NEVADA DEPARTMENT OF TAXATION

Assessment Policies and Procedures Manual

Pertaining to

Property Tax Assessment and Administration

Prepared Pursuant to NRS 360.215(9)
### INDEX

**NEVADA REVISED STATUTES**

#### CHAPTER 250 - COUNTY ASSESSORS

**GENERAL PROVISIONS**

<table>
<thead>
<tr>
<th>Statute</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>NRS 250.010</td>
<td>Election; term of office.</td>
</tr>
<tr>
<td>NRS 250.020</td>
<td>Oath.</td>
</tr>
<tr>
<td>NRS 250.030</td>
<td>Bond.</td>
</tr>
<tr>
<td>NRS 250.040</td>
<td>Vacancy: Time of appointment; applicable law governing appointment.</td>
</tr>
<tr>
<td>NRS 250.060</td>
<td>Deputies.</td>
</tr>
<tr>
<td>NRS 250.065</td>
<td>Deputy required to hold appraiser’s certificate.</td>
</tr>
<tr>
<td>NRS 250.070</td>
<td>Office; hours to remain open.</td>
</tr>
<tr>
<td>NRS 250.080</td>
<td>County assessor and deputies may administer oaths.</td>
</tr>
<tr>
<td>NRS 250.085</td>
<td>Account for the Acquisition and Improvement of Technology in the Office of the County Assessor.</td>
</tr>
<tr>
<td>NRS 250.090</td>
<td>Punishment for neglect of duty.</td>
</tr>
</tbody>
</table>

**CONFIDENTIAL INFORMATION**

<table>
<thead>
<tr>
<th>Statute</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>NRS 250.100</td>
<td>Definitions.</td>
</tr>
<tr>
<td>NRS 250.110</td>
<td>“Confidential information” defined.</td>
</tr>
<tr>
<td>NRS 250.120</td>
<td>“Personal information” defined.</td>
</tr>
<tr>
<td>NRS 250.130</td>
<td>Court order to maintain confidentiality of personal information.</td>
</tr>
<tr>
<td>NRS 250.140</td>
<td>Certain persons authorized to request personal information maintained by county assessor to be kept confidential.</td>
</tr>
<tr>
<td>NRS 250.150</td>
<td>Disclosure of confidential information maintained by county assessor.</td>
</tr>
<tr>
<td>NRS 250.160</td>
<td>Provision of confidential information by county assessor.</td>
</tr>
<tr>
<td>NRS 250.170</td>
<td>Denial of request for confidential information.</td>
</tr>
<tr>
<td>NRS 250.180</td>
<td>Program to request list of assessor's roll; account with office of assessor to facilitate access to information.</td>
</tr>
<tr>
<td>NRS 250.190</td>
<td>Revocation of access to documents.</td>
</tr>
<tr>
<td>NRS 250.200</td>
<td>Regulation by professional or occupational boards of licensees who access confidential information from county assessor.</td>
</tr>
<tr>
<td>NRS 250.210</td>
<td>Unlawful acts; penalties.</td>
</tr>
<tr>
<td>NRS 250.220</td>
<td>Unlawful disclosure of confidential information obtained from county assessor; penalty.</td>
</tr>
<tr>
<td>NRS 250.230</td>
<td>Civil penalty.</td>
</tr>
</tbody>
</table>

#### CHAPTER 360 - GENERAL PROVISIONS

**DEFINITIONS**

<table>
<thead>
<tr>
<th>Statute</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>NRS 360.001</td>
<td>“Department” and “Executive Director” defined.</td>
</tr>
<tr>
<td>NRS 360.005</td>
<td>“Retailer” defined.</td>
</tr>
</tbody>
</table>

**ADMINISTRATION**

<table>
<thead>
<tr>
<th>Statute</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>NRS 360.010</td>
<td>Nevada Tax Commission: Creation; composition; Chairman.</td>
</tr>
</tbody>
</table>
NRS 360.020 Qualifications of commissioners.
NRS 360.030 Limitations on appointment of commissioners; terms; removal from office.
NRS 360.050 Compensation of commissioners.
NRS 360.070 Location of office of Nevada Tax Commission; hours of operation.
NRS 360.080 Quorum; voting by commissioners.
NRS 360.090 Adoption of regulations by Nevada Tax Commission governing business of Commission and Department.
NRS 360.092 Adoption of regulations by Nevada Tax Commission for electronic submission of returns and remission of payments by credit card, debit card or electronic transfer of money.
NRS 360.093 Adoption of regulations by Nevada Tax Commission to carry out certain provisions regarding waiver of taxes, penalties and interest, and imposition of penalties.
NRS 360.095 Principles for adoption of regulations, policies of enforcement and policies for auditing of taxpayers by Nevada Tax Commission.
NRS 360.100 Annual report by Department; statements to be furnished to Governor.
NRS 360.105 Submission of proposed budget and legislation of Department to Nevada Tax Commission; submission of biennial report of Department to Nevada Tax Commission and Legislature.
NRS 360.120 Department of Taxation: Creation; head of Department; Executive Director.
NRS 360.130 Duties of Executive Director; power of Nevada Tax Commission to authorize hearings and investigations; related powers.
NRS 360.140 Organization of Department; hiring and assignment of employees.
NRS 360.145 Employees of Department: Evaluation on basis of assessments or collections prohibited.
NRS 360.200 General powers of Department.
NRS 360.205 Power of Department to deny license or permit to applicant who is liable to Department.
NRS 360.210 Power of Department to appraise and assess property.
NRS 360.215 Powers and duties of Department regarding county assessors, assessment procedures and equalization.
NRS 360.220 Duty of Department to require local governments to submit fiscal information.
NRS 360.225 Duty of Department to investigate eligibility for abatement, exemption or deferral of certain taxes; report to Commission on Economic Development.
NRS 360.230 Duty of Department to investigate property escaping taxation and require placement on tax roll.
NRS 360.232 Audits by Department: Notification of taxpayer and extension of date for completion.
NRS 360.233 Notice of determination by Department that taxpayer is entitled to exemption or has been taxed or assessed more than is required by law.
NRS 360.235 Refund or credit to taxpayer after audit.
NRS 360.238 Department may charge fee for returned checks.
NRS 360.240 Power of Department to summon witnesses and issue and seek enforcement of subpoenas; administration of oaths to witnesses.
NRS 360.245 Decision of Department final unless appealed to Nevada Tax Commission; time for appeal; service of decision; review of certain decisions; judicial review; adoption of regulations by Nevada Tax Commission; transmission of notice of certain decisions on appeal.
NRS 360.247 Hearing on appeal concerning liability for tax must be open to public; consideration of proprietary or confidential information in closed hearing; abstracts of certain decisions; protection of confidentiality and liability for disclosure of information.
NRS 360.250 Powers and duties of Nevada Tax Commission concerning assessment of property and collection of taxes; sharing information; certificate of compliance with regulations; penalty for falsifying certificate; undercollections.
NRS 360.260 Power of Nevada Tax Commission to institute and instigate action and prosecution.
NRS 360.262 Collection of unpaid sales or use taxes not required when cost of collection would exceed amount due.
NRS 360.263 Power of Nevada Tax Commission to compromise liability of taxpayers under certain circumstances; regulations.
NRS 360.265 Power of Nevada Tax Commission regarding uncollectible debts.
NRS 360.270 Enumerated powers do not exclude necessary and proper power of Nevada Tax Commission or Department.
NRS 360.271 Deposit of money received by Department in lieu of surety bond.
NRS 360.278 Authority to engage service of armored car.
NRS 360.279 Transfer of unclaimed security for closed accounts to State General Fund.
NRS 360.280 Duties of county assessor and board of county commissioners.
NRS 360.283 Annual determination of population of towns, cities and counties.
NRS 360.285 Certification of population by Governor.
NRS 360.287 Apportionment of tax receipts to cities.

RIGHTS AND RESPONSIBILITIES OF TAXPAYERS

NRS 360.2905 Citation of NRS 360.291.
NRS 360.291 Taxpayers’ Bill of Rights.
NRS 360.2915 Adoption of regulations by Department: Taxpayers’ Bill of Rights; payment of taxes in installments.
NRS 360.292 Preparation and distribution of pamphlet regarding Taxpayers’ Bill of Rights.
NRS 360.2925 Provision of instructions and information to taxpayer liable for first time for taxes on business.
NRS 360.293 Provision of response to request submitted by taxpayer.
NRS 360.2935 Refund to taxpayer of overpayment together with payment of interest.
NRS 360.2937 Amount of interest required on overpayment of certain taxes, fees and assessments.
Waiver of taxes, penalties and interest owed by taxpayers who rely on certain advice, opinions or audits.

**PAYMENT OF TAXES AND FEES**

NRS 360.294 Waiver of taxes, penalties and interest owed by taxpayers who rely on certain advice, opinions or audits.

NRS 360.295 Extension of time for payment: Interest on amount due.

NRS 360.297 Joint and several liability of responsible persons.

NRS 360.299 Determination of amount of sales or use tax due; transmission of notice regarding NRS 372.365 to certain retailers.

**DETERMINATION OF DEFICIENT PAYMENT**

NRS 360.300 Computation of tax, contribution or premium by Department; penalty for failure to file return.

NRS 360.320 Offsetting of certain overpayments; calculation of penalties and interest.

NRS 360.330 Penalty for deficiency resulting from negligence or intentional disregard of law or regulation.

NRS 360.340 Penalty for deficiency resulting from fraud or intentional evasion of payment of tax or fee or of regulations.

NRS 360.350 Notice of determination required; method and effect of service.

NRS 360.355 Time for provision of notice of determination.

NRS 360.357 Tolling of period for issuance of notice of determination when taxpayer files claim for refund.

NRS 360.360 Redetermination: Petition; time for filing.

NRS 360.365 Redetermination: Contents of petition and accompanying materials.

NRS 360.370 Redetermination: Oral hearing; notice; continuances.

NRS 360.380 Redetermination: Change in determined amount; limitations.

NRS 360.390 Redetermination: Finality of order by officer of Department; appeal to Nevada Tax Commission; finality of decision of Commission.

NRS 360.395 Redetermination: Prerequisites to judicial review of final order; credit or refund.

NRS 360.400 Time for payment of determined amount; penalty for delinquency in payment.

**DETERMINATION OF JEOPARDIZED TAXES**

NRS 360.412 Duty of Department to make determination; service of notice.

NRS 360.414 When payment due; finality of determination; penalty for delinquent payment.

NRS 360.416 Petition for redetermination; deposit of security.

**PENALTIES**

NRS 360.417 Penalty for failure to pay tax or fee.

NRS 360.419 Waiver or reduction of interest or penalty.

**PROCEDURES FOR COLLECTION AND ENFORCEMENT**

**ACTION FOR COLLECTION**

NRS 360.4193 Authority of Department; prosecution by Attorney General; issuance of writ of attachment; effect of certificate of Department showing delinquency.

NRS 360.4195 Action for use tax: Manner of service of process.

**SUMMARY JUDGMENT FOR AMOUNT DUE**

NRS 360.420 Application for entry of judgment: Authority of Department; certificate of delinquency.

NRS 360.425 Entry of judgment by county clerk; service of copy of judgment, application and certificate by Department.

NRS 360.440 Execution: Issuance; sale.

NRS 360.450 Recodification of abstract or copy of judgment; effect and duration of resulting lien.

NRS 360.460 Extension of lien.

NRS 360.470 Remedies of State are supplemental; additional requirements unimpaired.

**LIENS**

NRS 360.473 Recordation of certificate of delinquency; resulting lien; duration and extension of lien.

NRS 360.475 Department may release or subordinate lien; evidentiary effect of certificate of release or subordination.
PRIORITY OF TAXES AND RELATED LIENS

NRS 360.480  Cases of priority; subordination to prior recorded liens and certain other debts.

DISTRIBUTION OF PROCEEDS OF CERTAIN TAXES TO LOCAL GOVERNMENTS

NRS 360.600  Definitions.
NRS 360.605  “Account” defined.
NRS 360.610  “County” defined.
NRS 360.620  “Enterprise district” defined.
NRS 360.640  “Local government” defined.
NRS 360.650  “Special district” defined.
NRS 360.660  Local Government Tax Distribution Account: Creation; administration by Executive Director.
NRS 360.670  Eligibility for allocation from Account.
NRS 360.680  Annual allocations from Account.
NRS 360.690  Establishment of base monthly allocations from Account; remission of allocations to local governments; estimates of allocations for future year for use in preparation of budgets.
NRS 360.695  Adjustment of allocation to local government or special district after decrease in population and assessed valuation of taxable property.
NRS 360.698  Pledge of percentage of revenue to payment of bonds.
NRS 360.700  Guaranteed allocation from Account for tax proceeds pledged to secure obligations.
NRS 360.710  Determination of enterprise districts.
NRS 360.720  Enterprise districts prohibited from pledging revenue from Account to secure obligations; qualifications of certain governmental entities for allocations from Account.
NRS 360.730  Establishment of alternative formula for distribution of taxes in Account by cooperative agreement.
NRS 360.740  Request of newly created local government or special district for allocation from Account.

ABATEMENT OF TAXES ON NEW OR EXPANDED BUSINESS

NRS 360.755  Partial abatement of certain taxes imposed on new or expanded businesses: Agreement to allow audits of business by Department; disclosure of information in audit report; protection of certain information from disclosure.

ACQUISITION OR EXPANSION OF PUBLIC UTILITIES BY LOCAL GOVERNMENTS

NRS 360.800  Definitions.
NRS 360.805  “Affected local government” defined.
NRS 360.810  “Local government” defined.
NRS 360.815  “Public utility” defined.
NRS 360.820  “Telecommunication service” defined.
NRS 360.825  Acquisition of certain public utilities: Requirements for payments in lieu of taxes and franchise fees; distributions to local governments based on assessed valuation of taxable property.
NRS 360.830  Acquisition or expansion of certain public utilities: Requirements for interlocal agreements for compensation of affected local governments.
NRS 360.835  Acquisition or expansion of certain public utilities: Procedure upon failure to reach interlocal agreement.
NRS 360.840  Adoption of regulations by Nevada Tax Commission.

GENERAL PROVISIONS

NRS 361.010  Definitions.
NRS 361.013  “Billboard” defined.
NRS 361.015  “Bona fide resident” defined.
NRS 361.017  “Camper shell” defined.
NRS 361.020  “Fiscal year” defined.
NRS 361.025  “Full cash value” defined.
NRS 361.027  “Geothermal resource” defined.
NRS 361.028  “Manufactured home” defined.
NRS 361.029  “Mobile home” defined.
NRS 361.030  “Personal property” defined.
NRS 361.032  “Property of an interstate or intercounty nature” defined.
NRS 361.035  “Real estate” and “real property” defined.
### TAXABLE AND EXEMPT PROPERTY

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>NRS 361.045</td>
<td>Taxable property.</td>
</tr>
<tr>
<td>NRS 361.050</td>
<td>United States property exempted.</td>
</tr>
<tr>
<td>NRS 361.055</td>
<td>Exemption of state lands and property generally; payments by Department of Wildlife in lieu of taxes; apportionment of payments.</td>
</tr>
<tr>
<td>NRS 361.060</td>
<td>Property of counties, cities, towns, Nevada Rural Housing Authority and certain other political subdivisions exempted.</td>
</tr>
<tr>
<td>NRS 361.0605</td>
<td>Property related to public use of privately owned park exempted; exclusion.</td>
</tr>
<tr>
<td>NRS 361.061</td>
<td>Property related to public use of privately owned airport exempted; exclusion.</td>
</tr>
<tr>
<td>NRS 361.062</td>
<td>Property of trusts for furtherance of public functions exempted.</td>
</tr>
<tr>
<td>NRS 361.065</td>
<td>Property of school districts and charter schools exempted.</td>
</tr>
<tr>
<td>NRS 361.067</td>
<td>Vehicles exempted.</td>
</tr>
<tr>
<td>NRS 361.068</td>
<td>Business inventories and consumables, livestock, bees, certain pipe and agricultural equipment, boats, campers, fine art for public display and certain personal property of nonresidents exempted; establishment of de minimis exemption for personal property.</td>
</tr>
<tr>
<td>NRS 361.0685</td>
<td>Exemption of percentage of personal and real property of certain businesses certified by Commission on Economic Development. [Repealed.]</td>
</tr>
<tr>
<td>NRS 361.0687</td>
<td>Partial abatement of taxes imposed on certain new or expanded businesses. [Effective through June 30, 2009.]</td>
</tr>
<tr>
<td>NRS 361.0687</td>
<td>Partial abatement of taxes imposed on certain new or expanded businesses. [Effective July 1, 2009.]</td>
</tr>
<tr>
<td>NRS 361.069</td>
<td>Household goods and furniture exempted; exclusion of rental property.</td>
</tr>
<tr>
<td>NRS 361.070</td>
<td>Drainage ditches, canals and irrigation systems exempted.</td>
</tr>
<tr>
<td>NRS 361.073</td>
<td>Property of water users' nonprofit associations and nonprofit cooperative corporations exempted.</td>
</tr>
<tr>
<td>NRS 361.075</td>
<td>Exemption of unpatented mines and mining claims.</td>
</tr>
<tr>
<td>NRS 361.077</td>
<td>Exemption of property used for control of air or water pollution.</td>
</tr>
<tr>
<td>NRS 361.0775</td>
<td>Partial abatement of taxes imposed on certain structures that use resources efficiently. [Repealed.]</td>
</tr>
<tr>
<td>NRS 361.078</td>
<td>Exemption of residential property containing shelter protecting against radioactive fallout.</td>
</tr>
<tr>
<td>NRS 361.079</td>
<td>Exemption of qualified systems for heating, cooling or provision of electricity. [Repealed.]</td>
</tr>
<tr>
<td>NRS 361.080</td>
<td>Exemption of property of surviving spouses.</td>
</tr>
<tr>
<td>NRS 361.082</td>
<td>Exemption of portions of qualified low-income housing projects.</td>
</tr>
<tr>
<td>NRS 361.083</td>
<td>Exemption of certain property and buildings used for care or relief of orphan children, or of sick, infirm or indigent persons.</td>
</tr>
<tr>
<td>NRS 361.085</td>
<td>Exemption of property of persons who are blind.</td>
</tr>
<tr>
<td>NRS 361.086</td>
<td>Exemption of certain property used for housing elderly persons or persons with disabilities.</td>
</tr>
<tr>
<td>NRS 361.087</td>
<td>Exemption of residential improvements made to remove barriers to persons with disabilities.</td>
</tr>
<tr>
<td>NRS 361.088</td>
<td>Exemption of property of Nathan Adelson Hospice.</td>
</tr>
<tr>
<td>NRS 361.090</td>
<td>Veterans' exemptions.</td>
</tr>
<tr>
<td>NRS 361.0905</td>
<td>Waiver of veteran's exemption; designation of any amount of exemption for credit to Gift Account for Veterans’ Homes.</td>
</tr>
<tr>
<td>NRS 361.091</td>
<td>Exemption for veteran who has incurred a service-connected disability.</td>
</tr>
<tr>
<td>NRS 361.095</td>
<td>Exemptions of veterans’ organizations.</td>
</tr>
<tr>
<td>NRS 361.096</td>
<td>Exemption of certain property leased or rented to charter school.</td>
</tr>
<tr>
<td>NRS 361.098</td>
<td>Exemption of property of charitable foundations established by Board of Regents of University of Nevada.</td>
</tr>
<tr>
<td>NRS 361.099</td>
<td>Exemption of certain real and personal property leased or rented to Nevada System of Higher Education.</td>
</tr>
<tr>
<td>NRS 361.100</td>
<td>Exemption of property of university fraternities and sororities.</td>
</tr>
<tr>
<td>NRS 361.105</td>
<td>Exemptions of nonprofit private schools.</td>
</tr>
<tr>
<td>NRS 361.106</td>
<td>Exemption of property of certain apprenticeship programs.</td>
</tr>
<tr>
<td>NRS 361.107</td>
<td>Exemption of property of Pershing County Kids, Horses, Rodeo Inc.</td>
</tr>
<tr>
<td>NRS 361.110</td>
<td>Exemptions of certain organizations.</td>
</tr>
<tr>
<td>NRS 361.111</td>
<td>Exemption of certain property of Archaeological Conservancy, Nature Conservancy, American Land Conservancy and Nevada Land Conservancy.</td>
</tr>
<tr>
<td>NRS 361.125</td>
<td>Exemption of churches and chapels.</td>
</tr>
<tr>
<td>NRS 361.130</td>
<td>Exemption of public cemeteries and graveyards.</td>
</tr>
<tr>
<td>NRS 361.132</td>
<td>Exemption of certain private cemeteries and places of burial.</td>
</tr>
<tr>
<td>NRS 361.135</td>
<td>Exemptions of certain lodges, societies and similar charitable or benevolent organizations.</td>
</tr>
</tbody>
</table>
Exemptions of certain charitable corporations.

Exemptions of noncommercial theaters.

Exemptions of volunteer fire departments.

Exemptions: Filing of claims and designations; duration and amount; assessment and penalty for erroneous grant or renewal; review of late or denied claim.

Certain exemptions reduced to extent of exemption from governmental services tax.

Exempt real estate subject to taxation if used as residence or in business conducted for profit; exceptions.

Exempt personal property subject to taxation if used in business conducted for profit; exceptions.

EXEMPTION OF PERSONAL PROPERTY IN TRANSIT (FREE PORT)

“Personal property in transit” defined; exceptions.

Warehouse books and records: Designation of “no situs” property; contents; inspection.

Claims for exemption: Requirements.

Civil action for collection of taxes evaded.

Penalty for false statement.

LEASE DESCRIPTION OF LANDS FOR PURPOSES OF ASSESSMENT

Parceling system.

Manner of description until parceling system established.

Land surveyed under authority of United States.

City lots.

Description with reference to map or plat.

Description with reference to unofficial map filed with county assessor or county commissioners.

Description with reference to map in possession of county or county officer: Identification of parcels; display of map; reference to map.

Description by metes and bounds.

CERTIFICATION OF APPRAISERS

Certification required; Appraiser’s Certification Board; examinations.

Temporary certificate.

Application for certificate to include social security number of applicant. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

Statement by applicant concerning payment of child support; grounds for denial of certificate; duty of Department. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

Suspension of certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

Continuing education required.

Effect of failure to meet requirements for continuing education.

GENERAL PROVISIONS

Rate of assessment.

Determination of taxable value.

Determination of status of property as leased or used.

Intangible personal property: Exemption from taxation; prohibition against consideration of value; consideration of attributes of real property.

Adoption of regulations regarding use of income approach for valuation of real property used to conduct business.

Adjustment of actual age of improvements in computation of depreciation.

Minimum valuation of patented land and land held under state land contract.

Assessment and valuation of real property within common-interest community.

Assessment of corporate stock and property of partnership; taxation of corporate property.
### ASSESSMENTS BY NEVADA TAX COMMISSION

- **NRS 361.240**: Assessment of undivided property of deceased and insane persons; payment of taxes.
- **NRS 361.244**: Classification of mobile or manufactured homes and factory-built housing as real property.
- **NRS 361.245**: Conversion of mobile or manufactured home from real to personal property.
- **NRS 361.246**: Method of assessing property for taxation; appraisals and reappraisals.
- **NRS 361.260**: Personal property subject to security interest.
- **NRS 361.261**: Determination of assessed value of property that is not being reappraised: Adoption of factors for improvements.
- **NRS 361.263**: Issuance of subpoenas by county assessors; duty of state and local governmental entities to provide documents and other information to county assessor; protection of information from disclosure.
- **NRS 361.265**: Written statement concerning personal property: Demand; contents; return of statement; valuation of unlisted property claimed by absent or unknown person; penalties.
- **NRS 361.275**: District attorney to report unassessed property to county commissioners; hearing; action against county assessor; levy of double amount of taxes against person refusing to give statement.

### EQUALIZATION OF ASSESSMENTS AMONG THE SEVERAL COUNTIES

- **NRS 361.330**: Effect of noncompliance on assessment and collection of taxes.
- **NRS 361.333**: Procedure.

### EQUALIZATION

#### EQUALIZATION BY COUNTY BOARD OF EQUALIZATION

- **NRS 361.334**: Definitions.
- **NRS 361.335**: Notice of completion of assessment roll and of meeting of county board of equalization.
- **NRS 361.340**: County boards of equalization: Membership; additional panels; clerk; compensation; compliance with regulations; meetings; procedural requirements; attendance of district attorney and assessor.
- **NRS 361.345**: Power of county board of equalization to change valuation of property; review of changes in valuation and estimation of certain property by county assessor; notice of addition to assessed valuation.
- **NRS 361.347**: County boards of equalization: Membership; compensation; compliance with regulations; meetings; procedural requirements; attendance of district attorney and assessor.
- **NRS 361.350**: List of assessments increased by county board of equalization; hearing before State Board of Equalization.
- **NRS 361.355**: Complaints of overvaluation or excessive valuation by reason of undervaluation or nonassessment of other property.
- **NRS 361.356**: Appeal to county board of equalization where inequity exists.
- **NRS 361.357**: Appeal to county board of equalization where full cash value of property is less than its taxable value.
- **NRS 361.360**: Appeals to State Board of Equalization.
- **NRS 361.362**: Appeal on behalf of owner of property.
- **NRS 361.365**: Records of hearings of county board of equalization: Format and contents; transmittal to State Board of Equalization; duties of complainant who requests transcript.

#### EQUALIZATION BY STATE BOARD OF EQUALIZATION

- **NRS 361.375**: State Board of Equalization: Composition; qualifications; terms; removal; compensation; quorum; adoption of and compliance with regulations; staff.
- **NRS 361.380**: Meetings of State Board of Equalization; notice.
Public sessions; persons may appear by attorney or file statements.

Duties of county assessor.

Equalization of property values and review of tax rolls by State Board of Equalization; notice of proposed increase in valuation.

Appeals from action of county boards of equalization.

Direct appeals to State Board of Equalization from valuations of Nevada Tax Commission.

Certification of changes in assessed valuation; duties of county auditors and tax receivers; inclusion of net proceeds of minerals in assessed valuation.

Taxpayer not deprived of remedy or redress; burden of proof upon complainant; Executive Director and Department prohibited from seeking judicial review of certain decisions.

Payment of taxes under protest; action for recovery of taxes; limitation of action.

Distribution of taxes; payment of judgments pursuant to NRS 361.420; duties of county commissioners and Governor pertaining to interest.

Burden of proof on plaintiff in action brought under NRS 361.420.

Consolidation of actions; venue.

LEVY OF TAX

Basis for property taxation.

Liens for taxes: Attachment; superiority; expiration of lien on mobile or manufactured home.

