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FIRST REPRINT

S.B. 308

SENATE BILL NO. 308—SENATORS SPEARMAN, HARDY, GUSTAVSON, MANENDO, PARKS; ATKINSON, BROWER, DENIS, FORD, GOICOECHEA, 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—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; 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 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 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 clarifies that eligibility for these exemptions extends to any bona fide resident of Nevada who has served on active duty in connection with any such campaign or expedition which began on or after September 11, 2001, and who: (1) is still serving in the



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12 Armed Forces of the United States; or (2) received an honorable discharge or
13 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:

1 **Section 1.** NRS 361.090 is hereby amended to read as follows:
2 361.090 1. The property, to the extent of \$2,000 assessed
3 valuation, of any actual bona fide resident of the State of Nevada
4 who:

5 (a) Has served a minimum of 90 continuous days on active
6 duty, who was assigned to active duty at some time between
7 April 21, 1898, and June 15, 1903, or between April 6, 1917, and
8 November 11, 1918, or between December 7, 1941, and
9 December 31, 1946, or between June 25, 1950, and May 7, 1975, or
10 between September 26, 1982, and December 1, 1987, or between
11 October 23, 1983, and November 21, 1983, or between
12 December 20, 1989, and January 31, 1990, or between August 2,
13 1990, and April 11, 1991, or between December 5, 1992, and
14 March 31, 1994, or between November 20, 1995, and December 20,
15 1996;

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

19 (c) Has served on active duty in connection with a campaign or
20 expedition for service in which a medal has been authorized by the
21 Government of the United States, *including, without limitation, any*
22 *such campaign or expedition which began on or after*
23 *September 11, 2001*, regardless of the number of days served on
24 active duty,

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

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

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

36 4. The affidavit must be made before the county assessor or a
37 notary public and filed with the county assessor. It must state that
38 the affiant is a bona fide resident of the State of Nevada who meets
39 all the other requirements of subsection 1 and that the exemption is



1 not claimed in any other county in this State. After the filing of the
2 original affidavit, the county assessor shall, except as otherwise
3 provided in this subsection, mail a form for:

4 (a) The renewal of the exemption; and

5 (b) The designation of any amount to be credited to the Gift
6 Account for Veterans Homes established pursuant to NRS 417.145,
7 to the person each year following a year in which the exemption
8 was allowed for that person. The form must be designed to facilitate
9 its return by mail by the person claiming the exemption. If so
10 requested by the person claiming the exemption, the county assessor
11 may provide the form to the person by electronic means in lieu of by
12 mail. The county assessor may authorize the return of the form by
13 electronic means in accordance with the provisions of chapter 719
14 of NRS.

15 5. Persons in actual military service are exempt during the
16 period of such service from filing the annual forms for renewal of
17 the exemption, and the county assessors shall continue to grant the
18 exemption to such persons on the basis of the original affidavits
19 filed. In the case of any person who has entered the military service
20 without having previously made and filed an affidavit of exemption,
21 the affidavit may be filed in his or her behalf during the period of
22 such service by any person having knowledge of the facts.

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

29 7. If any person files a false affidavit or produces false proof to
30 the county assessor or a notary public and, as a result of the false
31 affidavit or false proof, the person is allowed a tax exemption to
32 which the person is not entitled, the person is guilty of a gross
33 misdemeanor.

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

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

43 371.103 1. Vehicles, to the extent of \$2,000 determined
44 valuation, registered by any actual bona fide resident of the State of
45 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, *including, without limitation, any such campaign or expedition which began on or after September 11, 2011*, 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

(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



1 exemption is claimed an affidavit made before the county assessor
2 or a notary public.

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

6 4. Except as otherwise provided in subsection 5, a person
7 claiming the exemption shall file annually with the Department in
8 the county where the exemption is claimed an affidavit declaring
9 that he or she is an actual bona fide resident of the State of Nevada
10 who meets all the other requirements of subsection 1 or 2, as
11 applicable, and that the exemption is claimed in no other county in
12 this State. The affidavit must be made before the county assessor or
13 a notary public. After the filing of the original affidavit of
14 exemption and after the transfer of the exemption, if any, pursuant
15 to subsection 2, the county assessor shall, except as otherwise
16 provided in this subsection, mail a form for:

17 (a) The renewal of the exemption; and

18 (b) The designation of any amount to be credited to the Gift
19 Account for Veterans Homes established pursuant to NRS 417.145,
20 to the person who claimed the exemption each year following a
21 year in which the exemption was allowed for that person. The form
22 must be designed to facilitate its return by mail by the person
23 claiming the exemption. If so requested by the person claiming the
24 exemption, the county assessor may provide the form to the person
25 by electronic means in lieu of by mail.

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

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

42 7. If any person files a false affidavit or produces false proof to
43 the Department, and as a result of the false affidavit or false proof a
44 tax exemption is allowed to a person not entitled to the exemption,
45 the person is guilty of a gross misdemeanor.



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

7 **Sec. 3.** This act becomes effective on July 1, 2013.

