

Amendment No. 312

Assembly Amendment to Assembly Bill No. 245 (BDR 32-348)

Proposed by: Assembly Committee on Taxation

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SJC/BJE



Date: 4/23/2011

A.B. No. 245—Revises provisions governing eligibility for certain tax exemptions.
(BDR 32-348)



ASSEMBLY BILL NO. 245—ASSEMBLYMEN STEWART; ELLISON, GOICOECHEA, GRADY,
HAMMOND, HARDY, HICKEY, KIRNER, KITE, LIVERMORE, MCARTHUR AND
SHERWOOD

MARCH 9, 2011

JOINT SPONSORS: SENATORS HARDY, GUSTAVSON;
LEE AND SETTELMAYER

Referred to Committee on Taxation

SUMMARY—Revises provisions governing eligibility for certain tax exemptions.
(BDR 32-348)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to taxation; authorizing a veteran to transfer to his or her spouse
the exemption from the governmental services tax to which the veteran
would otherwise be entitled; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

Under existing law, a veteran is entitled, with respect to the registration of a vehicle and to the extent of \$2,000 determined valuation, to an exemption from the governmental services tax that would otherwise be due and payable on the vehicle. (NRS 371.103) **If a veteran has incurred a permanent service-connected disability, existing law authorizes such an exemption in the amount of \$20,000 for a veteran with a total disability, \$15,000 for a veteran with a disability of 80 to 99 percent and \$10,000 for a veteran with a disability of 60 to 79 percent. (NRS 371.104)** This bill allows such a person, by filing an affidavit with the Department of Motor Vehicles, to transfer ~~that~~ the tax exemption to his or her spouse. If such a transfer is made: (1) the spouse is entitled to the exemption in the same manner as the veteran would have been entitled to the exemption; (2) the transferred exemption may not be claimed by the veteran while the transfer is in force; (3) the veteran may, by affidavit, revoke the transfer of the exemption; and (4) the transferred exemption terminates upon the earlier of **the termination of the marriage,** the veteran's death or the revocation of the transfer.

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

Section 1. NRS 371.103 is hereby amended to read as follows:
371.103 1. Vehicles, to the extent of \$2,000 determined valuation,
registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

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

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

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

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

2. *In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before the county assessor or a notary public. If a veteran makes such a transfer:*

(a) *The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;*

(b) *The veteran is not entitled to the exemption for the duration of the transfer;*

(c) *The transfer expires upon the earlier of:*

(1) *The termination of the marriage;*

(2) *The death of the veteran; or*

~~[(2)]~~ (3) *The revocation of the transfer by the veteran as described in paragraph (d); and*

(d) *The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before the county assessor or a notary public.*

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

~~[3.—A]~~

4. *Except as otherwise provided in subsection 5, a person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or 2, as applicable, and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit ~~[of exemption and after the transfer of the exemption, if any, pursuant to subsection 2,~~ 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 *who claimed the exemption* each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

~~4-1~~ 5. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

~~5-1~~ 6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department shall require proof of status of the veteran ~~or, if a transfer has been made pursuant to subsection 2, proof of status of the veteran to whom the person claiming the exemption is married,~~ and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

~~6-1~~ 7. If any person files a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, the person is guilty of a gross misdemeanor.

~~7-1~~ 8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and ~~2~~ 3 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 2. NRS 371.104 is hereby amended to read as follows:

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

(a) If he or she has a disability of 100 percent, the first \$20,000 of determined valuation.

(b) If he or she has a disability of 80 to 99 percent, inclusive, the first \$15,000 of determined valuation.

(c) If he or she has a disability of 60 to 79 percent, inclusive, the first \$10,000 of determined valuation.

2. In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before the county assessor or a notary public. If a veteran makes such a transfer:

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

(3) The revocation of the transfer by the veteran as described in paragraph (d); and

1 (d) The veteran may, at any time, revoke the transfer of the exemption by
2 filing with the Department in the county where the exemption is claimed an
3 affidavit made before the county assessor or a notary public.

4 3. For the purpose of this section, the first \$20,000 of determined valuation of
5 vehicles in which ~~an applicant~~ a person described in subsection 1 or 2 has any
6 interest shall be deemed to belong entirely to that person.

7 ~~3.4~~ 4. A person claiming the exemption shall file annually with the
8 Department in the county where the exemption is claimed an affidavit declaring
9 that he or she is a bona fide resident of the State of Nevada who meets all the other
10 requirements of subsection 1 or 2, as applicable, and that the exemption is claimed
11 in no other county within this State. After the filing of the original affidavit ~~of~~ of
12 exemption and after the transfer of the exemption, if any, pursuant to subsection
13 2, the county assessor shall mail a form for:

14 (a) The renewal of the exemption; and

15 (b) The designation of any amount to be credited to the Gift Account for
16 Veterans' Homes established pursuant to NRS 417.145,

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

20 ~~4.4~~ 5. Before allowing any exemption pursuant to the provisions of this
21 section, the Department shall require proof of the ~~applicant's~~ veteran's status, and
22 for that purpose shall require production of:

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

26 (b) Any one of the following:

27 (1) An honorable discharge;

28 (2) A certificate of satisfactory service; or

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

30 ~~5.4~~ 6. A surviving spouse claiming an exemption pursuant to this section
31 must file with the Department in the county where the exemption is claimed an
32 affidavit declaring that:

33 (a) The surviving spouse was married to and living with the veteran with a
34 disability for the 5 years preceding his or her death;

35 (b) The veteran with a disability was eligible for the exemption at the time of
36 his or her death ~~or~~ or, if not for a transfer of the exemption pursuant to
37 subsection 2, would have been eligible for the exemption at the time of his or her
38 death; and

39 (c) The surviving spouse has not remarried.

40 ~~6~~ The affidavit required by this subsection is in addition to the certification
41 required pursuant to subsections ~~3 and 4~~ 4 and 5. After the filing of the original
42 affidavit required by this subsection, the county assessor shall mail a form for
43 renewal of the exemption to the person each year following a year in which the
44 exemption was allowed for that person. The form must be designed to facilitate its
45 return by mail by the person claiming the exemption.

46 ~~6.4~~ 7. If a tax exemption is allowed under this section, the ~~claimant is~~
47 veteran and his or her current spouse are not entitled to an exemption under
48 NRS 371.103.

49 ~~7.4~~ 8. If any person makes a false affidavit or produces false proof to the
50 Department, and as a result of the false affidavit or false proof the person is allowed
51 a tax exemption to which he or she is not entitled, the person is guilty of a gross
52 misdemeanor.

~~{8-}~~ 2. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and ~~{2-}~~ 3 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

~~{Sec. 2-}~~ **Sec. 3.** This act becomes effective on July 1, 2011.