

SENATE BILL NO. 330—SENATORS SETTELMAYER, SPEARMAN,  
GUSTAVSON; ATKINSON, GOICOECHEA AND MANENDO

MARCH 18, 2013

JOINT SPONSORS: ASSEMBLYMEN ELLIOT ANDERSON;  
GRADY, HICKEY AND KIRKPATRICK

Referred to Committee on Revenue and  
Economic Development

SUMMARY—Allows a person who qualifies as both a veteran and the surviving spouse of a veteran to claim both veterans' exemptions from property taxes and governmental services taxes. (BDR 32-690)

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; allowing a person who qualifies as both a veteran and the surviving spouse of a veteran to claim both veterans' exemptions from property taxes and governmental services taxes; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides an exemption from property taxes for a veteran who served on active duty under certain circumstances. (NRS 361.090) Existing law also provides an exemption from property taxes for a veteran with a permanent service-connected disability, or the surviving spouse of such a veteran, and prohibits a person who claims this exemption from obtaining the other property tax exemption otherwise allowable for a veteran. (NRS 361.091) **Section 1** of this bill provides that a person who qualifies as both a veteran and the surviving spouse of a veteran with a permanent service-connected disability may claim both of the veterans' exemptions from property taxes.

Existing law provides similar veterans' exemptions from governmental services taxes and, under certain circumstances, authorizes the veteran to transfer the exemption to his or her current spouse. (NRS 371.103, 371.104) **Section 2** of this bill provides that a person who qualifies as both a veteran and the surviving spouse



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14 of a veteran with a permanent service-connected disability may claim both of these  
15 veterans' exemptions from governmental services taxes.

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

1     **Section 1.** NRS 361.091 is hereby amended to read as follows:  
2     361.091 1. A bona fide resident of the State of Nevada who  
3 has incurred a permanent service-connected disability and has been  
4 honorably discharged from the Armed Forces of the United States,  
5 or his or her surviving spouse, is entitled to an exemption.

6     2. The amount of exemption is based on the total percentage of  
7 permanent service-connected disability. The maximum allowable  
8 exemption for total permanent disability is the first \$20,000 assessed  
9 valuation. A person with a permanent service-connected disability  
10 of:

11     (a) Eighty to 99 percent, inclusive, is entitled to an exemption of  
12 \$15,000 assessed value.

13     (b) Sixty to 79 percent, inclusive, is entitled to an exemption of  
14 \$10,000 assessed value.

15     ➤ For the purposes of this section, any property in which an  
16 applicant has any interest is deemed to be the property of the  
17 applicant.

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

23     4. The affidavit must be made before the county assessor or a  
24 notary public and be filed with the county assessor. It must state that  
25 the affiant is a bona fide resident of the State of Nevada, that the  
26 affiant meets all the other requirements of subsection 1 and that the  
27 exemption is not claimed in any other county within this State. After  
28 the filing of the original affidavit, the county assessor shall, except  
29 as otherwise provided in this subsection, mail a form for:

30     (a) The renewal of the exemption; and

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

33     ➤ to the person each year following a year in which the exemption  
34 was allowed for that person. The form must be designed to facilitate  
35 its return by mail by the person claiming the exemption. If so  
36 requested by the person claiming the exemption, the county assessor  
37 may provide the form to the person by electronic means in lieu of by  
38 mail. The county assessor may authorize the return of the form by



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1 electronic means in accordance with the provisions of chapter 719  
2 of NRS.

3 5. Before allowing any exemption pursuant to the provisions of  
4 this section, the county assessor shall require proof of the  
5 applicant's status, and for that purpose shall require the applicant to  
6 produce an original or certified copy of:

7 (a) An honorable discharge or other document of honorable  
8 separation from the Armed Forces of the United States which  
9 indicates the total percentage of his or her permanent service-  
10 connected disability;

11 (b) A certificate of satisfactory service which indicates the total  
12 percentage of his or her permanent service-connected disability; or

13 (c) A certificate from the Department of Veterans Affairs or any  
14 other military document which shows that he or she has incurred a  
15 permanent service-connected disability and which indicates the total  
16 percentage of that disability, together with a certificate of honorable  
17 discharge or satisfactory service.

18 6. A surviving spouse claiming an exemption pursuant to this  
19 section must file with the county assessor an affidavit declaring that:

20 (a) The surviving spouse was married to and living with the  
21 veteran who incurred a permanent service-connected disability for  
22 the 5 years preceding his or her death;

23 (b) The veteran was eligible for the exemption at the time of his  
24 or her death or would have been eligible if the veteran had been a  
25 resident of the State of Nevada;

26 (c) The surviving spouse has not remarried; and

27 (d) The surviving spouse is a bona fide resident of the State of  
28 Nevada.

29 ➤ The affidavit required by this subsection is in addition to the  
30 certification required pursuant to subsections 4 and 5. After the  
31 filing of the original affidavit required by this subsection, the county  
32 assessor shall, except as otherwise provided in this subsection, mail  
33 a form for renewal of the exemption to the person each year  
34 following a year in which the exemption was allowed for that  
35 person. The form must be designed to facilitate its return by mail by  
36 the person claiming the exemption. If so requested by the person  
37 claiming the exemption, the county assessor may provide the form  
38 to the person by electronic means in lieu of by mail. The county  
39 assessor may authorize the return of the form by electronic means in  
40 accordance with the provisions of chapter 719 of NRS.

41 7. If a veteran or the surviving spouse of a veteran submits, as  
42 proof of disability, documentation that indicates a percentage of  
43 permanent service-connected disability for more than one permanent  
44 service-connected disability, the amount of the exemption must be



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1 based on the total of those combined percentages, not to exceed 100  
2 percent.

3 8. If a tax exemption is allowed under this section ~~to the~~  
4 ~~claimant~~ *to a person who qualifies for the exemption:*

5 *(a) As a veteran with a permanent service-connected disability,*  
6 *that person* is not entitled to an exemption under NRS 361.090.

7 *(b) Solely as the surviving spouse of a veteran with a*  
8 *permanent service-connected disability, the allowance of a tax*  
9 *exemption under this section does not affect the eligibility of that*  
10 *person for an exemption under NRS 361.090.*

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

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

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

25 371.104 1. A bona fide resident of the State of Nevada who  
26 has incurred a permanent service-connected disability and has been  
27 honorably discharged from the Armed Forces of the United States,  
28 or his or her surviving spouse, is entitled to a veteran's exemption  
29 from the payment of governmental services taxes on vehicles of the  
30 following determined valuations:

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

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

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

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

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



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(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 \$20,000 of determined valuation of vehicles in which a person described in subsection 1 or 2 has any interest shall be deemed to belong entirely to that person.

4. 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 a 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 within this State. 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. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the veteran's status, and for that purpose shall require production of:

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

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

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



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

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

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

(c) The surviving spouse has not remarried.

➤ 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, except as otherwise provided in this subsection, 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. 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.

7. If a tax exemption is allowed under this section ~~[-, the] to a person who qualifies for the tax exemption:~~

(a) ~~As a~~ veteran ~~[and his]~~ or ~~[her]~~ *as the* current spouse ~~[are]~~ *of a veteran who receives a transfer of an exemption pursuant to subsection 2, that person is* not entitled to an exemption under NRS 371.103.

(b) *Solely as the surviving spouse of a veteran with a permanent service-connected disability, the allowance of a tax exemption under this section does not affect the eligibility of that person for an exemption under NRS 371.103.*

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

9. 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:

1. Upon passage and approval for the purpose of filing claims for tax exemptions and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and



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2. On July 1, 2013, for all other purposes.

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