Limitation on total ad valorem tax levy; exceptions.

Projections of revenue from ad valorem taxes: Duties of county assessors and Department.

Determination by county auditor of effect of tentative budget on each taxpayer; dissemination of information.

Publication of informational notices regarding tentative budgets and tax rates.

Nevada Tax Commission to certify combined tax rate to boards of county commissioners; procedure when additional levy of taxes ad valorem approved by voters of school district causes combined rate to exceed statutory limitation.

Procedure for reducing combined rate within statutory limitation; revised budgets.

Establishment of combined tax rate; Prohibited agreements between local governments.

Levy of tax rate by county commissioners: Resolution.

Reduction of tax levy which exceeds statutory limitation; priority of taxes levied for payment of bonded indebtedness.

Extension and delivery of tax roll after levy.

Tax receiver charged with full amount of taxes levied; county auditor to transmit statement to State Controller.

PARTIAL ABATEMENT OF TAX

Definitions.

“Abatement percentage” defined. [Repealed.]

“Ad valorem taxes levied in a county” defined.

“Base-year assessed value” defined. [Repealed.]

“Base-year assessed value percentage” defined. [Repealed.]

“Combined overlapping tax rate” defined.

“Incremental assessed value” defined. [Repealed.]

“Parcel-proportionate share of the base value” defined. [Repealed.]

“Redevelopment agency” defined. [Repealed.]

“Redevelopment area” defined. [Repealed.]

“Redevelopment taxing entity” defined. [Repealed.]

“Taxing entity” defined.

Partial abatement of taxes levied on property for which assessed valuation has been established or on remainder parcel of real property.

Partial abatement of taxes levied on certain single-family residences.

Partial abatement of taxes levied on certain residential rental dwellings.

Exemption from partial abatements following certain fluctuations in taxable value of property.

Exemption from partial abatements for certain new taxes and increases in existing taxes.

Increase in rate of tax for payment of obligations secured by proceeds of tax: Prerequisites; effect on partial abatements.

Ley of tax upon approval of voters at rate that is exempt from partial abatements.

Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Generally. [Repealed.]

Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Property in or apportioned to redevelopment area. [Repealed.]

Effect of annexation of real property to taxing entity.

Adoption of regulations by Committee on Local Government Finance.

Review of determination of applicability of partial abatement; appeal of decision upon review; judicial review.

Penalty for false claim of partial abatement.
COLLECTION OF TAXES

GENERAL PROVISIONS

NRS 361.475 County treasurers to be tax receivers.
NRS 361.480 Notice to taxpayers; individual tax bills.
NRS 361.482 Collection of tax levied by State.
NRS 361.483 Time for payment of taxes; penalties; notification of certain provisions regarding waiver or reduction of penalty.
NRS 361.4835 Waiver of all or part of interest and penalty for late payment of taxes.
NRS 361.484 Abatement of taxes on real or personal property acquired by Federal Government, State or political subdivision.
NRS 361.485 Duties of tax receiver when taxes paid; certain overpayments not refunded; certain deficiencies not collected.
NRS 361.486 Payment of interest on overpayment of taxes.

PROPERTY ON UNSECURED ROLL

NRS 361.505 Migratory property: Definition; placement on unsecured tax roll; proration of tax.
NRS 361.510 Preparation of blank receipts for payment of taxes on movable personal property.
NRS 361.525 Penalties for tax receiver giving other than required receipts.
NRS 361.530 Reservation and disposition of commission on personal property tax collected. [Effective through June 30, 2009.]
NRS 361.530 Reservation and disposition of commission on personal property tax collected. [Effective July 1, 2009.]
NRS 361.535 Date taxes become delinquent; penalty for delinquency; collection of taxes and costs by seizure and sale of personal property or alternative methods; deposit and refund of excess proceeds from sale of certain property.
NRS 361.545 Monthly returns of county assessor to county auditor and county treasurer.
NRS 361.550 Penalty for county assessor’s neglect or refusal; duties of county auditor and district attorney.
NRS 361.555 Actions against county auditor for losses sustained by State and county through defalcation of county assessor.
NRS 361.560 Action to recover personal property tax.
NRS 361.5605 County commissioners may designate county treasurer to collect personal property taxes.
NRS 361.5607 Designation of taxes on personal property as uncollectible.

MOBILE AND MANUFACTURED HOMES; RECREATIONAL VEHICLES

NRS 361.561 Applicability to certain vehicles.
NRS 361.562 Report to county assessor of purchase, repossession or entry into State of mobile or manufactured home; manner of assessment.
NRS 361.5625 Filing requirements for owners of at least 25 mobile or manufactured homes leased within county for commercial purposes and not converted to real property.
NRS 361.5641 Allowable credit for tax paid on another mobile or manufactured home sold or exchanged or paid to state of previous residence.
NRS 361.5643 Issuance of sticker upon payment of tax.
NRS 361.5644 Penalty for noncompliance; seizure and sale of mobile or manufactured home.

DELINQUENCIES, TRUSTEE'S CERTIFICATES, REDEMPTION AND SALE

NRS 361.5648 Mailing of notice of delinquent taxes: Duties of tax receiver; contents of notice; second notice; costs; limitation of liability for failure to provide.
NRS 361.565 Publication of notice of delinquent taxes: Time, manner and costs of publication; contents of notice.
NRS 361.570 Trustee's certificate: Issuance to county treasurer; effect; contents; recordation; annual assessment of property held in trust.
NRS 361.575 Property held in trust by county treasurer: Annual assessment; payment of taxes on sale or rental. [Repealed.]
NRS 361.577 Costs of abating nuisance chargeable against property held by county treasurer.
NRS 361.580 Accounting by tax receiver to county auditor following period for redemption.
NRS 361.585 Execution and delivery of deeds to county treasurer as trustee after period of redemption; reconveyance of property.
NRS 361.590 Contents, recordation and effect of deeds to county treasurer as trustee after period of redemption; presumption of legality of proceedings.
NRS 361.595 Conveyances of property held in trust by county treasurer: Procedure; order of county commissioners; deeds to purchasers.
NRS 361.600 Limitation of action to recover land sold for taxes.
NRS 361.603 Acquisition by local government or Nevada System of Higher Education of property held in trust.
NRS 361.604 Acquisition by Indian tribe of property held in trust.
NRS 361.605 Rental of property held in trust; application of rents.
NRS 361.606 Leases for development of oil, gas and geothermal resources: Authority to lease property held in trust.
NRS 361.607 Leases for development of oil, gas and geothermal resources: Procedure for leasing.
NRS 361.608 Leases for development of oil, gas and geothermal resources: Term of lease.
NRS 361.610 Disposition of amounts received from sale price, rents or redemption of property held in trust; no charge against county for services of officer; claims for and agreements concerning recovery of excess proceeds; authorization of person to file claim and collect property.
NRS 361.615 Liability of county treasurer for failure to perform duties of trust.
NRS 361.620 Payment of penalties, interest and costs into county general fund.

SUITES FOR DELINQUENT TAXES

NRS 361.625 Payment of delinquent taxes before sale and institution of suit; filing of tax receipt.
NRS 361.630 District attorney not to commence suit after service upon him of tax receiver’s receipt.
NRS 361.635 Preparation and delivery of certified lists of delinquencies to district attorney; commencement of action.
NRS 361.640 Additional bond of district attorney.
NRS 361.645 Evidentiary effect of list of delinquent taxes and certificate of purchase of tax lien.
NRS 361.650 Parties; venue and jurisdiction.
NRS 361.655 Form of complaint by district attorney.
NRS 361.660 Complaint and summons may contain more specific description of property than is contained in assessment roll.
NRS 361.665 Issuance of summons.
NRS 361.670 Service of summons on personal defendant and real estate and improvements.
NRS 361.675 Publication and posting to be completed 10 days before date set for appearance; return as conclusive evidence of service.
NRS 361.680 Form of notice of action by district attorney.
NRS 361.685 Notices and affidavits: Filing with county recorder; evidentiary effect of copies; costs.
NRS 361.690 Entry of default and final judgment on failure of defendant to appear.
NRS 361.695 Answer of defendant.
NRS 361.700 Judgments, liens and execution.
NRS 361.705 Deeds derived from sale of real property conclusive evidence of title; exceptions.
NRS 361.710 Applicability of NRS, N.R.C.P. and N.R.A.P. to proceedings.
NRS 361.715 Fees of officers; taxing and apportionment of costs.
NRS 361.720 Duties of district attorney on collection of delinquent taxes.
NRS 361.725 Return of list of delinquent taxes and statement of those remaining uncollected to county auditor; board of county commissioners may strike off uncollectible taxes.
NRS 361.730 Penalties for district attorney failing or refusing to pay over tax money.

SALES OF TAX LIENS

NRS 361.731 “Tax lien” defined.
NRS 361.7312 Authority of county to sell tax lien; prohibited purchasers.
NRS 361.7314 Adoption of procedure for sale and transfer of tax liens by county treasurer.
NRS 361.7316 Sale of tax lien by county treasurer: Time and conditions of sale; scope of lien; method of payment; enforcement of unsold lien.
NRS 361.7318 Certificate of purchase: Issuance; rights of holder; contents; transfer; security interest.
NRS 361.732 Issuance of duplicate certificate of purchase.
NRS 361.7322 Preparation and maintenance of record of each tax lien sold.
NRS 361.7324 Procedure when taxes on parcel again become delinquent during year after tax lien sold.
NRS 361.7326 Redemption of tax lien after sale: Authorized persons; amount of required payment; issuance and contents of certificate of redemption; recording of information.
NRS 361.7328 Redemption of tax lien after sale: Notification and payment of holder of certificate of purchase.
NRS 361.733 Commencement of action for collection by holder of certificate of purchase.

POSTPONEMENT OF PAYMENT OF TAX

NRS 361.736 Definitions.
NRS 361.7362 “Claim” defined.
NRS 361.7364 “Household” defined.
NRS 361.7366 “Income” defined.
NRS 361.7368 “Occupied by the owner” defined.
NRS 361.737 “Property tax accrued” defined.
NRS 361.7372 “Single-family residence” defined.
NRS 361.7374 Powers and duties of Department.
NRS 361.7376 Eligibility to file claim for postponement; maximum amount that may be postponed.
NRS 361.7378 Determination of claimant for household.
NRS 361.738 Filing, form, contents and execution of claims; availability of forms.
NRS 361.7382 Action by county treasurer on claims; review of decisions on claims.
NRS 361.7384 Confidentiality of information contained in claims.
NRS 361.7386 Issuance, contents and recording of certificates of eligibility.
NRS 361.7388 Accrual of interest on amounts postponed.
NRS 361.739 Attachment of liens for postponed amounts; collection of postponed amounts.
NRS 361.7392 Submission of request for statement of amount postponed; preparation and provision of statement.
NRS 361.7394 Time when postponed amounts become due; payments authorized before amounts become due.
NRS 361.7396 Denial or revocation of claims; penalty and assessment upon revocation.
NRS 361.7398 Criminal penalty.

DISTRIBUTION AND APPORTIONMENT
NRS 361.745 Quarterly remittances from county treasurer to State Controller; payments upon order of State Controller.
NRS 361.755 Apportionment of taxes by county treasurers.

CORRECTIONS, CANCELLATIONS AND MISCELLANEOUS PROVISIONS
NRS 361.765 Correction of clerical and typographical errors on tax rolls.
NRS 361.767 Assessment of personal property that was not assessed or was underassessed.
NRS 361.768 Correction of overassessment of real or personal property because of factual error; adjustment for partial or complete destruction of real property improvement or personal property.
NRS 361.769 Assessment of real property not on secured roll: Time; notice.
NRS 361.770 Assessment of newly constructed real property as personal property when not assessed for current tax year.
NRS 361.773 Correction of tax rolls to indicate that certain single-family residences are eligible for partial abatement from taxation.
NRS 361.777 Priority of partial abatements and partial exemptions from taxation.
NRS 361.780 Procedure for issuance of deeds when property sold for delinquent taxes: Conditions.
NRS 361.790 Payment of taxes on parcel of real property that is part of larger parcel upon which taxes are delinquent: Procedure; receipt.
NRS 361.797 Allowance for taxes on property admitted to state program for preservation of railroad lines on which service has been discontinued.

ALLODIAL TITLE
NRS 361.900 Application for establishment; calculation of payment required; issuance of certificate; agreement for installment payments.
NRS 361.905 Duties of State Treasurer and county assessor upon issuance of certificate; payment of taxes; deficiencies.
NRS 361.910 Duration of validity.
NRS 361.915 Relinquishment.
NRS 361.920 Allodial Title Trust Fund; regulations of State Treasurer.

CHAPTER 361A - TAXES ON AGRICULTURAL REAL PROPERTY AND OPEN SPACE

GENERAL PROVISIONS
NRS 361A.010 Definitions.
NRS 361A.020 “Agricultural real property” defined.
NRS 361A.030 “Agricultural use” defined.
NRS 361A.031 “Converted to a higher use” defined.
NRS 361A.0315 “Golf course” defined.
NRS 361A.032 “Higher use” defined.
NRS 361A.040 “Open-space real property” defined.
NRS 361A.050 “Open-space use” defined.
NRS 361A.060 “Owner” defined.
NRS 361A.065 “Parcel” defined.
NRS 361A.090 Legislative declaration.

ASSESSMENT OF AGRICULTURAL PROPERTY
NRS 361A.100 Application by owner.
NRS 361A.110  Filing, contents and execution of application.
NRS 361A.120  Independent determination of use; regulations; notice of determination; recording of approved applications.
NRS 361A.130  Determination of value for agricultural use; notification of assessment.
NRS 361A.140  Classification of agricultural property; valuations for each classification.
NRS 361A.150  Disqualification of property.
NRS 361A.155  Determination of taxable value when agricultural land converted to higher use.
NRS 361A.160  Determination of county assessor final unless appealed.

ASSESSMENT OF OPEN SPACE

NRS 361A.170  Designations or classifications of property for open-space use; procedures and criteria.
NRS 361A.180  Application by owner.
NRS 361A.190  Filing, contents and execution of application.
NRS 361A.200  Action on application by governing bodies of county and city: Procedure.
NRS 361A.210  Orders of approval or denial by board of county commissioners.
NRS 361A.220  Determination of value for open-space use; notification of assessment.
NRS 361A.225  Determination of value for open-space use of real property used as golf course.
NRS 361A.230  Disqualification of property.
NRS 361A.240  Appeal from determination; equalization of assessment.
NRS 361A.250  Redetermination of use: Complaint; hearing; order; judicial review.

PARTIAL DEFERRED TAXATION AND RECAPTURE OF TAX

NRS 361A.265  Prepayment of deferred taxes; estimate of taxes due; appeal by owner; conversion to higher use after secured tax roll has been closed.
NRS 361A.270  Owner to notify assessor of cessation of agricultural or open-space use or conversion to higher use; survey of portion of parcel converted to higher use.
NRS 361A.271  Assessor to give owner notice of determination; contents of notice.
NRS 361A.273  Appeal from determination or valuations.
NRS 361A.280  Payment of deferred tax when property converted to higher use.
NRS 361A.283  Period for assessment of deferred tax; penalty for failure of owner to provide assessor with required notice.
NRS 361A.286  Lien for deferred tax and penalty.
NRS 361A.290  Seller to notify buyer of lien for deferred taxes; personal liability for deferred taxes.

CHAPTER 362 - TAXES ON PATENTED MINES AND PROCEEDS OF MINERALS

GENERAL PROVISIONS

NRS 362.010  Definitions.

ASSESSMENT OF PATENTED MINES AND MINING CLAIMS

NRS 362.030  County assessor to assess surface of patented mines and mining claims; exceptions.
NRS 362.040  Exclusion of assessment from roll.
NRS 362.050  Affidavit of labor: Requirement for exemption of surface of patented mine or mining claim from taxation; form and contents.
NRS 362.060  Who may make affidavit.
NRS 362.070  Contiguous patented mines or mining claims: Performance of work on one mine.
NRS 362.090  One affidavit may be recorded for labor on several patented mines or mining claims.
NRS 362.095  Method of taxation of patented mine or mining claim used for purpose other than mining or agriculture.

ASSESSMENT AND TAXATION OF NET PROCEEDS OF MINERALS

NRS 362.100  Duties of Department.
NRS 362.105  “Royalty” defined.
NRS 362.110  Annual statement of gross yield and claimed net proceeds; annual list of lessees. [Effective through June 30, 2009.]
NRS 362.110  Annual statement of gross yield and claimed net proceeds; annual list of lessees. [Effective from July 1, 2009, through June 30, 2011.]
NRS 362.110  Annual statement of gross yield and claimed net proceeds; annual list of lessees. [Effective July 1, 2011.]
CHAPTER 701A - ENERGY-RELATED TAX INCENTIVES

GREEN BUILDINGS

NRS 701A.100 Adoption of Green Building Rating System; requirements and limitations.
NRS 701A.110 Partial abatement of certain property taxes for buildings or structures that meet certain standards under Green Building Rating System; requirements and limitations; regulations.

BUSINESSES, FACILITIES, SYSTEMS AND DEVICES

NRS 701A.200 Exemption from certain property taxes for qualified energy systems; requirements and limitations; regulations.
NRS 701A.210 Partial abatement of certain property taxes for businesses and facilities using recycled material; requirements and limitations.
NRS 701A.220 Partial abatement of certain property taxes for facilities that generate electricity from renewable energy or produce energy storage devices; requirements and limitations. [Effective through June 30, 2009.]
NRS 701A.230 Partial abatement of certain sales and use taxes for facilities that generate electricity from renewable energy or produce energy storage devices; requirements and limitations. [Effective through June 30, 2009.]

NEVADA ADMINISTRATIVE CODE

CHAPTER 360 - REVENUE AND TAXATION: GENERALLY

GENERAL PROVISIONS

360.010 Definitions.
360.015 “Board” defined.
360.020 “Commission” defined.
“Department” defined.
“Director” defined.
“Hearing officer” defined.
“Staff” defined.
Taxpayers’ Bill of Rights: Publication and distribution of informational pamphlet; written instructions concerning rights and responsibilities of taxpayers; periodical newsletter with information on common errors; timely response to request of taxpayer; agreements for payment of tax in installments.

PRACTICE BEFORE THE NEVADA TAX COMMISSION

General Provisions
Scope; construction; deviation.
Communications.
Fees and remittances.
Hearing calendar; notice of meetings of Commission.
Testimony must be under oath.
Certificate of service.
Transcripts.
Meetings and hearings: Conduct required; smoking prohibited.

Parties; Legal Representation
Classification of parties.
Interveners.
Rights of petitioner and staff at evidentiary hearing.
Representation of parties; qualifications of attorneys.
Representation of parties and appearance as expert witness by former employee of Department or Attorney General’s Office limited.

Hearings on Petitions for Redetermination
Notice; location.
Petition for redetermination in contested case; issues.
Prehearing conferences.
Continuances; recesses.
Failure of party to appear.
Burden of proof; presentation of evidence.
Subpoenas.
Admission of evidence; depositions; affidavits.
Official notice.
Briefs.
Duties of hearing officer after hearing.

Appeals
Appeal of decision of officer or employee of Department: Timely filing and extension of time for filing notice of appeal.
Appeal of decision of hearing officer.
Presentation of arguments in appellate hearing.
Refund or credit following unsuccessful appeal by Department.
Appeal of taxpayer concerning liability for tax: “Trade secret” interpreted.
Appeal of taxpayer concerning liability for tax: Request for and conduct of closed hearing.
Rehearing or reconsideration of decisions of Commission.

Other Hearings and Decisions
Appeal of valuation of centrally assessed property.
Notice of hearing before order to seal and padlock business.
Decisions of Commission in contested cases not receiving evidentiary hearing: Form; delivery.

Advisory Opinions
Petitions: Form; contents.
Jurisdiction.
Opinions: Issuance; appeals.

PAYMENT AND COLLECTION OF TAXES AND FEES
Amount of penalty for late payment.
Waiver or reduction of penalty or interest for late payment.
Request for waiver or reduction of penalty or interest: Generally.
Request for waiver or reduction of penalty or interest in conjunction with petition for redetermination.
Acceptance of late return filed after deficiency determination is proposed.
Conditions for relief from penalties and interest on certain taxes or fees due before July 1, 2002.
Conditions for relief from penalties and interest on certain taxes or fees due before January 1, 2006.
Dishonored checks; returned checks.

Lien upon real property as security for payment.

Application by minor for business license or seller’s permit: Documentation of responsibility.

Liability of successor or purchaser of business or stock of goods.

Contract with private debt collector: Authorization by Commission; prior notification of debtor by Department.

Sales and use taxes: Failure to file return or filing of incorrect, false or fraudulent return.

AGREEMENT FOR PAYMENT OF TAXES IN INSTALLMENTS

Request.

Requirements.

Determination of maximum amount of tax liability.

Security required.

Review by Commission.

Request when tax liability excessive; decision by Commission.

Grounds for termination; notice of intent to terminate; tax due date; appeal; hearing.

Application by minor for business license or seller’s permit: Documentation of responsibility.

Liability of successor or purchaser of business or stock of goods.

Contract with private debt collector: Authorization by Commission; prior notification of debtor by Department.

Sales and use taxes: Failure to file return or filing of incorrect, false or fraudulent return.

PARTIAL ABATEMENT OF CERTAIN TAXES

Abatements for New or Expanded Business

Definitions.

“Commission” defined.

“Eligible machinery or equipment” defined.

“Partial abatement” defined.

Application: Date of submittal; consideration by Commission; certificate of eligibility upon approval.

Factors considered by Commission.

Property tax: Percentage, duration and commencement of abatement; certificate of eligibility.

Business tax: Applicability of partial abatement.

Business tax: Date of eligibility; determination of amount of capital investment required; filing of form of compliance with proof of capital investment.

Local school support tax: Determination of eligibility of machinery or equipment.

Local school support tax: Date of eligibility of machinery or equipment.

Minimum period of employment of required number of employees.

Refund upon approval of application.

Determination of tax owed upon failure to continue to meet requirements; appeal.

Miscellaneous Abatements

Abatements for new grocery store within Southern Nevada Enterprise Community.

Abatements for expansion of grocery store within Southern Nevada Enterprise Community.

Abatements for certain energy-efficient structures: Interpretation of certain statutory terms.

DISTRIBUTION OF PROCEEDS OF CERTAIN TAXES TO LOCAL GOVERNMENT

Determination of need for adjustment: Requirements for review; notification of local government or special district; annual report of findings.

AUDITS

Contact to schedule appointment; contents of auditor’s letter; period covered by audit; written request for extension of commencement date or estimated completion date; consequences of failure to provide necessary records.

Taxpayer’s reliance on written advice; review of documentation by Director and recommendation to Commission regarding waiver of tax, interest or penalty.

Letter to taxpayer addressing audit issues upon completion of audit.

Notice of deficiency determination; petition for redetermination; extension for filing petition; Department review; use of hearing officer; prehearing statement; extension for filing prehearing statement; notice of hearing; withdrawal of petition.

CHAPTER 361 - PROPERTY TAX

GENERAL PROVISIONS

Definitions.

REGULATIONS OF NEVADA TAX COMMISSION

Definitions.

“Actual age” defined.

“Cost of replacement” defined.
“Depreciation” defined.

“Improvement” defined.

EXEMPT PROPERTY

Fine Art for Public Display

“Fine art for public display” defined.

Interpretation of terms used in NRS 361.186.

Calculation of interest payments on art indebtedness.

Apportionment of direct costs when works of art consist of more than fine art.

Requirements to receive credit for donations to certain museums.

Affidavit for claiming exemption: Form; contents.

Determination of value.

Provision of poster to school or parent of child who receives in-home instruction.

Property Used for Control of Air and Water Pollution

Examples of facilities, devices to which exemption does not apply.

Application of exemption to additions, modifications of operational devices.

Affidavits, reports, records required to claim exemption.

Qualified Systems for Heating, Cooling or Provision of Electricity

Determination of value added by qualified system.

Form for requesting valuation.

Documentation to determine conformity to standards.

List of buildings with qualified systems.

Miscellaneous Provisions

Personal property in transit.

Tangible personal property purchased by and consumed during operation of business.

Certain property leased or rented to Nevada System of Higher Education.

Privately owned park: “Park” interpreted; requirement for exemption.

“Portable goods and storage sheds and other household equipment” interpreted.

Portions of qualified low-income housing projects.

ASSESSMENTS BY COUNTY ASSESSORS

Determination of Taxable Value of Real Property

Definitions.

“Abstraction method” defined.

“Allocation method” defined.

“Capitalization of ground rents” defined.

“Cost of development method” defined.

“Expected absorption period” defined.

“Improved land” defined.

“Land residual technique” defined.

“Obsolescence” defined.

“Qualified subdivision” defined.

Land: Sales comparison approach.

Land: Alternate methods to sales comparison approach.

Improved land.

Contaminated property: Definitions.

Contaminated property: Burden of proof; documentation required.

Contaminated property: Determination of full cash value.

Contaminated property: Annual review.

Determination of actual age of improvement or newly constructed addition to improvement.

Improvement: Initial taxable value.

Improvement: Replacement.

Improvement and replacement of improvement: Determination of costs.

Appraisal of parcel as part of qualified subdivision.

Taxable value of land within qualified subdivision.

Mobile or manufactured home.

Billboards.

Taxable value exceeding full cash value.

Adjustment in apportionment for school district.

Determination of Taxable Value of Personal Property

Definitions.

“Acquisition cost” and “original cost” defined.

“Costs of installation” defined.

“Personal Property Manual” defined.
Personal Property Manual: Publication; contents; approval; use.

Procedure for determination of taxable value.

Determination of expected life, cost-index factors and depreciation.

Personal property acquired with real property for lump sum; use of other valuation techniques.

Report

Areas of appraisal for cycle of reappraisal.

Records of reappraisals.

Report of appraisals by county assessor.

Statement of valuation of property sold.

Assessment lists: Contents; distribution.

Assessment roll: Filing; order of entries.

Billing of real property on unsecured roll.

ASSESSMENTS BY NEVADA TAX COMMISSION

General Provisions

Definitions.

“Accelerated amortization” defined.

“Accelerated cost recovery system” defined.

“Accelerated depreciation” defined.

“Accrual accounting” defined.

“Accrued depreciation” defined.

“Advance payments for gas” defined.

“Allocation to states” defined.

“Allowance for funds used during construction” defined.

“Amortization” defined.

“Annuity” defined.

“Antipollution controls” defined.

“Apportionment to intrastate jurisdiction” defined.

“Assessment ratio” defined.

“Band-of-investment” defined.

“Bond discount” defined.

“Bond premium” defined.

“Bond rating” defined.

