

ASSEMBLY BILL NO. 96—ASSEMBLYMAN HANSEN

PREFILED JANUARY 30, 2015

Referred to Committee on Taxation

SUMMARY—Revises provisions governing the payment of property taxes. (BDR 32-401)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to property taxes; authorizing the owner of an owner-occupied, single-family residence to pay taxes assessed on the residence in monthly installments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that certain property taxes may be paid in four
2 approximately equal installments, due in August, October, January and March.
3 (NRS 361.483) **Section 1** of this bill permits the owner of a single-family residence
4 that is occupied by the owner to elect to pay the taxes assessed on the residence in
5 eight monthly installments, beginning in August and ending in March. **Sections 2-6**
6 of this bill make conforming changes.

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

1 **Section 1.** NRS 361.483 is hereby amended to read as follows:
2 361.483 1. Except as otherwise provided in this section and
3 NRS 361.736 to 361.7398, inclusive, taxes assessed upon the real
4 property tax roll and upon mobile or manufactured homes are due
5 on the third Monday of August.
6 2. ~~{Taxes}~~ *Except as otherwise provided in this section, taxes*
7 assessed upon the real property tax roll may be paid in four
8 approximately equal installments if the taxes assessed on the parcel
9 exceed \$100.



3. Except as otherwise provided in this section, taxes assessed upon a mobile or manufactured home may be paid in four installments if the taxes assessed exceed \$100.

4. If a taxpayer owns at least 25 mobile or manufactured homes in a county that are leased for commercial purposes, and those mobile or manufactured homes have not been converted to real property pursuant to NRS 361.244, taxes assessed upon those homes may be paid in four installments if, not later than July 31, the taxpayer returns to the county assessor the written statement of personal property required pursuant to NRS 361.265.

5. Except as otherwise provided in this section and NRS 361.505, taxes assessed upon personal property may be paid in four approximately equal installments if:

(a) The total personal property taxes assessed exceed \$5,000;

(b) Not later than July 31, the taxpayer returns to the county assessor the written statement of personal property required pursuant to NRS 361.265;

(c) The taxpayer files with the county assessor, or county treasurer if the county treasurer has been designated to collect taxes, a written request to be billed in installments and includes with the request a copy of the written statement of personal property required pursuant to NRS 361.265;

(d) The owner of the personal property assessed has paid all the personal property taxes assessed on the property without accruing penalties for the immediately preceding 2 fiscal years in any county in the State; and

(e) Not later than September 15, the county tax receiver issues to the taxpayer an individual tax bill for the personal property which itemizes the dates on which the installments are due. If that tax bill is issued on or after August 1 and on or before September 15, the first two installments are due on the first Monday of October, the third installment on the first Monday of January, and the fourth installment on the first Monday of March.

6. Except as otherwise provided in ~~subsection~~ **subsections 5 and 7**, if a person elects to pay in installments, the first installment is due on the third Monday of August, the second installment on the first Monday of October, the third installment on the first Monday of January, and the fourth installment on the first Monday of March.

7. If a single-family residence is occupied by the owner of the residence and the taxes assessed on the residence exceed \$100, the owner may elect to pay the taxes in eight approximately equal monthly installments. If the owner elects to pay the taxes in accordance with this subsection, the first installment is due on August 5, the second installment on September 5, the third



installment on October 5, the fourth installment on November 5, the fifth installment on December 5, the sixth installment on January 5, the seventh installment on February 5 and the eighth installment on March 5. If the date on which an installment is otherwise due falls on a Saturday, Sunday or legal holiday, the installment is due on the next business day.

8. If any person charged with taxes which are a lien on real property fails to pay:

(a) Any one installment of the taxes on or within 10 days following the day the taxes become due, there must be added thereto a penalty of 4 percent.

(b) Any two installments of the taxes, together with accumulated penalties, on or within 10 days following the day the later installment of taxes becomes due, there must be added thereto a penalty of 5 percent of the two installments due.

(c) Any three installments of the taxes, together with accumulated penalties, on or within 10 days following the day the latest installment of taxes becomes due, there must be added thereto a penalty of 6 percent of the three installments due.

(d) ~~{The full amount}~~ *Any four or more of the installments* of the taxes, together with accumulated penalties, on or within 10 days following the ~~{first Monday of March,}~~ *day the latest installment of taxes becomes due,* there must be added thereto a penalty of 7 percent of the ~~{full amount of the taxes. —8.}~~ *installments due.*

9. Any person charged with taxes which are a lien on a mobile or manufactured home who fails to pay the taxes within 10 days after an installment payment is due is subject to the following provisions:

(a) A penalty of 10 percent of the taxes due; and

(b) The county assessor may proceed under NRS 361.535.

