

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON TAXATION

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 28, 1981

The Senate Committee on Taxation was called to order by Chairman Keith Ashworth, at 2:02 p.m., Tuesday, April 28, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Keith Ashworth, Chairman
Senator Norman D. Glaser, Vice Chairman
Senator Don Ashworth
Senator Virgil M. Getto
Senator James N. Kosinski
Senator William J. Raggio

COMMITTEE MEMBER ABSENT:

Senator Floyd R. Lamb

GUEST LEGISLATOR:

Assemblyman Louis W. Bergevin

STAFF MEMBERS PRESENT:

Mr. Ed Shorr, Deputy Fiscal Analyst
Colleen Crum, Committee Secretary

ASSEMBLY BILL NO 438 (Exhibit C)

Mr. Roy Nickson, Director of the Department of Taxation, explained the bill removes Nevada from the Multi-State Tax Compact. The bulk of the compact deals with corporate income tax. However, a clause in the compact mandates a credit for sales or use taxes paid in another state. Nevada has lost at least \$2.1 million annually in sales and use taxes because of its membership in the compact. Withdrawal from the compact will adversely affect some constituents, mainly those who

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purchase automobiles and other large products out of state. He said tax equity dictates that the tax be imposed in the state where the item is intended to be used.

Senator Glaser moved that Assembly Bill No. 438 be approved.

Senator Getto seconded the motion.

The motion carried. (Senator Kosinski did not vote; Senator Don Ashworth was absent for the vote.)

The chairman explained the committee needed to take action on bills which had been heard previously and bills which had not been heard, but conflicted with the tax package.

Senator Kosinski moved that Senate Bill No. 68 be indefinitely postponed.

Senator Glaser seconded the motion.

The motion carried. (Senator Don Ashworth was absent for the vote.)

Senator Raggio moved that Senate Bill No. 70 be indefinitely postponed.

Senator Kosinski seconded the motion.

The motion carried. (Senator Don Ashworth was absent for the vote.)

Senator Raggio moved that Senate Bill No. 116 be indefinitely postponed.

Senator Glaser seconded the motion.

The motion carried.

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Senator Raggio moved that Senate Bill No. 217
be indefinitely postponed.

Senator Getto seconded the motion.

The motion carried.

Senator Glaser moved that Senate Bill No. 218
be indefinitely postponed.

Senator Don Ashworth seconded the motion.

The motion carried. (Senator Getto was absent
for the vote.)

Senator Don Ashworth moved that Senate Bill No. 219
be indefinitely postponed.

Senator Glaser seconded the motion.

The motion carried. (Senator Getto was absent
for the vote.)

Senator Don Ashworth moved that Senate Bill No. 9
be approved. (See Exhibit D.)

Senator Raggio seconded the motion.

The motion carried. (Senator Getto was absent
for the vote.)

The committee discussed Senate Bill No. 15 and Senate Bill
No. 244, which deal with the senior citizens tax exemption.
It was decided to hold the bills until a fiscal note is
prepared by Mr. Ed Shorr, Deputy Fiscal Analyst.

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ASSEMBLY JOINT RESOLUTION NO. 27

The chairman explained the Committees on Conference on Assembly Joint Resolution No. 27 had proposed an amendment which stated, "The legislature may provide separately for the assessment or valuation of any real property or the portion of the real property which the owner occupies as his residence and may provide for the valuation of such property on the basis of its use."

Senator Raggio asked whether the valuation on an elderly person's home would change if the elderly person becomes infirm and must move to a convalescent home. Assemblyman Bergevin stated he did not feel the valuation would be changed. He noted the language used in the amendment was taken from Senate Joint Resolution No. 2 of the 60th Session.

The chairman noted the Committees on Conference agreed to the amendment.

SENATE BILL NO. 69

Mr. Jim Lien, a task force member, explained proposed amendments and summarized Senate Bill No. 69.

Mr. Nickson anticipated problems in establishing value of vacant land under the method of present use on page four, line 11. Mr. Lien agreed the language could create problems. He stated the language used in the first reprint dealt with the situation in a better manner, but the language used the term, "comparable sales."

Senator Don Ashworth noted the intention of the language was to avoid taxing people out of their homes.

Mr. Lien stated the language on page four, line 11 could either be more clearly defined or the Department of Taxation could be required to more fully define the language for working use.

Senator Raggio stated the language in the first reprint had merit. The language addressed "the value of the land,

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whether or not vacant" and "appraised at its present full cash value. If comparable sales in the vicinity are used as evidence of full cash value, those sales must be fairly representative of the value of the land and the use to which it is being put or the contemplated use for which it is being held if unused."

The chairman asked the task force to draft an amendment which would allow the use of comparable sales in valuing vacant property under certain conditions.

Mr. Nickson questioned how the Department of Taxation would develop depreciation schedules on personal property, as stated on page four, line 30. The chairman explained the Department of Taxation could utilize a categorized schedule similar to the Internal Revenue Service Schedule F.

Senator Raggio questioned why the provision would require that depreciation schedules be approved by the interim legislative committee. Mr. Ray Knisley, a task force member, stated some legislators had requested that the depreciation schedules be written in the statute. Interim committee approval was a compromise.

Senator Raggio suggested using the language, "Depreciation must be based upon the estimated economic life of the improvement or other depreciable property," to prevent the lowering of the depreciation limit.

The chairman stated the depreciation schedule should not be retroactive.

Mr. Charles Chinnock, Chief, Assessment Standards Division, Department of Taxation, explained Marshall Swift depreciation schedules based on averages are available.

Senator Raggio asked whether Mr. Chinnock supported the language dealing with depreciation. Mr. Chinnock supported the language with the understanding that estimated economic life condition could be interpreted to mean that an older residence might be depreciated less than an indential residence which was not kept in the same condition.

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Mr. Nickson stated the language on page four, lines 12-13, appeared to permit the Department of Taxation to establish a straight line of depreciation for all property. He suggested eliminating the economic life provision.

The chairman disagreed with Mr. Nickson. He felt property valuation should be adjusted based on its economic useful life.

Senator Kosinski stated depreciation was being treated two different ways.

Mr. Nickson asked for a clarification of the intent of the language dealing with the depreciation of personal property and real property. The task force was instructed to discuss the problem with Mr. Nickson and to draft an amendment.

Mr. Nickson stated the date on page 13, line 15, should be changed from the fourth Monday in March to the fourth Monday in February. The State Board of Equalization, which meets the first Monday in March, requires segregation information before the fourth Monday in March.

The chairman asked whether the first Monday in March would be an acceptable date. Mr. Nickson stated that date would be acceptable.

Mr. Nickson stated there is a time conflict in Section 34, which allows the assessors until June 30 to determine changes in assessments by use of the factoring tables. The Department of Taxation is required to present tax rates to the Tax Commission by July 1. He stated the Department of Taxation would require 10-15 days after the assessors report the assessment changes to establish tax rates.

SENATE BILL NO. 154

Senator Raggio presented Amendment No. 691 (Exhibit F), which would increase the fuel tax to the maximum level of 17.5 cents if the measure is declared invalid. This amendment would discourage litigation. He noted some groups are threatening to take the issue to court. He stated the

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integrity of the highway maintenance program is so important that it shouldn't run the risk of litigation preventing the upgrading of highways.

Senator Kosinski opposed the amendment because the people as a whole would be penalized by paying the maximum tax if a special interest group succeeded in having the measure declared invalid.

Senator Raggio moved that Amendment No. 691 to Senate Bill No. 154 be given a committee introduction.

Senator Glaser seconded the motion.

The motion carried. (Senators Getto and Kosinski voted "No".)

Senator Getto moved that a committee introduction be given to an amendment which would exclude a federal fuel tax increase from boosting the fuel tax in Senate Bill No. 154 to a higher bracket.

Senator Kosinski seconded the motion.

The motion failed. (Senators Glaser, Keith Ashworth, and Raggio voted "No".)

Senator Getto moved that a committee introduction be given to an amendment which would exclude a state fuel tax increase from boosting the fuel tax in Senate Bill No. 154 to a higher bracket.

Senator Kosinski seconded the motion.

The motion carried.

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There being no further business, the meeting adjourned at
4:02 p.m.

Respectfully submitted by:

Colleen Crum
Colleen Crum, Secretary

APPROVED BY:

Keith Ashworth
Senator Keith Ashworth, Chairman

DATE: April 29, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on TAXATION, Room 213.

Day Tuesday, Date April 28, 1981, Time 2:00 p.m.

WORK SESSION

S.B. No. 69--Revises factors which may be used in determining full cash value of real property for taxation.

A. B. 438

ASSEMBLY BILL NO. 438—COMMITTEE ON TAXATION

APRIL 6, 1981

Referred to Committee on Taxation

SUMMARY—Withdraws Nevada from Multistate Tax Compact. (BDR 32-1782)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the Multistate Tax Compact; withdrawing the State of Nevada from the compact; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 376.010 to 376.060, inclusive, are hereby
2 repealed.
3 SEC. 2. The State of Nevada hereby withdraws from the Multistate
4 Tax Compact pursuant to the provisions of Article X of the compact.
5 SEC. 3. This act shall become effective upon passage and approval.