“Book depreciation” defined.

“Book value,” “net book” defined.

“Capital structure” defined.

“Capitalization process” defined.

“Capitalization rate” defined.

“Cash accounting” defined.

“Cash equivalent” defined.

“Cash flow,” “net cash flow” or “after-tax cash flow” defined.

“Cash flow, before-tax” defined.

“Certificate of convenience and necessity” defined.

“Common carrier” defined.

“Compound interest and annuity tables” defined.

“Construction work in progress” defined.

“Contribution in aid of construction” defined.

“Debt” defined.

“Deferred federal income taxes” defined.

“Depreciation” defined.

“Discount rate” defined.

“Earnings-price ratio” defined.

“Economic life” defined.

“Economic rent” defined.

“Effective rate of interest” defined.

“Equity” defined.

“Expense” defined.

“Fair market value” defined.

“Fair return” defined.

“Final reconciliation” defined.

“Fixed expenses” defined.

“Flow-through accounting” defined.
“Form P report” defined.
“Form 2 report” defined.
“Form 10-K report” defined.
“Forms R-1 and R-2” defined.
“Fractional appraisal” defined.
“Full cash value” defined.
“Functional depreciation” defined.
“Generally accepted accounting principles” defined.
“Gross addition” defined.
“Gross income” defined; synonymous with “gross earnings.”
“Historical cost” defined; synonymous with “original cost.”
“Imbedded debt cost” defined.
“Indicator of value” defined.
“Interperiod allocation” defined.
“Investment tax credit” defined.
“Inwood factor or method” defined.
“Liberalized depreciation” defined.
“Load factor” defined.
“Main track” defined.
“Market value” defined.
“Net additions” defined.
“Net operating income” defined.
“Normalization accounting” defined.
“Obsolescence” defined.
“Operating expenses” defined.
“Operating revenue” defined; synonymous with “net revenue.”
“Original cost” defined.
“Possessory interest” defined.
“Prepayments for gas” defined.
“Present worth” defined; synonymous with “present value.”
“Price-earnings ratio” defined.
“Rate base” defined.
“Rate of capitalization” defined.
“Rate of performance” defined.
“Rate of return” defined.
“Recapture” defined.
“Remaining economic life” defined.
“Replacement cost” defined.
“Reproduction cost” defined.
“Reserve life” defined.
“Retirement depreciation” defined.
“Return on equity” defined.
“Revenue” defined.
“Risk” defined.
“Sinking fund” defined.
“Statistical median” defined.
“Straight-line depreciation” defined.
“System” defined.
“Tariff” defined.
“Taxable value” defined.
“Times interest earned” defined.
“Uniform system of accounts” defined.
“Unitary method of valuation” defined.
“Variable expenses” defined.
“Yield to maturity” defined.
Indicators of value: Cost approach; income approach; market or stock and debt approach; reconciliation.
Use of unit rule of valuation.
Reports of construction work in progress.

Communications, Electric, Gas Transmission, Pipeline and Railroad Companies

- Cost approach indicator of value: Determination.
- Cost approach indicator of value: Optional cost information.
- Income approach indicator of value: Formula for determination.
- Income approach indicator of value: Capitalization rate.
- Stock and debt approach indicator of value.
- Reconciliation of indicators of value.
- Allocation of value of interstate and intercounty properties.
- Deductions from taxable value.

Air Transportation Companies Generally

- Applicability.
- Cost approach indicator of value.
- Income approach indicator of value: Formula for determination.
- Income approach indicator of value: Capitalization rate.
- Reconciliation of indicators of value.
- Deduction of depreciated cost of nonallocable flight equipment.
- Allocation of value of interstate companies.
- Development, application of factor for property located in Nevada.
- Addition of property located in Nevada.

Certain Air Transport Companies, Airline Industry Groups, and Unscheduled or Charter Air Carriers

- Applicability.
- Formula for assessment.
- Property located in Nevada.

Private Car Line Companies

- Formula for assessment.

Municipal Electric Companies

- Valuation.

CERTIFICATION OF APPRAISERS

- Definitions.
- “Appraiser” defined.
- “Appraiser’s certificate” defined.
- “Appraiser’s certificate examination” defined.
- “Approved education course” defined.
- “Board” defined.
- “Contact hour” defined.
- “Independent contractor” defined.
- “Personal property appraiser’s certificate” defined.
- “Real property appraiser’s certificate” defined.
- Temporary appraiser’s certificate.
- Appraiser’s certificate.
- Independent contractor’s appraiser’s certificate: Generally.
- Independent contractor’s appraiser’s certificate: Renewal.
- Appraiser’s certificate examination.
- Continuing education: Review and approval of courses; list of approved courses.
- Continuing education: Credit; documentation; waiver of and failure to satisfy requirements.
- Continuing education: Maintenance and availability of records.
- Suspension and reinstatement of appraiser’s certificate.
- Revocation and reinstatement of appraiser’s certificate; reapplication after revocation.
- Appeal of suspension or revocation of appraiser’s certificate.

EQUALIZATION OF ASSESSMENTS AMONG THE SEVERAL COUNTIES

- Ratio study.

COLLECTION OF TAXES

Collection on Certain Vehicles

- Placement of stickers on mobile homes and campers.

Delinquent Payments

- Waiver or reduction of penalty or interest.

PARTIAL ABATEMENT OF TAXES

General Abatement, Primary Residential Abatement and Residential Rental Abatement

- Definitions.
- “Abatement percentage” defined.
- “County tax receiver” defined.
“General abatement” defined.
“Primary residence of the owner” defined.
“Primary residential abatement” defined.
“Residential rental abatement” defined.
“Single-family residence” defined.
General responsibilities of Department.
General responsibilities of county assessors and county tax receivers.
Claim for primary residential abatement: Form and contents; execution; action by county assessor; change in ownership or occupation of property.
Eligibility of certain property for primary residential abatement; treatment of certain property used for multiple purposes.
Residential rental abatement: Duties of Department, county assessor and owner of property; filing of claim and affidavit; eligibility of property.
General abatement: Taxable unit of centrally assessed property; ineligible property of interstate or intercounty company.
Calculation of amount of abatement: Applicable amount of tax levy for immediately preceding year and current year.
Calculation of amount of abatement: Property which escaped taxation; effect of adjustment to valuation of property to correct certain errors.
Summary reports of property taxes billed on behalf of each taxing entity.
Abatement for Remainder Parcels
Definitions.
“Abatement percentage” defined.
“Agricultural use” defined.
“Commercial or industrial use” defined.
“Current year” defined.
“Institutional use” defined.
“New parcel” defined.
“New parcel for development” defined.
“Open-space use” defined.
“Partial abatement” defined.
“Prior year” defined.
“Recreational use” defined.
“Remainder parcel” defined.
“Residential use” defined.
“Vacant land held for development” defined.
Scope and purpose.
New parcels: Evaluation; determination of change in use; effect of determination.
Calculation of amount of abatement and maximum amount of property taxes.
Determination of amount of net property taxes attributable to remainder parcel for prior year; appeal of determination.
Appeal of Determination of Applicability of Certain Abatements
Definitions.
“Contact person” defined.
“Hearing officer” defined.
“Intervener” defined.
“Party” defined.
“Petitioner” defined.
“Staff” defined.
Notice of appeal of determination of county assessor or Department.
Hearing before hearing officer; findings and conclusions of hearing officer.
Proposed order of hearing officer: Written objection; reply to objection; action by Commission.
Hearing before Commission: Order of argument.
Hearing before Commission: Basis on record before hearing officer; determination that record is inadequate.
Hearing before Commission: Action by Commission; issuance of written order.
Calculation of deductions from amounts taxing entities otherwise entitled to receive.
Annexation of real property to taxing entity.
Abatement for Certain Energy Efficient Structures
Definitions.
“Commission” defined.
“LEED” defined.

Application to Commission; ineligible structures.

Consideration of application at meeting of Commission; notice of meeting.

Grant of abatement by Commission.

“LEED Green Building Rating System” defined; availability of copies.

Application to Commission; ineligible structures.

Consideration of application at meeting of Commission; notice of meeting.

Grant of abatement by Commission.

EQUALIZATION BY COUNTY BOARD OF EQUALIZATION

Scope; power of county boards to adopt additional requirements.

List of members of additional panel.

Duty to equalize within geographic vicinity, whole county; limitation on adjustment of result of cyclic reappraisal.

Duties of county clerk.

Consideration of complaints.

Summary of appraisal data.

Order of appearances; testimony to be under oath.

Evidence of market value.

Consolidation of cases.

Notices.

Exhibits; minutes; petition forms.

Notice of action.

Determination of percentage of obsolescence.

Deduction of percentage of obsolescence when taxable value exceeds cash value.

Record to support reduction of assessed valuation.

Appeal of decision to State Board of Equalization: Record of proceedings before county board.

EQUALIZATION BY STATE BOARD OF EQUALIZATION

General Provisions

Scope; construction; deviation.

Definitions.

Meetings: Notice; telephone conference; conduct.

Communications.

Classification of parties.

Interveners.

Qualifications of attorneys.

Limitations on representation of parties and appearance as expert witness by former employees of Department or Attorney General.

Petition for appeal of final decision of county board.

Petition for direct appeal to State Board.

Action upon receipt of petition; case file.

Consolidation of cases.

Notice of representation by authorized agent.

Notice of hearing; duties of county assessor or his representative.

Briefs, memoranda and other written explanations.

Motions by parties; action by State Board on its own motion.

Continuances.

Subpoenas.

Testimony must be under oath.

Official notice of State Board.

Format, execution and contents of documents.

Filing and receipt of documents; admission of late document into evidence.

Service of documents; certificate of service.

Additional information and appraisal.

Testimony before State Board: Authority to testify; person who unlawfully acts as appraiser of real estate.

Transcripts.

Direct appeal: Rights of petitioner, respondent and staff.

Direct appeal: Burden of proof; receipt of evidence.

Direct appeal: Rules of evidence; depositions; exchange of names of witnesses and copies of evidence.

Appeal of decision of county board: Introduction of new evidence.

Appeal of decision of county board: Burden of proof; order and length of presentations.

Direct appeal: Consideration of issues, contentions and evidence outside scope of petition.

Submission of case for decision; decision of State Board; correction of clerical mistake in record.
CHAPTER 361A - TAXES ON AGRICULTURAL REAL PROPERTY AND OPEN SPACE

GENERAL PROVISIONS

361A.010 Definitions.
CHAPTER 362 - TAXES ON PATENTED MINES AND PROCEEDS OF MINERALS

GENERAL PROVISIONS

362.005 “Department” defined.

PROCEEDS OF MINERALS

General Provisions

362.010 Determination of gross value of mineral products.
362.020 Separate report of royalties.
362.030 Annual statement of gross yield and claimed net proceeds: Form and contents.
362.040 Deductions: Depreciation of capitalized costs.
362.050 Deductions: Operating costs.
362.060 Deductions: Electric power.
362.070 Deductions: Loading and transportation costs.
362.081 Date of receipt of material mailed to Commission.
362.083 Annual statement of gross yield and claimed net proceeds: Failure to include all applicable information, documentation, reports and statements.
362.087 Annual statement of gross yield and claimed net proceeds: Documentation of proper filing and waiver of penalty for failure to file.
362.090 Report of amount of net proceeds of minerals taxes plus pro rata penalties and interest; distribution.

Accelerated Depreciation of Capitalized Costs
362.100 Eligibility of mining operator for accelerated depreciation.
362.110 Filing of petition and accompanying documents.
362.120 Temporary closure not acceptable justification for allowance of petition.
362.130 Permission to depreciate assets granted to specific company only.
362.140 Manner of depreciation.
362.150 Annual audits by Department; requirement of surety.
362.160 Duties of operator who fails to cease or reopens operation.

Deductions for Reclamation Costs
362.200 Definitions.
362.210 “Closure of a mine” defined.
362.220 “Commission” defined.
362.230 “Developmental work” defined.
362.240 “Qualified reclamation costs” defined.
362.250 “Reclamation” defined.
362.260 “Reclamation costs” defined.
362.270 “Reclamation plan” defined.
362.280 “Reporting period” defined.
362.290 “Taxpayer” defined.
362.300 “Actual cost of extracting the mineral” interpreted.
362.310 Amount of deduction.
362.320 Change in method of accounting.
362.330 Deductions following sale of mine.

Geothermal Resources
362.350 Definitions.
362.352 “Field” defined.
362.354 “Mining function” defined.
362.356 “Plant” defined.
362.358 “Processing” defined.
362.360 “Processing allowance” defined.
362.362 “Repowering” defined.
362.364 “Transaction” defined.
362.366 “Transportation allowance” defined.
362.368 Determination of gross yield.
362.370 Calculation of net proceeds.

PATENTED MINES
362.410 Assessment; removal from secured roll for miscellaneous property.

CHAPTER 701A - ENERGY-RELATED TAX INCENTIVES

GREEN BUILDINGS: ELIGIBILITY FOR PARTIAL ABATEMENT OF PROPERTY TAXES
701A.010 Definitions.
701A.020 “Applicable LEED standard” defined.
701A.030 “Building or other structure” defined.
701A.040 “Construction contract” defined.
701A.050 “Director” defined.
701A.060 “Funding” defined.
701A.070 “LEED” defined.
701A.080 “LEED accredited professional” defined.
701A.090 “LEED-CS” defined.
701A.100 “LEED-EB” defined.
701A.110 “LEED Green Building Rating System” defined.
701A.120 “LEED-NC” defined.
“LEED standard” defined.
“Local government approval” defined.
“Partial tax abatement” defined.
“Pre-2007 applicant” defined.
“Pre-2007 Green Building Rating System” defined.
“Preconstruction contract” defined.
“Significant change in the scope of the project” defined.
LEED Green Building Rating System: Adoption of certain portions by reference; review and effect of new or updated standards.
Exclusions from and modifications to LEED Green Building Rating System; use of independent third-party commissioning firm by applicant for partial tax abatement.
Application for partial tax abatement; notification by Director.
Amendment of application after significant change in scope of project.
Submission of required proof or application for extension; issuance and contents of certificate of eligibility or certificate of ineligibility; effective date of abatement.
Required proof that building meets equivalent of silver level or higher of LEED Green Building Rating System; additional required documentation.
Submission of information regarding receipt of another abatement or exemption; designation and duties of tax abatement coordinator for building; suspension of certificate of eligibility; issuance of certificate of termination or reduction of eligibility.
Building included in construction project registered with Office of Energy before June 15, 2007: Submission and processing of application for partial tax abatement; provisions applicable to pre-2007 applicant.
Duration of partial tax abatement based upon number of points awarded for energy conservation by U.S. Green Building Council.
Waiver of requirements by Director.
Definitions.
“Eligible building or other structure” defined.
“LEED abatement” defined.
“LEED abatement percentage” defined.
“Net taxable value” defined.
Duties of county tax receiver regarding property that includes eligible building or other structure.
Reports by county tax receiver.
NEVADA REVISED STATUTES

GENERAL PROVISIONS

NRS 250.010 Election; term of office.
1. County assessors shall be elected by the qualified electors of their counties.
2. County assessors shall be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their offices on the first Monday of January subsequent to their election.

NRS 250.020 Oath. Each county assessor, before entering upon the duties of his office, shall take the oath of office as prescribed by law, which shall be endorsed on his certificate of election or appointment.

NRS 250.030 Bond.
1. Each county assessor, before entering upon the duties of his office, shall execute to the people of the State of Nevada, a bond in the penal sum of $10,000, with two or more sufficient sureties, to be approved by the board of county commissioners, and filed in the office of the county clerk, conditioned for the faithful performance of all the duties of his office required by law, unless a blanket fidelity bond is furnished by the county.
2. Suit may be instituted on the county assessor’s bond in the manner prescribed by law for the benefit of any person who may be aggrieved by the wrongful act or conduct of the county assessor or his deputy.

NRS 250.040 Vacancy: Time of appointment; applicable law governing appointment. In case of a vacancy in the office of the county assessor, or failure of any county assessor to qualify as required in this chapter, the board of county commissioners, within 45 days after the vacancy or failure to qualify occurs, shall appoint a person pursuant to NRS 245.170 to fill the vacancy. The person appointed shall give bond and take the oath of office prescribed by law that is required of county assessors elected by the people.

NRS 250.060 Deputies.
1. All county assessors may appoint deputies, who are authorized to transact all official business relating to the office to the same extent as the county assessors. A deputy must be at least 18 years of age. The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county assessor or the county by which the deputy is employed.
2. County assessors are responsible on their official bonds for all official malfeasance or nonfeasance of their deputies. Bonds for the faithful performance of their official duties may be required of deputies by county assessors.
3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be recorded in the office of the recorder of the county within which the county assessor legally holds and exercises his office. Revocations of such appointments must also be recorded as provided in this section. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.

NRS 250.065 Deputy required to hold appraiser’s certificate. No person may be appointed as a deputy county assessor with appraising responsibility unless he holds a valid appraiser’s certificate issued by the Department of Taxation.
(Added to NRS by 1975, 1653; A 1983, 226)

NRS 250.070 Office; hours to remain open. County assessors shall keep an office at the county seat of their county, which shall be kept open in accordance with the provisions of NRS 245.040.
[Part 1:178:1907; A 1929, 255; 1955, 6, 471]
NRS 250.080  County assessor and deputies may administer oaths.  The county assessor and his deputies are authorized to administer all oaths and affirmations contemplated by law in the discharge of their duties as assessors.

[8:97:1865;  B § 3022;  BH § 2186;  C § 2289;  RL § 1576;  NCL § 2057]

NRS 250.085  Account for the Acquisition and Improvement of Technology in the Office of the County Assessor.
1.  The board of county commissioners of each county shall by ordinance create in the county general fund an account to be designated as the Account for the Acquisition and Improvement of Technology in the Office of the County Assessor.
2.  The money in the Account:
   (a) Must be accounted for separately and not as a part of any other account; and
   (b) Must not be used to replace or supplant any money available from other sources to acquire technology for and improve technology used in the office of the county assessor.
3.  The money in the Account must be used to acquire technology for or improve the technology used in the office of the county assessor, including, without limitation, the payment of costs associated with acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology.  At the discretion of the county assessor, the money may be used by other county offices that do business with the county assessor.
4.  On or before July 1 of each year, the county assessor shall submit to the board of county commissioners a report of the projected expenditures of the money in the Account for the following fiscal year.  Any money remaining in the Account at the end of a fiscal year that has not been committed for expenditure reverts to the county general fund.

(Added to NRS by 2003, 2782;  A 2005, 2667)

NRS 250.090  Punishment for neglect of duty.  If any county assessor or deputy assessor shall be guilty of neglect of any of the duties enjoined on him by law, he shall be liable to indictment in any court of competent jurisdiction, and fined in any sum not exceeding $500.

[6:97:1865;  B § 3020;  BH § 2183;  C § 2286;  RL § 1574;  NCL § 2055]

CONFIDENTIAL INFORMATION

NRS 250.100  Definitions.  As used in NRS 250.100 to 250.230, inclusive, unless the context otherwise requires, the words and terms defined in NRS 250.110 and 250.120 have the meanings ascribed to them in those sections.

(Added to NRS by 2005, 1481)

NRS 250.110  “Confidential information” defined.  “Confidential information” means personal information deemed confidential pursuant to NRS 250.130.

(Added to NRS by 2005, 1481)

NRS 250.120  “Personal information” defined.  “Personal information” means:
1.  The home address of the person;
2.  The home address of the spouse or minor child of the person;
3.  Any photograph of the home of the person; and
4.  Any photograph of the home of the spouse or minor child of the person,
but does not include an assessor’s parcel number.

(Added to NRS by 2005, 1481)

NRS 250.130  Court order to maintain confidentiality of personal information.
1.  Any person listed in NRS 250.140 who wishes to have personal information about himself that is contained in the records of a county assessor be kept confidential must obtain an order of a court that requires the county assessor to maintain the personal information of the person in a confidential manner.  Such an order must be based on a sworn affidavit by the person, which affidavit:
   (a) States that the affiant qualifies as a person listed in NRS 250.140; and
   (b) Sets forth sufficient justification for the request for confidentiality.
2.  Upon receipt of such an order, a county assessor shall keep such information confidential and shall not:
   (a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person; or
   (b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

(Added to NRS by 2005, 1482)

NRS 250.140  Certain persons authorized to request personal information maintained by county assessor to be kept confidential.
1.  The following persons may request that personal information contained in the records of a county assessor be kept confidential:
   (a) Any justice or judge in this State.
(b) Any peace officer or retired peace officer.
(c) The spouse or minor child of a person described in paragraph (a) or (b).
(d) The surviving spouse or minor child of a person described in paragraph (a) or (b) who was killed in the performance of his duties.

2. As used in this section, “peace officer” means:
(a) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and
(b) Any person:
(1) Who resides in this State;
(2) Whose primary duties are to enforce the law; and
(3) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(Added to NRS by 2005, 1482)

NRS 250.150 Disclosure of confidential information maintained by county assessor. If a person listed in NRS 250.140 requests confidentiality, the confidential information of that person may only be disclosed as provided in NRS 239.0115, 250.160 or 250.180.

(Added to NRS by 2005, 1482; A 2007, 2084)

NRS 250.160 Provision of confidential information by county assessor.
1. A county assessor may provide confidential information for use:
   (a) By any governmental entity, including, without limitation, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions.
   (b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, without limitation, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders or pursuant to an order of a federal or state court.
   (c) By a private investigator, private patrolman or security consultant who is licensed pursuant to chapter 648 of NRS, for any use authorized pursuant to this section.
   (d) In connection with an investigation conducted pursuant to NRS 253.0415, 253.044 or 253.220.
   (e) In activities relating to research and the production of statistical reports, if the address or information will not be published or otherwise disclosed or used to contact any person.
   (f) In the bulk distribution of surveys, marketing material or solicitations, if the assessor has adopted policies and procedures to ensure that the information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations.
   (g) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station.
2. Except for a reporter or editorial employee described in paragraph (g) of subsection 1, a person who obtains information pursuant to this section and sells or discloses that information shall keep and maintain for at least 5 years a record of:
   (a) Each person to whom the information is sold or disclosed; and
   (b) The purpose for which that person will use the information.

(Added to NRS by 2005, 1482)

NRS 250.170 Denial of request for confidential information. Except for a request from a governmental entity pursuant to paragraph (a) of subsection 1 of NRS 250.160 or in response to an order of a federal or state court pursuant to paragraph (b) of subsection 1 of NRS 250.160, a county assessor may deny a request for confidential information if the assessor reasonably believes that the information may be used in an unauthorized manner.

(Added to NRS by 2005, 1483)

NRS 250.180 Program to request list of assessor’s roll; account with office of assessor to facilitate access to information. A county assessor may establish a program whereby a person may request a complete list of the assessor’s roll, including, without limitation, any confidential information, by establishing an account with the office of the assessor to facilitate his ability to request such information electronically or by written request if he has submitted to the assessor proof that he is eligible to request such information pursuant to NRS 250.160 and a signed and notarized affidavit acknowledging:
1. That he has read and fully understands the current laws and regulations regarding the manner in which confidential information from the assessor’s files and records may be obtained and the authorized use of such information.
2. That he understands that any sale or disclosure of such information must be in accordance with the provisions of NRS 250.100 to 250.180, inclusive.
3. That he understands that the assessor will maintain a record of any confidential information he requests.
4. That he understands the penalties for violating the provisions of NRS 250.100 to 250.180, inclusive.
5. That he understands that a violation of any of the provisions of NRS 250.100 to 250.180, inclusive, may result in a revocation of his privilege to request documents pursuant to this section.

(Added to NRS by 2005, 1483)

NRS 250.190 Revocation of access to documents. A county assessor who establishes a program pursuant to NRS 250.180 may revoke the privilege to request documents pursuant to NRS 250.180 for a violation of the provisions of NRS 250.100 to 250.180, inclusive.

(Added to NRS by 2005, 1483)

NRS 250.200 Regulation by professional or occupational boards of licensees who access confidential information from county assessor. If a professional or occupational board determines that its licensees regularly participate in a program established pursuant to NRS 250.180, the board shall adopt procedures to ensure that the confidential information obtained by its licensees pursuant to NRS 250.180 is used for the purposes for which it was obtained.

(Added to NRS by 2005, 1484)

NRS 250.210 Unlawful acts; penalties. 1. A person shall not:
(a) Make a false representation to obtain any information pursuant to NRS 250.100 to 250.180, inclusive; or
(b) Knowingly obtain or disclose information pursuant to NRS 250.100 to 250.180, inclusive, for any use not authorized pursuant to NRS 250.100 to 250.180, inclusive.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

(Added to NRS by 2005, 1484)

NRS 250.220 Unlawful disclosure of confidential information obtained from county assessor; penalty. If a person discloses confidential information about a person listed in NRS 250.140 in violation of NRS 250.100 to 250.180, inclusive, and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains, the person who makes the disclosure is guilty of a misdemeanor.

(Added to NRS by 2005, 1484)

NRS 250.230 Civil penalty. In addition to any penalty imposed pursuant to NRS 250.210 or 250.220, the court may order a person who commits an act described in those sections to pay a civil penalty in an amount not to exceed $2,500 for each act.

(Added to NRS by 2005, 1484)

TITLE 32 - REVENUE AND TAXATION
CHAPTER 360 - GENERAL PROVISIONS

DEFINITIONS

NRS 360.001 “Department” and “Executive Director” defined. As used in this title, except as otherwise provided in chapters 360A, 365, 366, 371 and 373 of NRS and unless the context requires otherwise:
1. “Department” means the Department of Taxation.
2. “Executive Director” means the Executive Director of the Department of Taxation.

(Added to NRS by 1975, 1643; A 1999, 1000)

NRS 360.005 “Retailer” defined. As used in this chapter, “retailer” has the meaning ascribed to it in NRS 372.055.

(Added to NRS by 1995, 1058)

ADMINISTRATION

NRS 360.010 Nevada Tax Commission: Creation; composition; Chairman.
1. The Nevada Tax Commission, consisting of eight members appointed by the Governor, is hereby created.
2. The Governor shall designate one of the commissioners to serve as Chairman of the Commission.
3. The Governor is an ex officio, nonvoting member of the Commission. He is not entitled to receive compensation for his services as such ex officio member.

**NRS 360.020** Qualifications of commissioners.
1. Five of the commissioners must have at least 10 years’ experience, respectively, in the following fields:
   (a) Real property.
   (b) Utility business.
   (c) Agriculture and livestock business.
   (d) Finance.
   (e) Mining.
2. The remaining commissioners must be versed in other areas of property taxation and must be sufficiently experienced in business generally to be able to bring knowledge and sound judgment to the deliberations of the Nevada Tax Commission.

