affidavit declaring that he is ~~[an actual]~~ *a* bona
5 fide resident of the State of Nevada ~~[, that he is a blind person]~~ *who*
6 *meets all the other requirements for the exemption* and that the
7 exemption is *not* claimed in ~~[no]~~ *any* other county in this State. The
8 affidavit must be made before the county assessor or a notary
9 public. After the filing of the original affidavit, the county assessor
10 shall mail a form for renewal of the exemption to the person each
11 year following a year in which the exemption was allowed for that
12 person. The form must be designed to facilitate its return by mail by
13 the person claiming the exemption.

14 3. Upon first claiming the exemption in a county the claimant
15 shall furnish to the assessor a certificate of a licensed physician
16 setting forth that he has examined the claimant and has found him to
17 be a blind person.

18 4. *If any person files a false affidavit or provides false proof*
19 *to the county assessor or a notary public and, as a result of the*
20 *false affidavit or false proof, the person is allowed a tax exemption*
21 *to which he is not entitled, he is guilty of a gross misdemeanor.*

22 5. Beginning with the ~~[2005-2006]~~ *2006-2007* Fiscal Year, the
23 monetary amount in subsection 1 must be adjusted for each fiscal
24 year by adding to ~~[each]~~ *the* amount the product of the amount
25 multiplied by the percentage increase in the Consumer Price Index
26 (All Items) from ~~[December 2003]~~ *July 2004* to the ~~[December]~~
27 *July* preceding the fiscal year for which the adjustment is calculated.

28 ~~[5.]~~ *The Department shall provide to each county assessor the*
29 *adjusted amount, in writing, on or before September 30 of each*
30 *year.*

31 6. As used in this section, "blind person" includes any person
32 whose visual acuity with correcting lenses does not exceed 20/200
33 in the better eye, or whose vision in the better eye is restricted to a
34 field which subtends an angle of not greater than 20°.

35 **Sec. 4.** NRS 361.090 is hereby amended to read as follows:

36 361.090 1. The property, to the extent of \$2,000 assessed
37 valuation, of any actual bona fide resident of the State of Nevada
38 who:

39 (a) Has served a minimum of 90 *continuous* days on active
40 duty, who was assigned to active duty at some time between
41 April 21, 1898, and June 15, 1903, or between April 6, 1917, and
42 November 11, 1918, or between December 7, 1941, and
43 December 31, 1946, or between June 25, 1950, and May 7, 1975, or
44 between September 26, 1982, and December 1, 1987, or between
45 October 23, 1983, and November 21, 1983, or between



1 December 20, 1989, and January 31, 1990, or between
2 August 2, 1990, and April 11, 1991, or between December 5, 1992,
3 and March 31, 1994, or between November 20, 1995, and
4 December 20, 1996;

5 (b) ~~[Has served a minimum of 90 continuous days on active~~
6 ~~duty none of which was for training purposes, who was assigned to~~
7 ~~active duty at some time between January 1, 1961, and May 7, 1975;~~
8 ~~—(c)]~~ Has served on active duty in connection with carrying out
9 the authorization granted to the President of the United States in
10 Public Law 102-1; or

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

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

19 2. For the purpose of this section, the first \$2,000 assessed
20 valuation of property in which ~~[such a person]~~ *an applicant* has any
21 interest shall be deemed the property of ~~[that person.]~~ *the applicant.*

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

26 4. The affidavit must be made before the county assessor or a
27 notary public and filed with the county assessor. It must state that
28 the affiant is ~~[an actual]~~ *a* bona fide resident of the State of Nevada
29 who meets all the other requirements of subsection 1 and that the
30 exemption is *not* claimed in ~~[no]~~ *any* other county in this State.
31 After the filing of the original affidavit, the county assessor shall
32 mail a form for:

33 (a) The renewal of the exemption; and

34 (b) The designation of any amount to be credited to the Gift
35 Account for Veterans' Homes established pursuant to NRS 417.145,
36 ➤ to the person each year following a year in which the exemption
37 was allowed for that person. The form must be designed to facilitate
38 its return by mail by the person claiming the exemption.

39 5. Persons in actual military service are exempt during the
40 period of such service from filing *the* annual ~~[affidavits]~~ *forms for*
41 *renewal of the* exemption, and the county assessors shall continue
42 to grant *the* exemption to such persons on the basis of the original
43 affidavits filed. In the case of any person who has entered the
44 military service without having previously made and filed an
45 affidavit of exemption, the affidavit may be filed in his behalf



1 during the period of such service by any person having knowledge
2 of the facts.

3 6. Before allowing any veteran's exemption pursuant to the
4 provisions of this chapter, the county assessor ~~[of each of the several~~
5 ~~counties of this State]~~ shall require proof of status of the veteran,
6 and for that purpose shall require production of an honorable
7 discharge or certificate of satisfactory service or a certified copy
8 thereof, or such other proof of status as may be necessary.

9 7. If any person files a false affidavit or produces false proof to
10 the county assessor ~~[] or a notary public~~ and , as a result of the
11 false affidavit or false proof ~~[a tax exemption is allowed to a person~~
12 ~~not entitled to the exemption,]~~ , *the person is allowed a tax*
13 *exemption to which he is not entitled,* he is guilty of a gross
14 misdemeanor.

15 8. Beginning with the ~~[2005-2006]~~ *2006-2007* Fiscal Year, the
16 monetary amounts in subsections 1 and 2 must be adjusted for each
17 fiscal year by adding to ~~[each]~~ *the* amount the product of the amount
18 multiplied by the percentage increase in the Consumer Price Index
19 (All Items) from ~~[December 2003]~~ *July 2004* to the ~~[December]~~
20 *July* preceding the fiscal year for which the adjustment is calculated.
21 *The Department shall provide to each county assessor the adjusted*
22 *amount, in writing, on or before September 30 of each year.*

23 **Sec. 5.** NRS 361.091 is hereby amended to read as follows:

24 361.091 1. A bona fide resident of the State of Nevada who
25 has incurred a permanent service-connected disability and has been
26 honorably discharged from the Armed Forces of the United States,
27 or his surviving spouse, is entitled to a disabled veteran's
28 exemption.

29 2. The amount of exemption is based on the total percentage of
30 permanent service-connected disability. The maximum allowable
31 exemption for total permanent disability is the first \$20,000 assessed
32 valuation. A person with a permanent service-connected disability
33 of:

34 (a) Eighty to 99 percent, inclusive, is entitled to an exemption of
35 \$15,000 assessed value.

36 (b) Sixty to 79 percent, inclusive, is entitled to an exemption of
37 \$10,000 assessed value.

38 ➤ For the purposes of this section, any property in which an
39 applicant has any interest is deemed to be the property of the
40 applicant.

41 3. The exemption may be allowed only to a claimant who has
42 filed an affidavit with his claim for exemption on real property
43 pursuant to NRS 361.155. The affidavit may be made at any time by
44 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~~ **filed with** the county assessor. It must ~~be to the effect~~ **state** 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 **is not claimed** 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 assessor shall mail a form for renewal of the exemption 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.



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

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

9. Beginning with the ~~[2005-2006]~~ *2006-2007* Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~[December-2003]~~ *July 2004* to the ~~[December]~~ *July* preceding the fiscal year for which the adjustment is calculated. *The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.*

Sec. 6. NRS 361.095 is hereby amended to read as follows:

361.095 1. The funds, furniture, paraphernalia and regalia owned and used exclusively by any post of any national organization of ex-servicemen or ex-servicewomen for the legitimate purposes and customary objects of such posts are exempt from taxation, but such an exemption must not exceed the sum of \$10,000 assessed valuation to any one post or organization thereof.

