

Committee Action:

Do Pass _____

Amend & Do Pass _____

Other _____

Assembly Committee on Revenue

This measure may be considered for action during today's work session.

April 13, 2023

ASSEMBLY BILL 449

**Enacts provisions to provide a property tax credit under certain circumstances.
(BDR 32-767)**

Sponsored by: Assemblywoman Gallant

Date Heard: April 12, 2023

**Fiscal Impact: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.**

Summary

Assembly Bill 449 authorizes a taxpayer to obtain a tax credit against property taxes owed by the taxpayer under certain circumstances when an applicable partial abatement of taxes was not applied or claimed in the immediately preceding fiscal year, by submitting a written petition for the review of the partial abatement to the county assessor of the county in which the property is located.

Additionally, the bill authorizes a taxpayer who is aggrieved by a decision rendered by a county assessor to appeal the decision to the Nevada Tax Commission, and additionally specifies that a taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to this act is entitled to a judicial review of that determination.

Amendments

Proposed Amendment 3578 to Assembly Bill 449, which was submitted by Assemblywoman Gallant, is attached to this document. This proposed amendment removes the existing language from the bill, and instead provides that if, during a fiscal year, a county treasurer determines that a taxpayer has claimed and is entitled to a partial abatement from taxation for single-family owner-occupied homes for the immediately preceding fiscal year, but that the taxpayer failed to claim the partial abatement, the county treasurer is authorized, with the concurrence of the assessor and without the approval of the board of county commissioners, to correct the tax roll for the immediately preceding fiscal year at any time during that fiscal year.

If the treasurer corrects the tax roll of the county to indicate that the property of a taxpayer is eligible for a partial abatement from taxes for the immediately preceding fiscal year, the taxpayer is entitled to such a tax credit or refund, or combination thereof, as the treasurer deems appropriate.

Additionally, the amendment provides that a taxpayer who is aggrieved by a decision rendered by a county assessor and appeals the decision to the Nevada Tax Commission, the deadline to submit a written petition is June 30 of the fiscal year following the fiscal year

for which the determination is made, if the determination was for the immediately preceding fiscal year.

Finally, the amendment amends NRS 361.773 by specifying that the taxpayer does not need to show good cause for failing to claim the partial abatement of property taxes for single-family owner-occupied residences when entitled to this partial abatement.

Special Note

Assembly Bill 449 was denoted as being eligible for exemption by the Fiscal Analysis Division on March 30, 2023.

MOCK-UP

PROPOSED AMENDMENT 3578 TO ASSEMBLY BILL NO. 449

*PREPARED FOR ASSEMBLYWOMAN GALLANT
APRIL 12, 2023*

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added 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 proposed to be retained in this amendment.

Legislative Counsel's Digest:

Existing law provides a partial abatement of the property taxes levied on property for which an assessed valuation has previously been established, a remainder parcel of real property, ~~for certain~~ single-family residences **that are the primary residence of the owner** and certain residential rental dwellings. These partial abatements have the effect of establishing an annual cap on increases in property taxes. (NRS 361.4722, 361.4723, 361.4724) Under existing law, if ~~the taxpayer is aggrieved by a determination of the applicability of such a partial abatement, the taxpayer is authorized to submit a petition to the county assessor of the county in which the property is located for the review of that determination, and such a petition must be submitted on or before June 30 of the fiscal year for which the partial abatement is applied. (NRS 361.4734) This bill authorizes a taxpayer who, for the immediately preceding fiscal year, paid a greater amount of property taxes than would have otherwise been due because an applicable partial abatement was not applied or claimed, to petition the county assessor for a credit against property taxes due for the next fiscal year. Under this bill, any such credit may be carried forward to subsequent fiscal years.~~ **the county treasurer of a county determines that a taxpayer is entitled, for a fiscal year, to the partial abatement for a single-family residence that is the primary residence of the owner, but that the taxpayer failed to claim that partial abatement within the required period, the county treasurer is authorized, with the concurrence of the county assessor and without the approval of the board of county commissioners, to correct the tax roll during that fiscal year to provide that partial abatement to taxpayer for that fiscal year and provide a credit or refund to the taxpayer, as the county treasurer deems appropriate. This bill: (1) expands this provision by authorizing the county treasurer to make such a correction to the tax roll and issue such a credit or refund to a taxpayer for the immediately preceding fiscal year; and (2) removes the requirement to establish good cause for such a correction.**

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

1 **Section 1.** Chapter 361 of NRS is hereby amended by adding thereto
2 a new section to read as follows:

3 ~~1. Notwithstanding any other provision of law, a taxpayer who, for~~
4 ~~the immediately preceding fiscal year, paid more than the amount of~~
5 ~~taxes that the taxpayer would have otherwise been due if an applicable~~
6 ~~partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or~~
7 ~~361.4724 had been applied or claimed for that fiscal year, may submit a~~
8 ~~written petition for the review of the partial abatement to the county~~
9 ~~assessor of the county in which the property is located. The petition must~~
10 ~~be submitted on or before June 30 of the fiscal year immediately~~
11 ~~following the fiscal year for which the determination was effective. The~~
12 ~~county assessor shall, within 30 days after receiving the petition, render~~
13 ~~a decision on the petition and notify the taxpayer of that decision.~~