**NRS 360.030** Limitations on appointment of commissioners; terms; removal from office.
1. Not more than five of the eight commissioners may be:
   (a) Appointed from any one county in this State.
   (b) Of the same political party.
2. After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms.
3. Any commissioner may be removed by the Governor if, in his opinion, that commissioner is guilty of malfeasance in office or neglect of duty.

**NRS 360.050** Compensation of commissioners.
1. The Chairman of the Nevada Tax Commission is entitled to receive an annual salary of $27,500.
2. Except as otherwise provided in NRS 360.010, each of the other commissioners is entitled to receive an annual salary of $20,000.

**NRS 360.070** Location of office of Nevada Tax Commission; hours of operation.
The Nevada Tax Commission shall:
1. Keep its office at Carson City, Nevada; and
2. Be in general session and open for the transaction of business during the usual hours and days in which public offices are kept open.

**NRS 360.080** Quorum; voting by commissioners.
1. Five members shall constitute a quorum for the transaction of business.
2. The Chairman and each of the commissioners have a vote upon all matters which come before the Nevada Tax Commission.

**NRS 360.090** Adoption of regulations by Nevada Tax Commission governing business of Commission and Department.
In addition to the other duties prescribed by title 32 of NRS, the members of the Nevada Tax Commission shall prescribe regulations for carrying on the business of the Nevada Tax Commission and of the Department.

**NRS 360.092** Adoption of regulations by Nevada Tax Commission for electronic submission of returns and remission of payments by credit card, debit card or electronic transfer of money.
The Nevada Tax Commission shall adopt regulations providing for:
1. The electronic submission of returns to the Department; and
2. The payment of taxes, fees, interest and penalties to the Department through the use of credit cards, debit cards and electronic transfers of money.

**NRS 360.093** Adoption of regulations by Nevada Tax Commission to carry out certain provisions regarding waiver of taxes, penalties and interest, and imposition of penalties.
The Nevada Tax Commission shall adopt regulations to carry out the provisions of NRS 360.294 and 360.417.

**NRS 360.095** Principles for adoption of regulations, policies of enforcement and policies for auditing of taxpayers by Nevada Tax Commission.
In the adoption of regulations, policies of enforcement, and policies for auditing of taxpayers,
with respect to all taxes and fees for whose administration the Department is responsible, the Nevada Tax Commission shall apply the following principles:

1. Forms, instructions and regulations governing the computation of the amount of tax due must be brief and easily understood.
2. In cases where another authority, such as the United States or a local government, also imposes a tax upon the same property or revenue, the mechanism for collecting the tax imposed by the State must be as nearly compatible with the collection of the other taxes as is feasible.
3. Unless a change is made necessary by statute or to preserve compatibility with a tax imposed by another authority, the forms, instructions and regulations must remain the same from year to year, to make the taxpayer’s liability as predictable as is feasible.
4. Exemptions or waivers, where permitted by statute, must be granted:
   (a) Equitably among eligible taxpayers; and
   (b) As sparingly as is consistent with the legislative intent, to retain the broadest feasible base for the tax affected.
5. Audits and other procedures for enforcement must be applied as uniformly as is feasible, not only as among persons subject to a particular tax but also as among different taxes, but must consider a weighting of indicators of noncompliance.
6. Collection of taxes due must be pursued in an equitable manner, so that every taxpayer pays the full amount imposed by law.

(Added to NRS by 1993, 1232; A 2003, 20th Special Session, 18)

NRS 360.100 Annual report by Department; statements to be furnished to Governor. The Department shall:

1. On or before January 15 of each year, prepare and publish a report that shows the transactions and proceedings of the Department which took place during the immediately preceding fiscal year.
2. Upon request, furnish to the Governor statements showing the assessed value of property within or taxable by the State of Nevada and its political subdivisions.

[NRS A 1971, 198; 1975, 1645; 1997, 1414]

NRS 360.105 Submission of proposed budget and legislation of Department to Nevada Tax Commission; submission of biennial report of Department to Nevada Tax Commission and Legislature.

1. The Department shall:
   (a) In each even-numbered year, submit to the Nevada Tax Commission, at the meeting conducted by the Commission pursuant to NRS 361.455 or, if no such meeting is conducted during that year, at the meeting conducted by the Commission pursuant to subsection 2, a copy of the proposed budget for the Department and legislation proposed by the Department.
   (b) Prepare a report for each biennium which details:
       (1) The problem areas of compliance and collection;
       (2) Methods for improving taxpayer compliance and tax collections; and
       (3) Complaints received from taxpayers, including a description of the type and number of complaints received.
   (c) Submit a copy of the report to:
       (1) The Nevada Tax Commission, at its first meeting in each odd-numbered year; and
       (2) The Legislature on or before January 31 of each odd-numbered year.
2. If the Nevada Tax Commission does not meet pursuant to NRS 361.455 in an even-numbered year, it shall meet during June of that year to accept the proposed budget for the Department and legislation proposed by the Department.

(Added to NRS by 1991, 1581; A 1997, 2594)

NRS 360.120 Department of Taxation: Creation; head of Department; Executive Director.

1. The Department of Taxation is hereby created.
2. The head of the Department is the Nevada Tax Commission. The Chief Administrative Officer of the Department is the Executive Director, who is appointed by the Governor.
3. The Executive Director is in the unclassified service of the State.
4. The Executive Director shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit which detracts from the full and timely performance of his duties.


NRS 360.130 Duties of Executive Director; power of Nevada Tax Commission to authorize hearings and investigations; related powers.

1. The Executive Director shall:
   (a) Keep audio recordings or transcripts of all meetings and full and correct records of all transactions and proceedings of the Nevada Tax Commission, the State Board of Equalization and the Department.
   (b) Perform such other duties as may be required.
2. The Nevada Tax Commission shall have the power to authorize the Executive Director or any other officer of the Department to hold hearings or make investigations, and upon any such hearing the Executive Director or officer shall have the authority to examine books, compel the attendance of witnesses, administer oaths and conduct investigations.

NRS 360.140 Organization of Department; hiring and assignment of employees.

1. The Executive Director shall organize the work of the Department in such a way as to secure maximum efficiency in the conduct of the Department and make possible a definite placing of responsibility. To this end, the Executive Director may establish such organizational units within the Department as he deems necessary.

2. The Executive Director may employ such clerical or expert assistance as may be required.

3. Persons employed by the Department may be assigned to stations, offices or locations selected by the Executive Director both within the State and in other states where in the judgment of the Executive Director it is necessary to maintain personnel to protect, investigate and collect revenues to which the State is entitled.

4. Any person assigned to a station, office or location as provided in subsection 3 shall be entitled to receive per diem allowance only when the business of the Department takes him away from the particular station, office or location to which he is assigned.

NRS 360.145 Employees of Department: Evaluation on basis of assessments or collections prohibited. The Department shall not evaluate an employee of the Department on the basis of assessments or collections from taxpayers.

(NRS by 1991, 1581)

NRS 360.200 General powers of Department. The Department may exercise the specific powers enumerated in this chapter and, except as otherwise provided by law, may exercise general supervision and control over the entire revenue system of the State including the administration of the provisions of chapter 397, Statutes of Nevada 1955, as amended (NRS chapter 372).

NRS 360.210 Power of Department to appraise and assess property. The Department has the original power of appraisal and assessment of all property mentioned in NRS 361.320.

NRS 360.215 Powers and duties of Department regarding county assessors, assessment procedures and equalization. The Department:

1. May assist the county assessors in appraising property within their respective counties which the ratio study shows to be in need of reappraisal.

2. Shall consult with and assist county assessors to develop and maintain standard assessment procedures to be applied and used in all of the counties of the State, to ensure that assessments of property by county assessors are made equal in each of the several counties of this state. These procedures must include uniform methods for:

   (a) Assessing, projecting and reporting construction work in progress and other new property; and
   (b) Counting and reporting housing units.

3. Shall visit a selective cross section of assessable properties within the various counties in cooperation with the county assessor and examine these properties and compare them with the tax roll and assist the various county assessors in correcting any inequalities found to exist with factors of equal value and actual assessed value considered, and place upon the rolls any property found to be omitted from the tax roll.

4. Shall carry on a continuing study, the object of which is the equalization of property values between counties.

5. Shall carry on a program of in-service training for county assessors of the several counties of the State, and each year hold classes of instruction in assessing procedure for the purpose of bringing each county assessor and his authorized personnel the newest methods, procedures and practices in assessing property. Expenses of attending such classes are a proper and allowable charge by the board of county commissioners in each county.

6. Shall continually supervise assessment procedures which are carried on in the several counties of the State and advise county assessors in the application of such procedures. The Department shall make a complete written report to each session of the Legislature, which must include all reports of its activities and findings and all recommendations which it has made to the several county assessors, and the extent to which the recommendations have been followed.

7. Shall carry on a continuing program to maintain and study the assessment of public utilities and all other property assessed by the Department to the end that the assessment is equalized with the property assessable by county assessors.

8. May conduct appraisals at the request of and in conjunction with any county assessor when the assessor considers such assistance necessary. One-half of the cost of the appraisal must be paid by the county. In lieu of a cash payment, the county may provide labor, material or services having a value equal to one-half of the appraisal cost.
9. Shall establish and maintain a manual of assessment policies and procedures.

[NRS 360.220] Duty of Department to require local governments to submit fiscal information. The Department shall require governing bodies of local governments, as defined in NRS 354.474, to submit a budget estimate of the local government expenses and income for the current year, and for the budget year, and a compilation of the actual local government expenses and income for the last completed year, in such detail and form as may be required by the Department, after hearing the advice and recommendations of the Committee on Local Government Finance.

[NRS 360.225] Duty of Department to investigate eligibility for abatement, exemption or deferral of certain taxes; report to Commission on Economic Development.

1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:
   (a) A partial abatement of property taxes pursuant to NRS 361.0687;
   (b) An exemption from taxes pursuant to NRS 363B.120;
   (c) A deferral of the payment of taxes on the sale of capital goods pursuant to NRS 372.397 or 374.402; or
   (d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357.
   The Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the Commission on Economic Development and take any other necessary actions.

[NRS 360.230] Duty of Department to investigate property escaping taxation and require placement on tax roll.

The Department shall:

1. Diligently investigate any class or kind of property believed to be escaping just taxation. In pursuance thereof, the Department may examine the books and accounts of any person, copartnership or corporation doing business in the State, when such an examination is deemed necessary to a proper determination of the valuation of any property subject to taxation, or the determination of any licenses for the conduct of any business, or the determination of the net proceeds of any mine.

2. Require county assessors, county boards of equalization, county auditors or county treasurers to place upon the roll any property found to be escaping taxation.


1. If an audit is conducted by the Department pursuant to the provisions of this title, the date on which the audit will be completed must be included in the notice to the taxpayer that the audit will be conducted.

2. The date on which the audit will be completed may be extended by the department if the Department gives prior written notice of the extension to the taxpayer. The notice must include an explanation of the reason or reasons that the extension is required.

3. If, after the audit, the Department determines that delinquent taxes are due, interest and penalties may not be imposed for the period of the extension if the taxpayer did not request the extension or was not otherwise the cause of the extension.

[NRS 360.233] Notice of determination by Department that taxpayer is entitled to exemption or has been taxed or assessed more than is required by law.

If an officer, employee or agent of the Department determines that a taxpayer is entitled to an exemption or has been taxed or assessed more than is required by law, he shall give written notice of that determination to the taxpayer. The notice must:

1. Be given within 30 days after the officer, employee or agent makes his determination or, if the determination is made as a result of an audit, within 30 days after the completion of the audit; and

2. If appropriate, include:
   (a) An explanation that an overpayment may be credited against any amount due from the taxpayer; or
   (b) Instructions indicating the manner in which the taxpayer may petition for a refund of any overpayment.

[NRS 360.235] Refund or credit to taxpayer after audit.

Except as otherwise required in NRS 361.485, any amount determined to be refundable by the Department after an audit must be refunded or credited to any amount due from the taxpayer.

(Added to NRS by 1999, 2480)

(33)
NRS 360.238  Department may charge fee for returned checks. The Department may charge a person a fee of $25 for each check returned to the Department because the person had insufficient money or credit with the drawee to pay the check or because the person stopped payment on the check.
(Added to NRS by 1989, 818; A 2001, 1879)

NRS 360.240  Power of Department to summon witnesses and issue and seek enforcement of subpoenas; administration of oaths to witnesses.
1. The Department shall have the power to summon witnesses to appear and testify on any subject material to its responsibilities under this title. No property owner and no officer, director, superintendent, manager or agent of any company or corporation, whose property is wholly in one county, shall be required to appear, without his consent, at a place other than the county seat or at the nearest town to his place of residence or the principal place of business of such company or corporation.
2. Such summons may be served by personal service by the Executive Director or his agent or by the sheriff of the county, who shall certify to such service without compensation therefor.
3. The Department may issue subpoenas to compel the attendance of witnesses and the production of books and papers and may seek to enforce the subpoenas by petition to any court of competent jurisdiction in the manner provided by law.
4. Any member of the Nevada Tax Commission, the Executive Director or any officer of the Department designated by them may administer oaths to witnesses.

NRS 360.245  Decision of Department final unless appealed to Nevada Tax Commission; time for appeal; service of decision; review of certain decisions; judicial review; adoption of regulations by Nevada Tax Commission; transmission of notice of certain decisions on appeal.
1. Except as otherwise provided in this title:
   (a) All decisions of the Executive Director or other officer of the Department made pursuant to this title are final unless appealed to the Nevada Tax Commission.
   (b) Any natural person, partnership, corporation, association or other business or legal entity who is aggrieved by such a decision may appeal the decision by filing a notice of appeal with the Department within 30 days after service of the decision upon that person or business or legal entity.
2. Service of the decision must be made personally or by certified mail. If service is made by certified mail:
   (a) The decision must be enclosed in an envelope which is addressed to the taxpayer at his address as it appears in the records of the Department.
   (b) It is deemed to be complete at the time the appropriately addressed envelope containing the decision is deposited with the United States Postal Service.
3. The Nevada Tax Commission, as head of the Department, may review all decisions made by the Executive Director that are not otherwise appealed to the Commission pursuant to this section.
4. The Nevada Tax Commission may reverse, affirm or modify any decision of the Department that is:
   (a) Appealed to the Commission by a taxpayer pursuant to this section; or
   (b) Reviewed by the Commission pursuant to this section.
5. A decision of the Nevada Tax Commission is a final decision for the purposes of judicial review. The Executive Director or any other employee or representative of the Department shall not seek judicial review of such a decision.
6. The Nevada Tax Commission shall provide by regulation for:
   (a) Notice to be given to each county of any decision upon an appeal to the Commission that the Commission determines is likely to affect the revenue of the county or other local government. The regulations must specify the form and contents of the notice and requirements for the number of days before a meeting of the Commission that the notice must be transmitted. If the parties to the appeal enter into a stipulation as to the issues that will be heard on appeal, the Commission shall transmit a copy of the notice to the district attorney of each county which the Commission determines is likely to be affected by the decision. Upon receipt of such a notice, the district attorney shall transmit a copy of the notice to each local government within the county which the Commission determines is likely to be affected by the decision. If there is no such stipulation, the Commission shall transmit a copy of the notice, accompanied by the names of the parties and the amount on appeal, if any, to the governing bodies of the counties and other local governments which the Commission determines are likely to be affected by the decision.
   (b) The manner in which a county or other local government which is not a party to such an appeal may become a party, and the procedure for its participation in the appeal.
7. A county or other local government which is a party and is aggrieved by the decision of the Nevada Tax Commission is entitled to seek judicial review of the decision.
8. Upon application by a taxpayer, the Nevada Tax Commission shall review the denial of relief pursuant to NRS 361.4835 and may grant, deny or modify the relief sought.
(Added to NRS by 1975, 1647; A 1987, 1492; 1997, 1414, 1567, 2595; 1999, 577, 580, 2480)
NRS 360.247 Hearing on appeal concerning liability for tax must be open to public; consideration of proprietary or confidential information in closed hearing; abstracts of certain decisions; protection of confidentiality and liability for disclosure of information.

1. Except as otherwise provided in this section, any appeal to the Nevada Tax Commission which is taken by a taxpayer concerning his liability for tax must be heard during a session of the Commission which is open to the public. Upon request by the taxpayer, a hearing on such an appeal may be closed to the public to receive proprietary or confidential information.

2. As soon as practicable after closing a hearing pursuant to subsection 1, the Nevada Tax Commission shall determine whether the information to be presented in the closed hearing is proprietary or confidential information. If the Commission, in its discretion, determines that the information is not proprietary or confidential information, the Commission shall immediately open the hearing to the public. If the Commission, in its discretion, determines that the information is proprietary or confidential information:

   (a) The hearing must remain closed to the public and the Commission shall receive the information in a manner that ensures that the members of the Commission have a reasonable and adequate opportunity to review the information and make any inquiries that any member believes to be necessary and appropriate.

   (b) After the receipt of and opportunity to review the proprietary or confidential information pursuant to paragraph (a), the Commission shall reopen the hearing to the public and proceed to deliberate toward a decision regarding issues in the appeal that are not proprietary or confidential.

   (c) After a hearing has been reopened pursuant to paragraph (b), the Commission shall, upon the request of any member of the Commission who believes that he cannot conduct meaningful deliberations with the other members of the Commission on the appeal because the appeal concerns proprietary or confidential information, close the hearing for further deliberations. The definitive vote on the appeal must be taken during a hearing of the Commission that is open to the public.

3. The Nevada Tax Commission shall adopt regulations which establish procedures:

   (a) By which a taxpayer may request a closed hearing pursuant to this section.

   (b) By which the Commission may determine whether information is proprietary or confidential information during a closed hearing.

4. Not later than 45 days after the Nevada Tax Commission deliberates in a closed hearing and makes a definitive decision on an appeal in a hearing that is open to the public pursuant to this section, the Commission shall prepare an abstract that explains the reasons for the decision, which must be made available to the public upon request. Such an abstract:

   (a) Must include, without limitation:

      (1) The name of the taxpayer;

      (2) The amount of the taxpayer’s liability, including interest and penalties;

      (3) The type of tax at issue; and

      (4) The general nature of the evidence relied upon by the Commission in reaching its decision.

   (b) Must not contain any proprietary or confidential information relating to the taxpayer.

5. A member of the Nevada Tax Commission or an officer, agent or employee of the Department is not subject to any criminal penalty or civil liability for the use or publication of proprietary or confidential information received pursuant to the procedure set forth in subsection 2, regardless of whether the information was received during a closed hearing.

6. The Nevada Tax Commission shall take such actions as it deems necessary to protect the confidentiality of information provided by a taxpayer that the Commission has determined to be proprietary or confidential information, including, without limitation:

   (a) Issuing such protective orders as it deems necessary;

   (b) Restricting access to any hearing closed to the public and to the records and transcripts of any such hearing, without the prior approval of the Commission; and

   (c) Prohibiting any intervener allowed to attend such a hearing or allowed access to the records and transcripts of such a hearing from disclosing such information without prior authorization from the Commission.

7. A person who violates a protective order issued by the Nevada Tax Commission pursuant to subsection 6 is guilty of a misdemeanor, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order.

8. As used in this section:

   (a) “Confidential economic information”:

      (1) Means any information which is not available to the public generally, which confers an economic benefit on the holder of the information as a result of its unavailability and which is the subject of reasonable efforts by the taxpayer to maintain its secrecy.

      (2) Includes, without limitation, information relating to the amount or source of any income, profits, losses or expenditures of the taxpayer, such as data relating to costs, prices or customers.

   (b) “Proprietary or confidential information”:

      (1) Means:

         (I) Any trade secret, confidential economic information or business information that is submitted to the Nevada Tax Commission by the taxpayer and is determined to be proprietary or confidential information by the Commission; or

         (II) Any information that a specific statute declares to be confidential or prohibits the Commission from making public.

      (2) Does not include any information that has been published for public distribution or is otherwise available to the public generally or in the public domain.
NRS 360.250  Powers and duties of Nevada Tax Commission concerning assessment of property and collection of
taxes; sharing information; certificate of compliance with regulations; penalty for falsifying certificate;
derundercollections.
1.  The Nevada Tax Commission shall adopt general and uniform regulations governing the assessment of property by the
county assessors of the various counties, county boards of equalization, the State Board of Equalization and the Department.
The regulations must include, without limitation, standards for the appraisal and reappraisal of land to determine its taxable
value.
2.  The Nevada Tax Commission may:
   (a) Confer with, advise and direct county assessors, sheriffs as ex officio collectors of licenses and all other county
          officers having to do with the preparation of the assessment roll or collection of taxes or other revenues as to their duties.
   (b) Prescribe the form and manner in which assessment rolls or tax lists must be kept by county assessors.
   (c) Prescribe the form of the statements of property owners in making returns of their property.
   (d) Require county assessors, sheriffs as ex officio collectors of licenses and all other county officers having to do with
          the preparation of the assessment roll or collection of taxes or other revenues, to furnish such information in relation to
          assessments, licenses or the equalization of property valuations, and in such form as the Nevada Tax Commission may
demand.
   (e) Except as otherwise provided in this title, share information in its records with agencies of local governments which
          are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained
          under the terms and conditions required by law.
3.  Each assessor and any other such officer shall certify under penalty of perjury that in assessing property or furnishing
     other information required pursuant to this section he has complied with the regulations of the Nevada Tax Commission. This
     certificate must be appended to each assessment roll and any other information furnished.
4.  A county assessor or other county officer whose certificate is knowingly falsified is guilty of a misdemeanor. If the
   Nevada Tax Commission finds that a county assessor or other county officer has knowingly violated its regulations and
   thereby has caused less revenue to be collected from taxes, it shall deduct the amount of the undercollection from the money
   otherwise payable to the county from the proceeds of the supplemental city-county relief tax.
NRS 360.260  Power of Nevada Tax Commission to institute and instigate action and prosecution.
1.  The Nevada Tax Commission shall have the power to direct what proceedings, actions or prosecutions shall be
     instituted to support the law.
2.  The Nevada Tax Commission may call upon the district attorney of any county or the Attorney General to institute and
     conduct such civil or criminal proceedings as may be demanded.
   [Part 3:177:1917; 1919 RL p. 3196; NCL § 6544]
NRS 360.270  Enumerated powers do not exclude necessary and proper power of Nevada Tax Commission or
              Department. The enumeration of the powers in NRS 360.200 to 360.265, inclusive, shall not be considered as excluding the
              exercise of any necessary and proper power and authority of the Nevada Tax Commission or the Department, as approved by
              the Nevada Tax Commission.
NRS 360.280  Duties of county assessor and board of county commissioners.
1.  All county assessors shall:
   (a) Adopt and put in practice the manuals and regulations established and prescribed by the Nevada Tax Commission
governing the assessment of property.
   (b) Keep assessment rolls or tax lists in the form and manner prescribed by the Department.
   (c) Use and require property owners to use property statement forms approved by the Department for reporting personal
property.
   (d) Maintain a complete set of maps to accurately describe and illustrate all parcels of land as provided in chapter 361 of
NRS.
2.  Boards of county commissioners shall supply books, blanks and statements in the prescribed form for the use of
     county assessors.

RIGHTS AND RESPONSIBILITIES OF TAXPAYERS

NRS 360.2905  Citation of NRS 360.291.  NRS 360.291 may be cited as the Taxpayers’ Bill of Rights.
NRS 360.291 Taxpayers’ Bill of Rights.

1. The Legislature hereby declares that each taxpayer has the right:
   (a) To be treated by officers and employees of the Department with courtesy, fairness, uniformity, consistency and common sense.
   (b) To a prompt response from the Department to each communication from the taxpayer.
   (c) To provide the minimum documentation and other information as may reasonably be required by the Department to carry out its duties.
   (d) To written explanations of common errors, oversights and violations that taxpayers experience and instructions on how to avoid such problems.
   (e) To be notified, in writing, by the Department whenever its officer, employee or agent determines that the taxpayer is entitled to an exemption or has been taxed or assessed more than is required by law.
   (f) To written instructions indicating how the taxpayer may petition for:
      (1) An adjustment of an assessment;
      (2) A refund or credit for overpayment of taxes, interest or penalties; or
      (3) A reduction in or the release of a bond or other form of security required to be furnished pursuant to the provisions of this title that are administered by the Department.
   (g) Except as otherwise provided in NRS 361.485, to recover an overpayment of taxes promptly upon the final determination of such an overpayment.
   (h) To obtain specific advice from the Department concerning taxes imposed by the State.
   (i) In any meeting with the Department, including an audit, conference, interview or hearing:
      (1) To an explanation by an officer, agent or employee of the Department that describes the procedures to be followed and the taxpayer’s rights thereunder;
      (2) To be represented by himself or anyone who is otherwise authorized by law to represent him before the Department;
      (3) To make an audio recording using the taxpayer’s own equipment and at the taxpayer’s own expense; and
      (4) To receive a copy of any document or audio recording made by or in the possession of the Department relating to the determination or collection of any tax for which the taxpayer is assessed, upon payment of the actual cost to the Department of making the copy.
   (j) To a full explanation of the Department’s authority to assess a tax or to collect delinquent taxes, including the procedures and notices for review and appeal that are required for the protection of the taxpayer. An explanation which meets the requirements of this section must also be included with each notice to a taxpayer that an audit will be conducted by the Department.
   (k) To the immediate release of any lien which the Department has placed on real or personal property for the nonpayment of any tax when:
      (1) The tax is paid;
      (2) The period of limitation for collecting the tax expires;
      (3) The lien is the result of an error by the Department;
      (4) The Department determines that the taxes, interest and penalties are secured sufficiently by a lien on other property;
      (5) The release or subordination of the lien will not jeopardize the collection of the taxes, interest and penalties;
      (6) The release of the lien will facilitate the collection of the taxes, interest and penalties; or
      (7) The Department determines that the lien is creating an economic hardship.
   (l) To the release or reduction of a bond or other form of security required to be furnished pursuant to the provisions of this title by the Department in accordance with applicable statutes and regulations.
   (m) To be free from investigation and surveillance by an officer, agent or employee of the Department for any purpose that is not directly related to the administration of the taxes administered by the Department.
   (n) To be free from harassment and intimidation by an officer, agent or employee of the Department for any reason.
   (o) To have statutes imposing taxes and any regulations adopted pursuant thereto construed in favor of the taxpayer if those statutes or regulations are of doubtful validity or effect, unless there is a specific statutory provision that is applicable.

2. The provisions of this title and title 57 of NRS and NRS 244A.820, 244A.870, 482.313 and 482.315 governing the administration and collection of taxes by the Department must not be construed in such a manner as to interfere or conflict with the provisions of this section or any applicable regulations.

