

## Amendment No. 45

Senate Amendment to Senate Bill No. 32 (BDR 32-433)

**Proposed by:** Senate Committee on Revenue**Amends:** Summary: Yes Title: Yes 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: 3/10/2011

S.B. No. 32—Makes various changes relating to the meetings of the State Board of Equalization. (BDR 32-433)



## SENATE BILL NO. 32—COMMITTEE ON REVENUE

(ON BEHALF OF THE DEPARTMENT OF TAXATION)

PREFILED DECEMBER 14, 2010

Referred to Committee on Revenue

SUMMARY—Makes various changes relating to ~~the meetings of the State Board of Equalization.~~ equalization of property valuations.  
(BDR 32-433)

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 the ~~[State Board of Equalization.]~~ equalization of property valuations; extending under certain circumstances the deadline for appeals to county boards of equalization; extending certain deadlines for the State Board of Equalization to conclude the business of equalization; requiring the State Board to post a schedule of certain meetings on the Internet website of the Department of Taxation; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

A taxpayer who desires to appeal the valuation of his or her property to a county board of equalization must file the appeal on or before January 15. (NRS 361.340) Section 1 of this bill extends that deadline to the next business day if January 15 falls on a Saturday, Sunday or legal holiday.

The State Board of Equalization hears appeals from the actions of the county boards of equalization and is required to equalize property valuations in the State by reviewing the tax rolls of the various counties and raising or lowering assessed property values, if appropriate, to ensure a uniform and equal rate of assessment and taxation in this State. (NRS 361.395, 361.400) Existing law requires the State Board to conclude the business of equalization on or before April 15 on cases that in its opinion have a substantial effect on tax revenues, while cases having a less substantive effect on tax revenues may be heard at additional meetings before October 1. (NRS 361.380) ~~[This]~~ Section 3 of this bill instead requires that if a proposed equalization affects ~~more than one~~ local governmental ~~entity~~ entities in more than one county and is likely to have a substantial effect on tax revenues, the State Board must notify each affected local governmental entity of the proposed equalization on or before April 30. In addition, sections 2 and 3 of this bill ~~extend~~ extend the deadline for cases which have a less substantive effect, or those arising from decisions made in individual cases, to November 1. ~~[This bill]~~ Section 3 also requires the State Board to post a schedule of its meetings concerning such equalization on the Department of Taxation's Internet website and removes the requirement that the State Board publish notice of meetings to be held in locations other than Carson City in a newspaper in the county where the meetings are to be held.

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

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**Section 1. NRS 361.340 is hereby amended to read as follows:**

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

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

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

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

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

4. The chair of the board of county commissioners shall nominate persons to serve on the county board of equalization who are sufficiently experienced in business generally to be able to bring knowledge and sound judgment to the deliberations of the board or who are elected public officers. The nominees must be appointed upon a majority vote of the board of county commissioners. The chair of the board of county commissioners shall designate one of the appointees to serve as chair of the county board of equalization.

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

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

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

8. The members of the county board of equalization are entitled to receive per diem allowance and travel expenses as provided for state officers and employees. The board of county commissioners of any county may by resolution provide for compensation to members of the board of equalization in its county who are not elected public officers as it deems adequate for time actually spent on the work of the board of equalization. In no event may the rate of compensation established by a board of county commissioners exceed \$125 per day.

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

10. A county board of equalization shall comply with any applicable regulation adopted by the Nevada Tax Commission.

11. The county board of equalization of each county shall hold such number of meetings as may be necessary to care for the business of equalization presented to it. Every appeal to the county board of equalization must be filed not later than January 15. **If January 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.** Each county board shall cause to be published, in a newspaper of general circulation published in that county, a schedule of dates, times and places of the board meetings at least 5 days before the

1 first meeting. The county board of equalization shall conclude the business of  
2 equalization on or before the last day of February of each year except as to matters  
3 remanded by the State Board of Equalization. The State Board of Equalization may  
4 establish procedures for the county boards, including setting the period for hearing  
5 appeals and for setting aside time to allow the county board to review and make  
6 final determinations. The district attorney or his or her deputy shall be present at all  
7 meetings of the county board of equalization to explain the law and the board's  
8 authority.

9 12. The county assessor or his or her deputy shall attend all meetings of each  
10 panel of the county board of equalization.

11 ~~Section 1.1~~ **Sec. 2.** NRS 361.360 is hereby amended to read as follows:

12 361.360 1. Any taxpayer aggrieved at the action of the county board of  
13 equalization in equalizing, or failing to equalize, the value of his or her property, or  
14 property of others, or a county assessor, may file an appeal with the State Board of  
15 Equalization on or before March 10 and present to the State Board of Equalization  
16 the matters complained of at one of its sessions. If March 10 falls on a Saturday,  
17 Sunday or legal holiday, the appeal may be filed on the next business day.