S. B. 9

SENATE BILL NO. 9—SENATOR JACOBSEN

JANUARY 20, 1981

Referred to Committee on Taxation

SUMMARY—Removes provision which allows counties to tax certain real estate belonging to State of Nevada under certain conditions. (BDR 32-446)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to property taxes; removing the statutory provision which allows counties to tax certain real estate of the State of Nevada under certain conditions; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 361.055 is hereby amended to read as follows:
2 361.055 1. All lands and other property owned by the state are
3 exempt from taxation, except real property acquired by the State of
4 Nevada and assigned to the department of wildlife which is or was
5 subject to taxation under the provisions of this chapter at the time of
6 acquisition. [and except as provided in subsection 4.]
7 2. In lieu of payment of taxes on each parcel of real property
8 acquired by it which is subject to assessment and taxation pursuant to
9 subsection 1, the department of wildlife shall make annual payment
10 to the county tax receiver of the county wherein each such parcel of
11 real property is located of an amount equal to the total taxes levied and
12 assessed against each such parcel of real property in the year in which
13 title to it was acquired by the State of Nevada.
14 3. Such payments in lieu of taxes must be collected and accounted
15 for in the same manner as taxes levied and assessed against real property
16 pursuant to this chapter are collected and accounted for.
17 4. [After July 1, 1978, all real estate owned by the State of Nevada
18 located in each county must be listed in a separate tax list and assess-
19 ment roll book of that county at its full cash value. If the total value of
20 such real estate owned by the state in a county is greater than 17 per-
21 cent of the total value of all other real estate listed in the county's
22 tax list and assessment roll books, that portion of the value of the
23 real estate owned by the state which is in excess of such 17 percent
24 may be taxed by the county as other property is taxed.

Senate Bill No. 9 (cont'd)

— 2 —

1 **5.]** Money received pursuant to this section must be apportioned
2 each year to the counties, school districts and cities wherein each such
3 parcel of real property is located in the proportion that the tax rate
4 of each such political subdivision bears to the total combined tax rate
5 in effect for **[such]** *that* year.

6 Sec. 2. NRS 353.264 is hereby amended to read as follows:
7 353.264 1. The reserve for statutory contingency fund is hereby
8 created as a trust fund.

9 2. The reserve for statutory contingency fund **[shall]** *must* be
10 administered by the state board of examiners, and the money in the fund
11 may be expended only for:

12 (a) The payment of claims which are obligations of the state under
13 NRS 41.03435, 41.0347, 41.0349, 41.037, 176.485, 179.310, 212.040,
14 212.050, 212.070, 214.040, 282.290, 282.315, 293.253, 293.405, 298.-
15 155, 353.120, 353.262, 412.154, and 475.240; and

16 (b) The payment of claims which are obligations of the state under
17 NRS 7.125, 176.223, 177.345, 179.225 **[,]** *and* 213.153, **[and** sub-
18 section 4 of NRS 361.055,**]** but such claims must be approved for the
19 respective purposes listed in this paragraph only when the money other-
20 wise appropriated for those purposes has been exhausted.

Ⓢ

1 to insure that all property subject to taxation within the county has been
2 assessed as required by law.

3 (b) Demonstrate to the Nevada tax commission that any adjustments
4 in assessments ordered in the preceding year as a result of the appraisal
5 procedure provided in paragraph (c) of subsection 5 have been complied
6 with.

7 5. At the conclusion of each meeting with the board of county com-
8 missioners and the county assessor, the Nevada tax commission shall:

9 (a) If it finds that all property subject to taxation within the county has
10 been assessed at the proper percentage, take no further action.

11 (b) If it finds that any class of property, as designated in the segrega-
12 tion of the tax roll filed with the secretary of the state board of equaliza-
13 tion pursuant to NRS 361.390, is assessed at less or more than the proper
14 percentage, and if the board of county commissioners approves, order a
15 specified percentage increase or decrease in the assessed valuation of such
16 class on the succeeding tax list and assessment roll.

that

17 (c) If it finds the existence of underassessment or overassessment
18 wherein the ratio of assessed value to [full cash] taxable value is less
19 than 30 percent or more than 37 1/2 percent within each of the several
20 classes of property of the county which are required by law to be assessed
21 at 35 percent of their [full cash] taxable value, or if the board of county
22 commissioners does not agree to an increase or decrease in assessed value
23 as provided in paragraph (b), order the board of county commissioners
24 to employ forthwith one or more qualified appraisers approved by the
25 department. The payment of such appraisers' fees is a proper charge
26 against the funds of the county notwithstanding that the amount of such
27 fees has not been budgeted in accordance with law. The appraisers shall
28 determine whether or not the county assessor has assessed all real and
29 personal property in the county subject to taxation at the rate of assess-
30 ment required by law. The appraisers may cooperate with the department
31 in making their determination if so agreed by the appraisers and the
32 department, and shall cooperate with the department in preparing a
33 report to the Nevada tax commission. The report to the Nevada tax com-
34 mission must be made on or before October 1 following the date of the
35 order. If the report indicates that any real or personal property in the
36 county subject to taxation has not been assessed at the rate required by
37 law, a copy of the report must be transmitted to the board of county
38 commissioners by the department before November 1. The board of
39 county commissioners shall then order the county assessor to raise or
40 lower the assessment of such property to the rate required by law on the
41 succeeding tax list and assessment roll.

42 6. The Nevada tax commission may adopt regulations reasonably
43 necessary to carry out the provisions of this section.

44 7. Any county assessor who refuses to increase or decrease the
45 assessment of any property pursuant to an order of the Nevada tax com-
46 mission or the board of county commissioners as provided in this section
47 is guilty of malfeasance in office.

10 ~~Sec. 2.~~ NRS 361.340 is hereby amended to read as follows:
11 361.340 1. Except as provided in subsection 2, the board of equal-

14-3 ←

12 ization of each county [shall] *must* consist of:

13 (a) Five members, only two of whom may be elected public officers,
14 in counties having a population of 10,000 or more; and

15 (b) Three members, only one of whom may be an elected public
16 officer, in counties having a population of less than 10,000.

17 2. A district attorney, county treasurer or county assessor or any
18 of their deputies or employees [shall] *may* not be appointed to the
19 county board of equalization.

20 3. The chairman of the board of county commissioners shall nomi-
21 nate persons to serve on the county board of equalization who are
22 sufficiently experienced in business generally to be able to bring knowl-
23 edge and sound judgment to the deliberations of the board or who are
24 elected public officers. The nominees [shall] *must* be appointed upon
25 a majority vote of the board of county commissioners. The chairman
26 of the board of county commissioners shall designate one of the
27 appointees to serve as chairman of the county board of equalization.

28 4. Except as otherwise provided in this subsection, the term of each
29 member is 4 years and any vacancy must be filled by appointment for
30 the unexpired term. The term of any elected public officer expires upon
31 the expiration of the term of his elected office.

32 5. The county clerk [shall be] is the clerk of the county board of
33 equalization.

34 6. Any member of the county board of equalization may be removed
35 by the board of county commissioners if, in its opinion, the member is
36 guilty of malfeasance in office or neglect of duty.

37 7. The members of the county board of equalization are entitled
38 to receive per diem allowances and travel expenses as provided by law.

39 8. A majority of the members of the county board of equalization
40 constitutes a quorum, and a majority of the board determines the action
41 of the board.

15: ←

42 9. The county board of equalization of each county shall meet
43 during January of each year, and shall hold such number of meetings
44 during that month as may be necessary to care for the business of
45 equalization presented to it, and in any event shall meet at least
46 once each week during the time provided by this section. *Every meeting*
47 *of the county board of equalization must be held not later than January*
48 *10. Each county board shall cause to be published in a newspaper of*
49 *general circulation published in that county a schedule of dates, times*

1 and places of the board meetings at least 10 days before the first meet-
2 ing. The county board of equalization shall conclude the business of
3 equalization on or before the 31st day of January of each year. The
4 state board of equalization may establish procedures for the county
5 boards, including setting the period for hearing appeals and for setting
6 aside time to allow the county board to review and make final determi-
7 nations. The district attorney or his deputy shall be present at all meet-
8 ings of the county board of equalization to explain the law and the
9 board's authority.

February 15th

10 10. The county assessor or his deputy shall attend all meetings of
11 the county board of equalization.

48 Sec. 15. NRS 361.345 is hereby amended to read as follows:

49 361.345 1. The county board of equalization [shall have power to]
50 may determine the valuation of any property assessed by the county

1 assessor, and may change and correct any valuation found to be incorrect
2 either by adding thereto or deducting therefrom such sum as [shall be] is
3 necessary to make it conform to the [actual or full cash] taxable value
4 of the property assessed, whether such valuation was fixed by the owner
5 or the county assessor. Where the person complaining of the assessment
6 of his property has refused to give the county assessor his list under oath,
7 as required by this chapter, no reduction [shall] may be made by the
8 county board of equalization from the assessment of the county assessor.

9 2. If the county board of equalization finds it necessary to add to the
10 assessed valuation of any property on the assessment roll, it shall direct
11 the clerk to give notice to the person so interested by registered or certu-
12 fied letter, [deposited in the post office,] or by personal service, naming
13 the day when it [shall] will act on the matter [,] and allowing a reason-
14 able time for the interested person to appear.