3. The provisions of this section apply to any tax administered, regulated and collected by the Department pursuant to the provisions of this title and title 57 of NRS and NRS 244A.820, 244A.870, 482.313 and 482.315 and any regulations adopted by the Department relating thereto.

NRS 360.2915 Adoption of regulations by Department: Taxpayers’ Bill of Rights; payment of taxes in installments. The Department:
1. Shall adopt regulations to carry out the provisions of the Taxpayers’ Bill of Rights.
2. May adopt regulations providing:
   (a) For the payment of any tax in installments over a period not to exceed 12 months upon the execution of a written agreement by the taxpayer and the Department; and
   (b) That the Executive Director may:
   (1) Upon good cause shown, allow a taxpayer to pay in installments over a period longer than 12 months; and
   (2) Cancel the installment method of payment for a taxpayer who becomes delinquent in his payments.
(Added to NRS by 1991, 1580)

**NRS 360.292 Preparation and distribution of pamphlet regarding Taxpayers’ Bill of Rights.** The Executive Director shall cause:
1. To be prepared in simple nontechnical terms a pamphlet setting forth the Taxpayers’ Bill of Rights and a description of the regulations adopted by the Department pursuant to NRS 360.2915.
2. A copy of the pamphlet to be:
   (a) Posted on an Internet website maintained by the Department;
   (b) Made available to any person upon request at the offices of the Department and the Department of Motor Vehicles, and public libraries in each county of this State; and
   (c) Distributed with each notice to a taxpayer that an audit will be conducted by the Department.
(Added to NRS by 1991, 1580; A 1997, 2597; 2005, 22nd Special Session, 127

**NRS 360.2925 Provision of instructions and information to taxpayer liable for first time for taxes on business.** The Department shall provide each taxpayer who it determines may be liable for taxes on a business for the first time with:
1. Simplified written instructions concerning the rights and responsibilities of the taxpayer, including the:
   (a) Keeping of records sufficient for audit purposes;
   (b) Procedures for depositing or paying taxes;
   (c) Procedures for challenging any liability for taxes, penalties or interest and for requesting refunds, adjustments or credits of erroneously assessed taxes, including the steps for appealing a denial thereof;
   (d) Procedures for recovering interest on overpayments of taxes; and
   (e) Procedures for obtaining the release of bonds, liens, levies or other forms of security for the payment of taxes.
2. Information concerning the most common errors made by taxpayers in similar businesses with regard to the collection, reporting and payment of taxes.
(Added to NRS by 1991, 1580)

**NRS 360.293 Provision of response to request submitted by taxpayer.** The Department shall provide a taxpayer with a written response to any written request submitted by the taxpayer within 30 days after it receives the request.
(Added to NRS by 1991, 1581)

**NRS 360.2935 Refund to taxpayer of overpayment together with payment of interest.** Except as otherwise provided in this title, a taxpayer is entitled to receive on any overpayment of taxes, after the offset required by NRS 360.320 has been made, a refund together with interest at a rate determined pursuant to NRS 17.130. No interest is allowed on a refund of any penalties or interest paid by a taxpayer.
(Added to NRS by 1991, 1581; A 1999, 2483; 2001, 1540; 2003, 20th Special Session, 158)

**NRS 360.2937 Amount of interest required on overpayment of certain taxes, fees and assessments.**
1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377 or 377A, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.5 percent per month from the last day of the calendar month following the period for which the overpayment was made.
2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.
3. The interest must be paid:
   (a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.
   (b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.
(Added to NRS by 2007, 912)

**NRS 360.294 Waiver of taxes, penalties and interest owed by taxpayers who rely on certain advice, opinions or audits.**
1. Except as otherwise provided in subsection 2, upon proof that a taxpayer has relied to his detriment on written advice provided to him by an officer, agent or employee of the Department or on an opinion of the Attorney General:
   (a) The Department may waive any tax, penalty and interest owed by the taxpayer if the taxpayer meets the criteria adopted by regulation by the Nevada Tax Commission pursuant to NRS 360.093; and
   (b) If a waiver is granted pursuant to paragraph (a), the Department shall prepare and maintain on file a statement which contains:
      (1) The reason for the waiver;
      (2) The amount of the tax, penalty and interest owed by the taxpayer;
      (3) The amount of the tax, penalty and interest waived by the Department; and
      (4) The facts and circumstances which led to the waiver.

2. Upon proof that a taxpayer has in good faith collected or remitted taxes imposed pursuant to the provisions of this title that are administered by the Department, in reliance upon written advice provided by an officer, agent or employee of the Department, an opinion of the Attorney General or the Nevada Tax Commission, or the written results of an audit of his records conducted by the Department, the taxpayer may not be required to pay delinquent taxes, penalties or interest if the Department determines after the completion of a subsequent audit that the taxes he collected or remitted were deficient.

(Added to NRS by 1991, 1581; A 1999, 2483)

DETERMINATION OF DEFICIENT PAYMENT

NRS 360.300 Computation of tax, contribution or premium by Department; penalty for failure to file return.
1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:
   (a) The facts contained in the return;
   (b) Any information within its possession or that may come into its possession; or
   (c) Reasonable estimates of the amount.
2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.
3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.
4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.
5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

NRS 360.320 Offsetting of certain overpayments; calculation of penalties and interest.
1. Except as otherwise provided in this title, in making a determination of the amount required to be paid, the Department shall offset overpayments for a reporting period of an audit period against underpayments for any other reporting period within the audit period.
2. If it is determined that there is a net deficiency, any penalty imposed must be calculated based on the amount of the net deficiency.
3. If it is determined that:
   (a) There is a net deficiency for a reporting period after offsetting any overpayment from any previous reporting period, any interest imposed on the net deficiency must be calculated before determining whether there is an overpayment or net deficiency for the next reporting period within the audit period.
   (b) There is a net overpayment for a reporting period after offsetting any net deficiency from any previous reporting period, any interest to which the taxpayer is entitled must be calculated before determining whether there is an overpayment or net deficiency for the next reporting period within the audit period.
4. The provisions of this section do not apply if, in any reporting period within the audit period, the taxpayer has:
   (a) Failed to file a report or return that he is required to file;
   (b) Filed such a report or return later than the date it is due;
   (c) Filed such a report or return that erroneously shows no taxes due; or
   (d) Filed such a report or return that shows taxes due and has not remitted the taxes due in a timely manner.
5. As used in this section, “reporting period” includes, without limitation, a calendar month, a calendar quarter, a calendar year and any other period for reporting.

(Added to NRS by 1971, 595; A 1975, 1651; 1999, 2484; 2005, 571)

**PENALTIES**

**NRS 360.417  Penalty for failure to pay tax or fee.** Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 444A or 585 of NRS, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 1 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.


**NRS 360.419  Waiver or reduction of interest or penalty.**

1. If the Executive Director or a designated hearing officer finds that the failure of a person to make a timely return or payment of a tax imposed pursuant to NRS 361.320 or chapter 361A, 362, 363A, 363B, 369, 370, 372, 372A, 374, 375A, 375B, 376A, 377 or 377A of NRS, is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent, the Department may relieve him of all or part of any interest or penalty, or both.

2. A person seeking this relief must file with the Department a statement under oath setting forth the facts upon which he bases his claim.

3. The Department shall disclose, upon the request of any person:
   (a) The name of the person to whom relief was granted; and
   (b) The amount of the relief.

4. The Executive Director or a designated hearing officer shall act upon the request of a taxpayer seeking relief pursuant to NRS 361.4835 which is deferred by a county treasurer or county assessor.

(Added to NRS by 1987, 328; A 1993, 86; 1997, 1568; 1999, 1001; 2003, 20th Special Session, 159)

**PROCEDURES FOR COLLECTION AND ENFORCEMENT**

**Action for Collection**

**NRS 360.4193  Authority of Department; prosecution by Attorney General; issuance of writ of attachment; effect of certificate of Department showing delinquency.**

1. If a person is delinquent in the payment of any tax or fee administered by the Department or has not paid the amount of a deficiency determination, the Department may bring an action in a court of this state, a court of any other state or a court of the United States to collect the delinquent or deficient amount, penalties and interest. The action:
   (a) May not be brought if the decision that the payment is delinquent or that there is a deficiency determination is on appeal to the Nevada Tax Commission pursuant to NRS 360.245.
   (b) Must be brought not later than 3 years after the payment became delinquent or the determination became final or within 5 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed.

2. The Attorney General shall prosecute the action. The provisions of NRS and the Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings. In the action, a writ of attachment may issue. A bond or affidavit is not required before an attachment may be issued.

3. In the action, a certificate by the Department showing the delinquency is prima facie evidence of:
   (a) The determination of the tax or fee or the amount of the tax or fee;
   (b) The delinquency of the amounts; and
   (c) The compliance by the Department with all of the procedures required by law related to the computation and determination of the amounts.

(Added to NRS by 1995, 1058; A 1999, 2485)

**NRS 360.690  Establishment of base monthly allocations from Account; remission of allocations to local governments; estimates of allocations for future year for use in preparation of budgets.**

1. Except as otherwise provided in NRS 360.730, the Executive Director shall estimate monthly the amount each local government, special district and enterprise district will receive from the Account pursuant to the provisions of this section.
2. The Executive Director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12, and the State Treasurer shall, except as otherwise provided in subsections 3 to 8, inclusive, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the Executive Director determines there is not sufficient money available in the county’s subaccount in the Account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county’s subaccount and allocate to each local government and special district an amount equal to its proportionate percentage of the total amount of the base monthly allocations determined pursuant to subsection 2 for all local governments and special districts within the county. The State Treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsections 5 to 8, inclusive, if the Executive Director determines that there is money remaining in the county’s subaccount in the Account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

   (a) Local government’s share of the remaining money by:

      (1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by the sum of the:

         (I) Average percentage of change in the population of the local government over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9; and

         (II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

      (2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

   (b) Special district’s share of the remaining money by:

      (1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

      (2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

   ➤ The State Treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. Except as otherwise provided in subsection 6 or 7, if the Executive Director determines that there is money remaining in the county’s subaccount in the Account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district and that the average amount over the 5 fiscal years immediately preceding the year in which the allocation is made of the assessed valuation of taxable property which is attributable to the net proceeds of minerals in the county is equal to at least $50,000,000 and the average percentage of change in population of the county over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9, is a negative figure or that the average amount over the 5 fiscal years immediately preceding the year in which the allocation is made of the assessed valuation of taxable property which is attributable to the net proceeds of minerals in the county is equal to at least $50,000,000 and the average percentage of change in population of the county over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9, is a negative figure, he shall immediately determine and allocate each:

   (a) Local government’s share of the remaining money by:

      (1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the sum of the:

         (I) Average percentage of change in the population of the local government over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9; and

         (II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

      (2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures
(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(b) Special district’s share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The State Treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

6. Except as otherwise provided in subsection 8, if the Executive Director determines that there is money remaining in the county’s subaccount in the Account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, that the sum of the average percentage of change in population and the average percentage of change in the assessed valuation of taxable property, as calculated pursuant to subparagraph (1) of paragraph (a) of subsection 4 for each of those local governments, is a negative figure, and that the average change in the assessed valuation of the taxable property in each of those special districts, as calculated pursuant to subparagraph (1) of paragraph (b) of subsection 4, is a negative figure, he shall immediately determine and allocate each:

(a) Local government’s share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the sum of the:

(I) Average percentage of change in the population of the local government over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9; and

(II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 4 fiscal years immediately preceding the year in which the allocation is made; and

(b) Special district’s share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The State Treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

7. Except as otherwise provided in subsection 8, if the Executive Director determines that there is money remaining in the county’s subaccount in the Account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, that the sum of the average percentage of change in population and the average percentage of change in the assessed valuation of taxable property, as calculated pursuant to subparagraph (1) of paragraph (a) of subsection 4 for each of those local governments, is a negative figure, and that the average change in the assessed valuation of the taxable property in any of those special districts, as calculated pursuant to subparagraph (1) of paragraph (b) of subsection 4, is a positive figure, he shall immediately determine and allocate each:

(a) Local government’s share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the sum of the:

(I) Average percentage of change in the population of the local government over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9; and

(II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and
(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district’s share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the sum of the:

(I) Average percentage of change in the population of the county over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9; and

(II) Average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the Department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The State Treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

8. The Executive Director shall not allocate any amount to a local government or special district pursuant to subsection 4, 5, 6 or 7 unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the Executive Director determines there is money remaining in the county’s subaccount in the Account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county’s subaccount in the Account to determine which amount is greater.

If the Executive Director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county’s subaccount in the Account pursuant to the provisions of subsection 3. If the Executive Director determines that the amount of money remaining in the county’s subaccount in the Account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the State Treasurer shall remit that money so allocated. The Executive Director shall allocate any additional money in the county’s subaccount in the Account pursuant to the provisions of subsection 4, 5, 6 or 7, as appropriate.

9. The percentage changes in population calculated pursuant to subsections 4 to 7, inclusive, must:

(a) Except as otherwise provided in paragraph (c), if the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the Governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

(c) If a local government files a formal appeal with the Bureau of the Census concerning the population total of the local government issued by the Bureau of the Census, be calculated using the population total certified by the Governor pursuant to NRS 360.285 until the appeal is resolved. If additional money is allocated to the local government because the population total certified by the Governor is greater than the population total issued by the Bureau of the Census, the State Treasurer shall deposit that additional money in a separate interest-bearing account. Upon resolution of the appeal, if the population total finally determined pursuant to the appeal is:

(1) Equal to or less than the population total initially issued by the Bureau of the Census, the State Treasurer shall transfer the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, to the Local Government Tax Distribution Account for allocation among the local governments in the county pursuant to subsection 4, 5, 6 or 7, as appropriate.

(2) Greater than the population total initially issued by the Bureau of the Census, the Executive Director shall calculate the amount that would have been allocated to the local government pursuant to subsection 4, 5, 6 or 7, as appropriate, if the population total finally determined pursuant to the appeal had been used and the State Treasurer shall remit to the local government an amount equal to the difference between the amount actually distributed and the amount calculated pursuant to this subparagraph or the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, whichever is less.
10. On or before February 15 of each year, the Executive Director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the Account for that fiscal year.

11. On or before March 15 of each year, the Executive Director shall:
   (a) Make an estimate of the receipts from each tax included in the Account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the Account; and
   (b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

12. A local government, special district or enterprise district may use the estimate provided by the Executive Director pursuant to subsection 11 in the preparation of its budget.


NRS 360.695 Adjustment of allocation to local government or special district after decrease in population and assessed valuation of taxable property.

1. If the population and assessed valuation of the taxable property, except any assessed valuation attributable to the net proceeds of minerals, within a local government or special district has decreased in each of the 3 fiscal years immediately preceding the current fiscal year, the Executive Director shall review the amount allocated to the local government or special district from the Account pursuant to NRS 360.680, to determine whether to adjust the allocation. The local government or special district may submit information to assist the Executive Director in making a determination. If the Executive Director determines that an adjustment to the allocation of the local government or special district is necessary, the Executive Director shall submit his findings on the matter to the Committee on Local Government Finance.

2. The Committee on Local Government Finance shall review the findings submitted by the Executive Director pursuant to subsection 1. If the committee determines that an adjustment to the amount allocated to the local government or special district pursuant to NRS 360.680 is appropriate, the committee shall submit a recommendation to the Nevada Tax Commission that sets forth the amount of the recommended adjustment. If the Committee determines that the adjustment is not appropriate, that decision is not subject to review by the Nevada Tax Commission.

3. The Nevada Tax Commission shall schedule a public hearing within 30 days after the Committee on Local Government Finance submits its recommendation. The Nevada Tax Commission shall provide public notice of the hearing at least 10 days before the date on which the hearing will be held. The Executive Director shall provide copies of all documents relevant to the adjustment recommended by the Committee on Local Government Finance to the governing body of each local government and special district that is located in the same county as the local government or special district that is subject to the recommended adjustment.

4. If, after the public hearing, the Nevada Tax Commission determines that the recommended adjustment is appropriate, it shall order the Executive Director to adjust the amount allocated to the local government or special district pursuant to NRS 360.680.

(Added to NRS by 1999, 1091)

ABATEMENT OF TAXES ON NEW OR EXPANDED BUSINESS


1. A person who intends to locate or expand a business in this State may apply to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Commission on Economic Development shall approve an application for a partial abatement if the Commission makes the following determinations:
   (a) The business is consistent with:
      (1) The State Plan for Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067; and
      (2) Any guidelines adopted pursuant to the State Plan.
   (b) The applicant has executed an agreement with the Commission which must:
      (1) Comply with the requirements of NRS 360.755;
      (2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and
      (3) Bind the successors in interest of the business for the specified period.

(Added to NRS by 1999, 1091)
The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Commission by regulation pursuant to subsection 9.

3. Notwithstanding the provisions of subsection 2, the Commission on Economic Development:

(a) Shall not consider an application for a partial abatement unless the Commission has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Commission determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;
(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or
(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If a person submits an application to the Commission on Economic Development pursuant to subsection 1, the Commission shall provide notice to the governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the person intends to locate or expand a business. The notice required pursuant to this subsection must set forth the date, time and location of the hearing at which the Commission will consider the application.

5. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:
   (a) The Department;
   (b) The Nevada Tax Commission; and
   (c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Commission on Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:
   (a) To meet the requirements set forth in subsection 2; or
   (b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,
   the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer.

8. A county treasurer:
   (a) Shall deposit any money that he receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and
   (b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. The Commission on Economic Development:
   (a) Shall adopt regulations relating to:
       (1) The minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and
       (2) The notice that must be provided pursuant to subsection 4.
   (b) May adopt such other regulations as the Commission on Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. The Nevada Tax Commission:
    (a) Shall adopt regulations regarding:
        (1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and
        (2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.
    (b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

11. An applicant for a abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.


NRS 360.755 Partial abatement of certain taxes imposed on new or expanded businesses: Agreement to allow audits of business by Department; disclosure of information in audit report; protection of certain information from disclosure.

1. If the Commission on Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750, the agreement with the Commission must provide that the business:
   (a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and
   (b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Commission on Economic Development.
3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Commission on Economic Development:
   (a) Is confidential proprietary information of the business;
   (b) Is not a public record; and
   (c) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:
   (a) The audit report provided to the Commission on Economic Development is a public record; and
   (b) Upon request by any person, the Executive Director of the Commission on Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Commission on Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:
   (a) Is confidential proprietary information of the business;
   (b) Is not a public record;
   (c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and
   (d) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

(Added to NRS by 2007, 2859, 2988)

ACQUISITION OR EXPANSION OF PUBLIC UTILITIES BY LOCAL GOVERNMENTS

NRS 360.800 Definitions. As used in NRS 360.800 to 360.840, inclusive, unless the context otherwise requires, the words and terms defined in NRS 360.805 to 360.820, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 2003, 968)

NRS 360.805 “Affected local government” defined. “Affected local government” means any local government that will receive less money from state or local taxes or franchise fees or from payments in lieu of those taxes or franchise fees, or less compensation from another local government pursuant to NRS 360.830, as a direct result of the acquisition of any public utility or expansion of any facilities by a local government as provided in NRS 360.830.

(Added to NRS by 2003, 968)

NRS 360.810 “Local government” defined. “Local government” means any city, county, district or other political subdivision of this state.

(Added to NRS by 2003, 968)

NRS 360.815 “Public utility” defined. “Public utility” means any privately, publicly or cooperatively owned system for providing a utility service to the public or a segment of the public.

(Added to NRS by 2003, 968)

NRS 360.820 “Telecommunication service” defined. “Telecommunication service” has the meaning ascribed to it in NRS 704.028.

(Added to NRS by 2003, 968; A 2007, 715)

NRS 360.825 Acquisition of certain public utilities: Requirements for payments in lieu of taxes and franchise fees; distributions to local governments based on assessed valuation of taxable property.

1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government acquires from another entity a public utility that provides electric service, natural gas service, telecommunication service or community antenna television, cable television or other video service:
   (a) The local government shall make payments in lieu of and equal to all state and local taxes and franchise fees from which the local government is exempt but for which the public utility would be liable if the public utility was not owned by a governmental entity; and
   (b) The Nevada Tax Commission shall, solely for the purpose set forth in this paragraph, annually determine and apportion the assessed valuation of the property of the public utility. For the purpose of calculating any allocation or apportionment of money for distribution among local governments pursuant to a formula required by state law which is based partially or entirely on the assessed valuation of taxable property:
      (1) The property of the public utility shall be deemed to constitute taxable property to the same extent as if the public utility was not owned by a governmental entity; and
(2) To the extent that the property of the public utility is deemed to constitute taxable property pursuant to this paragraph:

(I) The assessed valuation of that property must be included in that calculation as determined and apportioned by the Nevada Tax Commission pursuant to this paragraph; and

(II) The payments required by paragraph (a) in lieu of any taxes that would otherwise be required on the basis of the assessed valuation of that property shall be deemed to constitute payments of those taxes.

2. The payments in lieu of taxes and franchise fees required by subsection 1 are due at the same time and must be collected, accounted for and distributed in the same manner as those taxes and franchise fees would be due, collected, accounted for and distributed if the public utility was not owned by a governmental entity, except that no lien attaches upon any property or money of the local government by virtue of any failure to make all or any part of those payments. The local government may contest the validity and amount of any payment in lieu of a tax or franchise fee to the same extent as if that payment was a payment of the tax or franchise fee itself. The payments in lieu of taxes and franchise fees must be reduced if and to the extent that such a contest is successful.

3. The provisions of this section do not:

(a) Apply to the acquisition by a local government of a public utility owned by another governmental entity, except a public utility owned by another local government for which any payments in lieu of state or local taxes or franchise fees was required before its acquisition as provided in this section.

(b) Require a local government to make any payments in lieu of taxes or franchise fees to the extent that the making of those payments would cause a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(c) Require a county to duplicate any payments in lieu of taxes required pursuant to NRS 244A.755.

(Added to NRS by 2003, 968; A 2007, 715, 1385)

NRS 360.830 Acquisition or expansion of certain public utilities: Requirements for interlocal agreements for compensation of affected local governments.

1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government:

(a) Acquires from another entity a public utility that provides water service or sewer service; or

(b) Expands facilities for the provision of water service, sewer service, electric service, natural gas service, telecommunication service or community antenna television, cable television or other video service, and the expansion results in the local government serving additional retail customers who were, before the expansion, retail customers of a public utility which provided that service,

the local government shall enter into an interlocal agreement with each affected local government to compensate the affected local government each fiscal year, as nearly as practicable, for the amount of any money from state and local taxes and franchise fees and from payments in lieu of those taxes and franchise fees, and for any compensation from a local government pursuant to this section, the affected local government would be entitled to receive but will not receive because of the acquisition of that public utility or expansion of those facilities as provided in this section.

2. An affected local government may waive any or all of the compensation to which it may be entitled pursuant to subsection 1.

3. The provisions of this section do not require a:

(a) Local government to provide any compensation to an affected local government to the extent that the provision of that compensation would cause a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or expansion of those facilities, or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(b) County to duplicate any compensation an affected local government receives from any payments in lieu of taxes required pursuant to NRS 244A.755.

(Added to NRS by 2003, 969; A 2007, 716, 1386)

NRS 360.835 Acquisition or expansion of certain public utilities: Procedure upon failure to reach interlocal agreement.

1. If a local government and an affected local government cannot reach agreement pursuant to NRS 360.830, either party may submit to the Executive Director its proposal for the terms of an interlocal agreement, together with any information it deems appropriate relating to such an agreement. Within 30 days after the receipt of that proposal, the Executive Director shall:

(a) Provide to the other party:

(1) A copy of the proposal and any information received with the proposal; and

(2) An opportunity to submit its proposal for the terms of an interlocal agreement and any information that party deems appropriate relating to such an agreement;

(b) Review each proposal and any other information submitted by the parties; and
(c) Submit to the Committee on Local Government Finance his findings regarding the terms of a fair and equitable interlocal agreement.

2. Within 30 days after the receipt of the findings of the Executive Director pursuant to subsection 1, the Committee on Local Government Finance shall:
   (a) Review those findings; and
   (b) Submit to the Nevada Tax Commission its recommendations for the terms of a fair and equitable interlocal agreement.

3. The Nevada Tax Commission shall schedule a public hearing within 30 days after the Committee on Local Government Finance submits its recommendations pursuant to subsection 2. The Nevada Tax Commission shall provide public notice of the hearing at least 10 days before the date on which the hearing will be held. The Executive Director shall provide copies of all documents relevant to the recommendations of the Committee on Local Government Finance to each of the parties. After the hearing, the Nevada Tax Commission shall notify the parties of its determination of the terms of a fair and equitable interlocal agreement.

4. Within 30 days after the parties receive notification of the determination of the Nevada Tax Commission pursuant to subsection 3, the parties shall enter into an interlocal agreement in accordance with that determination.

(Added to NRS by 2003, 970)

NRS 360.840  Adoption of regulations by Nevada Tax Commission. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out the provisions of NRS 360.800 to 360.840, inclusive.

(Added to NRS by 2003, 971)

CHAPTER 361 - PROPERTY TAX

GENERAL PROVISIONS

NRS 361.010  Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 361.013 to 361.043, inclusive, have the meanings ascribed to them in those sections.


NRS 361.013  “Billboard” defined. “Billboard” means a sign that directs attention to a business, commodity, service, entertainment or attraction that is sold, offered or exists at a location other than the premises on which the sign is located.

(Added to NRS by 1989, 1817)

NRS 361.015  “Bona fide resident” defined. “Bona fide resident” means a person who has:
   1. Established a residence in the State of Nevada; and
   2. Actually resided in this state for at least 6 months or has a valid driver’s license or identification card issued by the Department of Motor Vehicles of this state.


NRS 361.017  “Camper shell” defined. “Camper shell” means a covered canopy which is mounted on a motor vehicle, and which is not equipped with permanent facilities for the preparation or storage of food or for sleeping purposes.

(Added to NRS by 1989, 169)

NRS 361.020  “Fiscal year” defined. “Fiscal year” means that period of time from July 1 of one year to and including June 30 of the following year.

[Part 3:344:1953]

NRS 361.025  “Full cash value” defined. “Full cash value” means the most probable price which property would bring in a competitive and open market under all conditions requisite to a fair sale.


NRS 361.027  “Geothermal resource” defined. “Geothermal resource” means the natural heat of the earth and the energy associated with that natural heat, pressure and all dissolved or entrained minerals that may be obtained from the medium used to transfer that heat, but excluding hydrocarbons and helium.