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

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

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

35 (a) The appeal involves an assessment on property which the taxpayer has  
36 refused or, without good cause, has neglected to include in the list required of the  
37 taxpayer pursuant to NRS 361.265 or if the taxpayer has refused or, without good  
38 cause, has neglected to provide the list to the county assessor; or

39 (b) The taxpayer has, without good cause, refused entry to the assessor for the  
40 purpose of conducting the physical examination authorized by NRS 361.260.

41 5. Any change made in an assessment appealed to the State Board of  
42 Equalization is effective only for the fiscal year for which the assessment was  
43 made. The county assessor shall review each such change and maintain or remove  
44 the change as circumstances warrant for the next fiscal year.

45 6. If the State Board of Equalization determines that the record of a case on  
46 appeal from the county board of equalization is inadequate because of an act or  
47 omission of the county assessor, the district attorney or the county board of  
48 equalization, the State Board of Equalization may remand the case to the county  
49 board of equalization with directions to develop an adequate record within 30 days  
50 after the remand. The directions must indicate specifically the inadequacies to be  
51 remedied. If the State Board of Equalization determines that the record returned  
52 from the county board of equalization after remand is still inadequate, the State  
53 Board of Equalization may hold a hearing anew on the appellant's complaint or it

may, if necessary, contract with an appropriate person to hear the matter, develop an adequate record in the case and submit recommendations to the State Board. The cost of the contract and all costs, including attorney's fees, to the State or the appellant necessary to remedy the inadequate record on appeal are a charge against the county.

~~[Sec. 2.]~~ **Sec. 3.** NRS 361.380 is hereby amended to read as follows:

361.380 1. Except as otherwise provided in subsection 3, annually, the State Board of Equalization shall convene on the fourth Monday in March in Carson City, Nevada, and shall hold such number of meetings as may be necessary to care for the business of equalization presented to it. ~~[The]~~ *If a proposed equalization affects ~~more than one~~ local governmental entity entities in more than one county and the equalization, in the opinion of the State Board of Equalization, is likely to have a substantial effect on tax revenues, the* State Board of Equalization shall ~~[conclude the business]~~ *notify each affected local governmental entity of the proposed* equalization on ~~[cases that in its opinion have a substantial effect on tax revenues on]~~ or before April ~~[15. Cases having less than a substantial effect on tax revenues]~~ *30. [This requirement does not apply to a decision of the State Board of Equalization in cases that require equalization of similarly situated property.]* Cases may be heard at additional meetings which may be held at any time and place in the state before ~~[October]~~ *November* 1.

2. The publication in the statutes of the foregoing time, place and purpose of each regular session of the State Board of Equalization is notice of such sessions, or if it so elects, the State Board of Equalization may cause published notices of such regular sessions to be made in the press, or may notify parties in interest by letter or otherwise.

3. The State Board of Equalization may designate some place other than Carson City, Nevada, for any of the meetings specified in subsection 1. ~~[If such other place is so designated, notice thereof must be given by publication of a notice once a week for 2 consecutive weeks in some newspaper of general circulation in the county in which such meeting or meetings are to be held.]~~ *In addition to any other notice required by law, the State Board of Equalization must post a schedule of each such meeting on the Internet website maintained by the Department.*

~~[Sec. 3.]~~ **Sec. 4.** NRS 361.405 is hereby amended to read as follows:

361.405 1. The Secretary of the State Board of Equalization forthwith shall certify any change made by the Board in the assessed valuation of any property in whole or in part to the county auditor of the county where the property is assessed, and whenever the valuation of any property is raised, the Secretary of the State Board of Equalization shall forward by certified mail to the property owner or owners affected, notice of the increased valuation.

2. As soon as changes resulting from cases having a substantial effect on tax revenues have been certified to the county auditor by the Secretary of the State Board of Equalization, the county auditor shall:

(a) Enter all such changes and the value of any construction work in progress and net proceeds of minerals which were certified to him or her by the Department, on the assessment roll before the delivery thereof to the tax receiver.

(b) Add up the valuations and enter the total valuation of each kind of property and the total valuation of all property on the assessment roll.

(c) Certify the results to the board of county commissioners and the Department. ~~[on or before April 15 of each year.]~~

3. The board of county commissioners shall not levy a tax on the net proceeds of minerals added to the assessed valuation pursuant to paragraph (a) of subsection 2, but, except as otherwise provided by specific statute, the net proceeds of minerals

1 must be included in the assessed valuation of the taxable property of the county and  
2 all local governments in the county for the determination of the rate of tax and all  
3 other purposes for which assessed valuation is used.

4 4. As soon as changes resulting from cases having less than a substantial  
5 effect on tax revenue have been certified to the county tax receiver by the Secretary  
6 of the State Board of Equalization, the county tax receiver shall adjust the  
7 assessment roll or the tax statement or make a tax refund, as directed by the State  
8 Board of Equalization.

9 ~~Sec. 4.~~ **Sec. 5.** This act becomes effective upon passage and approval.