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

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

4. Beginning with the ~~[2005-2006]~~ *2006-2007* Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~[December-2003]~~ *July 2004* to the ~~[December]~~ *July* preceding the fiscal year for which the adjustment is calculated. *The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.*

Sec. 7. NRS 361.115 is hereby amended to read as follows:

361.115 All real and personal property of the Nevada Children's Foundation, Inc., *the Nevada Heritage Association, Inc., and the Habitat for Humanity International, that is located* in the State of Nevada ~~[shall be]~~ *is* exempt from taxation, but when and if



1 such property is used for any purpose other than carrying out the
2 legitimate functions of ~~the Nevada Children's Foundation, Inc., the~~
3 ~~same shall~~ *those organizations, such property must* be taxed.

4 **Sec. 8.** NRS 361.155 is hereby amended to read as follows:

5 361.155 1. All claims for personal tax exemptions on real
6 property, the initial claim of an organization for a tax exemption on
7 real property and the designation of any amount to be credited to the
8 Gift Account for Veterans' Homes pursuant to NRS 361.0905 must
9 be filed on or before June 15. All exemptions provided for pursuant
10 to this chapter apply on a fiscal year basis and any exemption
11 granted pursuant to this chapter must not be in an amount which
12 gives the taxpayer a total exemption greater than that to which he is
13 entitled during any fiscal year.

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

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

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

20 3. After the initial claim for an exemption pursuant to NRS
21 361.088 or 361.098 to 361.150, inclusive, an organization is not
22 required to file annual claims if the property remains exempt. If any
23 portion of the property loses its exemption pursuant to NRS 361.157
24 or for any other reason becomes taxable, the organization must
25 notify the county assessor.

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

32 **Sec. 9.** NRS 361.227 is hereby amended to read as follows:

33 361.227 1. Any person determining the taxable value of real
34 property shall appraise:

35 (a) The full cash value of:

36 (1) Vacant land by considering the uses to which it may
37 lawfully be put, any legal or physical restrictions upon those uses,
38 the character of the terrain, and the uses of other land in the vicinity.

39 (2) Improved land consistently with the use to which the
40 improvements are being put.

41 (b) Any improvements made on the land by subtracting from the
42 cost of replacement of the improvements all applicable depreciation
43 and obsolescence. Depreciation of an improvement made on real
44 property must be calculated at 1.5 percent of the cost of replacement



1 for each year of adjusted actual age of the improvement, up to a
2 maximum of 50 years.

3 2. The unit of appraisal must be a single parcel unless:

4 (a) The location of the improvements causes two or more
5 parcels to function as a single parcel;

6 (b) The parcel is one of a group of contiguous parcels which
7 qualifies for valuation as a subdivision pursuant to the regulations of
8 the Nevada Tax Commission; or

9 (c) In the professional judgment of the person determining the
10 taxable value, the parcel is one of a group of parcels which should
11 be valued as a collective unit.

12 3. The taxable value of a leasehold interest, possessory interest,
13 beneficial interest or beneficial use for the purpose of NRS 361.157
14 or 361.159 must be determined in the same manner as the taxable
15 value of the property would otherwise be determined if the lessee or
16 user of the property was the owner of the property and it was not
17 exempt from taxation, except that the taxable value so determined
18 must be reduced by a percentage of the taxable value that is equal to
19 the:

20 (a) Percentage of the property that is not actually leased by the
21 lessee or used by the user during the fiscal year; and

22 (b) Percentage of time that the property is not actually leased by
23 the lessee or used by the user during the fiscal year, which must be
24 determined in accordance with NRS 361.2275.

25 4. The taxable value of other taxable personal property, except
26 a mobile or manufactured home, must be determined by subtracting
27 from the cost of replacement of the property all applicable
28 depreciation and obsolescence. Depreciation of a billboard must be
29 calculated at 1.5 percent of the cost of replacement for each year
30 after the year of acquisition of the billboard, up to a maximum of 50
31 years.

32 5. The computed taxable value of any property must not exceed
33 its full cash value. *To determine the full cash value of any property
34 for the purposes of this requirement, the provisions of subsections
35 1 and 2 of NRS 361.228 do not apply.* Each person determining the
36 taxable value of property shall reduce it if necessary to comply with
37 this requirement. A person determining whether taxable value
38 exceeds that full cash value or whether obsolescence is a factor in
39 valuation may consider:

40 (a) Comparative sales, based on prices actually paid in market
41 transactions.

42 (b) A summation of the estimated full cash value of the land and
43 contributory value of the improvements.

44 (c) Capitalization of the fair economic income expectancy or fair
45 economic rent, or an analysis of the discounted cash flow.



1 ➡ A county assessor is required to make the reduction prescribed in
2 this subsection if the owner calls to his attention the facts warranting
3 it, if he discovers those facts during physical reappraisal of the
4 property or if he is otherwise aware of those facts.

5 6. The Nevada Tax Commission shall, by regulation, establish:

6 (a) Standards for determining the cost of replacement of
7 improvements of various kinds.

8 (b) Standards for determining the cost of replacement of
9 personal property of various kinds. The standards must include a
10 separate index of factors for application to the acquisition cost of a
11 billboard to determine its replacement cost.

12 (c) Schedules of depreciation for personal property based on its
13 estimated life.

14 (d) Criteria for the valuation of two or more parcels as a
15 subdivision.

16 7. In determining the cost of replacement of personal property
17 for the purpose of computing taxable value, the cost of all
18 improvements of the personal property, including any additions to
19 or renovations of the personal property, but excluding routine
20 maintenance and repairs, must be added to the cost of acquisition of
21 the personal property.

22 8. The county assessor shall, upon the request of the owner,
23 furnish within 15 days to the owner a copy of the most recent
24 appraisal of the property, including, without limitation, copies of
25 any sales data, materials presented on appeal to the county board of
26 equalization or State Board of Equalization and other materials used
27 to determine or defend the taxable value of the property.

28 9. The provisions of this section do not apply to property which
29 is assessed pursuant to NRS 361.320.

30 **Sec. 10.** NRS 361.228 is hereby amended to read as follows:

31 361.228 *Except as otherwise provided in NRS 361.227:*

32 1. All intangible personal property is exempt from taxation,
33 including, without limitation:

34 (a) Shares of stock, bonds, mortgages, notes, bank deposits,
35 book accounts such as an acquisition adjustment and credits, and
36 securities and choses in action of like character; and

37 (b) Goodwill, customer lists, contracts and contract rights,
38 patents, trademarks, trade names, custom computer programs,
39 copyrights, trade secrets, franchises and licenses.

40 2. The value of intangible personal property must not enhance
41 or be reflected in the value of real property or tangible personal
42 property.

43 3. The attributes of real property, such as zoning, location,
44 *water rights*, view and geographic features, are not intangible



1 personal property and must be considered in valuing the real
2 property, if appropriate.

3 **Sec. 11.** NRS 361.260 is hereby amended to read as follows:

4 361.260 1. Each year, the county assessor, except as
5 otherwise required by a particular statute, shall ascertain by diligent
6 inquiry and examination all real and secured personal property that
7 is in his county on July 1 which is subject to taxation, and also the
8 names of all persons, corporations, associations, companies or firms
9 owning the property. He shall then determine the taxable value of all
10 such property, and he shall then list and assess it to the person, firm,
11 corporation, association or company owning it on July 1 of that
12 fiscal year. He shall take the same action at any time between May 1
13 and the following April 30, with respect to personal property which
14 is to be placed on the unsecured tax roll.

15 2. At any time before the lien date for the following fiscal year,
16 the county assessor may include additional personal property and
17 mobile and manufactured homes on the secured tax roll if the owner
18 of the personal property or mobile or manufactured home owns real
19 property within the same taxing district which has an assessed value
20 that is equal to or greater than the taxes for 3 years on both the real
21 property and the personal property or mobile or manufactured home,
22 plus penalties. Personal property and mobile and manufactured
23 homes in the county on July 1, but not on the secured tax roll for the
24 current year, must be placed on the unsecured tax roll for the current
25 year.

26 3. An improvement on real property in existence on July 1
27 whose existence was not ascertained in time to be placed on the
28 secured roll for that tax year and which is not governed by
29 subsection 4 must be placed on the unsecured tax roll.