15 Sec. 16. NRS 361.355 is hereby amended to read as follows:

16 361.355 1. Any person, firm, company, association or corporation,
17 claiming overvaluation or excessive valuation of its real or secured per-
18 sonal property in the state, whether assessed by the Nevada tax commis-
19 sion or by the county assessor or assessors, by reason of undervaluation
20 for taxation purposes of the property of any other person, firm, company,
21 association or corporation within any county of the state or by reason of
22 any such property not being so assessed, shall appear before the county
23 board of equalization of the county or counties wherein such undervalued
24 or nonassessed property may be and make complaint concerning [the
25 same] it and submit proof thereon. The complaint and proof [shall]
26 must show the name of the owner or owners, the location, the description,
27 and the [full cash] taxable value of the property claimed to be under-
28 valued or nonassessed.

where the
is located

29 2. Any person, firm, company, association or corporation wishing to
30 protest the valuation of personal property placed on the unsecured tax
31 roll which is assessed between May 1 and December 15 shall likewise
32 appear before the county board of equalization.

33 3. The county board of equalization forthwith shall examine such
34 proof and all data and evidence submitted by the complainant, together
35 with any evidence submitted thereon by the county assessor or any other
36 person. If the county board of equalization determines that the complain-
37 ant has just cause for making such complaint it shall immediately make
38 such increase in valuation of the property complained of as shall conform
39 to its [full cash] taxable value, or cause such property to be placed on
40 the assessment roll at its [full cash] taxable value, as the case may be.
41 and make proper equalization thereof.

the
the
conforms

42 [3.] 4. Except as provided in subsection 4 and NRS 361.403, any
43 such person, firm, company, association or corporation failing to make a
44 complaint and submit proof to the county board of equalization of each
45 county wherein it is claimed property is undervalued or nonassessed as
46 provided in this section, shall not thereafter be permitted to make com-
47 plaint or offer proof concerning such undervalued or nonassessed prop-

provided in this section, [shall not thereafter be permitted to make complaint of]

is not entitled to file a complaint with

or offer proof concerning [such] that undervalued or nonassessed prop-

erty to the state board of equalization.

1 [4.] 5. If the fact that there is ~~such~~ undervalued or nonassessed
2 property in any county has become known to the complainant after the
3 final adjournment of the county board of equalization of that county for
4 that year, ~~the~~ complainant may (make) file

4
9

its complaint (by) no later than the 4th Monday of

5 9

5 February ~~to the state board of equalization~~ with
6 ~~provided in this section at a session of the state board of equalization~~
7 complainant proving to the satisfaction of the state board of equalization it
8 had no knowledge of such undervaluation or nonassessment prior to
9 the final adjournment of the county board of equalization. The state
10 board of equalization shall proceed in the manner herein provided
11 provided in this section for a county board of equalization in such case, and
12 cause its order thereon to be recalled to the county board of equalization
13 therein to change the assessment roll accordingly.

with

14 Sec. 17. NRS 361.360 is hereby amended to read as follows:
15 361.360 1. Any taxpayer [filing] aggrieved at the action of the
16 county board of equalization in equalizing, or failing to equalize, the
17 value of his property, or property of others, or a county assessor, may
18 appeal to the state board of equalization by the 4th Monday of February

9

file and appeal (to) with the state board of equalization
(by) no later than the 4th Monday of February.

4

19 and present to the state board of equalization the matters complained of
20 at one of its sessions.

21 2. All such appeals [shall] must be presented upon the same facts
22 and evidence as were submitted to the county board of equalization in the
23 ~~first instance, unless [shall be] discovered new evidence pertain-~~

9

first instance, unless [there shall be discovered] new evi-
dence is discovered pertain-

24 ing to the matter which could not, by due diligence, have been discovered
25 prior to the final adjournment of the county board of equalization.

26 3. Any taxpayer whose personal property placed on the unreturned
27 tax roll was assessed after December 31 has before or on the following
28 April 15 may likewise protest to the state board of equalization, which
29 shall meet before May 31 to hear these protests.

30

17.3

30 Sec. 3. NRS 361.365 is hereby amended to read as follows:

31 361.365 1. Each county board of equalization shall, at the expense
32 of the county, cause complete minutes to be taken at each hearing. These
33 minutes [shall] must include the title of all exhibits, papers, reports
34 and other documentary evidence submitted to the county board of
35 equalization by the complainant. The clerk of the county board of
36 equalization shall forward [such] the minutes to the secretary of the
37 state board of equalization.

38 2. If a transcript of any hearing held before the county board of
39 equalization is requested by the complainant, he shall furnish the
40 reporter, pay for the transcript and deliver a copy of the transcript to
41 the clerk of the county board of equalization and the secretary of the
42 state board of equalization [at least 2 days before his hearing with the
43 state board of equalization.] upon filing an appeal.

17.5

34 Sec. 6. NRS 361.380 is hereby amended to read as follows:

35 361.380 1. Except as otherwise provided in subsection 3, annually,
36 the state board of equalization shall convene on the 1st Monday in
37 [February] March in Carson City, Nevada, and shall hold such number
38 of meetings as may be necessary to care for the business of equalization
39 presented to it. [All protests to the state board of equalization shall be
40 made on or before the 4th Monday of February.] The state board of
41 equalization shall conclude the business of equalization on cases that
42 in its opinion have a substantial effect on tax revenues on or before
43 [March 4.] April 10. Cases having less than a substantial effect on tax
44 revenues may be heard at additional meetings which may be held at
45 any time and place in the state prior to October 1.

46 2. The publication in the statutes of the foregoing time, place and
47 purpose of each regular session of the state board of equalization [shall
48 be deemed] is notice of such sessions, or if it so elects, the state board
49 of equalization may cause published notices of such regular sessions to

1 be made in the press, or may notify parties in interest by letter or other-
2 wise.

3 3. The state board of equalization may designate some place other
4 than Carson City, Nevada, for any of the meetings specified in subsection
5 1. If such other place is so designated, notice thereof [shall] must
6 be given by publication of a notice once a week for 2 consecutive weeks
7 in some newspaper of general circulation in the county in which such
8 meeting or meetings are to be held.

9 ~~Sec. 17. NRS 361.390 is hereby amended to read as follows:~~

10 361.390 Each county assessor shall:

11 1. File with or cause to be filed with the secretary of the state board
12 of equalization, on or before the [first] 2nd Monday in February of
13 each year, the tax roll, or a true copy thereof, of his county [; and] for
14 the current year as corrected by the county board of equalization.

15 2. Prepare and file with the secretary of the state board of equalization,
16 on or before [March 25] the 1st Monday in February of each
17 year, a report showing the segregation of property and the assessment
18 thereof shown on the tax roll for the current year.

17.7
4th
1st Monday in
March Amend

19 ~~Sec. 17. NRS 361.405 is hereby amended to read as follows:~~

20 361.405 1. The secretary of the state board of equalization forthwith
21 shall certify any change made by the board in the assessed value of
22 any property in whole or in part to the county auditor of the county
23 [wherein such] where the property is assessed, and whenever the valuation
24 of any property is raised, the secretary of the state board of equalization
25 shall forward by certified mail to the property owner or owners
26 affected, notice of [such] the increased valuation.

27 2. As soon as changes resulting from cases having a substantial effect
28 on tax revenues have been certified to him by the secretary of the state
29 board of equalization, the county auditor shall:

30 (a) Enter all such changes on the assessment roll prior to the delivery
31 thereof to the tax receiver.

32 (b) Add up the valuations and enter the total valuation of each kind
33 of property and the total valuation of all property on the assessment roll.

34 (c) Certify the results to the board of county commissioners and the
35 department on or before [March] April 15 of each year.

36 3. As soon as changes resulting from cases having less than a sub-
37 stantial effect on tax revenue have been certified to him by the secretary
38 of the state board of equalization, the county tax receiver shall adjust the
39 assessment roll or the tax statement or make a tax refund, as directed
40 by the state board of equalization.

41 ~~Sec. 18. NRS 361.465 is hereby amended to read as follows:~~

42 361.465 1. Immediately upon the levy of the tax rate the county
43 clerk shall inform the county auditor of the action of the board of county
44 commissioners. The county auditor shall proceed to extend the tax roll by
45 applying the tax rate levied to the total valuation and ascertaining the
46 total taxes to be collected from each property owner.

47 2. When the tax roll has been so extended, and not later than June
48 [1] 15 of each year, the county auditor shall deliver [the same.] it
49 with his certificate attached, to the ex officio tax receiver of the county.

50 ~~Sec. 18. NRS 361.395 is hereby amended to read as follows:~~

51 361.395 1. During the annual session of the state board of equalization
52 beginning on the 1st Monday in February of each year, the state
53 board of equalization shall:

54 (a) Equalize property valuations in the state, including the valuation
55 of livestock heretofore established by the Nevada tax commission.

56 (b) Review the tax rolls of the various counties as corrected by the
57 county boards of equalization thereof and raise or lower equalization and
58 establishing the [full cash] taxable value of the property, for the purpose
59 of the valuations therein established by all the county assessors and
60 county boards of equalization and the Nevada tax commission, of any
61 class or piece of property in whole or in part in any county, including
62 also livestock and those classes of property enumerated in NRS 361.320.

63 2. If the state board of equalization proposes to increase the valuation
64 of any property on the assessment roll, it shall give 10 days' notice
65 to interested persons by registered or certified mail or by personal service.
66 The notice shall state the time when and place where the person may
67 appear and submit proof concerning the valuation of the property. A person
68 waives the notice requirement if he personally appears before the
69 board and is notified of the proposed increase in valuation.

