

Amendment No. 903

Senate Amendment to Senate Bill No. 308

(BDR 32-644)

Proposed by: Senate Committee on Finance

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.

JRS/WLK



Date: 5/28/2013

S.B. No. 308—Revises provisions governing certain tax exemptions for veterans.
(BDR 32-644)



SENATE BILL NO. 308—SENATORS SPEARMAN, HARDY, GUSTAVSON, MANENDO, PARKS; ATKINSON, BROWER, DENIS, FORD, GOICOCHEA, HAMMOND, HUTCHISON, JONES, KIECKHEFER, KIHUEN, ROBERSON, SEGERBLOM, SETTELMAYER AND WOODHOUSE

MARCH 18, 2013

JOINT SPONSORS: ASSEMBLYMEN WHEELER, KIRNER, OHRENSCHALL, HEALEY; PAUL ANDERSON, DIAZ, ELLISON, HOGAN, MUNFORD, PIERCE, SPRINKLE AND SWANK

Referred to Committee on Revenue and
Economic Development

SUMMARY—~~[Revises]~~ **Clarifying** provisions governing certain tax exemptions for veterans. (BDR 32-644)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; ~~[revising]~~ **clarifying** provisions governing eligibility for certain tax exemptions available to certain veterans of the Armed Forces of the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for certain exemptions from property taxes and the governmental services tax for an actual bona fide resident of Nevada who has served ~~to a minimum of 90 continuous days~~ on active duty ~~[during certain specified periods]~~ **in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States** and who: (1) is still serving in the Armed Forces of the United States; or (2) received an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States. (NRS 361.090, 371.103) This bill ~~extends~~ **clarifies** **that** eligibility for these exemptions **extends** to any bona fide resident of Nevada who has served ~~to a minimum of 90 continuous days~~ on active duty ~~[on or after January 1, 2001]~~ **in connection with any such campaign or expedition which began on or after September 11, 2001**, and who: (1) is still serving in the Armed Forces of the United States; or (2) received an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States.

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

Section 1. NRS 361.090 is hereby amended to read as follows:

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

(a) Has served a minimum of 90 continuous 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 ~~or on or after January 1, 2001.~~

(b) 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

(c) 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, including, without limitation, any such campaign or expedition which began on or after September 11, 2001, regardless of the number of days served on active duty,

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

2. For the purpose of this section, the first \$2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

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

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall, except as otherwise provided in this subsection, 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. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military

1 service without having previously made and filed an affidavit of exemption, the
2 affidavit may be filed in his or her behalf during the period of such service by any
3 person having knowledge of the facts.

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

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

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

19 **Sec. 2.** NRS 371.103 is hereby amended to read as follows:

20 371.103 1. Vehicles, to the extent of \$2,000 determined valuation,
21 registered by any actual bona fide resident of the State of Nevada who:

22 (a) Has served a minimum of 90 days on active duty, who was assigned to
23 active duty at some time between April 21, 1898, and June 15, 1903, or between
24 April 6, 1917, and November 11, 1918, or between December 7, 1941, and
25 December 31, 1946, or between June 25, 1950, and May 7, 1975, or between
26 September 26, 1982, and December 1, 1987, or between October 23, 1983, and
27 November 21, 1983, or between December 20, 1989, and January 31, 1990, or
28 between August 2, 1990, and April 11, 1991, or between December 5, 1992, and
29 March 31, 1994, or between November 20, 1995, and December 20, 1996 ~~;~~ or on
30 or after January 1, 2001;

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

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

36 (d) Has served on active duty in connection with a campaign or expedition for
37 service in which a medal has been authorized by the Government of the United
38 States, including, without limitation, any such campaign or expedition which
39 began on or after September 11, 2001, regardless of the number of days served on
40 active duty,

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

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

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

53 (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

(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 a person described in subsection 1 or 2 has any interest shall be deemed to belong to that person.

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, except as otherwise provided in this subsection, 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. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

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.

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.

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.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 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. 3. This act becomes effective on July 1, 2013.