(Added to NRS by 1973, 1114; A 1981, 660)

NRS 361.028  “Manufactured home” defined. “Manufactured home” has the meaning ascribed to it in NRS 489.113.

(Added to NRS by 2001, 1540)
NRS 361.029  “Mobile home” defined.  “Mobile home” means a vehicular structure, built on a chassis or frame, which is designed to be used with or without a permanent foundation and is capable of being drawn by a motor vehicle. It may be used as a dwelling when connected to utilities or may be used permanently or temporarily for the advertising, sales, display or promotion of merchandise or services. The term does not include a recreational park trailer as defined in NRS 482.1005.
(Added to NRS by 1989, 169; A 2001, 1727)

NRS 361.030  “Personal property” defined.
1. “Personal property” means:
(a) All household and kitchen furniture.
(b) All law, medical and miscellaneous libraries.
(c) All goods, wares and merchandise.
(d) All chattels of every kind and description, except vehicles as defined in NRS 371.020.
(e) Stocks of goods on hand.
(f) Any vehicle not included in the definition of vehicle in NRS 371.020.
(g) All locomotives, cars, rolling stock and other personal property used in operating any railroad within the State.
(h) All machines and machinery, all works and improvements, all steamers, vessels and watercraft of every kind and name navigating or used upon the waters of any river or lake within this State or having a general depot or terminus within this State.
(i) The money, property and effects of every kind, except real estate, of all banks, banking institutions or firms, bankers, moneylenders and brokers.
(j) All property of whatever kind or nature, except vehicles as defined in NRS 371.020, not included in the term “real estate” as that term is defined in NRS 361.035.
2. Gold-bearing and silver-bearing ores, quartz or minerals from which gold or silver is extracted, when in the hands of the producers thereof, shall not mean, not be taken to mean, nor be listed and assessed under the term “personal property” as used in this section, but are specially excepted therefrom, and shall be listed, assessed and taxed as provided by law.

NRS 361.032  “Property of an interstate or intercounty nature” defined.  “Property of an interstate or intercounty nature” means tangible property that:
1. Physically crosses a county or state boundary; and
2. Is used directly in the operation of the business.
(Added to NRS by 1999, 1269; A 2001, 83)

NRS 361.035  “Real estate” and “real property” defined.
1. “Real estate” or “real property” means:
(a) All houses, buildings, fences, ditches, structures, erections, railroads, toll roads and bridges, or other improvements built or erected upon any land, whether such land is private property or property of this state or of the United States, or of any municipal or other corporation, or of any county, city or town in this state.
(b) Any mobile home, factory-built housing or manufactured home which meets the requirements of NRS 361.244.
(c) The ownership of, or claim to, or possession of, or right of possession to any lands within this state.
(d) The claim by or the possession of any person, firm, corporation, association or company to any land.
2. The property described in subsection 1 must be listed under the head of “real estate.”
3. Except as otherwise provided in NRS 361.2445, when an agreement has been entered into, whether in writing or not, or when there is sufficient reason to believe that an agreement has been entered into, for the dismantling, moving or carrying away or wrecking of the property described in subsection 1, the property must be classified as personal property, and not real estate.
4. For the purposes of this chapter, “real estate” or “real property” does not include leasehold or other possessory interests in land owned by the Federal Government on which land the Federal Government is paying taxes to the State of Nevada or is, pursuant to contractual obligation, paying any sum in lieu of taxes to the State of Nevada.

NRS 361.040  “Resident” defined.  “Resident” means a person who has established a residence in the State of Nevada, and has actually resided in this state for at least 6 months.

NRS 361.042  “Slide-in camper” defined.  “Slide-in camper” means a portable unit designed to be loaded and unloaded from the bed of a pickup truck, and so constructed as to provide temporary living quarters for travel, camping or recreational use. The term does not include a camper shell.
(Added to NRS by 1989, 169)

NRS 361.043  “Taxable value” defined.  “Taxable value” means:
1. The value of property of an interstate or intercounty nature determined in the manner provided in NRS 361.320 or 361.323.
2. The value of all other property determined in the manner provided in NRS 361.227.

(Added to NRS by 1981, 787; A 1983, 548; 1985, 1182; 1999, 1269)

NRS 361.0435 County assessor: Dissemination to public of information concerning taxation of property.
1. A county assessor may, by regular mail, electronic means or any other means the assessor deems appropriate, disseminate information to the public concerning the taxation of property, including, without limitation, information relating to the valuation and assessment of property, exemptions from taxation, the declaration of a homestead and programs for the assistance of senior citizens.
2. Any information provided pursuant to subsection 1 must, to the extent practicable, be in a form that is easily understood and readily accessible to the public.

(Added to NRS by 2007, 1875)

NRS 361.044 County assessor: Duty to keep certain proprietary information concerning taxpayer confidential.
Except as otherwise provided in NRS 239.0115 and 360.250 and except for information required to be transmitted to the Department, each county assessor shall, at the request of a taxpayer, keep any proprietary information concerning the taxpayer received pursuant to this chapter confidential.

(Added to NRS by 1997, 1568; A 2007, 2091)

NRS 361.0445 Provision of certain information regarding property taxes on Internet.
1. The Department shall, to the extent feasible, provide information on its website or other Internet site concerning property taxes, including, without limitation:
   (a) A description of the assessment process;
   (b) An explanation of the manner in which property taxes are calculated;
   (c) The rates of taxes imposed by various taxing entities; and
   (d) The revenues generated by those taxes.
2. The information provided pursuant to subsection 1 must, to the extent practicable, be in a form that is easily understood and readily accessible to the public. The Department shall coordinate with each county in this State to disseminate information concerning property taxes and revenue including, without limitation, by providing links from the website or other Internet site maintained pursuant to subsection 1 to similar websites or other Internet sites maintained by counties in this State.
3. Each county assessor and county treasurer shall, to the extent feasible, provide on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor or treasurer, information that is similar to the information provided by the Department pursuant to subsection 1. The information must, to the extent practicable, be in a form that is easily understood and readily accessible to the public.
4. The Department and each county shall update and upgrade the websites or other Internet sites maintained pursuant to this section to the extent necessary to improve the quantity, quality and accessibility of the information provided to the public on the Internet.

(Added to NRS by 2005, 1506)

ASSESSMENT

Taxable and Exempt Property

NRS 361.045 Taxable property. Except as otherwise provided by law, all property of every kind and nature whatever within this state shall be subject to taxation.


NRS 361.050 United States property exempted. All lands and other property owned by the United States, not taxable because of the Constitution or laws of the United States, shall be exempt from taxation.


NRS 361.055 Exemption of state lands and property generally; payments by Department of Wildlife in lieu of taxes; apportionment of payments.
1. All lands and other property owned by the State are exempt from taxation, except real property acquired by the State of Nevada and assigned to the Department of Wildlife which is or was subject to taxation under the provisions of this chapter at the time of acquisition.
2. In lieu of payment of taxes on each parcel of real property acquired by it which is subject to assessment and taxation pursuant to subsection 1, the Department of Wildlife shall make annual payments to the county tax receiver of the county wherein each such parcel of real property is located of an amount equal to the total taxes levied and assessed against each such parcel of real property in the year in which title to it was acquired by the State of Nevada.
3. Such payments in lieu of taxes must be collected and accounted for in the same manner as taxes levied and assessed against real property pursuant to this chapter are collected and accounted for.

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

[NRS 361.060] —Property of counties, cities, towns, Nevada Rural Housing Authority and certain other political subdivisions exempted.

1. All lands and other property owned by the Nevada Rural Housing Authority or any county, domestic municipal corporation, irrigation drainage or reclamation district or town in this state are exempt from taxation, except as otherwise provided in NRS 361.0605 with respect to certain community pastures.

2. Real property acquired on or after July 1, 2003, by a conservation district pursuant to NRS 361.0605 is exempt from taxation.

[NRS 361.061] —Property related to public use of privately owned park exempted; exclusion.

1. The acquisition, improvement or use of land by the public as a park is a municipal purpose, whether or not the park is owned or operated by a local government.

2. The real property and improvements of a privately owned park which, pursuant to an agreement with a local government, are used by the public without charge, excluding areas from which income is derived, are exempt from taxation.

[Added to NRS by 1995, 1881]

[NRS 361.062] —Property of trusts for furtherance of public functions exempted.

All property, both real and personal, of a trust created for the benefit and furtherance of any public function pursuant to the provisions of general or special law is exempt from taxation; but moneys in lieu of taxes may be paid to the beneficiary pursuant to any agreement contained in the instrument creating the trust.

[Added to NRS by 1971, 1036; A 1975, 1408]

[NRS 361.065] —Property of school districts and charter schools exempted.

All lots, buildings and other school property owned by any legally created school district or charter school within the State and devoted to public school purposes are exempt from taxation.


[NRS 361.067] —Vehicles exempted.

All vehicles, as defined in NRS 371.020, are exempt from taxation under the provisions of this chapter, except mobile homes which constitute “real estate” or “real property.”

[Added to NRS by 1963, 1121; A 1979, 824; 2003, 2744]

[NRS 361.068] —Business inventories and consumables, livestock, bees, certain pipe and agricultural equipment, boats, campers, fine art for public display and certain personal property of nonresidents exempted; establishment of de minimis exemption for personal property.

1. The following personal property is exempt from taxation:
   (a) Personal property held for sale by a merchant;
   (b) Personal property held for sale by a manufacturer;
   (c) Raw materials and components held by a manufacturer for manufacture into products, and supplies to be consumed in the process of manufacture;
   (d) Tangible personal property purchased by a business which will be consumed during the operation of the business;
   (e) Livestock;
   (f) Colonies of bees;
   (g) Pipe and other agricultural equipment used to convey water for the irrigation of legal crops;
   (h) All boats;
   (i) Slide-in campers and camper shells;
   (j) Except as otherwise provided in NRS 361.186, fine art for public display; and
   (k) All personal property that is:
(1) Owned by a person who is not a resident of this state; and
(2) Located in this state solely for the purposes of a display, exhibition, convention, carnival, fair or circus that is transient in nature.

2. The Nevada Tax Commission may exempt from taxation that personal property for which the annual taxes would be less than the cost of collecting those taxes. If such an exemption is provided, the Nevada Tax Commission shall annually determine the average cost of collecting property taxes in this state which must be used in determining the applicability of the exemption.

3. A person claiming the exemption provided for in paragraph (j) of subsection 1 shall:
   (a) On or before June 15 for the next ensuing fiscal year, file with the county assessor an affidavit declaring that the fine art will, during that ensuing fiscal year, meet all the criteria set forth in paragraph (b) of subsection 4; and
   (b) During any fiscal year in which he claims the exemption, make available for educational purposes and not for resale, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display if such a poster is available for purchase by the public at the time of the request.

4. As used in this section:
   (a) “Boat” includes any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.
   (b) “Fine art for public display”:
      (1) Except as otherwise provided in subparagraph (2), means a work of art which:
         (I) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;
         (II) Was purchased in an arm’s length transaction for $25,000 or more, or has an appraised value of $25,000 or more;
         (III) Is on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of each year for which the exemption is claimed or, if the facility displaying the fine art disposes of it before the end of that year, during at least two-thirds of the full weeks during which the facility had possession of it, or if the gallery, museum or other building or area in which the fine art will be displayed will not be opened until after the beginning of the fiscal year for which the exemption is claimed, these display requirements must be met for the first full fiscal year after the date of opening, and the date of opening must not be later than 2 years after the purchase of the fine art being displayed; and
         (IV) Is on display in a facility that is available for group tours by pupils or students for at least 5 hours on at least 60 days of each full year for which the exemption is claimed, during which the facility in which it is displayed is open, by prior appointment and at reasonable times, without charge; and
      (2) Does not include:
         (I) A work of fine art that is a fixture or an improvement to real property;
         (II) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;
         (III) Products of filmmaking or photography, including, without limitation, motion pictures;
         (IV) Literary works;
         (V) Property used in the performing arts, including, without limitation, scenery or props for a stage; or
         (VI) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.
   (c) “Personal property held for sale by a merchant” includes property that:
      (1) Meets the requirements of sub-subparagraphs (I) and (II) of subparagraph (1) of paragraph (b);
      (2) Is made available for sale within 2 years after it is acquired; and
      (3) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.
   (d) “Public display” means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.
   (e) “Pupil” means a person who:
      (1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or
      (2) Receives instruction in a home and is excused from compulsory attendance pursuant to NRS 392.070.
   (f) “Student” means a person who is enrolled for the current academic year in:
      (1) A community college or university; or
      (2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.
NRS 361.0685 Exemption of percentage of personal and real property of certain businesses certified by Commission on Economic Development. Repealed. (See chapter 539, Statutes of Nevada 2007, at page 3389.)

NRS 361.0687 Partial abatement of taxes imposed on certain new or expanded businesses. [Effective through June 30, 2009.]

1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Commission on Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Commission on Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

   (a) If the business is a new business in a county whose population is less than 100,000 or a city whose population is 60,000 or more:
      (1) The business will make a capital investment in the county of at least $50,000,000 if the business is an industrial or manufacturing business or at least $2,000,000 if the business is not an industrial or manufacturing business; and
      (2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.
   (b) If the business is a new business in a county whose population is 100,000 or more or a city whose population is less than 60,000:
      (1) The business will make a capital investment in the county of at least $500,000; and
      (2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in NRS 701A.210 and 701A.220, if a partial abatement from the taxes imposed by this chapter is approved by the Commission on Economic Development pursuant to NRS 360.750:

   (a) The partial abatement must:
      (1) Be for a duration of at least 1 year but not more than 10 years;
      (2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and
      (3) Be administered and carried out in the manner set forth in NRS 360.750.
   (b) The Executive Director of the Commission on Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Commission granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

4. As used in this section, “industrial or manufacturing business” does not include a facility for the generation of electricity from renewable energy, as that term is defined in NRS 701A.220.


NRS 361.0687 Partial abatement of taxes imposed on certain new or expanded businesses. [Effective July 1, 2009.]

1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Commission on Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Commission on Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

   (a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:
      (1) The business will make a capital investment in the county of at least $50,000,000 if the business is an industrial or manufacturing business or at least $5,000,000 if the business is not an industrial or manufacturing business; and
      (2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.
   (b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is 60,000 or more:
      (1) The business will make a capital investment in the county of at least $5,000,000 if the business is an industrial or manufacturing business or at least $500,000 if the business is not an industrial or manufacturing business; and
      (2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.
3. Except as otherwise provided in NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Commission on Economic Development pursuant to NRS 360.750:
   (a) The partial abatement must:
       (1) Be for a duration of at least 1 year but not more than 10 years;
       (2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and
       (3) Be administered and carried out in the manner set forth in NRS 360.750.
   (b) The Executive Director of the Commission on Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Commission granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

NRS 361.069 Household goods and furniture exempted; exclusion of rental property.
   1. Except as otherwise provided in this section, household goods and furniture are exempt from taxation.
   2. Except as otherwise provided in subsection 3, appliances and furniture which are owned by a person who engages in the business of renting the appliances or furniture to other persons are not exempt from taxation.
   3. Except as otherwise provided in this subsection, the assessment of rented or leased appliances or furniture, or both, of a time-share project governed by the provisions of chapter 119A of NRS, which contains five or more units, must be reduced by a percentage equal to the average percentage of time that all of the units are occupied by an owner of a time share in the project. If the units of the time-share project are occupied by owners of time shares in the project for an average of more than 90 percent of the fiscal year, the rented or leased appliances or furniture, or both, are exempt from taxation. As used in this subsection:
      (a) “Owner” has the meaning ascribed to it in NRS 119A.056.
      (b) “Unit” has the meaning ascribed to it in NRS 119A.160.
   4. As used in this section:
      (a) “Household goods and furniture” includes, without limitation, the following items if used in a residence:
          (1) Clothing;
          (2) Personal effects;
          (3) Gold and silver;
          (4) Jewelry;
          (5) Appliances that are not attached to real property or a mobile or manufactured home;
          (6) Furniture;
          (7) Recreational equipment not required by NRS to be registered; and
          (8) Portable goods and storage sheds and other household equipment.
      (b) “Engages in the business of renting appliances or furniture” means:
          (1) Renting or leasing appliances or furniture, or both, to other persons not in conjunction with the rental or lease of a dwelling unit; or
          (2) Renting or leasing appliances or furniture, or both, to other persons in conjunction with the rental or lease of a dwelling unit located in a complex containing five or more dwelling units which are rented or leased by the owner to other persons in conjunction with appliances or furniture, or both.
   (Added to NRS by 1979, 1233; A 1983, 1192; 1989, 169; 1997, 1569; 2001, 1545; 2005, 2648)

NRS 361.070 Drainage ditches, canals and irrigation systems exempted.
   1. Drainage ditches and canals, together with the lands which are included in the rights-of-way of the ditch or canal, are exempted from taxation and must be excluded from the assessed value of the parcel unless otherwise requested by the owner of the property.
   2. Each part of a permanently installed irrigation system of pipes or concrete linings of ditches and headgates to increase efficiency and conservation in the use of water, when the water is to be used for irrigation and agricultural purposes on land devoted to agricultural purposes by the owner of the pipes or concrete linings is exempted from taxation and must be excluded from the assessed value of the parcel.

NRS 361.073 Property of water users’ nonprofit associations and nonprofit cooperative corporations exempted.
   All real and personal property of a water users’ nonprofit association or of a water users’ nonprofit cooperative corporation within the State of Nevada is exempt from taxation, but such property shall be taxed when it is used for any purpose other than carrying out the legitimate functions of such nonprofit association or of a water users’ nonprofit cooperative corporation.
   (Added to NRS by 1969, 1422)
NRS 361.075 Exemption of unpatented mines and mining claims. Unpatented mines and mining claims shall be exempt from taxation, but nothing in this section shall be so construed as to:
1. Exempt from taxation possessory claims to the public lands of the United States or of this state, or improvements thereon, or the proceeds of the mines; and
2. Interfere with the primary title to the lands belonging to the United States.

NRS 361.077 Exemption of property used for control of air or water pollution.
1. All property, both real and personal, is exempt from taxation to the extent that the property is used as a facility, device or method for the control of air or water pollution.
2. As used in this section, “facility, device or method for the control of air or water pollution” means any land, structure, building, installation, excavation, machinery, equipment or device or any addition to, reconstruction, replacement, or improvement of land or an existing structure, building, installation, excavation, machinery, equipment or device used, constructed, acquired or installed after January 1, 1965, if the primary purpose of the use, construction, acquisition or installation is compliance with law or standards required by any environmental protection agency, authorized by and acting under the authority of the United States or the State of Nevada or any of its political subdivisions, for the prevention, control or reduction of air or water pollution.
3. As used in this section, “facility, device or method for the control of air or water pollution” does not include:
   (a) Air conditioners, septic tanks or other facilities for human waste, nor any property installed, constructed or used for the moving of sewage to the collection facilities of a public or quasi-public sewage system.
   (b) Any facility or device having a value of less than $1,000 at the time of its construction, installation or first use.
   (c) Any facility or device which produces a net profit to the owner or operator thereof from the recovery and sale or use of a tangible product or by-product, nor does it include a facility or device which, when installed and operating, results in a net reduction of operating costs.
4. The exemption may be allowed only to a person who files an affidavit declaring that the property for which the exemption is being sought meets the requirements of subsection 1. The affidavit must be filed with the claim for the exemption pursuant to NRS 361.155.
5. The Department shall prepare and publish a report each fiscal year showing:
   (a) The assessed value of properties within each county which are exempt from taxation under this section;
   (b) The loss in tax revenues to the State General Fund and to each local taxing entity from the exemption; and
   (c) Such other information as the Department may deem relevant to indicate the effect of the loss of tax revenue on the State and on local taxing entities.
   ➔ Each county assessor shall provide the Department with the data it needs to complete the report required by this section.

NRS 361.0775 Partial abatement of taxes imposed on certain structures that use resources efficiently. Repealed. (See chapter 539, Statutes of Nevada 2007, at page 3389.)

NRS 361.078 Exemption of residential property containing shelter protecting against radioactive fallout.
1. Residential property to the extent of $1,000 assessed valuation is exempt from taxation if the property:
   (a) Is owned and occupied by a resident of this state;
   (b) Contains a shelter for protection against radioactive fallout;
   (c) The shelter has sufficient space to protect the number of persons who normally occupy the residence; and
   (d) The shelter provides at least 40 times more protection against radiation to a person inside the shelter than to a person outside the shelter.
2. Any person claiming this exemption must file with the county assessor an affidavit declaring that:
   (a) He is a resident of the State of Nevada;
   (b) His shelter meets the requirements of subsection 1; and
   (c) He has not claimed a similar exemption for the current year in any other county in this state.
(Added to NRS by 1981, 1179)

NRS 361.079 Exemption of qualified systems for heating, cooling or provision of electricity. Repealed. (See chapter 539, Statutes of Nevada 2007, at page 3389.)

NRS 361.080 Exemption of property of surviving spouses.
1. The property of surviving spouses, not to exceed the amount of $1,000 assessed valuation, is exempt from taxation, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State to the same family.
2. For the purpose of this section, property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.
3. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of this State and that the exemption has been claimed in no other county in this State. The affidavit must be made
before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

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

6. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

NRS 361.082 Exemption of portions of qualified low-income housing projects.
1. That portion of real property and tangible personal property which is used for housing and related facilities for persons with low incomes is exempt from taxation if the portion of property qualifies as a low-income unit and is part of a qualified low-income housing project that is funded in part by federal money appropriated pursuant to 42 U.S.C. §§ 12701 et seq. for the year in which the exemption applies.

2. The portion of a qualified low-income housing project that is entitled to the property tax exemption pursuant to subsection 1 must be determined by dividing the total assessed value of the housing project and the land upon which it is situated into the assessed value of the low-income units and related facilities that are occupied by or used exclusively for persons with low incomes.

3. The Nevada Tax Commission shall, by regulation, prescribe a form for an application for the exemption described in subsection 1. After an original application is filed, the county assessor of the county in which the housing project is located may mail a form for the renewal of the exemption to the owner of the housing project each year following a year in which the exemption was allowed for that project.

4. A renewal form returned to a county assessor must indicate the total number of units in the housing project and the number of units used for housing and related facilities for persons with low incomes. If the owner of a housing project fails to provide a properly completed renewal form to the county assessor of the county in which the project is located by the date required in NRS 361.155, except as otherwise provided in subsection 6 of that section, or fails to qualify for the exemption described in subsection 1, he is not entitled to the exemption in the following fiscal year.

5. As used in this section, the terms “low-income unit” and “qualified low-income housing project” have the meanings ascribed to them in 26 U.S.C. § 42.

NRS 361.083 Exemption of certain property and buildings used for care or relief of orphan children, or of sick, infirm or indigent persons. The property on which stands a hospital or other charitable asylum for the care or relief of orphan children, or of sick, infirm or indigent persons, owned by a nonprofit corporation organized or existing pursuant to chapter 82 of NRS, together with the buildings, while occupied for those objects and purposes, is exempt from taxation.
(Added to NRS by 1991, 1314)

NRS 361.085 Exemption of property of persons who are blind.
1. The property of each person who is blind, not to exceed the amount of $3,000 of assessed valuation, is exempt from taxation, including community property to the extent only of the interest therein of the person who is blind, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State on account of the same person.

2. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements for the exemption and that the exemption is not claimed in any other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

3. Upon first claiming the exemption in a county the claimant shall furnish to the assessor a certificate of a licensed physician setting forth that he has examined the claimant and has found him to be a person who is blind.

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

5. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All
Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

6. As used in this section, “person who is blind” includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.


NRS 361.086 Exemption of certain property used for housing elderly persons or persons with disabilities. All real property and tangible personal property used exclusively for housing and related facilities for elderly persons or persons with disabilities are exempt from taxation if:

1. The property was wholly or partially financed by a loan under the Housing Act of 1959, as amended, 12 U.S.C. § 1701q; and
2. The property is owned or operated:
   (a) By a nonprofit corporation organized under the laws of the State of Nevada; or
   (b) By a nonprofit corporation organized under the laws of another state and qualified to do business as a nonprofit corporation under the laws of the State of Nevada.

(Added to NRS by 1981, 717)

NRS 361.087 Exemption of residential improvements made to remove barriers to persons with disabilities.

1. An increase must not be made to the assessed valuation of a residence occupied by a person with a disability for improvements made to an existing building for the purpose of removing barriers to the movement, safety and comfort of a person with a disability. A person who claims the benefit of this section shall file with the county assessor an affidavit setting forth the nature of the improvement and the date or dates of making it.

2. For the purposes of this section, improvements for the removal of barriers include, but are not limited to:
   (a) Permanent ramps leading to entrances to the premises and between levels of the residence.
   (b) Elevators installed in stairwells for the use of a person with a disability.
   (c) Handrails installed in and about the residence, indoors and outdoors.
   (d) Enlarged bathrooms and kitchens, and any special equipment installed in them for the benefit of a person with a disability.
   (e) Other reasonable accommodations made for the comfort, convenience and safety of a person with a disability.

(Added to NRS by 1977, 385; A 1993, 47)

NRS 361.088 Exemption of property of Nathan Adelson Hospice.

All real and personal property of the Nathan Adelson Hospice in the State of Nevada is exempt from taxation but that property must be taxed if it is used for any purpose other than carrying out the legitimate functions of a freestanding facility for hospice care.

(Added to NRS by 1983, 753; A 1989, 1034)

NRS 361.090 Veterans’ exemptions.

1. The property, to the extent of $2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:
   (a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;
   (b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or
   (c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty, and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first $2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall mail a form for:
(a) The renewal of the exemption; and
(b) The designation of any amount to be credited to the Gift Account for Veterans’ Homes established pursuant to NRS 417.145.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran’s exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

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

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

NRS 361.0905 Waiver of veteran’s exemption; designation of any amount of exemption for credit to Gift Account for Veterans’ Homes.
1. Any person who qualifies for an exemption pursuant to NRS 361.090 or 361.091 may, in lieu of claiming his exemption:
   (a) Pay to the county assessor all or any portion of the amount by which the tax would be reduced if he claimed his exemption; and
   (b) Direct the county assessor to deposit that amount for credit to the Gift Account for Veterans’ Homes established pursuant to NRS 417.145.

2. Any person who wishes to waive his exemption pursuant to this section shall designate the amount to be credited to the Account on a form provided by the Nevada Tax Commission.

3. The county assessor shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for Veterans’ Homes established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of $2,000,000 for credit to the Account pursuant to this section and NRS 371.1035 during any fiscal year.

NRS 361.091 Exemption for veteran who has incurred a service-connected disability.
1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving spouse, is entitled to an exemption. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first $20,000 assessed valuation. A person with a permanent service-connected disability of:
   (a) Eighty to 99 percent, inclusive, is entitled to an exemption of $15,000 assessed value.
   (b) Sixty to 79 percent, inclusive, is entitled to an exemption of $10,000 assessed value.