17.8

17.9

1 SEC. 19. NRS 361.420 is hereby amended to read as follows:
2 361.420 1. Any property owner whose taxes are in excess of the
3 amount which the owner claims justly to be due may pay each installment
4 of taxes as it becomes due under protest in writing, [which protest
5 shall.] *The protest must be in triplicate and filed with the county treas-*
6 *urer at the time of the payment of the installment of taxes. The county*
7 *treasurer forthwith shall forward one copy of the protest to the attorney*
8 *general and one copy to the state controller.*
9 2. The property owner, having protested the payment of taxes as
10 provided in subsection 1 and having been denied relief by the state board
11 of equalization, may commence a suit in any court of competent jurisdic-
12 tion in the state of Nevada against the state and county in which the
13 taxes were paid, and, in a proper case, against the Nevada tax commission
14 and the department may be joined as a defendant for a recovery of the
15 difference between the amount of taxes paid and the amount which the
16 owner claims justly to be due, and the owner may complain upon any of
17 the grounds contained in subsection 4.
18 3. Every action commenced under the provisions of this section
19 [shall] must be commenced within 3 months after the date of the pay-
20 ment of the installment of taxes, and if not so commenced [shall be]
21 forever barred. If the tax complained of is paid in full and under the
22 written protest provided for in this section, at the time of the payment of
23 the first installment of taxes, suit for the recovery of the difference
24 between the amount paid and the amount claimed to be justly due [shall]
25 be commenced within 3 months after the date of the full payment of
26 the taxes, and if not so commenced [shall be] forever barred.
27 4. In any suit brought under the provisions of this section, the person
28 assessed may complain or defend upon any of the following grounds:
29 (a) That the taxes have been paid before the suit;
30 (b) That the property's exempt status under the provisions of
31 the revenue or tax laws of the state, specifying in detail the claim of
32 exemption;
33 (c) That the person assessed was not the owner and had no right, title
34 or interest in the property assessed at the time of assessment;
35 (d) That the property is situated in and has been [duly] assessed in
36 another county, and the taxes thereon paid;
37 (e) That there was fraud in the assessment or that the assessment is
38 out of proportion to and above the [actual] taxable cash value of the
39 property assessed;
40 (f) That the assessment is out of proportion to and above the valuation
41 fixed by the Nevada tax commission for the year in which the taxes were
42 levied and the property assessed; or
43 (g) That the assessment complained of is discriminatory in that it is
44 not in accordance with a uniform and equal rate of assessment and taxa-
45 tion based upon the actual cash value of the property
46 assessed than that of which the other property in the state is assessed.
47 5. In a suit based upon any one or all grounds mentioned in para-
48 graphs (e) to (g), inclusive, of subsection 4, the court shall examine the
49 trial without a jury and confine its review to the record before the state
50 board of equalization. Where procedural irregularities by the board are

— 14 —

1 alleged and are not shown in the record, the court may take evidence
2 respecting the allegation and, upon the request of either party, shall hear
3 oral argument and receive written briefs on the matter.

4 6. In all cases mentioned in this section where the complaint is based
5 upon any grounds mentioned in subsection 4, the entire assessment
6 [shall] *must* not be declared void but [shall only be void] *is void only*
7 as to the excess in valuation.

8 7. In any judgment recovered by the taxpayer under this section, the
9 court may provide for interest thereon not to exceed 6 percent per annum
10 from and after the date of payment of the tax complained of.

11 Sec. 193. NRS 361.450 is hereby amended to read as follows:

12 361.450 1. Except as provided in subsection 3, every tax levied
13 under the provisions of or authority of this chapter [shall be] a per-
14 petual lien against the property assessed until [such taxes] *the tax* and
15 any penalty charges and interest which may accrue thereon [shall be] *are*
16 paid.

17 2. The lien [shall attach on the 1st Monday in September prior to the
18 date on] *attaches on July 1 of the year* for which the taxes are levied.
19 [and shall be] upon all property men within the county. The lien [shall
20 attach] *attaches* upon all other property on the day it is moved into the
21 county [.] *whether or not the owner has real estate within the county of*
22 *sufficient value to pay the taxes on both his real and personal property.* If
23 real and personal property are assessed against the same owner, a lien
24 [shall attach] *attaches* upon such real property also for the tax levied
25 upon the personal property within the county; and a lien for taxes on per-
26 sonal property [shall also attach] *also attaches* upon real property
27 assessed against the same owner in any other county of the state from the
28 date on which a certified copy of any unpaid property assessment is filed
29 for record with the county recorder in the county in which the real prop-
30 erty is situated.

31 3. All liens for taxes levied under this chapter which have already
32 attached to a mobile home expire on the date when the mobile home is
33 sold, except the liens for personal property taxes due in the county in
34 which the mobile home was situate at the time of sale, for any part of the
35 12 months immediately preceding the date of sale.

36 4. All special taxes levied for city, town, school, road or other pur-
37 poses throughout the different counties of this state [shall be] *are* a lien
38 on the property so assessed, and [shall] *must* be assessed and collected
39 by the same officer at the same time and in the same manner as the state
40 and county taxes are [now or may hereafter be] assessed and collected.

19.4

41 Sec. 143. NRS 361.483 is hereby amended to read as follows:

42 361.483 1. Except as provided in subsection 4, taxes assessed upon
43 the real property tax roll and upon mobile homes as defined in NRS
44 361.561 are due [and payable] on the [1st] *3rd* Monday of July.

45 2. Taxes assessed upon the real property tax roll may be paid in
46 four equal installments.

47 3. In any county having a population of 100,000 or more, taxes
48 assessed upon a mobile home may be paid in four equal installments if
49 the taxes assessed exceed \$100.

50 4. If a person elects to pay in quarterly installments, the first install-
51 ment is due [and payable] on the 3rd Monday of July, the second
52 installment on the 1st Monday of October, the third installment on the
53 1st Monday of January, and the fourth installment on the 1st Monday
54 of March.

55 5. If any person charged with taxes which are a lien on real prop-
56 erty fails to pay:

57 (a) Any one quarter of such taxes on or within 10 days following
58 the day such taxes become due [and payable], there [shall] *must* be
59 added thereto a penalty of 4 percent.

60 (b) Any two quarters of such taxes, together with accumulated penal-
61 ties, on or within 10 days following the day the later [of such quarters]
62 *quarter* of taxes becomes due, there [shall] *must* be added thereto a
63 penalty of 5 percent of the two quarters due.

64 (c) Any three quarters of such taxes, together with accumulated
65 penalties, on or within 10 days following the day the latest [of such
66 quarters] *quarter* of taxes becomes due, there [shall] *must* be added
67 thereto a penalty of 6 percent of the three quarters due.

68 (d) The full amount of such taxes, together with accumulated penal-
69 ties, on or within 10 days following the 1st Monday of March, there

1 [shall] must be added thereto a penalty of 7 percent of the full amount
2 of such taxes.

3 6. Any person charged with taxes which are a lien on a mobile
4 home as defined in NRS 361.561, who fails to pay the taxes within 10
5 days after the quarterly payment is due is subject to the following pro-
6 visions:

- 7 (a) The entire amount of the taxes are due; [and payable;]
- 8 (b) A penalty of 10 percent of the taxes due; [and payable;]
- 9 (c) An additional penalty of 33 per month or any portion thereof,
10 until the taxes are paid; and
- 11 (d) The county assessor may proceed under NRS 361.535.

41 Sec. 19.5. NRS 361.505 is hereby amended to read as follows:

42 361.505 1. Each county assessor, when he assesses the property of
43 any person [or persons, company or corporation] liable to taxation who
44 does not own real estate within the county of sufficient value, in the
45 county assessor's judgment, to pay the taxes on both his [or their] real
46 and personal property, shall proceed immediately to collect the taxes on
47 the personal property so assessed, except as to mobile homes as provided
48 in subsection 3 of NRS 361.483.

49 2. The county assessor shall prorate the tax on personal property
50 brought into or entering the state or county for the first time during the

1 fiscal year by reducing the tax one-twelfth for each full month which has
2 elapsed since the beginning of the fiscal year. *Where such property is*
3 *owned by a person who does own real estate in the county of sufficient*
4 *value in the county assessor's judgment to pay the taxes on both his real*
5 *and personal property, the tax on the personal property for the fiscal year*
6 *in which the property was moved into the state or county, prorated, may*
7 *be collected all at once or by installments as permitted by NRS 361.483*
8 *for property assessed upon the real property tax roll.*

9 for property assessed upon the real property tax roll. The
10 taxes for personal property first assessed during May or
11 June of each fiscal year may be added to the taxes for the
12 ensuing fiscal year and collected concurrently with them.

9 3. The person paying such taxes [shall not be] *is not* thereby
10 deprived of his right to have such assessment equalized, and if, upon
11 such equalization, the value is reduced, the taxes paid [shall] *must* be
12 refunded to such person from the county treasury, upon the order of the
13 [board of county commissioners] *county or state board of equalization*
14 *in proportion to the reduction of the value made.*

15 [2. If, at the time of such assessment of personal property, the
16 board of county commissioners has not as yet levied the tax based upon
17 the full combined tax rate for the taxable year to which such assessment
18 is applicable, the total amount of the tax to be collected by the county
19 assessor shall be determined by use of the then current state ad valorem
20 tax rate and the regular combined tax rate for the county, city and
21 school district as levied and applied for the preceding taxable year. The
22 county treasurer shall apportion the tax as other taxes are apportioned.