30 4. The value of any property apportioned among counties
31 pursuant to NRS 361.320, 361.321 and 361.323 must be added to
32 the central assessment roll at the assessed value established by the
33 Nevada Tax Commission or as established pursuant to an appeal to
34 the State Board of Equalization.

35 5. In addition to the inquiry and examination required in
36 subsection 1, for any property not reappraised in the current
37 assessment year, the county assessor shall determine its assessed
38 value for that year by:

39 (a) Determining the replacement cost, subtracting all applicable
40 depreciation and obsolescence, applying the assessment ratio for
41 improvements, if any, and applying a factor for land to the assessed
42 value for the preceding year; or

43 (b) Applying ~~[a factor for improvements, if any, and a factor for~~
44 ~~land]~~ to the assessed value for the preceding year ~~[The factor for~~
45 ~~improvements must reasonably represent the change, if any, in the~~



~~taxable value of typical improvements in the area since the preceding year, and must take into account all applicable depreciation and obsolescence. The factor for improvements must be adopted by the Nevada Tax Commission in the manner required in NRS 361.261.~~

~~→ The factor for land must be] a factor for improvements, if any, as adopted by the Nevada Tax Commission in the manner required by NRS 361.261, and a factor for land~~ developed by the county assessor and approved by the Commission. The factor for land must be so chosen that the median ratio of the assessed value of the land to the taxable value of the land in each area subject to the factor is not less than 30 percent nor more than 35 percent.

6. The county assessor shall reappraise all real property at least once every 5 years.

7. The county assessor shall establish standards for appraising and reappraising land pursuant to this section. In establishing the standards, the county assessor shall consider ~~[comparable]~~ :

(a) *Comparable* sales of land before July 1 of the year before the lien date ~~[]~~ ; and

(b) *The principles, practices and fundamentals of the appraisal industry as adopted by the International Association of Assessing Officers, the Appraisal Institute and The Appraisal Foundation.*

8. Each county assessor shall submit a written request to the board of county commissioners and the governing body of each of the local governments located in the county which maintain a unit of government that issues building permits for a copy of each building permit that is issued. Upon receipt of such a request, the governing body shall direct the unit which issues the permits to provide a copy of each permit to the county assessor within a reasonable time after issuance.

Sec. 12. NRS 361.265 is hereby amended to read as follows:

361.265 1. To enable the county assessor to make assessments, he shall demand from each natural person or firm, and from the president, cashier, treasurer or managing agent of each corporation, association or company, including all banking institutions, associations or firms within his county, a written statement, signed under penalty of perjury, on forms and in the format prescribed by the county assessor of all the personal property within the county, owned, claimed, possessed, controlled or managed by those persons, firms, corporations, associations or companies. *The signature required by this subsection may include an electronic signature as defined in NRS 719.100.*

2. The statement must include:

(a) A description of the location of any taxable personal property that is owned, claimed, possessed, controlled or managed



1 by the natural person, firm, corporation, association or company, but
2 stored, maintained or otherwise placed at a location other than the
3 principal residence of the natural person or principal place of
4 business of the firm, corporation, association or company;

5 (b) The cost of acquisition of each item of taxable personal
6 property, including the cost of any improvements of the personal
7 property, such as additions to or renovations of the property other
8 than routine maintenance or repairs ~~to~~, *and the year in which each*
9 *item of taxable personal property was acquired;* and

10 (c) If the natural person, firm, corporation, association or
11 company owns at least 25 mobile or manufactured homes that are
12 being leased within the county for commercial purposes, and those
13 homes have not been converted to real property pursuant to NRS
14 361.244, the year, make or model, size, serial number and location
15 of each such mobile or manufactured home.

16 3. The statement must be returned not later than July 31, except
17 for a statement mailed to the taxpayer after July 15, in which case it
18 must be returned within 15 days after demand for its return is made.
19 Upon petition of the property owner showing good cause, the county
20 assessor may grant one or more 30-day extensions.

21 4. If the owners of any taxable property not listed by another
22 person are absent or unknown, or fail to provide the written
23 statement as described in subsection 1, the county assessor shall
24 make an estimate of the value of the property and assess it
25 accordingly. If the name of the absent owner is known to the county
26 assessor, the property must be assessed in his name. If the name of
27 the owner is unknown to the county assessor, the property must be
28 assessed to "unknown owner," but no mistake made in the name of
29 the owner or the supposed owner of personal property renders the
30 assessment or any sale of the property for taxes invalid.

31 5. If any person, officer or agent neglects or refuses on demand
32 of the county assessor or his deputy to give the statement required
33 by this section, or gives a false name, or refuses to give his name or
34 sign the statement, he is guilty of a misdemeanor.

35 **Sec. 13.** NRS 361.310 is hereby amended to read as follows:

36 361.310 1. On or before January 1 of each year, the county
37 assessor of each of the several counties shall complete his
38 assessment roll, and shall take and subscribe to an affidavit written
39 therein to the effect that he has made diligent inquiry and
40 examination to ascertain all the property within the county subject to
41 taxation, and required to be assessed by him, and that he has
42 assessed the property on the assessment roll equally and uniformly,
43 according to the best of his judgment, information and belief, at the
44 rate provided by law. A copy of the affidavit must be filed
45 immediately by the assessor with the Department. The failure to



1 take or subscribe to the affidavit does not in any manner affect the
2 validity of any assessment contained in the assessment roll.

3 2. The county assessor shall close his roll as to all changes on
4 the day he delivers it for publication. The roll may be reopened
5 beginning the next day for changes that occur before July 1 in:

6 (a) Ownership;

7 (b) Improvements as a result of new construction, destruction or
8 removal;

9 (c) Land parceling;

10 (d) Site improvements;

11 (e) Zoning or other legal or physical restrictions on use;

12 (f) Actual use, including changes in agricultural or open space
13 use;

14 (g) Exemptions; or

15 (h) Items of personal property on the secured roll,

16 ➔ or to correct ~~overassessments~~ *assessments* because of a factual
17 error in existence, size, quantity ~~{or age.}~~ *, age, use or zoning, or*
18 *legal or physical restrictions on its use, or because of a clerical,*
19 *typographical or mathematical error.*

20 3. Any changes made after the roll is reopened pursuant to
21 subsection 2 may be appealed to the county board of equalization in
22 the current year or the next succeeding year.

23 4. Each county assessor shall keep a log of all changes in value
24 made to the secured roll after it has been reopened. On or before
25 October 31 of each year, the county assessor shall transmit a copy of
26 the log to the board of county commissioners and the Nevada Tax
27 Commission.

28 **Sec. 14.** NRS 361.340 is hereby amended to read as follows:

29 361.340 1. Except as otherwise provided in subsection 2, the
30 board of equalization of each county consists of:

31 (a) Five members, only two of whom may be elected public
32 officers, in counties having a population of 15,000 or more; and

33 (b) Three members, only one of whom may be an elected public
34 officer, in counties having a population of less than 15,000.

35 2. The board of county commissioners may by resolution
36 provide for an additional panel of like composition to be added to
37 the board of equalization to serve for a designated fiscal year. The
38 board of county commissioners may also appoint alternate members
39 to either panel.

40 3. A district attorney, county treasurer or county assessor or
41 any of their deputies or employees may not be appointed to the
42 county board of equalization.

43 4. The chairman of the board of county commissioners shall
44 nominate persons to serve on the county board of equalization who
45 are sufficiently experienced in business generally to be able to bring



1 knowledge and sound judgment to the deliberations of the board or
2 who are elected public officers. The nominees must be appointed
3 upon a majority vote of the board of county commissioners. The
4 chairman of the board of county commissioners shall designate one
5 of the appointees to serve as chairman of the county board of
6 equalization.

7 5. Except as otherwise provided in this subsection, the term of
8 each member is 4 years and any vacancy must be filled by
9 appointment for the unexpired term. The term of any elected public
10 officer expires upon the expiration of the term of his elected office.