For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:
   (a) The renewal of the exemption; and
   (b) The designation of any amount to be credited to the Gift Account for Veterans’ Homes established pursuant to NRS 417.145.

To the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.
5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant’s status, and for that purpose shall require him to produce an original or certified copy of:
   (a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability;
   (b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability; or
   (c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.
   6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:
      (a) The surviving spouse was married to and living with the veteran who incurred a permanent service-connected disability for the 5 years preceding his death;
      (b) The veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;
      (c) The surviving spouse has not remarried; and
      (d) The surviving spouse is a bona fide resident of the State of Nevada.

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

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

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

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

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


NRS 361.095 Exemptions of veterans’ organizations.

1. The funds, furniture, paraphernalia and regalia owned and used exclusively by any post of any national organization of ex-servicemen or ex-servicewomen for the legitimate purposes and customary objects of such posts are exempt from taxation, but such an exemption must not exceed the sum of $10,000 assessed valuation to any one post or organization thereof.

2. The buildings, with their fixtures and the lots of ground on which they stand, used for its legitimate purposes and necessary thereto, of any such organization are exempt from taxation, but when any such property is used for purposes other than those of such an organization, and a rent or other valuable consideration is received for its use, the property so used must be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such an organization and partly for rental purposes, the area used for rental purposes must be assessed separately and that portion only may be taxed.

4. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.


NRS 361.096 Exemption of certain property leased or rented to charter school.

1. All real and personal property that is leased or rented to a charter school is hereby deemed to be used for an educational purpose and is exempt from taxation. If the property is used partly for the lease or rental to a charter school and partly for other purposes, only the portion of the property that is used for the lease or rental to a charter school is exempt pursuant to this subsection.

2. To qualify for an exemption pursuant to subsection 1, the property owner must provide the county assessor with a copy of the lease or rental agreement indicating that:
   (a) The property is leased or rented to the charter school; and
   (b) The amount of payment required by the charter school pursuant to the agreement is reduced in an amount which is at least equal to the amount of the tax that would have been imposed if the property were not exempt pursuant to subsection 1.

(Added to NRS by 2001, 3165)
NRS 361.098 Exemption of property of charitable foundations established by Board of Regents of University of Nevada. All real and personal property owned by a charitable foundation established by the Board of Regents of the University of Nevada is exempt from taxation, but the property must be taxed when it is used for any purpose other than carrying out the legitimate functions of the foundation.
(Added to NRS by 1989, 262; A 1993, 397)

NRS 361.099 Exemption of certain real and personal property leased or rented to Nevada System of Higher Education. All real and personal property which is leased or rented to the Nevada System of Higher Education for total consideration which is less than 10 percent of the fair market rental or lease value of the property is hereby deemed to be used for an educational purpose and is exempt from taxation.
(Added to NRS by 1995, 1888)

NRS 361.100 Exemption of property of university fraternities and sororities. All real property owned by any fraternity or sorority, or chapter thereof, which is composed of students of the University of Nevada, Reno, or the University of Nevada, Las Vegas, and used as a home for its members is exempt from taxation.

NRS 361.105 Exemptions of nonprofit private schools. Nonprofit private schools, with lots appurtenant thereto and furniture and equipment, shall be exempt from taxation.

NRS 361.106 Exemption of property of certain apprenticeship programs. 1. Except as otherwise provided in subsection 2, the real and personal property of an apprenticeship program is exempt from taxation if the property is:
(a) Held in a trust created pursuant to 29 U.S.C. § 186; or
(b) Owned by a local or state apprenticeship committee and the apprenticeship program is:
   (1) Operated by an organization which is qualified pursuant to 26 U.S.C. § 501(c)(3) or (5); and
   (2) Registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.
2. If any property exempt from taxation pursuant to subsection 1 is used for a purpose other than that of the apprenticeship program required in subsection 1, and a rent or other valuable consideration is received for its use, the property must be taxed, unless the rent or other valuable consideration is paid or given by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3).
(Added to NRS by 1997, 1367; A 1999, 967; 2001, 68; 2007, 1722)

NRS 361.107 Exemption of property of Pershing County Kids, Horses, Rodeo Inc. 1. Except as otherwise provided in subsection 2, all real and personal property of Pershing County Kids, Horses, Rodeo Inc. in the State of Nevada is exempt from taxation.
2. If any property exempt from taxation pursuant to subsection 1 is used for any purpose other than carrying out the legitimate functions of Pershing County Kids, Horses, Rodeo Inc., and a rent or other valuable consideration is received for its use, the property must be taxed, unless the rent or other valuable consideration is paid or given by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3).
(Added to NRS by 1997, 200)

NRS 361.110 Exemptions of certain organizations. 1. Except as otherwise provided in subsection 2, the buildings, with their furniture and equipment, and the lots of ground on which they stand, used therewith and necessary thereto, of the Nevada Museum of Art, Inc., the Boulder City Museum and Historical Association, the Young Men’s Christian Association, the Young Women’s Christian Association, the American National Red Cross or any of its chapters in the State of Nevada, the Salvation Army Corps, the Girl Scouts of America, the Camp Fire Girls, Inc., the Boy Scouts of America and the Sierra Arts Foundation are exempt from taxation.
2. If any property exempt from taxation pursuant to subsection 1 is used for purposes other than those of the organizations described in subsection 1, respectively, and a rent or other valuable consideration is received for its use, the property must be taxed, unless the rent or other valuable consideration is paid or given by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3).

NRS 361.111 Exemption of certain property of Archaeological Conservancy, Nature Conservancy, American Land Conservancy and Nevada Land Conservancy. 1. Except as otherwise provided in subsections 2 and 3, all real property and improvements thereon acquired by the Archaeological Conservancy, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy and held for ultimate acquisition by the State or a local governmental unit are exempt from taxation if:
   (a) The State or a local governmental unit has agreed, in writing, that acquisition of the property will be given serious consideration; and
2. Except as otherwise provided in NRS 361.157, taxation.

necessary thereto, owned by some recognized religious society or corporation, and parsonages so owned, are exempt from

for religious worship, with their furniture and equipment, and the lots of ground on which they stand, used therewith and

1. Except as otherwise provided in subsection 2, churches, chapels, other than marriage chapels, and other buildings used

for rental purposes, the area used for rental purposes must be assessed separately and that portion only may be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such organization or society and partly for

is used for purposes other than those of such organization or society, and a rent or other valuable consideration is received for

than church purposes, and a rent or other valuable consideration is received for its use, the property must be taxed.

3. The exemption provided by this section must be prorated for the portion of a fiscal year during which the religious

for purposes of this subsection, ownership of property purchased begins on

society or corporation owns the real property. For the purposes of this subsection, ownership of property purchased begins on

benevolent societies, so

first-class pasture by

the Nevada Tax Commission for each year it was exempt pursuant to subsection 1 and the taxes must be collected as other
taxes under this chapter are collected.

4. The Nevada Tax Commission shall adopt regulations specifying the criteria for determining when property has been

held by the Archaeological Conservancy, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy

for purposes of conservation.

(Added to NRS by 1969, 1111; A 1993, 2513; 1999, 1232; 2007, 1881)

NRS 361.115 Exemptions of property of Nevada Children’s Foundation, Inc., Nevada Heritage Association, Inc.,

and Habitat for Humanity International. All real and personal property of the Nevada Children’s Foundation, Inc., the

Nevada Heritage Association, Inc., and the Habitat for Humanity International, that is located in the State of Nevada is

exempt from taxation, but when and if such property is used for any purpose other than carrying out the legitimate functions

of those organizations, such property must be taxed.


NRS 361.125 Exemption of churches and chapels.

1. Except as otherwise provided in subsection 2, churches, chapels, other than marriage chapels, and other buildings used

for religious worship, with their furniture and equipment, and the lots of ground on which they stand, used therewith and

necessary thereto, owned by some recognized religious society or corporation, and parsonages so owned, are exempt from
taxation.

2. Except as otherwise provided in NRS 361.157, when any such property is used exclusively or in part for any other

than church purposes, and a rent or other valuable consideration is received for its use, the property must be taxed.

3. The exemption provided by this section must be prorated for the portion of a fiscal year during which the religious

society or corporation owns the real property. For the purposes of this subsection, ownership of property purchased begins on

the date of recording of the deed to the purchaser.


NRS 361.130 Exemption of public cemeteries and graveyards. All cemeteries and graveyards set apart and used for

and open to the public for the burial of the dead, when no charge is made for burial therein, shall be exempt from taxation.


NRS 361.132 Exemption of certain private cemeteries and places of burial. The cemetery lands and property of any

nonprofit corporation governed by the provisions of chapter 82 of NRS formed for the purposes of procuring and holding

lands to be used exclusively for a cemetery or place of burial of the dead are exempt from all public taxes, rates and

assessments, and are not liable to be sold on execution or be applied in payment of debts due from any individual proprietors.
The proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the lots or plats exempt in the same way

so long as the lots or plats remain dedicated to the purpose of a cemetery.

(Added to NRS by 1991, 1313)

NRS 361.135 Exemptions of certain lodges, societies and similar charitable or benevolent organizations.

1. The funds, furniture, paraphernalia and regalia owned by any lodge of the Benevolent Protective Order of Elks, Fraternal

Order of Eagles, Free and Accepted Masons, Independent Order of Odd Fellows, Knights of Pythias or Knights of

Columbus, or by any similar charitable organization, or by the Lahontan Audubon Society, the National Audubon Society,

Inc., of New York, the Defenders of Wildlife of the District of Columbia or any similar benevolent or charitable society, so

long as they are used for the legitimate purposes of such lodge or society or for such charitable or benevolent purposes, are

exempt from taxation.

2. The real estate and fixtures of any such organization or society are exempt from taxation, but when any such property

is used for purposes other than those of such organization or society, and a rent or other valuable consideration is received for

its use, the property so used must be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such organization or society and partly for

rental purposes, the area used for rental purposes must be assessed separately and that portion only may be taxed.

NRS 361.140 Exemptions of certain charitable corporations.
1. In addition to the corporations defined by law to be charitable corporations there are hereby included:
   (a) Any corporation whose objects and purposes are religious, educational or for public charity and whose funds have been derived in whole or substantial part from grants or other donations from governmental entities or donations from the general public, or both, not including donations from any officer or trustee of the corporation; and
   (b) Any corporation prohibited by its articles of incorporation from declaring or paying dividends, and where the money received by it is devoted to the general purpose of charity and no portion of the money is permitted to inure to the benefit of any private person engaged in managing the charity, except reasonable compensation for necessary services actually rendered to the charity, and where indigent persons without regard to race or color may receive medical care and attention without charge or cost.
2. All buildings belonging to a corporation defined in subsection 1, together with the land actually occupied by the corporation for the purposes described and the personal property actually used in connection therewith, are exempt from taxation when used solely for the purpose of the charitable corporation.

NRS 361.145 Exemptions of noncommercial theaters. The buildings, furniture and equipment of noncommercial theaters owned and operated by nonprofit educational corporations organized for the exclusive purpose of conducting classes in theater practice and the production of plays on a nonprofessional basis shall be exempt from taxation. Such corporation shall provide in its articles of incorporation that the property for which the tax exemption is requested shall revert to the county in which it is located upon the cessation of the activities of the noncommercial theater.

NRS 361.150 Exemptions of volunteer fire departments. The real and personal property of organized and incorporated volunteer fire departments shall be exempt from taxation, but such property shall be taxed when it is used for any purpose other than carrying out the legitimate functions of such volunteer fire department.

NRS 361.155 Exemptions: Filing of claims and designations; duration and amount; assessment and penalty for erroneous grant or renewal; review of late or denied claim.
1. Except as otherwise provided in this section:
   (a) All claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the Gift Account for Veterans’ Homes pursuant to NRS 361.0905 must be filed on or before June 15.
   (b) An initial claim for a tax exemption on real property acquired after June 15 and before July 1 must be filed on or before July 5.
2. All exemptions provided for pursuant to this chapter apply on a fiscal year basis, and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.
3. Except as otherwise provided in this section, each claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:
   (a) The county in which the claimant resides for personal tax exemptions; or
   (b) Each county in which property is located for the tax exemption of an organization.
4. After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.
5. If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection 4, the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years may be added.
6. If a claim for a tax exemption on real property and any required affidavit or other documentation in support of the claim is not filed within the time required by subsection 1, or if a claim for a tax exemption is denied by the county assessor, the person claiming the exemption may, on or before January 15 of the fiscal year for which the claim of exemption is made, file the claim and any required documentation in support of the claim with the county board of equalization of the county in which the claim is required to be filed pursuant to subsection 3. The county board of equalization shall review the claim of exemption and may grant or deny the claim for that fiscal year, as it determines to be appropriate. The State Board of Equalization shall establish procedures for:
   (a) The review of a claim of exemption by a county board of equalization pursuant to this subsection; and
   (b) The appeal to the State Board of Equalization of the denial of a claim of exemption by a county board of equalization pursuant to this subsection.

NRS 361.1565  Certain exemptions reduced to extent of exemption from governmental services tax. The personal property tax exemption to which a surviving spouse, person who is blind, veteran or surviving spouse of a veteran who incurred a service-connected disability is entitled pursuant to NRS 361.080, 361.085, 361.090 or 361.091 is reduced to the extent that he is allowed an exemption from the governmental services tax pursuant to chapter 371 of NRS.

NRS 361.157  Exempt real estate subject to taxation if used as residence or in business conducted for profit; exceptions.
1. When any real estate or portion of real estate which for any reason is exempt from taxation is leased, loaned or otherwise made available to and used by a natural person, association, partnership or corporation in connection with a business conducted for profit or as a residence, or both, the leasehold interest, possessory interest, beneficial interest or beneficial use of the lessee or user of the property is subject to taxation to the extent the:
   (a) Portion of the property leased or used; and
   (b) Percentage of time during the fiscal year that the property is leased by the lessee or used by the user, in accordance with NRS 361.2275,
   - can be segregated and identified. The taxable value of the interest or use must be determined in the manner provided in subsection 3 of NRS 361.227 and in accordance with NRS 361.2275.
2. Subsection 1 does not apply to:
   (a) Property located upon a public airport, park, market or fairground, or any property owned by a public airport, unless the property owned by the public airport is not located upon the public airport and the property is leased, loaned or otherwise made available for purposes other than for the purposes of a public airport, including, without limitation, residential, commercial or industrial purposes;
   (b) Federal property for which payments are made in lieu of taxes in amounts equivalent to taxes which might otherwise be lawfully assessed;
   (c) Property of any state-supported educational institution, except any part of such property located within a tax increment area created pursuant to NRS 278C.155;
   (d) Property leased or otherwise made available to and used by a natural person, private association, private corporation, municipal corporation, quasi-municipal corporation or a political subdivision under the provisions of the Taylor Grazing Act or by the United States Forest Service or the Bureau of Reclamation of the United States Department of the Interior;
   (e) Property of any Indian or of any Indian tribe, band or community which is held in trust by the United States or subject to a restriction against alienation by the United States;
   (f) Vending stand locations and facilities operated by persons who are blind under the auspices of the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, whether or not the property is owned by the federal, state or a local government;
   (g) Leases held by a natural person, corporation, association, municipal corporation, quasi-municipal corporation or a political subdivision for development of geothermal resources, but only for resources which have not been put into commercial production;
   (h) The use of exempt property that is leased, loaned or made available to a public officer or employee, incident to or in the course of public employment;
   (i) A parsonage owned by a recognized religious society or corporation when used exclusively as a parsonage;
   (j) Property owned by a charitable or religious organization all, or a portion, of which is made available to and is used as a residence by a natural person in connection with carrying out the activities of the organization;
   (k) Property owned by a governmental entity and used to provide shelter at a reduced rate to elderly persons or persons having low incomes;
   (l) The occasional rental of meeting rooms or similar facilities for periods of less than 30 consecutive days; or
   (m) The use of exempt property to provide day care for children if the day care is provided by a nonprofit organization.
3. Taxes must be assessed to lessees or users of exempt real estate and collected in the same manner as taxes assessed to owners of other real estate, except that taxes due under this section do not become a lien against the property. When due, the taxes constitute a debt due from the lessee or user to the county for which the taxes were assessed and, if unpaid, are recoverable by the county in the proper court of the county.

NRS 361.159  Exempt personal property subject to taxation if used in business conducted for profit; exceptions.
1. Except as otherwise provided in subsection 3, when personal property, or a portion of personal property, which for any reason is exempt from taxation is leased, loaned or otherwise made available to and used by a natural person, association, corporation in connection with a business conducted for profit, the leasehold interest, possessory interest, beneficial interest or beneficial use of any such lessee or user of the property is subject to taxation to the extent the:
   (a) Portion of the property leased or used; and
   (b) Percentage of time during the fiscal year that the property is leased to the lessee or used by the user, in accordance with NRS 361.2275.
can be segregated and identified. The taxable value of the interest or use must be determined in the manner provided in subsection 3 of NRS 361.227 and in accordance with NRS 361.2275.

2. Taxes must be assessed to lessees or users of exempt personal property and collected in the same manner as taxes assessed to owners of other personal property, except that taxes due under this section do not become a lien against the personal property. When due, the taxes constitute a debt due from the lessee or user to the county for which the taxes were assessed and, if unpaid, are recoverable by the county in the proper court of the county.

3. The provisions of this section do not apply to personal property:
   (a) Used in vending stands operated by persons who are blind under the auspices of the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.
   (b) Owned by a public airport and used for the purposes of the public airport.


Exemption of Personal Property in Transit (Free Port)

NRS 361.160 “Personal property in transit” defined; exceptions.
1. Personal property in transit through this State is personal property:
   (a) Which is moving in interstate commerce through or over the territory of the State of Nevada; or
   (b) Which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward.

2. Personal property within this State as mentioned in NRS 361.030 and 361.045 to 361.155, inclusive, does not include personal property in transit through this State as defined in this section.

NRS 361.165 Warehouse books and records: Designation of “no situs” property; contents; inspection.
1. All property claimed to be “no situs” under NRS 361.160 to 361.185, inclusive, shall be designated as being “in transit” upon the books and records of the warehouse wherein the same is located.
2. The books and records of the warehouse shall contain a full, true and correct inventory of all such property, together with the date of the receipt of the same, the date of the withdrawal of the same, the point of origin thereof and the point of ultimate destination thereof if known.
3. The books and records of any such warehouse with reference to any such in transit property shall at all times be open to the inspection of all taxing authorities of the State of Nevada and of any political subdivision thereof.

NRS 361.170 Claims for exemption: Requirements. Any person, copartnership, association or corporation making claim to no situs status on any property under NRS 361.160 to 361.185, inclusive, shall do so in the form and manner prescribed by the Department. All such claims shall be accompanied by a certification of the warehouse company as to the status on its books of the property involved.

NRS 361.180 Civil action for collection of taxes evaded. If any owner, shipper or his agent shall by misrepresentation, concealment or violation of the provisions of NRS 361.160 to 361.185, inclusive, evade the assessment or the levy of taxes on property not defined in NRS 361.160 to be personal property in transit through this state, he shall be liable in the sum of the taxes evaded which would otherwise have been levied against his property, to be collected in a civil action on behalf of the tax collector of his county. The action shall be commenced and maintained by the district attorney, and the judgment, when entered, shall include all costs and an attorney’s fee for the plaintiff in his official capacity not less than the amount of the taxes so evaded.

NRS 361.185 Penalty for false statement. If any person shall willfully deliver any statement to the officer charged with assessment of property for tax purposes in his county containing a false statement of a material fact, whether it be an owner, shipper, his agent, or a storage man or warehouseman of his agent, he shall be guilty of a misdemeanor.

65
Exemption of Fine Art for Public Display

NRS 361.186 Collection of admission fee for exhibition of art: Conditions; reduction of exemption; payment of and credit against resulting tax.

1. A taxpayer may collect an admission fee for the exhibition of fine art otherwise exempt from taxation pursuant to NRS 361.068 if the taxpayer offers to residents of the State of Nevada a discount of 50 percent from any admission fee charged to nonresidents. The discounted admission fee for residents must be offered at any time the exhibition is open to the public and admission fees are being charged.

2. Except as otherwise provided in subsection 5, if a taxpayer collects a fee for the exhibition of fine art otherwise exempt from taxation pursuant to NRS 361.068, the exemption pertaining to that fine art for the fiscal year must be reduced by the net revenue derived by the taxpayer for that fiscal year. The exemption pertaining to fine art for a particular fiscal year must not be reduced below zero, regardless of the amount of the net revenue derived by the taxpayer for that fiscal year.

3. A tax resulting from the operation of this section is due with the tax otherwise due under the taxpayer’s first statement filed pursuant to NRS 361.265 after the 15th day of the fourth month after the end of the fiscal year in which the net revenue was received or, if no such statement is required to be filed, under a statement of the net revenue filed on or before the last day of the fourth month after the end of that fiscal year.

4. A taxpayer who is required to pay a tax resulting from the operation of this section may receive a credit against the tax for any donations made by the taxpayer to the Nevada Arts Council, the Division of Museums and History Dedicated Trust Fund established pursuant to NRS 381.0031, a museum that provides exhibits specifically related to nature or a museum that provides exhibits specifically related to children, if the taxpayer:

   (a) Made the donation before the date that either statement required pursuant to subsection 3 is due; and

   (b) Provides to the county assessor documentation of the donation at the time that he files the statement required pursuant to subsection 3.

5. For the purposes of this section:

   (a) “Direct costs of owning and exhibiting the fine art” does not include any allocation of the general and administrative expense of a business or organization that conducts activities in addition to the operation of the facility in which the fine art is displayed, including, without limitation, an allocation of the salary and benefits of a senior executive who is responsible for the oversight of the facility in which the fine art is displayed and who has substantial responsibilities related to the other activities of the business or organization.

   (b) “Net revenue” means the amount of the fees collected for exhibiting the fine art during that fiscal year less the following paid or made during that fiscal year:

      (1) The direct costs of owning and exhibiting the fine art; and

      (2) The cost of educational programs associated with the taxpayer’s public display of fine art, including the cost of meeting the requirements of sub-subparagraph (IV) of subparagraph (1) of paragraph (b) of subsection 4 of NRS 361.068.

(Added to NRS by 1999, 3197; A 2003, 639, 2360)

NRS 361.187 Applicability of exemption to owner of leased art. The exemption provided in paragraph (j) of subsection 1 of NRS 361.068 applies to taxes on personal property otherwise due from the owner of a work of fine art that is leased to a person who publicly displays the work. The price or value to which that section refers is the price or value of the work that is leased.

(Added to NRS by 1999, 3198)

Legal Description of Lands for Purposes of Assessment

NRS 361.189 Parceling system.

1. Not later than July 1, 1979, and thereafter:

   (a) All land in this State must be legally described for tax purposes by parcel number in accordance with the parceling system prescribed by the Department. The provisions of NRS 361.190 to 361.220, inclusive, must remain in effect until each county has established and implemented the prescribed parceling system.

   (b) Each county shall prepare and possess a complete set of maps drawn in accordance with such parceling system for all land in the county.

2. The Department may assist any county in preparing the maps required by subsection 1, if it is shown to the satisfaction of the Department that the county does not have the ability to prepare such maps. The county shall reimburse the Department for its costs from the county general fund. The Department may employ such services as are needed to carry out the provisions of this section.

3. The county assessor shall ensure that the parcels of land on such maps are numbered in the manner prescribed by the Department. The county assessor shall continually update the maps to reflect transfers, conveyances, acquisitions or any other transaction or event that changes the boundaries of any parcel and shall renumber the parcels or prepare new map pages for any portion of the maps to show combinations or divisions of parcels in the manner prescribed by the Department. The maps must readily disclose precisely what land is covered by any particular parcel number in the current fiscal year.

4. The Department may review such maps annually to ensure that they are being properly updated. If it is determined that such maps are not properly updated, the Department may order the board of county commissioners to employ forthwith one
or more qualified persons approved by the Department to prepare the required maps. The payment of all costs incidental thereto is a proper charge against the funds of the county, notwithstanding such funds were not budgeted according to law.

5. Such maps must at all times be available in the office of the county assessor. All such maps must be retained by the county assessor as a permanent public record.

6. Land must not be described in any deed or conveyance by reference to any such map unless the map is filed for record in the office of the county recorder of the county in which the land is located.

7. A county assessor shall not reflect on the tax roll a change in the ownership of land in this State unless the document that conveys the ownership of land contains a correct and complete legal description, adequately describing the exact boundaries of the parcel of land. A parcel number assigned by a county assessor does not constitute a correct and complete legal description of the land conveyed.

(Added to NRS by 1975, 1654; A 2001, 1547; 2003, 2757)

NRS 361.190 Manner of description until parceling system established. For tax purposes, land in this State shall be legally described pursuant to NRS 361.190 to 361.220, inclusive.

NRS 361.195 Land surveyed under authority of United States. Land surveyed under the authority of the United States may be described by township, range, section and fractional section, with its acreage.

NRS 361.200 City lots. City lots may be described by naming the city and giving the number of the lot and block, according to the system of numbering in the city.

NRS 361.205 Description with reference to map or plat. When the owners of land have laid out and platted the land into lots, streets, alleys and public places and the maps or plats thereof have been duly filed and approved according to law, such land may be described by numbers or letters as shown on the map or plat.

NRS 361.210 Description with reference to unofficial map filed with county assessor or county commissioners. When an owner of land has furnished any map or plat not duly filed and approved according to law and such map or plat contains sufficient information clearly to identify the land, and it is properly identified by and filed with the county assessor or the board of county commissioners of the county where the map or plat is filed, the land may be described by reference to this map.

NRS 361.215 Description with reference to map in possession of county or county officer: Identification of parcels; display of map; reference to map.

1. Where any county or county officer possesses a complete, accurate map of any land in the county, the county assessor of such county may number or letter the parcels in a manner approved by the board of county commissioners. The county assessor may renumber or reletter the parcels or prepare new map pages for any portion of such map to show combinations or divisions of parcels in a manner approved by the board of county commissioners of such county, so long as an inspection of such map will readily disclose precisely what land is covered by any particular parcel number or letter in the current or in any prior fiscal year. The map or copy shall at all times be publicly displayed in the office of the county assessor.

2. Except as provided in subsection 3, land may be described in any notice, certificate, list, record or other document provided for in this chapter, by reference to:
   (a) The appropriate parcel letters or numbers; and
   (b) The map in the office of the county assessor from which the parcel letters or numbers were obtained.