23 3. Nothing contained] 4. *Nothing* in this section or any other
24 statute [shall be construed as prohibiting] *prohibits* the county assessor
25 from prorating the count on livestock situated within the state for a por-
26 tion of a year.

*Another bill
is needed
on
amendment*

Sec. 19.6. NRS 361.535 is hereby amended to read as follows:

1. If the person or persons, company or corporation so
assessed shall neglect or refuse to pay such taxes
[on demand of the county assessor, the county assessor or
his deputy shall seize] within 30 days of demand there shall
be added to the tax and collected therewith a penalty of 10
percent. failure to pay the tax and penalty upon demand
shall cause the county assessor to seize, seal or ~~lock~~
sufficient of the personal property of the person or persons,
company or corporation so neglecting or refusing to pay to
satisfy the taxes and costs.

2. The county assessor shall post a notice of such seizure, with a
description of the property, in three public places in the township or
district where it is seized, and shall, at the expiration of 5 days, pro-
ceed to sell at public auction, at the time and place mentioned in the
notice, to the highest bidder, for lawful money of the United States, a
sufficient quantity of such property to pay the taxes and expenses
incurred. For this service the county assessor shall be allowed from the
delinquent person a fee of \$3.

3. If the personal property seized by the county assessor or his deputy, consists of a mobile home, house trailer or boat, the county assessor shall publish a notice of such seizure once during each of 2 successive weeks in a newspaper of general circulation in the county. If the legal owner of such property is someone other than the registered owner and the name and address of the legal owner can be ascertained from the records of the department of motor vehicles, the county assessor shall, prior to such publication, send a copy of such notice by registered or certified mail to such legal owner. The cost of such publication and notice shall be charged to the delinquent taxpayer. Such notice shall state:

- (a) The name of the owner, if known.
- (b) The description of the property seized, including the make,

thereof to such person personally. For service under the provisions of this section, such fees are allowed as for similar services in civil cases, to be collected only from persons owing such taxes.

5. It is unlawful for any person served with the citation mentioned in this section to sell or transfer his property or effects, so as to defeat the collection of taxes or costs, or any part thereof. Any person who violates the provisions of this subsection shall be punished by a fine of not more than \$250.

6. On the examination, if it appears that such person has any money, goods, chattels or effects, the judge or justice of the peace shall order sufficient thereof to be turned out to the county assessor to satisfy such taxes and costs of sale, and also costs of proceeding on the citation. In case of a willful neglect or refusal by such person either to obey the order of citation or the order to pay, or to turn out property as ordered, such person is in contempt of such court, judge or justice of the peace, and may be proceeded against as in other cases of contempt in civil cases in the courts of justice in this state.

7. If the taxes cannot be collected by such process, then no future liability attaches to the county assessor therefor.

8. In other respects than provided in this section, the proceedings under this section shall be conducted as provided in NRS 21.270 to 21.340, inclusive, regulating proceedings supplementary to execution.

27 Sec. 19.7. NRS 361.562 is hereby amended to read as follows:

28 361.562 1. If the purchaser of a mobile home or slide-in camper
29 does not pay the personal property tax thereon, upon taking possession,
30 he shall, within 30 days from the date of his purchase:

31 (a) Pay to the county assessor all personal property taxes which the
32 assessor is required to collect against such mobile home or slide-in
33 camper and its contents, except as provided in subsection 3 of NRS
34 361.485; or

35 (b) Satisfy the county assessor that he owns real estate within the
36 county of sufficient value, in the county assessor's judgment, to pay the
37 taxes on both his real and personal property. *In this case, the personal
38 property taxes which the county assessor is required to collect against
39 the mobile home or slide-in camper and its contents for the fiscal year in
40 which it is purchased, may be collected all at once or by installments as
41 permitted by NRS 361.483 for property assessed upon the real property
42 tax roll.*

43 2. The county assessor shall collect the tax required to be paid by
44 subsection 1, in the manner prescribed by law for the collection of other
45 personal property taxes, *except as provided in paragraph (b) of subsection
46 1 and except as to mobile homes as provided in subsection 3 of NRS
47 361.485.*

48 SEC. 20. NRS 361.695 is hereby amended to read as follows:

49 361.695 The defendant may answer [, which answer shall be veri-
50 fied:] by a verified pleading:

- 1 1. That the taxes and penalties have been paid before suit.
- 2 2. That the taxes with penalties and costs have been paid since suit,
- 3 or that such property is exempt from taxation under the provisions of
- 4 this chapter.
- 5 3. Denying all claim, title or interest in the property assessed at the
- 6 time of the assessment.
- 7 4. That the land is situate in, and has been [duly] assessed in,
- 8 another county, and the taxes thereon paid.
- 9 5. Fraud in the assessment, or that the assessment is out of propor-
- 10 tion to and above the [actual cash] taxable value of the property
- 11 assessed. [In the last-mentioned case, where] Where the defense is based
- 12 upon the ground that the assessment is above the [actual cash] taxable
- 13 value of the property, the defense [shall only be] is only effectual as to
- 14 the proportion of the tax based upon such excess of valuation; but in no
- 15 such case [shall] may an entire assessment be declared void.

203

12 Sec. 12. NRS 361.795 is hereby amended to read as follows:
 13 361.795 1. As used in this section, "qualified system" means any
 14 system, method, construction, installation, machinery, equipment, device
 15 or appliance which is designed, constructed or installed in a residential
 16 building to heat or cool the building by using:

- 17 (a) Solar or wind energy;
- 18 (b) Geothermal resources;
- 19 (c) Energy derived from conversion of solid wastes; or
- 20 (d) Water power,

21 which conforms to standards established by regulation of the department.
 22 2. The owner of a residential building which is heated or cooled with
 23 a qualified system is entitled to an allowance against the property tax
 24 accrued:

- 25 (a) During the current assessment year if the building is placed upon
- 26 the secured tax roll; or
- 27 (b) In the next following assessment year if the building is placed
- 28 upon the unsecured tax roll,
- 29 in an amount equal to the difference between the tax on [such] the prop-
- 30 erty at its assessed value with the system and the tax on [such] the
- 31 property at its assessed value without the system.

taxable
taxable

32 3. In no event may the allowance
 33 ~~exceed~~ exceed the amount of the accrued property tax paid by the claim-

c.c.

34 ant on the building or \$2,000, whichever is less.
 35 ~~(b) Be granted in any assessment year in which the qualified system is~~
 36 ~~not actually used to heat or cool the building.~~
 37 4. Only one owner of the building may file a claim for an assessment
 38 year. A claim may be filed with the county assessor of the county in
 39 which the building is located. The claim [shall] must be made under
 40 oath in a statement and filed in such form and content, and accompanied
 41 by such proof, as the department may prescribe. The county assessor
 42 shall furnish the appropriate form to each claimant.

signed under penalty of perjury

43 5. The claim [shall] must be filed between January 15 and March
 44 15, inclusive.
 45 ~~(a) Of each assessment year for which an allowance is claimed against~~
 46 ~~the tax on property placed upon the secured tax roll.~~
 47 ~~(b) Next preceding each assessment year for which an allowance is~~
 48 ~~claimed against the tax on property placed upon the unsecured tax roll.~~

9 or before
 the 1st Monday
 in August for
 the ensuing
 fiscal year.
 That claim shall
 remain in effect
 until a change of
 ownership or the
 removal of the
 qualified system

49 6. By not later than May 1 of the assessment year, the county
 assessor shall provide the auditor of his county a statement showing the

- 1 property description or parcel number, name and address of claimant,
- 2 and the dollar allowances of each claim granted for the assessment
- 3 year under this section with respect to property placed upon the secured
- 4 tax roll. After the county auditor extends the secured tax roll, he shall
- 5 adjust the roll to show the dollar allowances and the amounts of tax, if
- 6 any, remaining due as a result of claims granted under this section. By
- 7 not later than June 15 of the assessment year, the county auditor
- 8 shall deliver the extended tax roll, so adjusted, to the ex officio tax
- 9 receiver of the county.

10 7. The ex officio tax receiver of the county shall make such cor-
 11 responding adjustments to the individual property tax bills, prepared
 12 from the secured tax rolls, as are necessary to notify the taxpayers of the
 13 allowances granted them under this section.

14 8. After granting the claim of a taxpayer whose building is placed
 15 upon the unsecured tax roll, the county assessor shall determine the
 16 amount of the allowance to which the claimant is entitled under this
 17 section and shall credit the claimant's individual property tax account
 18 accordingly.

19 9. The county assessor shall send to the department, for each
 20 assessment year, a statement showing the allowances granted pursuant
 21 to this section. Upon verification and audit of the allowances, the
 22 department shall authorize reimbursement to the county by the state
 23 from money appropriated for the purpose.

24 10. Any person who willfully makes a materially false statement
 25 on a claim filed under this section or produces false proof, and as a
 26 result of such false statement or false proof, a tax allowance is granted
 27 to a person not entitled to the allowance, is guilty of a gross misde-
 28 meanor

16 Sec. 21. NRS 361A.020 is hereby amended to read as follows:

17 361A.020 1. "Agricultural real property" means:

18 (a) Land:

19 (1) Devoted exclusively for at least 3 consecutive years immediately
20 preceding the assessment date to:

- 21 (I) Agricultural use; or
- 22 (II) Activities which prepare the land for agricultural use; and
- 23 (2) Having a greater value for another use than for agricultural use.