11 6. The county clerk or his designated deputy is the clerk of
12 each panel of the county board of equalization.

13 7. Any member of the county board of equalization may be
14 removed by the board of county commissioners if, in its opinion, the
15 member is guilty of malfeasance in office or neglect of duty.

16 8. The members of the county board of equalization are entitled
17 to receive per diem allowance and travel expenses as provided for
18 state officers and employees. The board of county commissioners of
19 any county may by resolution provide for compensation to members
20 of the board of equalization in their county who are not elected
21 public officers as they deem adequate for time actually spent on the
22 work of the board of equalization. In no event may the rate of
23 compensation established by a board of county commissioners
24 exceed ~~£\$40~~ \$80 per day.

25 9. A majority of the members of the county board of
26 equalization constitutes a quorum, and a majority of the board
27 determines the action of the board.

28 10. The county board of equalization of each county shall hold
29 such number of meetings as may be necessary to care for the
30 business of equalization presented to it. Every appeal to the county
31 board of equalization must be filed not later than January 15. Each
32 county board shall cause to be published, in a newspaper of general
33 circulation published in that county, a schedule of dates, times and
34 places of the board meetings at least 5 days before the first meeting.
35 The county board of equalization shall conclude the business of
36 equalization on or before the last day of February of each year
37 except as to matters remanded by the State Board of Equalization.
38 The State Board of Equalization may establish procedures for the
39 county boards, including setting the period for hearing appeals and
40 for setting aside time to allow the county board to review and make
41 final determinations. The district attorney or his deputy shall be
42 present at all meetings of the county board of equalization to explain
43 the law and the board's authority.

44 11. The county assessor or his deputy shall attend all meetings
45 of each panel of the county board of equalization.



1 **Sec. 15.** NRS 361.345 is hereby amended to read as follows:

2 361.345 1. Except as otherwise provided in subsection 2, the
3 county board of equalization may determine the valuation of any
4 property assessed by the county assessor, and may change and
5 correct any valuation found to be incorrect either by adding thereto
6 or by deducting therefrom such sum as is necessary to make it
7 conform to the taxable value of the property assessed, whether that
8 valuation was fixed by the owner or the county assessor. *The county*
9 *board of equalization may not reduce the assessment of the county*
10 *assessor unless the appellant shows by substantial evidence that*
11 *the valuation established by the county assessor is excessive or*
12 *inequitable.* A change so made is effective only for the fiscal year
13 for which the assessment was made. The county assessor shall each
14 year review all such changes made for the previous fiscal year and
15 maintain or remove each change as circumstances warrant.

16 2. If a person complaining of the assessment of his property:

17 (a) Has refused or, without good cause, has neglected to give the
18 county assessor his list under oath, as required by NRS 361.265;
19 ~~or~~

20 (b) Has, without good cause, refused entry to the assessor for the
21 purpose of conducting the physical examination required by
22 NRS 361.260 ~~or~~;

23 (c) *Has refused to comply with or, without good cause, has*
24 *neglected to comply with a subpoena issued by the county assessor*
25 *pursuant to NRS 361.263; or*

26 (d) *Has failed to provide the financial and legal documents*
27 *that are necessary to comply with the provisions of NRS 361.227,*
28 ➔ the county assessor shall make a reasonable estimate of the
29 property and assess it accordingly. No reduction may be made by
30 the county board of equalization from the assessment of the county
31 assessor made pursuant to this subsection.

32 3. If the county board of equalization finds it necessary to add
33 to the assessed valuation of any property on the assessment roll, it
34 shall direct the clerk to give notice to the person so interested by
35 registered or certified letter, or by personal service, naming the day
36 when it will act on the matter and allowing a reasonable time for the
37 interested person to appear.

38 **Sec. 16.** NRS 361.357 is hereby amended to read as follows:

39 361.357 1. The owner of any property who believes that the
40 full cash value of his property is less than the taxable value
41 computed for the property in the current assessment year, may, not
42 later than January 15 of the fiscal year in which the assessment was
43 made, appeal to the county board of equalization. If January 15 falls
44 on a Saturday, Sunday or legal holiday, the appeal may be filed on
45 the next business day.



2. Before a person may file an appeal pursuant to subsection 1, the person must complete a form provided by the county assessor to appeal the assessment to the county board of equalization. The county assessor may, before providing such a form, require the person requesting the form to provide the parcel number or other identification number of the property that is the subject of the planned appeal.

3. If the county board of equalization finds that the full cash value of the property *on the lien date of the fiscal year for which the taxes are levied* is less than the taxable value computed for the property, the board shall correct the land value or fix a percentage of obsolescence to be deducted ~~each year~~ from the otherwise computed taxable value of the improvements, or both, to make the taxable value of the property correspond as closely as possible to its full cash value.

4. No appeal under this section may result in an increase in the taxable value of the property.

Sec. 17. NRS 361.360 is hereby amended to read as follows:

361.360 1. Any taxpayer aggrieved at the action of the county board of equalization in equalizing, or failing to equalize, the value of his property, or property of others, or a county assessor, may file an appeal with the State Board of Equalization on or before March 10 and present to the State Board of Equalization the matters complained of at one of its sessions. If March 10 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

2. All such appeals must be presented upon the same facts and evidence as were submitted to the county board of equalization in the first instance, unless there is discovered new evidence pertaining to the matter which could not, by due diligence, have been discovered before the final adjournment of the county board of equalization. The new evidence must be submitted in writing to the State Board of Equalization and served upon the county assessor not less than 7 days before the hearing.

3. Any taxpayer whose real or personal property placed on the unsecured tax roll was assessed after December 15 but before or on the following April 30 may likewise protest to the State Board of Equalization. Every such appeal must be filed on or before May 15. If May 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. A meeting must be held before May 31 to hear those protests that in the opinion of the State Board of Equalization may have a substantial effect on tax revenues. One or more meetings may be held at any time and place in the State before October 1 to hear all other protests.



1 4. The State Board of Equalization may not reduce the
2 assessment of the county assessor if:

3 (a) The appeal involves an assessment on property which the
4 taxpayer has refused or, without good cause, has neglected to
5 include in the list required of him pursuant to NRS 361.265 or has
6 refused or, without good cause, has neglected to provide the list to
7 the county assessor; ~~or~~

8 (b) The taxpayer has, without good cause, refused entry to the
9 assessor for the purpose of conducting the physical examination
10 authorized by NRS 361.260 ~~or~~;

11 (c) *The taxpayer has refused to comply with or, without good*
12 *cause, has neglected to comply with a subpoena issued by the*
13 *county assessor pursuant to NRS 361.263;*

14 (d) *The taxpayer has failed to provide the financial and legal*
15 *documents that are necessary to comply with the provisions of*
16 *NRS 361.227; or*

17 (e) *The taxpayer fails to show by substantial evidence that the*
18 *valuation established by the county assessor or the county board of*
19 *equalization is excessive or inequitable.*

20 5. The county assessor shall each year review any change made
21 in an assessment for the previous fiscal year and maintain or remove
22 the change as circumstances warrant.

23 6. If the State Board of Equalization determines that the record
24 of a case on appeal from the county board of equalization is
25 inadequate because of an act or omission of the county assessor, the
26 district attorney or the county board of equalization, the State Board
27 of Equalization may remand the case to the county board of
28 equalization with directions to develop an adequate record within 30
29 days after the remand. The directions must indicate specifically the
30 inadequacies to be remedied. If the State Board of Equalization
31 determines that the record returned from the county board of
32 equalization after remand is still inadequate, the State Board of
33 Equalization may hold a hearing anew on the appellant's complaint
34 or it may, if necessary, contract with an appropriate person to hear
35 the matter, develop an adequate record in the case and submit
36 recommendations to the State Board. The cost of the contract and all
37 costs, including attorney's fees, to the State or the appellant
38 necessary to remedy the inadequate record on appeal are a charge
39 against the county.

