

**PROPOSED REGULATION OF THE
NEVADA TAX COMMISSION**

LCB File No. R020-17

September 19, 2017

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

AUTHORITY: §§1 and 2, NRS 360.090 and 361.223.

A REGULATION relating to property taxes; revising provisions governing the continuing education required to be completed by appraisers certified by the Department of Taxation to conduct appraisals of property for the purposes of taxation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires certain persons who appraise property for taxation purposes to hold an appraiser’s certificate issued by the Department of Taxation. (NRS 361.221) Each person who holds such an appraiser’s certificate must complete 36 contact hours of appropriate training approved by the Department each fiscal year or, if the person attains a recognized professional designation or accumulates 180 contact hours of accepted training, must complete 36 contact hours every 3 years. (NRS 361.223)

Section 1 of this regulation revises existing regulations governing the approval of courses of training by the Department to specifically provide for the approval of courses providing instruction in certain subject matters.

Section 2 of this regulation revises existing regulations governing the award of contact hours for the completion of education courses approved by the Department. Specifically, **section 2** provides that: (1) the number of contact hours awarded by the Department may be the number of hours noted on the certificate of completion or other written documentation provided to the person completing the course; (2) the Department will not award contact hours for any portion of a course during which the person taking the course takes an examination for the course; and (3) the number of contact hours awarded by the Department for the completion of a course will be based on the number of hours determined to be appropriate by the Department as of the date on which the course is completed, regardless of whether the content or length of the course changes after that date. **Section 2** also removes a provision of existing regulations that authorizes the Department to award contact hours to a person if at least 3 years has elapsed since the person attended the course and instead: (1) authorizes the Department to award contact hours to a person who completed a course more than 5 years before the person provides documentation of the course to the Department if the contact hours are applied to the first 180 contact hours of accepted training required for that person; and (2) provides that the Department will not award

contact hours to a person who has accumulated at least 180 contact hours unless the person completed the course for which contact hours are awarded not later than 3 years before the person provides documentation of the course to the Department. Finally, **section 2** revises existing regulations to refer to the requirement of existing law for the completion of 36 contact hours every 3 years by a person who has attained a recognized professional designation or accumulated 180 contact hours of accepted training.

Section 1. NAC 361.565 is hereby amended to read as follows:

361.565 1. The Board will review courses of continuing education and may recommend the approval of such a course by the Department if the Board determines that:

(a) After evaluating the contents of the course for correctness, applicability to appraisal for property tax purposes and relevance to current issues and trends concerning appraisal, the subject matter of the course is relevant to understanding and applying the standards established by the International Association of Assessing Officers or any other member organization of ~~the~~ *The Appraisal Foundation*;

(b) The subject matter of the course is relevant to understanding:

- (1) The application of the statutes and regulations of this State;
- (2) The published appraisal and assessment standards of the Department;
- (3) Laws relating to real estate, water and mining; or
- (4) Administrative procedures;

(c) The subject matter of the course is relevant to understanding the concepts and applications of mass appraisal, including, without limitation, the application of technology such as geographic information systems (GIS) mapping and computer automated mass appraisal systems ~~+~~ *and the use of applied statistics in mass appraisal*; or

(d) The subject matter of the course is relevant to understanding the concepts and applications of the appraisal of centrally assessed properties, including, without limitation,

principles of accounting , *allocation, apportionment, mining, unitary valuation, economics* and finance.

2. A person who wishes to receive contact hours for a course of continuing education that has not been approved by the Department must apply to the Department for such approval before taking the course. The application must be in writing and include, without limitation, the name and address of the organization that is sponsoring the course, a list of the instructors of the course and their qualifications, and a syllabus of the course that indicates the coursework and the books to be used in the course.

3. The Department will provide a list of all approved educational courses to the assessor of each county, and may provide the list to any other person who requests it in writing. The Department will update the list at least every 3 years.

Sec. 2. NAC 361.567 is hereby amended to read as follows:

361.567 1. The Department, in consultation with the Board, will determine the appropriate number of contact hours to be awarded for each approved education course. The Department will award the appropriate number of contact hours to persons who complete approved education courses and provide documentation to the Department as required by subsection ~~2. Unless otherwise noted on the certificate of completion for an approved course of education, contact~~ **3.**

Contact hours may be awarded as follows:

(a) ~~If a person completes an approved education course that consists of 4 days of instruction or less, the~~ **The** Department may award the person ~~8~~ **the number of** contact hours ~~for each day of the course.~~ **noted on the certificate of completion for the approved education course or on any other documentation of the approved education course provided by the person to the Department as required by subsection 3.**

~~(b)~~ ~~If a person completes an approved education course that consists of 4 days of instruction and an examination on the fifth day, the Department may award the person 36 contact hours.~~

~~—(c) If a person completes an approved education course that consists of 5 days of instruction the first week and 4 1/2 days of instruction the second week, the Department may award the person 76 contact hours.~~

~~—(d)~~ If a person completes an approved education course offered by a university or community college, the Department may award the person 12 contact hours for each semester credit earned.