24 For the purposes of this subparagraph, agricultural land devoted to agri-
25 cultural use has a greater value for another use if its [full cash] taxable
26 value determined pursuant to NRS 361.227 and 361.260 exceeds its
27 value for agricultural use determined on the basis provided in NRS 361-
28 325.

29 (b) The improvements on such land which support accepted agricul-
30 tural practices except any structures or any portion of a structure used
31 primarily as a human dwelling.

32 This term does not apply to any land with respect to which the owner has
33 granted and has outstanding any lease or option to buy the surface rights
34 for other than agricultural use, except leases for the exploration of geo-
35 thermal resources as defined in NRS 361.027, mineral resources or other
36 subsurface resources, or options to purchase such resources, if such explo-
37 ration does not interfere with the agricultural use of the land.

38 2. As used in this section, "accepted agricultural practices" means a
39 mode of operation that is common to farms or ranches of a similar nature,
40 necessary for the operation of such farms or ranches to obtain a profit in
41 money and customarily utilized in conjunction with agricultural use.

42 Sec. 22. NRS 361A.130 is hereby amended to read as follows:

43 361A.130 1. If the property is found to be agricultural real property,
44 the county assessor shall determine its value for agricultural use and
45 assess it for taxes to be collected in the ensuing fiscal year at 35 percent
46 of that value. At the same time the assessor shall make a separate deter-
47 mination of its [full cash] taxable value pursuant to NRS 361.227 and
48 361.260 if he determines that the property is located in a higher use area.
49 If the assessor determines that the property is not located in a higher use
50 area, he shall make the agricultural use assessment only, and shall not
1 make the [full cash] taxable value assessment, except as provided in
2 NRS 361A.155.

3 2. The [full cash] taxable value assessment [shall] must be main-
4 tained in the assessor's records, and [shall] must be made available to
5 any person upon request. The property owner shall be notified of the
6 [full cash] taxable value assessment each year the property is reap-
7 praised, together with the agricultural use assessment, in the manner pre-
8 scribed by the department.

9 3. The entitlement of agricultural real property to agricultural use
10 assessment [shall] must be determined as of the first Monday in
11 September ~~October~~ in each year. If the property becomes disqualified
12 for such assessment [prior to the first Monday in September in the same
13 year, it shall] before that date, it must be assessed as all other real prop-
14 erty is assessed [.] and taxed in the ensuing fiscal year upon the basis
15 of this regular assessment.

9 December 15

16 Sec. 23. NRS 361A.155 is hereby amended to read as follows:

17 361A.155 1. When any agricultural real property whose [full cash]
18 taxable value as determined pursuant to NRS 361.227 and 361.260 has
19 not been separately determined for each year in which agricultural use
20 assessment was in effect for the property is:

- 21 (a) Determined by the county assessor to be located in a higher use
22 area; or
- 23 (b) Converted in whole or in part to a higher use.

24 the county assessor shall determine its [full cash] taxable value at the
25 time the location in a higher use area is determined or at the time of
26 conversion, respectively, and discount that valuation as appropriate to
27 determine the valuation against which to compute the deferred tax.

28 2. The department shall prescribe by regulation an appropriate pro-
29 cedure for determining [full cash] taxable value assessment under this
30 section.

31 Sec. 24. NRS 361A.160 is hereby amended to read as follows:

32 361A.160 1. The determination of use, the agricultural use assess-
33 ment and the [full cash] taxable value assessment in each year are final
34 unless appealed in the manner provided in chapter 361 of NRS for com-
35 plaints of overvaluation, excessive valuation or undervaluation.

36 2. Any person desiring to have his property assessed for agricultural
37 use who fails to file a timely application may petition the county board
38 of equalization which, upon good cause shown, may accept an applica-
39 tion, and, if appropriate, allow that application. The assessor shall then
40 assess the property consistently with the decision of the county board of
41 equalization on the next assessment roll.

42 Sec. 25. NRS 361A.220 is hereby amended to read as follows:

43 361A.220 1. If the property is found by the board of county com-
44 missioners to be open-space real property, the county assessor shall deter-
45 mine its value for open-space use and assess it for taxes to be collected in
46 the ensuing fiscal year at 35 percent of that value. At the same time, the
47 assessor shall make a separate determination of its [full cash] taxable
48 value pursuant to NRS 361.227 and 361.260.

49 2. The [full cash] taxable value assessment [shall] must be main-
50 tained in the assessor's records and [shall] must be made available to any

1 person upon request. The property owner shall be notified of the [full
2 cash] taxable value assessment each year the property is reappraised,
3 together with the open-space use assessment in the manner prescribed by
4 the department.

5 3. The entitlement of open-space real property to open-space use
6 assessment [shall] *must* be determined as of [the first Monday in Sep-
7 tember] ~~October~~ in each year. If the property becomes disqualified for
8 open-space assessment [prior to the first Monday in September in the
9 same year, it shall] *before that date it must* be assessed as all other real
10 property is assessed [.] *and taxed in the ensuing fiscal year upon the basis*
11 *of this regular assessment.*

December 15

12 Sec. 26. NRS 361A.240 is hereby amended to read as follows:

13 361A.240 1. The determination of use, the open-space use assess-
14 ment and the [full cash] taxable value assessment in each year are final
15 unless appealed.

16 2. The applicant for open-space assessment is entitled to:

17 (a) Appeal the determination made by the board of county commis-
18 sioners to the district court in the county where the property is located, or
19 if located in more than one county, in the county in which the major por-
20 tion of the property is located, as provided in NRS 278.027.

21 (b) Equalization of both the open-space use assessment and the [full
22 cash] taxable value assessment in the manner provided in chapter 361 of
23 NRS for complaints of overvaluation, excessive valuation or undervalua-
24 tion.

25 Sec. 27. NRS 361A.280 is hereby amended to read as follows:

26 361A.280 1. When agricultural or open-space real property which is
27 receiving agricultural or open-space use assessment is converted to a
28 higher use, there shall be added to the tax extended against the property
29 on the next property tax statement, an amount equal to the sum of the
30 following:

31 (a) The deferred tax, which is the difference between the taxes paid or
32 payable on the basis of the agricultural or open-space use assessment and
33 the taxes which would have been paid or payable on the basis of the
34 [full cash] taxable value determination for each year in which agricul-
35 tural or open-space use assessment was in effect for the property, up to
36 34 months immediately preceding the date of conversion from agricul-
37 tural or open-space use. The 34-month period includes the most recent
38 year of agricultural or open-space use assessment but does not include
39 any period before July 1, 1976.

40 (b) A penalty equal to 20 percent of the accumulated deferred tax for
41 each year in which the owner failed to give the notice required by NRS
42 361A.270.

43 2. The deferred tax and penalty are a perpetual lien until paid as
44 provided in NRS 361.450; but if the property is not converted to a
45 higher use within 34 months after the date of attachment, the lien for
46 that earliest year then expires.

47 3. Each year a statement of liens attached pursuant to this section
48 must be recorded with the county recorder by the tax receiver in a form
49 prescribed by the department upon completion of the tax statement.

1 4. If agricultural or open-space real property receiving agricultural or
 2 open-space use assessment is sold or transferred to an ownership making
 3 it exempt from ad valorem property taxation ~~between July 1 and the~~⁹
 4 ~~first Monday in September, October 15, inclusive, in any year, a lien for~~
 5 a proportional share of the deferred taxes that would otherwise have been
 6 due in the following year, attaches on the day preceding the sale or trans-
 7 fer. The lien [shall] *must* be enforced against the property when it is
 8 converted to a higher use, even though the owner at the time of conver-
 9 sion enjoys an exemption from taxation.

29 Sec. 137 NRS 362.130 is hereby amended to read as follows:
 30 362.130 1. When the department determines the net proceeds of
 31 any mine or mines, the Nevada tax commission shall prepare its certifi-
 32 cate of the amount of the net proceeds of the mine or mines in triplicate
 33 and shall file one copy of the certificate with the department, one copy
 34 with the county assessor of the county in which the mine or mines are
 35 located, and shall send the third copy to the person, corporation or
 36 association which is the owner of the mine, operator of the mine, or
 37 recipient of the royalty payment, as the case may be.
 38 2. Upon the filing of the copy of the certificate with the county
 39 assessor and with the department, the assessment [shall be deemed to
 40 be] is made in the amount fixed by the certificate of the Nevada tax
 41 commission, and taxes thereon at the rate established are immediately
 42 due. [and payable.] The certificate of assessment *must* be filed and
 43 mailed not later than the [15th day of May] ~~day of May~~ ^{27.3} *May 25th* ⁹
 44 following the month of February during which the statement was filed.