40 **Sec. 18.** NRS 361.362 is hereby amended to read as follows:

41 361.362 ~~At~~ *Except as otherwise provided in this section, at*
42 the time that a person files an appeal pursuant to NRS 361.356,
43 361.357 or 361.360 on behalf of the owner of a property, the person
44 shall provide to the county board of equalization or the State Board
45 of Equalization, as appropriate, written authorization from the



owner of the property that authorizes the person to file the appeal concerning the assessment that was made. *If the person files the appeal in a timely manner without the written authorization required by this section, he may provide that written authorization within 48 hours after filing the appeal.*

Sec. 19. NRS 361.420 is hereby amended to read as follows:

361.420 1. Any property owner whose taxes are in excess of the amount which the owner claims justly to be due may pay each installment of taxes as it becomes due under protest in writing. The protest must be *in the form of a notarized statement from the property owner and* filed with the tax receiver at the time of the payment of the installment of taxes. The tax receiver forthwith shall forward one copy of the protest to the Attorney General and one copy to the State Controller.

2. The property owner, having protested the payment of taxes as provided in subsection 1 and having been denied relief by the State Board of Equalization, may commence a suit in any court of competent jurisdiction in the State of Nevada against the State and county in which the taxes were paid, and, in a proper case, both the Nevada Tax Commission and the Department may be joined as a defendant for a recovery of the difference between the amount of taxes paid and the amount which the owner claims justly to be due, and the owner may complain upon any of the grounds contained in subsection 4.

3. Every action commenced under the provisions of this section must be commenced within 3 months after the date of the payment of the last installment of taxes, and if not so commenced is forever barred. If the tax complained of is paid in full and under the written protest provided for in this section, at the time of the payment of the first installment of taxes, suit for the recovery of the difference between the amount paid and the amount claimed to be justly due must be commenced within 3 months after the date of the full payment of the tax or the issuance of the decision of the State Board of Equalization denying relief, whichever occurs later, and if not so commenced is forever barred.

4. In any suit brought under the provisions of this section, the person assessed may complain or defend upon any of the following grounds:

(a) That the taxes have been paid before the suit;

(b) That the property is exempt from taxation under the provisions of the revenue or tax laws of the State, specifying in detail the claim of exemption;

(c) That the person assessed was not the owner and had no right, title or interest in the property assessed at the time of assessment;



(d) That the property is situate in and has been assessed in another county, and the taxes thereon paid;

(e) That there was fraud in the assessment or that the assessment is out of proportion to and above the taxable cash value of the property assessed;

(f) That the assessment is out of proportion to and above the valuation fixed by the Nevada Tax Commission for the year in which the taxes were levied and the property assessed; or

(g) That the assessment complained of is discriminatory in that it is not in accordance with a uniform and equal rate of assessment and taxation, but is at a higher rate of the taxable value of the property so assessed than that at which the other property in the State is assessed.

5. In a suit based upon any one of the grounds mentioned in paragraphs (e), (f) and (g) of subsection 4, the court shall conduct the trial without a jury and confine its review to the record before the State Board of Equalization. Where procedural irregularities by the Board are alleged and are not shown in the record, the court may take evidence respecting the allegation and, upon the request of either party, shall hear oral argument and receive written briefs on the matter.

6. In all cases mentioned in this section where the complaint is based upon any grounds mentioned in subsection 4, the entire assessment must not be declared void but is void only as to the excess in valuation.

7. In any judgment recovered by the taxpayer under this section, the court may provide for interest thereon not to exceed 6 percent per annum from and after the date of payment of the tax complained of.

Sec. 20. NRS 361.510 is hereby amended to read as follows:

361.510 1. Except as otherwise provided in subsection 2, before June 1 of each year, the ~~{board of county commissioners}~~ **tax receiver** of each county shall prepare suitable blank receipts that are sequentially numbered to be issued ~~{by the respective county assessors on}~~ **upon** the payment, ~~{to them}~~ in cash, of ~~{the}~~ taxes on movable personal property. ~~{The blank tax receipts must be countersigned by the county auditor and delivered to the county assessor who shall give his receipt to the board for the quantity delivered.}~~

2. The provisions of this section do not apply in a county which provides receipts for such payments in cash which are produced by a computer.

Sec. 21. NRS 361.525 is hereby amended to read as follows:

361.525 If ~~{the county assessor}~~ **a tax receiver** gives any receipt on the payment to him of any tax on movable personal



property other than that provided for in NRS 361.510, he is guilty of a category D felony and shall be punished as provided in NRS 193.130, and shall be removed from office.

Sec. 22. NRS 361.530 is hereby amended to read as follows:

361.530 ~~{On all moneys}~~

1. Except as otherwise provided in this section, on all money collected from personal property tax by the several county assessors and county treasurers, there ~~{shall}~~ must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor ~~{}~~ or county treasurer, a percentage commission of ~~{6}~~ 8 percent on the gross amount of collections from personal property tax.

2. One-quarter of the commission reserved pursuant to subsection 1 must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.

Sec. 23. NRS 361.535 is hereby amended to read as follows:

361.535 1. If the person, company or corporation so assessed neglects or refuses to pay the taxes within 30 days after demand, the taxes become delinquent. If the person, company or corporation so assessed neglects or refuses to pay the taxes within 10 days after the taxes become delinquent, a penalty of 10 percent must be added. If the tax and penalty are not paid on demand, the county assessor or his deputy may seize, seal or lock enough of the personal property of the person, company or corporation so neglecting or refusing to pay to satisfy the taxes and costs. The county assessor may use alternative methods of collection, including, without limitation, the assistance of the district attorney.

2. The county assessor shall:

(a) Post a notice of the seizure, with a description of the property, in a public area of the county courthouse or the county office building in which the assessor's office is located, and within the immediate vicinity of the property being seized; and

(b) At the expiration of 5 days, proceed to sell at public auction, at the time and place mentioned in the notice, to the highest bidder, for lawful money of the United States, a sufficient quantity of the property to pay the taxes and expenses incurred. For this service, the county assessor must be allowed from the delinquent person a fee of \$3. The county assessor is not required to sell the property if the highest bid received is less than the lowest acceptable bid indicated in the notice.

3. If the personal property seized by the county assessor or his deputy consists of a mobile or manufactured home, an aircraft, or the personal property of a business, the county assessor shall publish a notice of the seizure once during each of 2 successive weeks in a



1 newspaper of general circulation in the county. If the legal owner of
2 the property is someone other than the registered owner and the
3 name and address of the legal owner can be ascertained from public
4 records, the county assessor shall, before publication, send a ~~copy~~
5 ~~of the~~ notice *of the seizure* by registered or certified mail to the
6 legal owner. The cost of the publication and notice must be charged
7 to the delinquent taxpayer. The notice must state:

8 (a) The name of the owner, if known.

9 (b) The description of the property seized, including the
10 location, the make, model and dimensions and the serial number,
11 body number or other identifying number.

12 (c) The fact that the property has been seized and the reason for
13 seizure.

14 (d) The lowest acceptable bid for the sale of the property, which
15 is the total amount of the taxes due on the property and the penalties
16 and costs as provided by law.

17 (e) The time and place at which the property is to be sold.

18 ➡ After the expiration of 5 days from the date of the second
19 publication of the notice, the property must be sold at public auction
20 in the manner provided in subsection 2 for the sale of other personal
21 property by the county assessor.

22 4. Upon payment of the purchase money, the county assessor
23 shall deliver to the purchaser of the property sold, with a certificate
24 of the sale, a statement of the amount of taxes or assessment and the
25 expenses thereon for which the property was sold, whereupon the
26 title of the property so sold vests absolutely in the purchaser.

27 5. After a mobile or manufactured home, an aircraft, or the
28 personal property of a business is sold and the county assessor has
29 paid all the taxes and costs on the property, the county assessor shall
30 deposit into the general fund of the county the first \$300 of the
31 excess proceeds from the sale. The county assessor shall deposit any
32 remaining amount of the excess proceeds from the sale into an
33 interest-bearing account maintained for the purpose of holding
34 excess proceeds separate from other money of the county. If no
35 claim is made for the money within 6 months after the sale of the
36 property for which the claim is made, the county assessor shall pay
37 the money into the general fund of the county. All interest paid on
38 money deposited in the account pursuant to this subsection is the
39 property of the county.