14 ~~2. A taxpayer who submits a petition pursuant to subsection 1 and~~
15 ~~submits evidence satisfactory to establish that, for the immediately~~
16 ~~preceding fiscal year, the taxpayer paid more than the amount of taxes~~
17 ~~that the taxpayer would have otherwise been due if an applicable partial~~
18 ~~abatement from taxation pursuant to NRS 361.4722, 361.4723 or~~
19 ~~361.4724 had been applied or claimed for that fiscal year is entitled to~~
20 ~~credit against the taxes due for the next fiscal year. Any unused credit~~
21 ~~may be carried forward to subsequent fiscal years.~~

22 ~~3. A taxpayer who is aggrieved by a decision rendered by a county~~
23 ~~assessor pursuant to subsection 1 may, within 30 days after receiving~~
24 ~~notice of that decision, appeal the decision to the Nevada Tax~~
25 ~~Commission.~~

26 ~~4. A taxpayer who is aggrieved by a determination of the Nevada~~
27 ~~Tax Commission rendered on an appeal made pursuant to subsection 3~~
28 ~~is entitled to a judicial review of that determination.]~~

29 1. If, during the current fiscal year, the tax receiver of a county
30 determines that a taxpayer has claimed and is entitled to a partial
31 abatement from taxation for the immediately preceding fiscal year
32 pursuant to NRS 361.4723, but that the taxpayer failed to claim the
33 partial abatement before the extension of the tax roll for the immediately
34 preceding fiscal year pursuant to NRS 361.773, the tax receiver may,
35 with the concurrence of the tax assessor and without the approval of the
36 board of county commissioners of that county, correct the tax roll for the
37 immediately preceding fiscal year at any time during the current fiscal
38 year to indicate that the affected property is eligible for the partial

1 abatement pursuant to NRS 361.4723 for the immediately preceding
2 fiscal year.

3 2. If the tax receiver corrects the tax roll of the county pursuant to
4 subsection 1 to indicate that the property of a taxpayer is eligible for a
5 partial abatement from taxation for the immediately preceding fiscal
6 year, the taxpayer is entitled to such a tax credit or refund, or
7 combination thereof, as the tax receiver deems appropriate.

8 **Sec. 1.3. NRS 361.4734 is hereby amended to read as follows:**

9 361.4734 1. A taxpayer who is aggrieved by a determination of the
10 applicability of a partial abatement from taxation pursuant to NRS
11 361.4722, 361.4723 or 361.4724 may, if the property which is the subject
12 of that determination:

13 (a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written
14 petition for the review of that determination to the county assessor of the
15 county in which the property is located. The petition must be submitted on
16 or before June 30 of the fiscal year for which the determination is effective
17 or, if the determination was for the immediately preceding fiscal year,
18 June 30 of the fiscal year following the fiscal year for which the
19 determination is made. The county assessor shall, within 30 days after
20 receiving the petition, render a decision on the petition and notify the
21 taxpayer of that decision.

22 (b) Is valued pursuant to NRS 361.320 or 361.323, submit a written
23 petition for the review of that determination to the Department. The
24 Department shall, within 30 days after receiving the petition, render a
25 decision on the petition and notify the taxpayer of that decision.

26 2. A taxpayer who is aggrieved by a decision rendered by a county
27 assessor or the Department pursuant to subsection 1 may, within 30 days
28 after receiving notice of that decision, appeal the decision to the Nevada
29 Tax Commission.

30 3. A taxpayer who is aggrieved by a determination of the Nevada Tax
31 Commission rendered on an appeal made pursuant to subsection 2 is
32 entitled to a judicial review of that determination.

33 **Sec. 1.7. NRS 361.773 is hereby amended to read as follows:**

34 361.773 1. If the tax receiver of a county determines that a taxpayer
35 has claimed and is entitled to a partial abatement from taxation for a fiscal
36 year pursuant to NRS 361.4723, but that the taxpayer ~~for good cause~~
37 failed to claim the partial abatement before the extension of the tax roll for
38 that fiscal year pursuant to NRS 361.465, the tax receiver may, with the
39 concurrence of the tax assessor and without the approval of the board of
40 county commissioners of that county, correct the tax roll of the county at
41 any time during that fiscal year to indicate that the affected property is
42 eligible for that partial abatement for that fiscal year.

43 2. If the tax receiver corrects the tax roll of the county pursuant to
44 subsection 1 to indicate that the property of a taxpayer is eligible for a
45 partial abatement from taxation for a fiscal year, the taxpayer is entitled to

1 such a tax credit or refund, or combination thereof, as the tax receiver
2 deems appropriate.

3 **Sec. 2.** This act becomes effective on July 1, 2023.

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