10 Sec. 28. NRS 367.025 is hereby amended to read as follows:
 11 367.025 For the purposes of this chapter, the [full cash] *taxable*
 12 value of a share of stock in a bank is its proportionate part of the aggre-
 13 gate taxable capital. Such aggregate taxable capital [shall] *must* be
 14 determined in the following manner:
 15 1. The average of each of the following factors [shall] *must* be com-
 16 puted for the fiscal year preceding the valuation, using the respective
 17 amounts as of the end of each calendar quarter:
 18 (a) Cash;
 19 (b) Demand deposits;
 20 (c) Time deposits; and
 21 (d) Total deposits.
 22 2. From the average cash [shall] *must* be subtracted an appropriate
 23 cash reserve, which [shall] *must* be the sum of:
 24 (a) Average demand deposits multiplied by that percentage established
 25 by the Board of Governors of the Federal Reserve System as a required
 26 cash reserve for member banks, as of the close of the fiscal year preceding
 27 the valuation.
 28 (b) Average time deposits multiplied by that percentage established by
 29 the Board of Governors of the Federal Reserve System as a required cash
 30 reserve for member banks as of the close of the fiscal year preceding valua-
 31 tion.
 32 The appropriate cash reserve [shall] *must* be computed in the same
 33 manner for all banks, whether or not they are members of the Federal
 34 Reserve System.
 35 3. From the average total deposits [shall] *must* be subtracted the
 36 excess cash, which is the difference obtained pursuant to subsection 2, if
 37 any.
 38 4. The difference obtained pursuant to subsection 3 [shall] *must* be
 39 multiplied by 9 percent, to obtain the capital equivalent of the deposits.
 40 5. From the capital equivalent obtained pursuant to subsection 4
 41 [shall] *must* be subtracted the [full cash] *taxable* value of all real
 42 property assessed to the bank. The difference so obtained is the aggregate
 43 taxable capital of the bank.

44 Sec. 29. NRS 367.030 is hereby amended to read as follows:
 45 367.030 1. All shares of stock in banks, including shares subscribed
 46 but not issued, existing by authority of the United States, or of the State
 47 of Nevada, or of any other state, territory or foreign government, and
 48 located within the State of Nevada, [shall] *must* be assessed to the own-
 49 ers thereof in the county, city, town or district where such banks are
 50 located, and not elsewhere, in the assessment of all state, county, town or

1 special taxes, imposed and levied in such place, whether such owner is a
2 resident of the county, city, town or district, or not.

3 2. All such shares [shall] *must* be assessed at 35 percent of their
4 [full cash] *taxable* value determined as of July 1.

5 3. The proportionate parts of the shares of stock in a bank having
6 branches in one or more counties, cities, towns or districts, [shall]
7 *must* be assessed as provided [herein] *in this section* in such counties,
8 cities, towns or districts where such bank or branches may be situated.
9 such proportionate parts to be assessed in each such county, town, city
10 or district being determined by the ratio which the total deposits, both
11 time and demand, at the close of banking hours on the last business
12 day of the preceding fiscal year in the bank or branch situated in such
13 county, city, town or district bear to the total of such deposits on the
14 last business day of the preceding fiscal year in all of the banks and
15 branches thereof, ownership of which is represented by the shares of
16 stock so assessed.

17 4. The persons or corporations who appear from the records of the
18 banks to be the owners of shares at the close of the business day on
19 July 1, or if July 1 is not a business day then the next-succeeding busi-
20 ness day, in each year shall be [taken and] deemed to be the owners
21 thereof for the purposes of this section.

22 Sec. 30. NRS 367.050 is hereby amended to read as follows:

23 367.050 1. On or before August 1 of each year, each bank which
24 is located or has a branch located in this state shall report to the depart-
25 ment, upon forms which shall be prescribed by the department:

26 (a) The quarterly amounts of its cash, demand deposits, time depos-
27 its and total deposits for the preceding fiscal year; and

28 (b) A list showing the total deposits in its principal office and in
29 each of its branches at the close of the last business day of the preceding
30 fiscal year, segregated according to the county in which such office and
31 each branch is situated.

32 2. On or before September 1 of each year, each county assessor
33 shall transmit to the department a list showing the [full cash] *taxable*
34 value of each parcel of real property in his county which is assessed to
35 a bank for the current fiscal year.

36 3. The department shall annually, at its regular meeting beginning
37 on the 1st Monday in October, determine:

38 (a) The aggregate taxable capital of each bank which is located or
39 has a branch located in this state; and

40 (b) The proportion of such aggregate taxable capital which is
41 required to be assessed in each county of the state.

42 4. On or before the 1st Monday in December, the department shall
43 transmit to each county assessor the amount of the aggregate taxable
44 capital of each bank which is required to be assessed in his county, and
45 each assessor shall adopt as the [full cash] *taxable* value of the shares of
46 stock of each such bank the amounts so shown.

47 Sec. 31. 1. Notwithstanding the provisions of NRS 361.225, except
48 as provided in section 32 of this act, all property subject to taxation must
49 be assessed at 35 percent of its adjusted cash value. The adjusted cash
50 value is calculated by multiplying the full cash value of the property by

1 the factor shown in the following table for the class and for the fiscal year
2 in which the property was most recently appraised:

Reappraisal Year	Residential Improvements	Other Property
1976-1977 or earlier	1.416	1.438
1977-1978	1.190	1.313
1978-1979	1.000	1.199
1979-1980	0.840	1.095
1980-1981	0.706	1.000

the factor shown in the following table for the class and for the most recent reappraisal year:

10 2. The assessment provided in subsection 1 must be used only for the
11 levying of taxes to be collected during the fiscal year 1981-1982 on all
12 property to which they apply.

13 3. As used in this section, "residential improvement" means a single
14 family dwelling, a townhouse, or a condominium and its appurtenances

3. As used in this section, "residential improvement" means a single-family dwelling, a townhouse, or a condominium and their appurtenances on a parcel with no other major improvement.

Sec. 31.3

1. Notwithstanding the provisions of NRS 361.225 for the assessment period ending December 15, 1981, all property, except as provided in section 32 of this act, must be assessed at 35 percent of taxable value.

(a) For existing properties that value must be determined by multiplying the existing adjusted cash value by the appropriate factors provided by the department of taxation.

(b) For new properties the county assessor must determine as taxable value consistent with the value of like properties as determined in paragraph (a).

2. The department must develop the factors for determining the taxable value of these properties no later than September 1, 1981. The factors and the projected results of their application must be reviewed by the legislative committee on local government finance which must adopt, modify or reject the factors no later than September 15, 1981. Immediately thereafter the department must furnish the factoring schedules and the regulations for implementation to the county assessors.

3. No physical appraisals except of new properties may be made by the county assessors for the assessment period ending December 15, 1981. The 1 year moratorium must not be construed to be a violation of the 5 year appraisal cycle as defined in NRS 361.250 (3).

Sec. 31.5. The provision of section 3 of this bill will not apply to personal property placed on the unsecured roll until May 1982.

15 Sec. 32. The provisions of section 31 of this act do not apply to the
16 assessment of:

- 17 1. Any personal property;
 - 18 2. Any property assessed by the Nevada tax commission pursuant to
19 NRS 361.320;
 - 20 3. Any land assessed by the Nevada tax commission pursuant to
21 NRS 361.325;
 - 22 4. Any real property assessed pursuant to chapter 361A of NRS; or
 - 23 5. Shares of stock in banks pursuant to chapter 367 of NRS.
- 24 or to the assessment or taxation of mining claims or the net proceeds of
25 mines under chapter 362 of NRS.

26 Sec. 33. The legislature finds that:
27 1. The factors prescribed in section 31 of this act for the respective
28 years of appraisal have the approximate effect of placing property
29 appraised before the fiscal year 1980-1981 on a parity with property
30 appraised during that fiscal year, and the respective classes of real property
31 separately specified in that section on a parity with one another.

32 2. Such an approximation is necessary in order to permit the orderly
33 collection of taxes ad valorem during the fiscal year 1981-1982.

34 3. Each of the classes of property excluded from the operation of section
35 31 of this act is assessed pursuant to NRS in such a manner that no
36 adjustment is required to place all property within that class on a parity.

37 Sec. 34. 1. Before July 1, 1981, each county assessor shall determine
38 the required assessment for each parcel of real property assessed
39 according to its adjusted cash value pursuant to section 31 of this act,
40 and deliver the adjusted assessment roll to the county auditor.

41 2. The county auditor shall extend the adjusted assessment roll by
42 applying the tax rate certified by the department of taxation to the
43 adjusted assessed valuation and ascertain the total taxes to be collected
44 from each property owner. The county auditor shall also calculate what
45 the taxes to be collected during the fiscal year beginning on July 1, 1981,
46 would have been on each property had there been no adjustment to the
47 property's assessed valuation or the proposed tax rate. For this purpose,
48 the department of taxation shall on or before June 15 notify each county
49 auditor of the tax rate which would have been necessary to support the

→ and 31.3

Annual
at least
10 days
should be
provided

1 budget of each local government for the fiscal year beginning on July 1,
2 1981, under prior law.

3 3. When the adjusted tax roll has been extended, and not later than
4 July 17, the county auditor shall deliver it to the ex officio tax receiver of
5 the county.

6 4. Upon receipt of the adjusted assessment roll, the ex officio tax
7 receiver shall:

8 (a) Publish notice of the dates when the taxes to be collected during
9 the fiscal year beginning on July 1, 1981, are due;

10 (b) Proceed to bill each taxpayer ~~for the taxes due;~~

11 (c) Include in the billing a notice of change of valuation which
12 includes the prior assessed valuation and the adjusted assessed valuation;
13 and

14 (d) Include in the billing a notice of what the taxes would have been
15 had the assessed valuation and the proposed tax rate not been adjusted.

16 If the billing is sent to anyone other than the owner, the ex officio tax
17 receiver shall send a copy of the tax bill and the required notices to the
18 owner.