40 6. If the former owner of a mobile or manufactured home,
41 aircraft, or personal property of a business that was sold pursuant to
42 this section makes a claim in writing for the balance of the proceeds
43 of the sale within 6 months after the completion of the sale, the
44 county assessor shall pay the balance of the proceeds of the sale or



the proper portion of the balance over to the former owner if the county assessor is satisfied that the former owner is entitled to it.

Sec. 24. NRS 361.5607 is hereby amended to read as follows:

361.5607 1. The ~~county treasurer~~ *tax receiver* may petition the board of county commissioners to designate as uncollectible those taxes on personal property:

(a) Which have been delinquent for ~~5~~ *3* years or more;

(b) Whose amount, including penalties and costs, is \$25 or less; and

(c) For whose collection all appropriate procedures have been followed and have proved unsuccessful.

➤ The board may grant or deny the petition with respect to any or all of those taxes.

2. No future liability attaches to the county assessor or the county treasurer for any taxes designated as uncollectible by the board of county commissioners under this section.

Sec. 25. NRS 361.768 is hereby amended to read as follows:

361.768 1. If an overassessment of ~~real or personal~~ :

(a) *Real* property appears upon the *current* secured *or unsecured* tax roll of any county , *or upon the secured or unsecured tax roll of the county for the immediately preceding 3 years*, because of a factual error concerning its existence, size, quantity, age, use or zoning , or legal or physical restrictions on its use ~~[within 3 years after the end of the fiscal year for which the assessment was made.]~~ , *or because of a clerical, typographical or mathematical error; or*

(b) *Personal property* appears upon the *current* secured *or unsecured* tax roll, *or upon the secured or unsecured tax roll of the county for the immediately preceding 3 years*, because of a *clerical, typographical or mathematical error*,

➤ the county assessor shall make a report thereof to the board of county commissioners of the county.

2. The board of county commissioners shall examine the error so reported, together with any evidence presented and, if satisfied that ~~[the error is factual.]~~ *a correction is warranted pursuant to subsection 1*, shall:

(a) By an order entered in the minutes of the board, direct the county treasurer *or the county assessor* to correct the error; and

(b) Deliver a copy of the order to the county treasurer, who shall make the necessary adjustments to the tax bill and correct the secured tax roll ~~[]~~ *in conformity with the order of the board*. The adjustment may be a full refund or a credit against taxes due which may be allocated over a period no longer than 3 years.

3. Partial or complete destruction of a real property improvement or of personal property may be adjusted pro rata if the



1 destruction occurred on or after the lien date and the property was
2 rendered unusable or uninhabitable for a period of not less than 90
3 consecutive days. The adjustments may be made in the form of a
4 credit on taxes due or a refund if taxes have been paid for the period.
5 The county assessor shall notify the county treasurer of each
6 adjustment. The county assessor shall report recommended
7 adjustments to the board of county commissioners no later than
8 June 30 of each fiscal year.

9 **Sec. 26.** NRS 361.769 is hereby amended to read as follows:

10 361.769 1. The county assessor of any county in which *an*
11 *item of real or personal* property is located which is not on the
12 secured *or unsecured* roll ~~[shall]~~ *because the item of property was*
13 *not assessed or was underassessed for the current tax year or was*
14 *not assessed or was underassessed for the immediately preceding 3*
15 *years, as a result of a factual error concerning its existence, size,*
16 *quantity, age, use or zoning, or legal or physical restrictions on its*
17 *use, or as a result of a clerical, typographical or mathematical*
18 *error, may* assess the property and petition the appropriate board of
19 equalization to place the property on the secured roll for the ~~[next]~~
20 tax year ~~[:]~~ *for which the property was not assessed or was*
21 *underassessed.* The taxes for ~~[the current]~~ *that* year and ~~[any prior~~
22 ~~year]~~ *for the immediately preceding 3 years* must be calculated and
23 collected in the same manner as if the property had been assessed in
24 those years and placed on the secured *or unsecured* roll.

25 2. ~~[The assessment may be made at any time within 3 years~~
26 ~~after the end of the fiscal year in which the taxes would have been~~
27 ~~due.~~

28 ~~—3.]~~ The petition must be made to the ~~[:~~

29 ~~—(a) County board of equalization if the assessment is made on or~~
30 ~~after July 1 but before February 1; or~~

31 ~~—(b) State board of equalization if the assessment is made on or~~
32 ~~after February 1, but before July 1.~~

33 ~~—4.] appropriate board of equalization. If that board is not~~
34 ~~convening, the petition may be made to the board of county~~
35 ~~commissioners of the county in which the property is located.~~

36 3. The county assessor shall give notice of the assessment by
37 certified letter to the owner of the property on or before the date on
38 which the petition is filed pursuant to subsection 1. The notice must
39 include:

40 (a) A description of the property;

41 (b) The years for which the taxes were not paid ~~[:]~~ *or were*
42 *underpaid;*

43 (c) The assessed valuation of the property for each of the years
44 stated in paragraph (b); and



(d) A statement informing the property owner of his right to appeal the assessed valuation at a hearing of the appropriate board of equalization.

Sec. 27. NRS 361.790 is hereby amended to read as follows:

361.790 1. Whenever a person has acquired a legal, equitable, security or vendee's interest in a parcel of real property, which is a part of a larger parcel upon which there are delinquent taxes, and the person offers to tender to the county treasurer, in the county where the real estate is assessed, his prorated share of the tax on the larger parcel, covering the parcel in which he has acquired an interest, then the county treasurer shall make a report of the offer to the board of county commissioners of the county.

2. The board of county commissioners shall then examine the report of the county treasurer, and request a report from the county assessor as to the relative values of each parcel together with such other evidence as may be presented in connection therewith. If, after reviewing the report and evidence, the board of county commissioners is satisfied that the person offering to tender payment of the taxes due has a legal or beneficial interest in the smaller parcel only, it shall:

(a) Determine what proportion of the assessment and tax on the entire parcel affected are attributable to the smaller parcel.

(b) Enter an order in the minutes of the board, directing:

(1) Each officer who has custody of the tax or assessment roll for the year for which the offer to tender has been made and for each subsequent year to divide and prorate the assessment and tax accordingly.

(2) The county treasurer to accept the prorated tax when tendered and apply it to the proper parcel. If the smaller parcel has, at any time prior thereto, been conveyed to the county treasurer pursuant to NRS 361.585, the board shall enter a further order directing the county treasurer to issue and deliver a deed conveying the property to the person who has tendered the tax upon payment to the county treasurer of the cost, penalties and interest chargeable against the prorated tax for each fiscal period for which the tax remains unpaid, until the time of conveyance.

(3) The county assessor to assess each parcel separately thereafter.

(c) Direct the clerk of the board to mail a copy of the order to the person offering to tender payment.

3. If the board of county commissioners issues the orders pursuant to subsection 2, the county treasurer shall issue a receipt to the person when he tenders payment of taxes. The receipt is conclusive evidence for the payment of all taxes assessed against the particular parcel for which the payment of tax is tendered, and is a



1 complete defense to any action for taxes due on the parcel which
2 may be brought for the period covered by the receipt.

3 4. Each county assessor receiving a request for a report as
4 provided for in subsection 2 shall submit the report to the board of
5 county commissioners within 30 days after receipt of the request.

6 ~~[5. The provisions of this section apply to delinquencies which~~
7 ~~occurred either before, on or after April 20, 1967.]~~

8 **Sec. 28.** NRS 361A.286 is hereby amended to read as follows:

9 361A.286 1. The deferred tax and penalty assessed pursuant
10 to NRS 361A.280 and 361A.283 are a perpetual lien until paid as
11 provided in NRS 361.450. If the property continues to be used
12 exclusively for agricultural use or approved open-space use for 7
13 fiscal years after the date of attachment, the lien for that earliest year
14 expires. The lien is for an undetermined amount until the property is
15 converted and the amount is determined pursuant to NRS 361A.280.
16 Any liens calculated and recorded before July 1, 1989, for property
17 that had not been converted shall be deemed to have expired on that
18 date.

