
ASSEMBLY BILL NO. 295—ASSEMBLYMEN SETTELMAYER, MCCLAIN, CHRISTENSEN; ANDERSON, BOBZIEN, CARPENTER, COBB, CONKLIN, GANSERT, GOEDHART, GOICOECHEA, GRADY, GUSTAVSON, HAMBRICK, HARDY, HORNE, KIHUEN, KIRKPATRICK, KOIVISTO, MANENDO, MORTENSON, OCEGUERA, SEGERBLOM, SPIEGEL, STEWART AND WOODBURY

MARCH 11, 2009

JOINT SPONSORS: SENATORS AMODEI, CEGAVSKE, HARDY, LEE, PARKS AND WOODHOUSE

Referred to Committee on Taxation

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 32-572)

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:

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



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10 Existing law provides similar veterans' exemptions from governmental services
11 taxes. (NRS 371.103, 371.104) **Section 2** of this bill allows a person who qualifies
12 as both a veteran and the surviving spouse of a veteran with a permanent service-
13 connected disability to claim both of these veterans' exemptions from
14 governmental services taxes.

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 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 claim for exemption on real property
20 pursuant to NRS 361.155. The affidavit may be made at any time by
21 a person claiming an exemption from taxation on personal property.
22 4. The affidavit must be made before the county assessor or a
23 notary public and be filed with the county assessor. It must state that
24 the affiant is a bona fide resident of the State of Nevada, that he
25 meets all the other requirements of subsection 1 and that the
26 exemption is not claimed in any other county within this State. After
27 the filing of the original affidavit, the county assessor shall mail a
28 form for:
29 (a) The renewal of the exemption; and
30 (b) The designation of any amount to be credited to the Gift
31 Account for Veterans' Homes established pursuant to NRS 417.145,
32 ➤ to the person each year following a year in which the exemption
33 was allowed for that person. The form must be designed to facilitate
34 its return by mail by the person claiming the exemption.



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

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

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

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

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

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

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

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

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

27 ➔ The affidavit required by this subsection is in addition to the
28 certification required pursuant to subsections 4 and 5. After the
29 filing of the original affidavit required by this subsection, the county
30 assessor shall mail a form for renewal of the exemption to the
31 person each year following a year in which the exemption was
32 allowed for that person. The form must be designed to facilitate its
33 return by mail by the person claiming the exemption.

34 7. If a veteran or the surviving spouse of a veteran submits, as
35 proof of disability, documentation that indicates a percentage of
36 permanent service-connected disability for more than one permanent
37 service-connected disability, the amount of the exemption must be
38 based on the total of those combined percentages, not to exceed 100
39 percent.

40 8. If a tax exemption is allowed under this section ~~[the~~
41 ~~claimant]~~ *to a person who qualifies for the exemption:*

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

44 (b) *Solely as the surviving spouse of a veteran with a*
45 *permanent service-connected disability, the allowance of a tax*



1 *exemption under this section does not affect the eligibility of that*
2 *person for a tax exemption under NRS 361.090.*

3 9. If any person files a false affidavit or produces false proof to
4 the county assessor or a notary public and, as a result of the false
5 affidavit or false proof, the person is allowed a tax exemption to
6 which he is not entitled, he is guilty of a gross misdemeanor.

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

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

16 371.104 1. A bona fide resident of the State of Nevada who
17 has incurred a permanent service-connected disability and has been
18 honorably discharged from the Armed Forces of the United States,
19 or his surviving spouse, is entitled to a veteran's exemption from the
20 payment of governmental services taxes on vehicles of the following
21 determined valuations:

22 (a) If he has a disability of 100 percent, the first \$20,000 of
23 determined valuation.

24 (b) If he has a disability of 80 to 99 percent, inclusive, the first
25 \$15,000 of determined valuation.

26 (c) If he has a disability of 60 to 79 percent, inclusive, the first
27 \$10,000 of determined valuation.

28 2. For the purpose of this section, the first \$20,000 of
29 determined valuation of vehicles in which an applicant has any
30 interest shall be deemed to belong entirely to that person.

31 3. A person claiming the exemption shall file annually with the
32 Department in the county where the exemption is claimed an
33 affidavit declaring that he is a bona fide resident of the State of
34 Nevada who meets all the other requirements of subsection 1 and
35 that the exemption is claimed in no other county within this State.
36 After the filing of the original affidavit, the county assessor shall
37 mail a form for:

38 (a) The renewal of the exemption; and

39 (b) The designation of any amount to be credited to the Gift
40 Account for Veterans' Homes established pursuant to NRS 417.145,
41 to the person each year following a year in which the exemption
42 was allowed for that person. The form must be designed to facilitate
43 its return by mail by the person claiming the exemption.



1 4. Before allowing any exemption pursuant to the provisions of
2 this section, the Department shall require proof of the applicant's
3 status, and for that purpose shall require production of:

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

7 (b) Any one of the following:

8 (1) An honorable discharge;

9 (2) A certificate of satisfactory service; or

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

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

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

16 (b) The veteran with a disability was eligible for the exemption
17 at the time of his death; and

18 (c) The surviving spouse has not remarried.

19 ➔ The affidavit required by this subsection is in addition to the
20 certification required pursuant to subsections 3 and 4. After the
21 filing of the original affidavit required by this subsection, the county
22 assessor shall mail a form for renewal of the exemption to the
23 person each year following a year in which the exemption was
24 allowed for that person. The form must be designed to facilitate its
25 return by mail by the person claiming the exemption.

26 6. If a tax exemption is allowed under this section ~~[, the~~
27 ~~claimant]~~ *to a person who qualifies for the tax exemption:*

28 (a) *As a veteran with a permanent service-connected disability,*
29 *that person* is not entitled to an exemption under NRS 371.103.

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

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

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



- 1 **Sec. 3.** This act becomes effective:
2 1. Upon passage and approval for the purpose of filing claims
3 for tax exemptions and performing any preparatory administrative
4 tasks that are necessary to carry out the provisions of this act; and
5 2. On July 1, 2009, for all other purposes.