19 5. If, after receipt of a tax bill and notice of change of assessed valua-
20 tion, any person believes the adjusted assessed valuation of his property
21 is incorrect or unjust, he may file a protest with the county board of
22 equalization no later than August 14, 1981. The county board of equali-
23 zation of each county must hold special meetings to hear those protests
24 beginning August 17, 1981, and must conclude its work no later than
25 September 15, 1981. The county board shall hear only protests on prop-
26 erties for which the adjusted valuation exceeds the valuation on the
27 1980-81 equalized assessment roll or the prior year's equalized valua-
28 tion.

29 6. Any person who is aggrieved at the action of the county board of
30 equalization on his protest may appeal that action to the state board of
31 equalization not later than 5 days after the action of the county board
32 of equalization. The state board shall hold special hearings as often as is
33 necessary to determine those appeals as expeditiously as possible. These
34 hearings must be concluded no later than October 1, 1981. The secretary
35 of the state board of equalization shall immediately, as each change in the
36 adjusted assessed valuation is made by the board, certify that change to
37 the appropriate county auditor who shall forthwith enter the change on
38 the adjusted assessment roll. The secretary shall also issue an order to the
39 ex officio tax receiver of the appropriate county who shall, if applicable,
40 issue a refund of excess taxes paid or adjust the balance due to reflect the
41 changes made by

either the county board of equalization or
the state board of equalization.

42 SEC. 35. 1. Each local government shall, with the approval of the
43 department of taxation, revise its budget for the fiscal year commencing
44 July 1, 1981, if and to the extent necessary to comply with the provisions
45 of this act.

46 2. The taxes on real property otherwise due under NRS 361.483 on
47 the 1st or 3rd Monday of July, 1981, are due on the 3rd Monday of
48 August, 1981.

*for mortgage
holder as
applicable*

1 Sec. 36. The lien for taxes upon real property payable:
 2 1. During the fiscal year commencing July 1, 1981; or
 3 2. As deferred taxes under NRS 361A.230,
 4 which attached on the first Monday in September 1980, expires on July 1,
 5 1981, and is superseded by the lien for such taxes which attaches on July
 6 1, 1981, as provided in NRS 361.450.
 7 Sec. 37. Each county shall pay the necessary expenses of the county
 8 assessor in fulfilling his duties under subsection 1 of section 34 of this
 9 act. These expenses must be paid first out of any resources not legally
 10 prohibited for this purpose. If no such resources are available, the county
 11 may, without regard to any statutory limitation on expenditures or on the
 12 use of taxes ad valorem, use any balances available on or before June 30,
 13 1981, in any fund, except a debt service fund, for the purpose of this
 14 section.

Sec. 37.3

Notwithstanding the provisions of NRS 361.455, for fiscal year 1981-82 the Nevada tax commission shall meet on July 1, 1981, to set and certify tax rates for all local government.

15 ~~Sec. 38. Sections 1 and 2 of Assembly Bill No. 430 of this session~~
 16 ~~are hereby repealed.~~

→ Sec 38
cap

section 2 of chapter 93, Statutes of Nevada 1981 is hereby amended to read:

10 ~~Sec. 2.~~ 1. Hearings must be held upon tentative budgets for the fis-
 11 cal year beginning July 1, 1981.
 12 (a) For counties, on the 1st Thursday in June;
 13 (b) For cities, on the 1st Tuesday in June;
 14 (c) For school districts, on the 1st Wednesday in June; and
 15 (d) For all other local governments, on the 1st Friday in June.
 16 except that the board of county commissioners may consolidate the hear-
 17 ing on all local government budgets administered by the board of county
 18 commissioners with the county budget hearing.
 19 2. The final budget for that fiscal year must be adopted and sub-
 20 mitted to the Nevada tax commission on or before June 10.

1107

2nd Monday

Sections 3, 4, and 5 are hereby repealed.

Section 38.3, chapter 2, Statutes of Nevada 1981, is hereby repealed.

8

amended
Co. Assessor
not needed
Up 355

Section 38.5, NRS 361.267, 361.285, 361.735, 361.745, 361.750 are hereby repealed.

17 Sec. 39. 1. This section and sections 31 to 38, inclusive, of this act,
 18 shall become effective upon passage and approval.
 19 2. Sections 1 to 30, inclusive, of this act shall become effective on
 20 July 30, 1981.

38.5

Library Note:

No Exhibit E was found in this set of minutes, nor was it mentioned in the meeting minutes.

Research Library

December 2014

1981 REGULAR SESSION (61st)

EXHIBIT F

ASSEMBLY ACTION	SENATE ACTION	Senate	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to	Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No. 154	Joint
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Resolution No.	
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	BDR 32-281	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>		
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>		

Amendment N^o 691



Amend sec. 2, page 1, line 7, by deleting "AVERAGE" and inserting "REPRESENTATIVE".

Amend the bill as a whole by adding new sections designated sections 4.3, 4.5 and 4.7, following section 4, to read as follows:

"Sec. 4.3. NRS 365.170 is hereby amended to read as follows:

365.170 1. In addition to any other taxes provided by law, every dealer shall [, not later than the 25th day of each calendar month:

(a) Render] render to the department a statement of all motor vehicle fuel sold, distributed or used by him in the State of Nevada, as well as all motor vehicle fuel sold, distributed or used in this state by a purchaser thereof upon which sale, distribution or use the dealer has assumed liability for the tax thereon under NRS 365.020, during the preceding calendar month; and

(b) Pay an excise tax of [4.5] 13.13 cents per gallon on all motor vehicle fuel so sold, distributed or used, in the manner and within the time prescribed in this chapter.

2. The department for good cause may extend for not to exceed 30 days the time for making any report or return required under this chapter. The extension may be granted at any time if:

(a) A request therefor has been filed with the department within or

[prior to] before the period for which the extension may be granted;

and

fuel

(b) A remittance of the estimated tax is made when due. Any dealer to whom an extension is granted shall pay, in addition to any delinquent tax due, interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the tax would have been due without the extension to the date of payment.

3. Any report, return, remittance to cover a payment or claim for credit or refund required by this chapter which is transmitted through the United States mail shall be deemed filed or received by the department on the date shown by the post office cancellation mark stamped upon the envelope containing it, or on the date it was mailed if proof

To: E & E
LCB File
Journal
Enrollment
File

1023

Drafted by

Date

satisfactory to the department establishes that [such] the document or remittance was timely deposited in the United States mail properly addressed to the department.

Sec. 4.5. NRS 365.180 is hereby amended to read as follows:

365.180 1. In addition to any other tax provided for in this chapter, there is hereby levied an excise tax of [one-half cent] 1.45 cents per gallon on motor vehicle fuel.

2. This tax [shall] must be accounted for by each dealer and [shall be] collected in the manner provided in this chapter. The tax [shall] must be paid to the department and delivered by the department to the state treasurer. [He shall receipt the dealer therefor.]

Sec. 4.7. NRS 365.190 is hereby amended to read as follows:

365.190 1. Subject to the provisions of subsection 3, in addition to any other tax provided for in this chapter, there is hereby levied an excise tax of [1 cent] 2.92 cents per gallon on motor vehicle fuel.

2. This tax [shall] must be accounted for by each dealer as to the county in which it is sold to the retailer and [shall] must be collected in the manner provided in this chapter. The tax [shall] must be paid to the department and delivered by the department to the state treasurer. [He shall receipt the dealer therefor.]

3. The provisions of this section shall be deemed to be optional. The board of county commissioners of any county may decline to accept the [1 cent per gallon] additional tax by adoption of a resolution passed prior to July 1, 1947, [and which shall] which must be reconsidered and passed once each year within 60 days prior to July 1 of each year as long as the board of county commissioners desires so to act. Upon the adoption of such a resolution no tax [shall] may be collected."

Amend the bill as a whole by adding a new section designated as section 8.5, following section 8, to read as follows:

"Sec. 8.5. NRS 365.540 is hereby amended to read as follows:

365.540 1. The money collected as prescribed by NRS 365.170 and 365.185, after the remittances and deposits have first been made pursuant to the provisions of NRS 365.535, [shall] must be placed to the credit of the state highway fund by the state treasurer [.] , of which the difference between the amount per gallon credited to that fund and 4.5 cents per gallon must be placed in an account in that fund for resurfacing the system of highways maintained by the state.

2. The money collected as prescribed by NRS 365.180 and 365.190, after the remittances and deposits have first been made pursuant to the provisions of NRS 365.535, [shall] must be allocated by the department to the counties as prescribed in NRS 365.550 and 365.560.

3. The money collected as prescribed by NRS 365.200 [shall] must be allocated by the department as prescribed by NRS 365.550 and 365.560."

Amend the bill as a whole by adding a new section, designated section 11.5, following section 11, to read as follows:

"Sec. 11.5. NRS 366.190 is hereby amended to read as follows:

366.190 A tax is hereby imposed at the rate of [6] 17.5 cents per gallon on the sale or use of special fuels."

Amend sec. 18, page 9, line 6, before "Section" by inserting:

"1. This section shall become effective upon passage and approval."

Amend sec. 18, page 9, by inserting after line 7:

"2. If section 2 or 3 of this act, or the application of any provision thereof to any person, thing or circumstance, is held invalid, the remainder of sections 1 to 4, inclusive, 5 to 8, inclusive, 8 to 11, inclusive, 13, 14 and 17 of this act expire by limitation on the effective date of the final adjudication, and sections 4.3, 4.5, 4.7, 8.5 and 11.5 become effective on July 1, 1981, or the effective date of the final adjudication, whichever is later."