19 2. If agricultural or open-space real property receiving
20 agricultural or open-space use assessment is sold or transferred to an
21 ownership making it exempt from taxation ad valorem, any such
22 liens for deferred taxes must be ~~cancelled, except for such liens on~~
23 ~~property acquired by the Nature Conservancy, American Land~~
24 ~~Conservancy or Nevada Land Conservancy.]~~ *paid in full before the*
25 *transfer of ownership if the property is converted to another use.*

26 3. The provisions of this section do not apply to any portion of
27 agricultural or open-space real property if the deferred tax and any
28 penalty have been paid pursuant to NRS 361A.265.

29 4. Each year, the county assessor must record a list of parcel
30 numbers and owner's names for all parcels on which a lien exists
31 pursuant to subsection 1.

32 **Sec. 29.** NRS 362.170 is hereby amended to read as follows:

33 362.170 1. There is hereby appropriated to each county the
34 total of the amounts obtained by multiplying, for each extractive
35 operation situated within the county, the net proceeds of that
36 operation and any royalties paid by that operation, by the combined
37 rate of tax ad valorem, excluding any rate levied by the State of
38 Nevada, for property at that site, plus a pro rata share of any
39 penalties and interest collected by the Department for the late
40 payment of taxes distributed to the county. The Department shall
41 report to the State Controller on or before May 25 of each year the
42 amount appropriated to each county, as calculated for each
43 operation from the final statement made in February of that year for
44 the preceding calendar year. The State Controller shall distribute all
45 money due to a county on or before May 30 of each year.



2. The county treasurer shall apportion to each local government or other local entity an amount calculated by:

(a) Determining the total of the amounts obtained by multiplying, for each extractive operation situated within its jurisdiction, the net proceeds of that operation and any royalty payments paid by that operation, by the rate levied on behalf of that local government or other local entity;

(b) Adding to the amount determined pursuant to paragraph (a) a pro rata share of any penalties and interest collected by the department for the late payment of taxes distributed to that local government or local entity; and

(c) Subtracting from the amount determined pursuant to paragraph (b) a commission of ~~5~~ *3 percent* of that amount, *of which 3 percent must be deposited in the county general fund and 2 percent must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.*

3. The amounts apportioned pursuant to subsection 2, including, without limitation, the amount retained by the county and excluding the percentage commission, must be applied to the uses for which each levy was authorized in the same proportion as the rate of each levy bears to the total rate.

4. The Department shall report to the State Controller on or before May 25 of each year the amount received as tax upon the net proceeds of geothermal resources which equals the product of those net proceeds multiplied by the rate of tax levied ad valorem by the State of Nevada.

Sec. 30. NRS 111.109 is hereby amended to read as follows:

111.109 1. The owner of an interest in real property may create a deed that conveys his interest in real property to a grantee which becomes effective upon the death of the owner. Such a conveyance is subject to liens on the property in existence on the date of the death of the owner.

2. The owner of an interest in real property who creates a deed pursuant to subsection 1 may designate in the deed:

(a) Multiple grantees who will take title to the property upon his death as joint tenants with right of survivorship, tenants in common, husband and wife as community property, community property with right of survivorship or any other tenancy that is recognized in this State.

(b) A successor in interest to the grantee. If a successor in interest is designated, the deed must include a provision stating the condition precedent for the interest of the successor to vest.

3. If the owner of the real property which is the subject of a deed created pursuant to subsection 1 holds the interest in the



1 property as a joint tenant with right of survivorship or as community
2 property with the right of survivorship and:

3 (a) The deed includes a conveyance of the interest from each of
4 the other owners, the deed becomes effective on the date of the
5 death of the last surviving owner; or

6 (b) The deed does not include a conveyance of the interest from
7 each of the other owners, the deed becomes effective on the date of
8 the death of the owner who created the deed only if the owner who
9 conveyed his interest in real property to the grantee is the last
10 surviving owner.

11 4. If an owner of an interest in real property who creates a deed
12 pursuant to subsection 1 transfers his interest in the real property to
13 another person during his lifetime, the deed created pursuant to
14 subsection 1 is void.

15 5. *To effectuate a deed created pursuant to subsection 1, a*
16 *grantee must record in the office of the county recorder of the*
17 *county in which the real property is located an affidavit of death*
18 *for the owner or owners of the real property and a certified copy of*
19 *the death certificate of the owner or owners. The affidavit of death*
20 *must include:*

21 (a) *The recorded book and instrument of the deed; and*

22 (b) *The assessor's parcel number of the real property.*

23 6. The provisions of this section must not be construed to limit
24 the recovery of benefits paid for Medicaid.

25 **Sec. 31.** NRS 116.093 is hereby amended to read as follows:

26 116.093 "Unit" means a physical portion of the common-
27 interest community designated for separate ownership or occupancy,
28 the boundaries of which are described pursuant to *subparagraph (1)*
29 *of* paragraph (e) of subsection 1 of NRS 116.2105. If a unit in a
30 cooperative is owned by the unit's owner or is sold, conveyed,
31 voluntarily or involuntarily encumbered, or otherwise transferred by
32 the unit's owner, the interest in that unit which is owned, sold,
33 conveyed, encumbered or otherwise transferred is the right to
34 possession of that unit under a proprietary lease, coupled with the
35 allocated interests of that unit, and the association's interest in that
36 unit is not thereby affected.

37 **Sec. 32.** NRS 116.2105 is hereby amended to read as follows:

38 116.2105 1. The declaration must contain:

39 (a) The names of the common-interest community and the
40 association and a statement that the common-interest community is
41 either a condominium, cooperative or planned community;

42 (b) The name of every county in which any part of the common-
43 interest community is situated;

44 (c) A sufficient description of the real estate included in the
45 common-interest community;



(d) A statement of the maximum number of units that the declarant reserves the right to create;

(e) In a condominium or planned community, a description of ~~the~~:

(1) *The* boundaries of each unit created by the declaration, including the unit's identifying number or, in a cooperative, a description, which may be by plats or plans, of each unit created by the declaration, including the unit's identifying number, its size or number of rooms, and its location within a building if it is within a building containing more than one unit; *and*

(2) *Any garage units, parking spaces or storage units that may be conveyed separately from the units for the purpose of assessing taxes that includes, without limitation, identifying numbers for and the square footage of those units and spaces;*

(f) A description of any limited common elements, other than those specified in subsections 2 and 4 of NRS 116.2102, as provided in paragraph (g) of subsection 2 of NRS 116.2109 and, in a planned community, any real estate that is or must become common elements;

(g) A description of any real estate, except real estate subject to developmental rights, that may be allocated subsequently as limited common elements, other than limited common elements specified in subsections 2 and 4 of NRS 116.2102, together with a statement that they may be so allocated;

(h) A description of any developmental rights and other special declarant's rights reserved by the declarant, together with a legally sufficient description of the real estate to which each of those rights applies, and a time within which each of those rights must be exercised;

(i) If any developmental right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with:

(1) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each developmental right or a statement that no assurances are made in those regards; and

(2) A statement whether, if any developmental right is exercised in any portion of the real estate subject to that developmental right, that developmental right must be exercised in all or in any other portion of the remainder of that real estate;

(j) Any other conditions or limitations under which the rights described in paragraph (h) may be exercised or will lapse;

(k) An allocation to each unit of the allocated interests in the manner described in NRS 116.2107;



(l) Any restrictions:

(1) On use, occupancy and alienation of the units; and

(2) On the amount for which a unit may be sold or on the amount that may be received by a unit's owner on sale, condemnation or casualty to the unit or to the common-interest community, or on termination of the common-interest community;

(m) The file number and book or other information to show where easements and licenses are recorded appurtenant to or included in the common-interest community or to which any portion of the common-interest community is or may become subject by virtue of a reservation in the declaration; and

(n) All matters required by NRS 116.2106 to 116.2109, inclusive, 116.2115 and 116.2116 and 116.31032.