~~(e)~~ (c) If an approved education course includes an examination for the course and a person completes the instruction for the course but fails to pass the examination, the Department may award the person one-half of the contact hours that the person would have been awarded had he or she passed the examination. If the person did not complete the instruction for the course, the Department may award the person 4 contact hours for each full day of instruction that he or she completed if the person provides evidence satisfactory to the Department of his or her attendance at the course. If a person who is awarded contact hours pursuant to this paragraph subsequently passes the examination for the course, the Department may award the person a number of contact hours equal to the total contact hours approved for the course minus contact hours previously awarded to the person for the course pursuant to this paragraph.

~~(f)~~ (d) The Department will not award any contact hours for the completion of any portion of a course in real estate or the appraisal of property if the primary objective of the course is to prepare those persons taking the course to take and pass an examination for licensure in real estate or the appraisal of property.

~~(g)~~ (e) The Department will not award any contact hours for any portion of a course at a university or community college if the person taking the course does not earn a passing grade or withdraws from the course.

~~(h)~~ (f) *The Department will not award any contact hours for any portion of a course during which the person taking the course takes an examination for the course.*

(g) If a person instructs an approved education course, the Department may award the person a number of contact hours equal to the number of hours the person spent lecturing during the course or teaching as part of a group. The Department will not award contact hours:

(1) For any time the person spent on preparing for the course, grading students, or assisting students on projects or assignments outside of class; or

(2) For teaching the same course more than once in a 12-month period.

2. *The number of contact hours awarded to a person who completes an approved education course must be the number of hours determined to be appropriate pursuant to subsection 1 as of the date on which the person completes the course, regardless of whether the content or length of the course changes after that date.*

3. A person who holds an appraiser's certificate and for whom the annual training requirement has not been waived pursuant to NRS 361.223 shall, on or before July 1 of each year, provide written documentation to the Department of each approved education course the person has taken, and the total contact hours he or she has earned, since July 1 of the previous year. The documentation for each course must include, without limitation, a certificate of attendance that shows the name of the person, the name of the course, the signature of the instructor of the course or the authorized representative of the organization that sponsored the course, and the dates of the person's attendance at the course. A transcript of grades, if any, from

the organization that sponsored the course must also be submitted. If the course was taken at a university or community college, a certified transcript may be submitted in lieu of a certificate of attendance.

~~{3.—The}~~

4. If a person has:

(a) Not completed the 180 contact hours of accepted training described in paragraph (b) of subsection 3 of NRS 361.223, the Department, in consultation with the Board, may ~~{consider granting a}~~ **award contact hours to the** person ~~{full credit towards the annual training requirement of 36 contact hours set forth in NRS 361.223}~~ for **an** approved education ~~{courses previously taken if:~~

~~—(a) The person makes a request to the Department for such credit;~~

~~—(b) At least 3 years have elapsed since the person last attended the course;~~

~~—(c) The person has not previously received contact hours for the course; and~~

~~—(d) No other training is available to enable the person to comply with the annual training requirement of 36 contact hours.~~

~~—4.}~~ **course completed more than 5 years before the person provides to the Department the written documentation required by subsection 3. Any contact hours awarded pursuant to this paragraph must be applied to the 180 contact hours described in paragraph (b) of subsection 3 of NRS 361.223.**

(b) Completed the 180 contact hours of accepted training described in paragraph (b) of subsection 3 of NRS 361.223, the Department will not award any contact hours for any course completed by the person more than 3 years before he or she provides to the Department the written documentation required by subsection 3.

5. To qualify for a waiver of the annual training requirement pursuant to paragraph (b) of subsection ~~2~~ 3 of NRS 361.223, a person who holds an appraiser's certificate must complete as part of the 180 contact hours of accepted training required by that paragraph at least 4 hours of training in ethical and professional standards.

~~5~~ 6. If a person for whom the annual training requirement has been waived pursuant to NRS 361.223 accumulates more than 36 contact hours during any ~~5-year~~ 3-year period thereafter, the excess contact hours will not be carried forward.

~~6~~ 7. The Department will notify each person who holds an appraiser's certificate and who has not satisfied the continuing education requirements for a fiscal year or a ~~5-year~~ 3-year period, as applicable, that the appraiser's certificate is subject to suspension or revocation pursuant to NRS 361.224. The notice will be sent by United States mail at least 60 days before the end of the fiscal year or ~~5-year~~ 3-year period to the address of the person as listed in the files of the Department. If the Department does not receive a response to the notice within 30 days after mailing, the Department will forward the matter to the Board for consideration at its next regularly scheduled meeting. The Board will review the matter and provide its recommendation to the Department concerning whether the appraiser's certificate should be suspended or revoked.