~~{9.}~~ 10. If any property tax postponed pursuant to NRS 361.736 to 361.7398, inclusive, becomes due and payable and the person charged with that tax fails to make the required payment within 10 days after it becomes due, there must be added thereto a penalty of 7 percent of the amount of the tax that is due. If the required payment is not paid within 30 days after it becomes due, there must be added thereto all penalties and interest that would have accrued had the property tax not been postponed pursuant to NRS 361.736 to 361.7398, inclusive.

~~{10.}~~ 11. The ex officio tax receiver of a county shall notify each person in the county who is subject to a penalty pursuant to this section of the provisions of NRS 360.419 and 361.4835.

12. *As used in this section:*



(a) *“Occupied by the owner” has the meaning ascribed to it in NRS 361.7368.*

(b) *“Single-family residence” has the meaning ascribed to it in NRS 361.7372.*

Sec. 2. NRS 361.7388 is hereby amended to read as follows:

361.7388 Interest accrues on the amount of property tax postponed pursuant to NRS 361.736 to 361.7398, inclusive, at the rate of 6 percent of the total amount postponed as of the date the postponed taxes are paid or become due and payable. Except as otherwise provided in subsection ~~19~~ 10 of NRS 361.483, no other penalties or interest accrue during the period of postponement.

Sec. 3. NRS 268.785 is hereby amended to read as follows:

268.785 1. After creation of the district, the council shall annually ascertain and include in its budget the total amount of money to be derived from assessments required to provide the higher level of police protection found beneficial to the public interest for the next ensuing fiscal year.

2. The city council shall designate an existing citizens’ group within the area or create an advisory committee, to recommend to the council any appropriate changes in the level or kind of additional police protection to be provided in the district. The council shall consider these recommendations, and any others that may be offered by interested persons, at a public hearing before adopting its annual budget for the district.

3. The total amount of money to be derived from assessments for the next ensuing fiscal year must be apportioned among the individual property owners in the district based upon the relative special benefit received by each property using an apportionment method approved by the city council. On or before April 20 of each year, a notice specifying the proposed amount of the assessment for the next ensuing fiscal year must be mailed to each property owner. The city council shall hold a public hearing concerning the assessments at the same time and place as the hearing on the tentative budget. The city council shall levy the assessments after the hearing but not later than June 1. The assessments so levied must be paid in installments on or before the dates specified for installments paid pursuant to subsection 6 or 7 of NRS 361.483 ~~H~~, *as applicable to the property*. Any installment payment that is not paid on or before the date on which it is due, together with any interest or penalty and the cost of collecting any such amounts, is a lien upon the property upon which it is levied equal in priority to a lien for general taxes and may be collected in the same manner.

4. A district is not entitled to receive any distribution of supplemental city-county relief tax.



Sec. 4. NRS 268.795 is hereby amended to read as follows:

268.795 1. After creation of the district, the council shall annually ascertain and include in its budget the total amount of money to be derived from assessments required to provide the maintenance found beneficial to the public interest for the next ensuing fiscal year.

2. The city council shall designate an existing citizens' group within the area or create an advisory committee, to recommend to the council any appropriate changes in the level or kind of maintenance to be provided in the district. The council shall consider these recommendations, and any others that may be offered by interested persons, at a public hearing before adopting its annual budget for the district.

3. The total amount of money to be derived from assessments for the next ensuing fiscal year must be apportioned among the individual property owners in the district based upon the relative special benefit received by each property using an apportionment method approved by the city council. On or before April 20 of each year, a notice specifying the proposed amount of the assessment for the next ensuing fiscal year must be mailed to each property owner. The city council shall hold a public hearing concerning the assessments at the same time and place as the hearing on the tentative budget. The city council shall levy the assessments after the hearing but not later than June 1. The assessments so levied must be paid in installments on or before the dates specified for installments paid pursuant to subsection 6 **or 7** of NRS 361.483 **H**, **as applicable to the property**. Any installment payment that is not paid on or before the date on which it is due, together with any interest or penalty and the cost of collecting any such amounts, is a lien upon the property upon which it is levied equal in priority to a lien for general taxes and may be collected in the same manner.

4. A district is not entitled to receive any distribution of supplemental city-county relief tax.

Sec. 5. NRS 474.200 is hereby amended to read as follows:

474.200 1. At the time of making the levy of county taxes for that year, the boards of county commissioners shall levy the tax established pursuant to NRS 474.190 upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations as established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

2. When levied, the tax must be entered upon the assessment rolls and collected in the same manner as state and county taxes.