2. The declaration may contain any other matters the declarant considers appropriate.

Sec. 33. NRS 250.085 is hereby amended to read as follows:

250.085 1. The board of county commissioners of each county shall by ordinance create in the county general fund an account to be designated as the Account for the Acquisition and Improvement of Technology in the Office of the County Assessor.

2. The money in the Account must be accounted for separately and not as a part of any other account.

3. The money in the Account must be used to acquire technology for or improve the technology used in the office of the county assessor, including, without limitation, the payment of costs associated with acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology. At the discretion of the county assessor, the money may be used by other county offices that do business with the county assessor.

4. *On or before July 1 of each year, the county assessor shall submit to the board of county commissioners a report of the projected expenditures of the money in the account for the following fiscal year. Any money remaining in the account at the end of a fiscal year that has not been committed for expenditure reverts to the county general fund.*

Sec. 34. NRS 268.5975 is hereby amended to read as follows:

268.5975 1. A county assessor may request that the governing body of a city realign one or more of the boundary lines between the city and the unincorporated area of the county or between two cities to adjust a boundary that bisects a parcel of land causing the creation of more than one tax parcel from a single legal parcel. Notwithstanding any other provision of law, the governing



body may, by ordinance or other appropriate legal action, with the consent of the board of county commissioners or the governing body of the other city, respectively, adjust the boundary to exclude the portion of the split parcel from the city.

2. Where any territory is detached from a city as provided in this section, provision must be made for such proportion of any outstanding general obligations of the city as the assessed valuation of property in the territory bears to the total assessed valuation of property in the city and for such proportion of any obligations secured by the pledge of revenues from a public improvement as the revenue arising within the territory bears to the total revenue from such improvement as follows:

(a) If the territory is included in another city, the proportionate obligation must be assumed according to its terms by the annexing city;

(b) If the territory is included in the unincorporated area of the county, taxes must be levied by the board of county commissioners upon all taxable property in the district, sufficient to discharge the proportionate share of the debt for the general obligation according to its terms; or

(c) ~~[Where]~~ *Except as otherwise provided in this paragraph, where* substantially all of the physical improvements for which the obligation was incurred are within the territory remaining in the city, with the consent of the governing body of the city from which such territory is detached and of the holders of such obligations, the entire obligation may be assumed by the city from which such territory is detached and the detached territory released therefrom. *The consent of the holders of such obligations is not required if the total assessed value of the territory that is detached from the city on or after July 1, 2003, is not in excess of 0.01 percent of the assessed value of the city at the time the territory is detached.*

Sec. 35. NRS 278.325 is hereby amended to read as follows:

278.325 1. If a subdivision is proposed on land which is zoned for industrial or commercial development, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the requirements of NRS 278.010 to 278.630, inclusive.

2. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.

3. Except as otherwise provided in subsection 4, a boundary or line must not be created by a conveyance of a parcel from an industrial or commercial subdivision unless a professional land surveyor has surveyed the boundary or line and set the monuments.



1 The surveyor shall file a record of the survey pursuant to the
2 requirements set forth in NRS 625.340. *Any conveyance of such a*
3 *parcel must contain a legal description of the parcel that is*
4 *independent of the record of survey.*

5 4. The provisions of subsection 3 do not apply to a boundary
6 or line that is created entirely within an existing industrial or
7 commercial building. A certificate by a professional engineer or
8 registered architect which certifies compliance with the applicable
9 building code must be attached to any document which proposes to
10 subdivide a building.

11 **Sec. 36.** NRS 278.372 is hereby amended to read as follows:

12 278.372 1. The final map must be clearly and legibly drawn
13 in permanent black ink upon good tracing cloth or produced by the
14 use of other materials of a permanent nature generally used for such
15 purpose in the engineering profession. Affidavits, certificates and
16 acknowledgments must be legibly stamped or printed upon the final
17 map with permanent black ink.

18 2. The size of each sheet of the final map must be 24 by 32
19 inches. A marginal line must be drawn completely around each
20 sheet, leaving an entirely blank margin of 1 inch at the top, bottom,
21 and right edges, and of 2 inches at the left edge along the 24-inch
22 dimension.

23 3. The scale of the final map must be large enough to show all
24 details clearly. The final map must have a sufficient number of
25 sheets to accomplish this end.

26 4. Each sheet of the final map must indicate its particular
27 number, the total number of sheets in the final map and its relation
28 to each adjoining sheet.

29 5. The final map must show all surveyed and mathematical
30 information and data necessary to locate all monuments and to
31 locate and retrace all interior and exterior boundary lines appearing
32 thereon, including the bearings and distances of straight lines,
33 central angle, radii and arc length for all curves and such
34 information as may be necessary to determine the location of the
35 centers of curves.

36 6. Each lot must be numbered or lettered.

37 7. Each street must be named and each block may be numbered
38 or lettered.

39 8. The exterior boundary of the land included within the
40 subdivision must be indicated by graphic border.

41 9. The final map must show:

42 (a) The definite location of the subdivision, particularly its
43 relation to surrounding surveys.

44 (b) The area of each lot and the total area of the land in the
45 subdivision in the following manner:



(1) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

(2) In square feet if the area is less than 2 acres.

(c) Any roads or easements of access which the owner intends to offer for dedication.

(d) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide gas, electric and telecommunications services and for any community antenna television companies that have a franchise to operate a community antenna television system in that area.

(e) Except as otherwise provided in NRS 278.329, an easement for public utilities that provide water and sewer services.

10. *The final map for a condominium must also indicate, for the purpose of assessing taxes, whether any garage units, parking spaces or storage units may be conveyed separately from the units within the condominium or are parceled separately from those units. As used in this subsection, "condominium" has the meaning ascribed to it in NRS 116.027.*

11. The final map must also satisfy any additional survey and map requirements, including the delineation of Nevada state plane coordinates established pursuant to chapter 327 of NRS, for any corner of the subdivision or any other point prescribed by the local ordinance.

Sec. 37. NRS 427A.540 is hereby amended to read as follows:

427A.540 No claim may be accepted by the Division if the:

1. Claimant or spouse of the claimant owns real property, other than that claimed as a home, which has an assessed value of more than \$30,000;

2. Home of the claimant has an assessed value of more than ~~[\$87,500;]~~ **\$200,000;** or

3. Liquid assets of the claimant are more than \$150,000.

Sec. 38. NRS 502.075 is hereby amended to read as follows:

502.075 The Department shall issue to a blind person, as defined in subsection ~~5~~ **6** of NRS 361.085, a hunting license which:

1. Authorizes a person selected by the blind person to hunt on his behalf if:

(a) The person selected is a resident of the State of Nevada and possesses a valid Nevada hunting license; and

(b) The blind person is in the company of or in the immediate area of the person selected.

2. Is issued pursuant and subject to regulations prescribed by the Commission.

3. Contains the word "Blind" printed on the face of the license.



- 1 **Sec. 39.** The amendatory provisions of section 37 of this act
2 apply to claims for assistance filed pursuant to NRS 427A.450 to
3 427A.600, inclusive, on or after January 1, 2006.
4 **Sec. 40.** NRS 361.123, 361.255, 361.520, 361.765 and
5 361.775 are hereby repealed.
6 **Sec. 41.** This act becomes effective on July 1, 2005.

LEADLINES OF REPEALED SECTIONS

361.123 Exemption of property of Nevada Heritage Association, Inc.

361.255 County commissioners to provide county assessor books for assessment roll.

361.520 Return of unused tax receipts and used stubs.

361.765 Correction of clerical and typographical errors on tax rolls.

361.775 Procedure for validating sales of real property before March 24, 1941.