1 Taxes may be paid in ~~four~~ approximately equal installments at the
2 times specified in NRS 361.483, and the same penalties as specified
3 in NRS 361.483 must be added for failure to pay the taxes.

4 3. When the tax is collected, it must be placed in the treasury
5 of the county in which the greater portion of the county fire
6 protection district is located, to the credit of the district. The
7 treasurer of the district shall keep two separate funds for each
8 district, one to be known as the district fire protection operating
9 fund and one to be known as the district emergency fund. The
10 money collected to defray the expenses of the district must be
11 deposited in the district fire protection operating fund, and the
12 money collected to meet unforeseen emergencies must be deposited
13 in the district emergency fund. The district emergency fund must be
14 used solely for emergencies and must not be used for regular
15 operating expenses. The money deposited in the district emergency
16 fund must not exceed the sum of \$1,000,000. Any interest earned on
17 the money in the district emergency fund that causes the balance in
18 that fund to exceed \$1,000,000 must be credited to the district fire
19 protection operating fund.

20 4. For the purposes of subsection 3, an emergency includes,
21 without limitation, any event that:

22 (a) Causes widespread or severe damage to property or injury to
23 or the death of persons within the district;

24 (b) As determined by the district fire chief, requires immediate
25 action to protect the health, safety and welfare of persons who reside
26 within the district; and

27 (c) Requires the district to provide money to obtain a matching
28 grant from a state agency or an agency of the Federal Government
29 to repair damage caused by a natural disaster that occurred within
30 the district.

31 **Sec. 6.** NRS 474.510 is hereby amended to read as follows:

32 474.510 1. The board of fire commissioners shall prepare an
33 annual budget in accordance with the provisions of NRS 354.470 to
34 354.626, inclusive, for each district organized in accordance with
35 NRS 474.460.

36 2. Each budget must be based on estimates of the amount of
37 money which will be needed to defray the expenses of the district
38 and to meet unforeseen emergencies and the amount of a fire
39 protection tax sufficient, together with the revenue which will result
40 from application of the rate to the net proceeds of minerals, to raise
41 such sums.

42 3. At the time of making the levy of county taxes for the year,
43 the board of county commissioners shall levy the tax provided by
44 subsection 2, upon all property, both real and personal, subject to
45 taxation within the boundaries of the district. Any tax levied on



1 interstate or intercounty telephone lines, power lines and other
2 public utility lines as authorized in this section must be based upon
3 valuations established by the Nevada Tax Commission pursuant to
4 the provisions of NRS 361.315 to 361.330, inclusive.

5 4. The amount of tax to be collected for the purposes of this
6 section must not exceed, in any 1 year, 1 percent of the value of the
7 property described in subsection 3 and any net proceeds of minerals
8 derived from within the boundaries of the district.

9 5. If levied, the tax must be entered upon the assessment roll
10 and collected in the same manner as state and county taxes. Taxes
11 may be paid in ~~four~~ approximately equal installments at the times
12 specified in NRS 361.483, and the same penalties as specified in
13 NRS 361.483 must be added for failure to pay the taxes.

14 6. For the purposes of NRS 474.460 to 474.540, inclusive, the
15 treasurer of the district shall keep two separate funds for each
16 district, one to be known as the district fire protection operating
17 fund and one to be known as the district emergency fund. The
18 money collected to defray the expenses of any district organized
19 pursuant to NRS 474.460 must be deposited in the district fire
20 protection operating fund, and the money collected to meet
21 unforeseen emergencies must be deposited in the district emergency
22 fund. The district emergency fund must be used solely for
23 emergencies and must not be used for regular operating expenses.
24 The money deposited in the district emergency fund must not
25 exceed the sum of \$1,000,000. Any interest earned on the money in
26 the district emergency fund that causes the balance in that fund to
27 exceed \$1,000,000 must be credited to the district fire protection
28 operating fund.

29 7. For the purposes of subsection 6, an emergency includes,
30 without limitation, any event that:

31 (a) Causes widespread or severe damage to property or injury to
32 or the death of persons within the district;

33 (b) As determined by the district fire chief, requires immediate
34 action to protect the health, safety and welfare of persons who reside
35 within the district; and

36 (c) Requires the district to provide money to obtain a matching
37 grant from an agency of the Federal Government to repair damage
38 caused by a natural disaster that occurred within the district.

39 **Sec. 7.** The provisions of NRS 354.599 do not apply to any
40 additional expenses of a local government that are related to the
41 provisions of this act.

42 **Sec. 8.** This act becomes effective on July 1, 2015.