3. Land shall not be described in any deed or conveyance by a reference to any such map unless such map has been filed for record in the office of the county recorder of the county in which the land is located.

NRS 361.220 Description by metes and bounds. Land may be described by metes and bounds, or other description sufficient to identify it, giving the locality and an estimate of the number of acres.

Certification of Appraisers

NRS 361.221 Certification required; Appraiser’s Certification Board; examinations.

1. A person shall not perform the duties of an appraiser for purposes of the taxation of property as an employee of or as an independent contractor for the State or any of its political subdivisions unless he holds a valid appraiser’s certificate issued by the Department. A person not so certified may collect data but shall not appraise value, and data so collected must be reviewed by a certified appraiser.
2. There is established an Appraiser’s Certification Board consisting of six members, three of whom must be chosen by majority vote of the several county assessors from persons who hold a valid appraiser’s certificate issued by the Department and three of whom must be appointed by the Nevada Tax Commission. This Board shall:
   (a) Advise the Department on any matter pertaining to the certification and continuing education of appraisers who are subject to the provisions of this section; and
   (b) Perform such other duties as are provided by law.
3. Each member of the Board is entitled to the per diem allowance and travel expenses provided for state officers and employees while attending meetings of the Board.
4. The Department may contract for the development and administration of the appropriate examinations. Except as provided in this subsection, an appraiser’s certificate must be issued to an applicant only if he has passed the appropriate examination. The Department may charge each examinee a reasonable examination fee to recover the cost of the examination. An applicant who has a professional designation or certification recognized by the Board may, with the approval of the Board, be issued an appraiser’s certificate without examination.
   (Added to NRS by 1975, 1653; A 1977, 317; 1983, 225; 1985, 893; 1997, 1571)

**NRS 361.222 Temporary certificate.** The Department shall issue a temporary appraiser’s certificate to a person who is newly employed as an appraiser by the State or any of its political subdivisions and who applies to take the appraiser’s certificate examination. The temporary certificate expires 2 years after the date of issue or when the results of the applicant’s examination are determined, whichever occurs first. A temporary certificate shall not be renewed.
   (Added to NRS by 1975, 1654; A 1977, 318)

**NRS 361.2224 Application for certificate to include social security number of applicant.** [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] An application for the issuance of a certificate as an appraiser must include the social security number of the applicant.
   (Added to NRS by 1997, 2047)

**NRS 361.2225 Statement by applicant concerning payment of child support; grounds for denial of certificate; duty of Department.** [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
   1. An applicant for the issuance of a certificate as an appraiser shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.
   2. The Department shall include the statement required pursuant to subsection 1 in:
      (a) The application or any other forms that must be submitted for the issuance of the certificate; or
      (b) A separate form prescribed by the Department.
   3. A certificate as an appraiser may not be issued by the Department if the applicant:
      (a) Fails to submit the statement required pursuant to subsection 1; or
      (b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
   4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.
   (Added to NRS by 1997, 2046)

**NRS 361.2226 Suspension of certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement.** [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
   1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate as an appraiser, the Department shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.
NRS 361.223 Continuing education required. 
1. Every person who holds an appraiser’s certificate shall complete in each fiscal year at least 36 contact hours of appropriate training conducted or approved by the Department. College or university courses may be substituted upon approval by the Appraiser Certification Board of an application submitted to the Department for such substitution.
2. Any approved hours of training accumulated in any 1 fiscal year in excess of the 36 contact hour minimum shall be carried forward and applied against the training requirements of the following 3 years. Any approved hours accumulated between January 1, 1975, and June 30, 1976, may be carried forward and applied against the training time required in the fiscal year ending June 30, 1977. The annual training requirement shall be waived for any person:
   (a) Attaining a professional designation or certification recognized by the Appraiser Certification Board; or
   (b) Accumulating 180 contact hours of accepted training.
- Such persons shall complete 36 contact hours during every 5-year period thereafter.

(Added to NRS by 1975, 1654; A 1977, 318)

NRS 361.224 Effect of failure to meet requirements for continuing education. On or before July 15 of each fiscal year, the Appraiser Certification Board shall ascertain whether every person holding a valid appraiser’s certificate has met the minimum training requirements for the preceding fiscal year as provided in NRS 361.223. Upon the recommendation of the Board, the Department may suspend or revoke the certificate of any person who fails to complete or have carried forward the minimum number of approved contact hours for that year. The Department may not suspend or revoke the certificate unless the person has been given a hearing by the Department and 20 days’ advance written notice of the hearing.

(Added to NRS by 1975, 1654; A 1977, 318)

General Provisions

NRS 361.225 Rate of assessment. All property subject to taxation must be assessed at 35 percent of its taxable value.  

NRS 361.227 Determination of taxable value.  
1. Any person determining the taxable value of real property shall appraise:
   (a) The full cash value of:
      (1) Vacant land by considering the uses to which it may lawfully be put, any legal or physical restrictions upon those uses, the character of the terrain, and the uses of other land in the vicinity.
      (2) Improved land consistently with the use to which the improvements are being put.
   (b) Any improvements made on the land by subtracting from the cost of replacement of the improvements all applicable depreciation and obsolescence. Depreciation of an improvement made on real property must be calculated at 1.5 percent of the cost of replacement for each year of adjusted actual age of the improvement, up to a maximum of 50 years.
2. The unit of appraisal must be a single parcel unless:
   (a) The location of the improvements causes two or more parcels to function as a single parcel;
   (b) The parcel is one of a group of contiguous parcels which qualifies for valuation as a subdivision pursuant to the regulations of the Nevada Tax Commission; or
   (c) In the professional judgment of the person determining the taxable value, the parcel is one of a group of parcels which should be valued as a collective unit.
3. The taxable value of a leasehold interest, possessory interest, beneficial interest or beneficial use for the purpose of NRS 361.157 or 361.159 must be determined in the same manner as the taxable value of the property would otherwise be determined if the lessee or user of the property was the owner of the property and it was not exempt from taxation, except that the taxable value so determined must be reduced by a percentage of the taxable value that is equal to the:
   (a) Percentage of the property that is not actually leased by the lessee or used by the user during the fiscal year; and
   (b) Percentage of time that the property is not actually leased by the lessee or used by the user during the fiscal year, which must be determined in accordance with NRS 361.2275.
4. The taxable value of other taxable personal property, except a mobile or manufactured home, must be determined by subtracting from the cost of replacement of the property all applicable depreciation and obsolescence. Depreciation of a billboard must be calculated at 1.5 percent of the cost of replacement for each year after the year of acquisition of the billboard, up to a maximum of 50 years.
5. The computed taxable value of any property must not exceed its full cash value. Each person determining the taxable value of property shall reduce it if necessary to comply with this requirement. A person determining whether taxable value exceeds that full cash value or whether obsolescence is a factor in valuation may consider:
   (a) Comparative sales, based on prices actually paid in market transactions.
(b) A summation of the estimated full cash value of the land and contributory value of the improvements.
(c) Capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow.

A county assessor is required to make the reduction prescribed in this subsection if the owner calls to his attention the facts warranting it, if he discovers those facts during physical reappraisal of the property or if he is otherwise aware of those facts.

6. The Nevada Tax Commission shall, by regulation, establish:
(a) Standards for determining the cost of replacement of improvements of various kinds.
(b) Standards for determining the cost of replacement of personal property of various kinds. The standards must include a separate index of factors for application to the acquisition cost of a billboard to determine its replacement cost.
(c) Schedules of depreciation for personal property based on its estimated life.
(d) Criteria for the valuation of two or more parcels as a subdivision.

7. In determining the cost of replacement of personal property for the purpose of computing taxable value, the cost of all improvements of the personal property, including any additions to or renovations of the personal property, but excluding routine maintenance and repairs, must be added to the cost of acquisition of the personal property.

8. The county assessor shall, upon the request of the owner, furnish within 15 days to the owner a copy of the most recent appraisal of the property, including, without limitation, copies of any sales data, materials presented on appeal to the county board of equalization or State Board of Equalization and other materials used to determine or defend the taxable value of the property.

9. The provisions of this section do not apply to property which is assessed pursuant to NRS 361.320.


NRS 361.2275 Determination of status of property as leased or used.
1. For purposes of NRS 361.157, 361.159 and 361.227, except as otherwise provided in subsection 2, property is leased or used by a natural person or entity at all times the natural person or entity has possession of, claim to or right to the possession of the property that is independent, durable and exclusive of rights held by others in the property, other than the rights held by the owner.

2. Property is not leased or used by a natural person or entity who possesses or occupies the property solely for the purpose of holding the property for another natural person or entity.

3. As used in this section:
(a) “Durable” means for a determinable period with a reasonable certainty that the use, possession or claim with respect to the property will continue for that period.
(b) “Exclusive” means the enjoyment of a beneficial use of property, together with the ability to exclude from occupancy persons or entities other than the owner who may interfere with that enjoyment.
(c) “Independent” means the ability to exercise authority and exert control over the management or operation of the property pursuant to the terms and provisions of the contract with the owner. A possession or use is independent if the possession or use of the property is sufficiently autonomous under the terms and provisions of the contract with the owner to constitute more than a mere agency.

(Added to NRS by 2001, 839)

NRS 361.228 Intangible personal property: Exemption from taxation; prohibition against consideration of value; consideration of attributes of real property.
1. All intangible personal property is exempt from taxation, including, without limitation:
(a) Shares of stock, bonds, mortgages, notes, bank deposits, book accounts such as an acquisition adjustment and credits, and securities and choses in action of like character; and
(b) Goodwill, customer lists, contracts and contract rights, patents, trademarks, trade names, custom computer programs, copyrights, trade secrets, franchises and licenses.

2. The value of intangible personal property must not enhance or be reflected in the value of real property or tangible personal property.

3. The attributes of real property, such as zoning, location, water rights, view and geographic features, are not intangible personal property and must be considered in valuing the real property, if appropriate.

(Added to NRS by 1999, 3273; A 2005, 2654)

NRS 361.2285 Adoption of regulations regarding use of income approach for valuation of real property used to conduct business. The Nevada Tax Commission shall adopt regulations which:
1. Provide for the creation of a simple, easily understood form which may be completed by the owner of any real property used to conduct a business and used to:
(a) Compute and determine the value of the property using the income approach and to compare that value to the existing taxable value of the property to determine the existence of any obsolescence; and
(b) Apply to the appropriate county assessor or board of equalization for computation of the taxable value of the property in accordance with subsection 5 of NRS 361.227.
2. Clearly set forth the methodology for applying the income approach to valuation for tax purposes of real property used to conduct a business to determine whether obsolescence is a factor. The methodology must be described in a manner that may be easily understood by the owners of such property.

3. Will make available to the owner of any real property used to conduct a business information that will allow the owner to apply the income approach to establish the full cash value of the property for the purpose of comparing that value to the taxable value established by the county assessor.

(Added to NRS by 2005, 42; A 2005, 1755)

NRS 361.229 Adjustment of actual age of improvements in computation of depreciation.

1. The actual age of each improvement made on a parcel of land must be adjusted, for the purpose of computing depreciation, when any addition is made or replacement is made whose cost, added to the cost of any prior replacements, is at least 10 percent of the cost of replacement of the improvement after the work is done. For the purposes of this section, “replacement” does not include changing or adding finish or covering to floors or walls, changing or adding small appliances, or other normal maintenance of the improvement in a good condition.

2. Except as otherwise provided in subsection 3, the amount of the reduction must be the product of the prior actual age multiplied by the ratio of the cost of the replacement or addition to the cost of replacement of the improvement after the work is done.

3. The amount of the reduction for additions which increase the floor area of the improvement may be calculated by multiplying the prior actual age of the improvement by the ratio of the number of square feet of additional floor area to the total number of square feet of the improvement including the addition.

(Added to NRS by 1983, 1884; A 1987, 814)

NRS 361.230 Minimum valuation of patented land and land held under state land contract.

1. No patented land of any description in the State of Nevada owned by any individual, partnership, association, estate, corporation or otherwise, and no land held under any state land contract, shall be assessed for less than $1.25 per acre by the county assessors of the various counties.

2. If the county board of equalization shall ascertain that any land within its county has been assessed upon a valuation of less than $1.25 per acre, or has not been assessed at all, the board shall notify the county assessor immediately to pay into the county treasury the taxes due on such land, in such a sum as will yield the full amount of taxes due upon such land upon its true value, which valuation shall not be less than $1.25 per acre. If a county assessor fails to pay such taxes within 10 days after such notification by the county board of equalization, the district attorney shall file and prosecute diligently a suit against the county assessor and his surety or sureties on his official bond for the amount of such taxes.

[1:85:1911; RL § 3838; NCL § 6535] + [2:85:1911; RL § 3839; NCL § 6536]

NRS 361.233 Assessment and valuation of real property within common-interest community.

1. Notwithstanding any other provision of law:

(a) Any ad valorem taxes or special assessments assessed upon any real property within a common-interest community:

(1) Must be assessed upon the community units and not upon the common-interest community as a whole; and

(2) Must not be assessed upon any common elements of the common-interest community.

(b) The taxable value of each parcel:

(1) Composed solely of a community unit must consist of:

(I) The taxable value of that community unit; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community; or

(2) Composed of a community unit and any portion of the common elements of the common-interest community must consist of:

(I) The taxable value of that community unit only; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community.

2. The Nevada Tax Commission shall adopt such regulations as it determines to be appropriate to ensure that this section is carried out in a uniform and equal manner that does not result in the double taxation of any common elements of a common-interest community.

3. For the purposes of this section:

(a) “Ad valorem tax” means an ad valorem tax levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

(b) “Common elements” means the physical portion of a common-interest community, including, without limitation, any landscaping, swimming pools, fitness centers, community centers, maintenance and service areas, parking areas, hallways, elevators and mechanical rooms, which is:

(1) Intended for the general benefit of and potential use by all the owners of the community units and their invitees; and

(2) Owned:

(I) By the community association;
(II) By any person on behalf or for the benefit of the owners of the community units; or
(III) Jointly by the owners of the community units.

c) “Common-interest community” means real property with respect to which a person, by virtue of his ownership of a community unit, is obligated to pay for any real property other than that unit. The term includes a common-interest community governed by the provisions of chapter 116 of NRS, a condominium hotel governed by the provisions of chapter 116B of NRS, a condominium project governed by the provisions of chapter 117 of NRS and any time-share project, planned unit development or other real property which is organized as a common-interest community in this State.

d) “Community association” means an association whose membership:
1. Consists exclusively of the owners of the community units or their elected or appointed representatives; and
2. Is a required condition of the ownership of a community unit.

e) “Community unit” means a physical portion of a common-interest community, other than the common elements, which is:
1. Designated for separate ownership or occupancy; and
2. Intended for:
   I. Residential use by the owner of that unit and his invitees; or
   II. Commercial use by the owner of that unit for the generation of revenue from any persons other than the owners of community units in that common-interest community and their invitees.

(f) “Special assessment” means a special assessment levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

NRS 361.235 Assessment of corporate stock and property of partnership; taxation of corporate property.
1. The owner or holder of any stock in any firm, incorporated company or association, the entire capital of which is invested in property which is assessed, or the capital of which is assessed, shall not be assessed individually for his stock in such company or association, nor shall any person having an interest in any partnership or firm be individually assessed for the partnership or firm property, if such property is assessed to the partnership or firm.

2. The property of every firm, incorporated company or association shall be taxed in the county wherein the same is situated. Whenever any portion of the property of any such company shall be assessed and taxed in the county wherein the same is located, then upon presentation at the principal office of such company of the certificate or receipt of the tax collector of that county that such taxes have been paid in another county, the same shall be deducted at the principal office from the aggregate amount of taxes imposed upon or paid by the company, for the same property, in the county wherein the principal office of the company is situated.

NRS 361.240 Assessment of undivided property of deceased and insane persons; payment of taxes.
1. The undivided property of deceased and insane persons may be listed to the heirs, guardians, executors or administrators, as the case may be, and a payment of taxes made by either shall bind all the parties in interest for their equal proportions.

2. Every district judge shall, from time to time, direct each administrator, executor and guardian (which direction may be especially given in each case or by general order) to pay, out of the funds of the estate, all taxes that have attached or accrued against such estate after July 1, 1955.

3. No order or decree for the distribution of any property of any decedent among the heirs or devisees shall be made until taxes which have been attached to or accrued against the estate shall have been paid.

NRS 361.244 Classification of mobile or manufactured homes and factory-built housing as real property.
1. A mobile or manufactured home is eligible to become real property if it becomes permanently affixed to land which is:
   a) Owned by the owner of the mobile or manufactured home; or
   b) Leased by the owner of the mobile or manufactured home if the home is being financed in accordance with the guidelines of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the United States Department of Agriculture, or any other entity that requires as part of its financing program restrictions on ownership and actions affecting title and possession similar to those required by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association and the United States Department of Agriculture.

2. A mobile or manufactured home becomes real property when the assessor of the county in which the mobile or manufactured home is located has placed it on the tax roll as real property. Except as otherwise provided in subsection 5, the assessor shall not place a mobile or manufactured home on the tax roll until:
   a) He has received verification from the Manufactured Housing Division of the Department of Business and Industry that the mobile or manufactured home has been converted to real property;
   b) The unsecured personal property tax has been paid in full for the current fiscal year;
   c) An affidavit of conversion of the mobile or manufactured home from personal to real property has been recorded in the county recorder’s office of the county in which the mobile or manufactured home is located; and
(d) The dealer or owner has delivered to the division a copy of the recorded affidavit of conversion and all documents relating to the mobile or manufactured home in its former condition as personal property.
3. A mobile or manufactured home which is converted to real property pursuant to this section shall be deemed to be a fixture and an improvement to the real property to which it is affixed.
4. Factory-built housing, as defined in NRS 461.080, constitutes real property if it becomes, on or after July 1, 1979, permanently affixed to land which is:
   (a) Owned by the owner of the factory-built housing; or
   (b) Leased by the owner of the factory-built housing if the factory-built housing is being financed in accordance with the guidelines of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the United States Department of Agriculture, or any other entity that requires as part of its financing program restrictions on ownership and actions affecting title and possession similar to those required by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association and the United States Department of Agriculture.
5. The assessor of the county in which a manufactured home is located shall, without regard to the conditions set forth in subsection 2, place the manufactured home on the tax roll as real property if, on or after July 1, 2001, the manufactured home is permanently affixed to a residential lot pursuant to an ordinance required by NRS 278.02095.
6. The provisions of subsection 5 do not apply to a manufactured home located in:
   (a) An area designated by local ordinance for the placement of a manufactured home without conversion to real property;
   (b) A mobile home park; or
   (c) Any other area to which the provisions of NRS 278.02095 do not apply.
7. For the purposes of this section, “land which is owned” includes land for which the owner has a possessory interest resulting from a life estate, lease or contract for sale.

NRS 361.2445 Conversion of mobile or manufactured home from real to personal property.
1. A mobile or manufactured home which has been converted to real property pursuant to NRS 361.244 may not be removed from the real property to which it is affixed unless, at least 30 days before removing the mobile or manufactured home:
   (a) The owner:
      (1) Files with the Division an affidavit stating that the sole purpose for converting the mobile or manufactured home from real to personal property is to effect a transfer of the title to the mobile or manufactured home;
      (2) Files with the Division the affidavit of consent to the removal of the mobile or manufactured home of each person who holds any legal interest in the real property to which the mobile or manufactured home is affixed; and
      (3) Gives written notice to the county assessor of the county in which the real property is situated; and
   (b) The county assessor certifies in writing that all taxes for the fiscal year on the mobile or manufactured home and the real property to which the mobile or manufactured home is affixed have been paid.
2. The county assessor shall not remove a mobile or manufactured home from the tax rolls until:
   (a) He has received verification that there is no security interest in the mobile or manufactured home or the holders of security interests have agreed in writing to the conversion of the mobile or manufactured home to personal property; and
   (b) An affidavit of conversion of the mobile or manufactured home from real to personal property has been recorded in the county recorder’s office of the county in which the real property to which the mobile or manufactured home was affixed is situated.
3. A mobile or manufactured home which is physically removed from real property pursuant to this section shall be deemed to be personal property immediately upon its removal.
4. The Department shall adopt:
   (a) Such regulations as are necessary to carry out the provisions of this section; and
   (b) A standard form for the affidavits required by this section.
5. Before the owner of a mobile or manufactured home that has been converted to personal property pursuant to this section may transfer ownership of the mobile or manufactured home, he must obtain a certificate of ownership from the Division.
6. For the purposes of this section, the removal of a mobile or manufactured home from real property includes the detachment of the mobile or manufactured home from its foundation, other than temporarily for the purpose of making repairs or improvements to the mobile or manufactured home or the foundation.
7. An owner who physically removes a mobile or manufactured home from real property in violation of this section is liable for all legal costs and fees, plus the actual expenses, incurred by a person who holds any interest in the real property to restore the real property to its former condition. Any judgment obtained pursuant to this section may be recorded as a lien upon the mobile or manufactured home so removed.
8. As used in this section:
   (a) “Division” means the Manufactured Housing Division of the Department of Business and Industry.
   (b) “Owner” means any person who holds an interest in the mobile or manufactured home or the real property to which the mobile or manufactured home is affixed evidenced by a conveyance or other instrument which transfers that interest to him and is recorded in the office of the county recorder of the county in which the mobile or manufactured home and real
NRS 361.245 Personal property subject to security interest. When personal property is subject to a security interest it shall, for the purpose of taxation, be deemed the property of the person who has possession thereof.


NRS 361.260 Method of assessing property for taxation; appraisals and reappraisals.

1. Each year, the county assessor, except as otherwise required by a particular statute, shall ascertain by diligent inquiry and examination all real and secured personal property that is in his county on July 1 which is subject to taxation, and also the names of all persons, corporations, associations, companies or firms owning the property. He shall then determine the taxable value of all such property, and he shall then list and assess it to the person, firm, corporation, association or company owning it on July 1 of that fiscal year. He shall take the same action at any time between May 1 and the following April 30, with respect to personal property which is to be placed on the unsecured tax roll.

2. At any time before the lien date for the following fiscal year, the county assessor may include additional personal property and mobile and manufactured homes on the secured tax roll if the owner of the personal property or mobile or manufactured home owns real property within the same taxing district which has an assessed value that is equal to or greater than the taxes for 3 years on both the real property and the personal property or mobile or manufactured home, plus penalties. Personal property and mobile and manufactured homes in the county on July 1, but not on the secured tax roll for the current year, must be placed on the unsecured tax roll for the current year.

3. An improvement on real property in existence on July 1 whose existence was not ascertained in time to be placed on the secured roll for that tax year and which is not governed by subsection 4 must be placed on the unsecured tax roll.

4. The value of any property apportioned among counties pursuant to NRS 361.320, 361.321 and 361.323 must be added to the central assessment roll at the assessed value established by the Nevada Tax Commission or as established pursuant to an appeal to the State Board of Equalization.

5. In addition to the inquiry and examination required in subsection 1, for any property not reappraised in the current assessment year, the county assessor shall determine its assessed value for that year by:

(a) Determining the replacement cost, subtracting all applicable depreciation and obsolescence, applying the assessment ratio for improvements, if any, and applying a factor for land to the assessed value for the preceding year; or

(b) Applying to the assessed value for the preceding year a factor for improvements, if any, as adopted by the Nevada Tax Commission in the manner required by NRS 361.261, and a factor for land developed by the county assessor and approved by the Commission. The factor for land must be so chosen that the median ratio of the assessed value of the land to the taxable value of the land in each area subject to the factor is not less than 30 percent nor more than 35 percent.

6. The county assessor shall reappraise all real property at least once every 5 years.

7. The county assessor shall use the standards for appraising and reappraising land adopted by the Nevada Tax Commission pursuant to NRS 360.250. In using the standards, the county assessor shall consider comparable sales of land before July 1 of the year before the lien date.

8. Each county assessor shall submit a written request to the board of county commissioners and the governing body of each of the local governments located in the county which maintain a unit of government that issues building permits for a copy of each building permit that is issued. Upon receipt of such a request, the governing body shall direct the unit which issues the permits to provide a copy of each permit to the county assessor within a reasonable time after issuance.


NRS 361.261 Determination of assessed value of property that is not being reappraised: Adoption of factors for improvements. The factors for improvements required by subsection 5 of NRS 361.260 must be adopted pursuant to the following procedure:

1. On or before February 1 of the year immediately preceding the year to which the factors will be applied, the Department shall provide the proposed factors to each county assessor.

2. On or before May 15 of the same year, each county assessor shall notify the Nevada Tax Commission that he either approves or objects to the proposed factors that are applicable to the county he represents.

3. If one or more of the county assessors notify the Nevada Tax Commission of an objection to the proposed factors that are applicable to the county they represent, the Nevada Tax Commission shall, at a regularly scheduled meeting of the Commission, hold a hearing on those proposed factors before the factors are adopted. At the hearing, the Nevada Tax Commission shall:

(a) Make every effort to reconcile the objection or objections of each county assessor; and

(b) Provide to those persons attending the hearing copies of any published reference manuals and the local indicators of the taxable value of improvements that were used by the Department to establish the proposed factors.

(Added to NRS by 2003, 1744)
NRS 361.263  Issuance of subpoenas by county assessors; duty of state and local governmental entities to provide documents and other information to county assessor; protection of information from disclosure.

1. The county assessor may issue subpoenas to require the production before him of documentation necessary for determining the value of property. The county assessor may have the subpoena served, and upon application to any court of competent jurisdiction in this state, enforced, in the manner provided by law for the service and enforcement of subpoenas in a civil action.

2. Upon request of the county assessor, a state agency, political subdivision of this state and any other state or local governmental entity in this state shall provide documents and other information necessary to the performance of the duties of the county assessor as soon as practicable after receipt of the request.

3. Any information received by the county assessor pursuant to this section must be protected from disclosure in the same manner that the information is protected by the agency or entity from which the assessor received the information.

(Added to NRS by 1975, 1654; A 1997, 1573)

NRS 361.265  Written statement concerning personal property: Demand; contents; return of statement; valuation of unlisted property claimed by absent or unknown person; penalties.

1. To enable the county assessor to make assessments, he shall demand from each natural person or firm, and from the president, cashier, treasurer or managing agent of each corporation, association or company, including all banking institutions, associations or firms within his county, a written statement, signed under penalty of perjury, on forms and in the format prescribed by the county assessor of all the personal property within the county, owned, claimed, possessed, controlled or managed by those persons, firms, corporations, associations or companies. The signature required by this subsection may include an electronic signature as defined in NRS 719.100.

2. The statement must include:
   (a) A description of the location of any taxable personal property that is owned, claimed, possessed, controlled or managed by the natural person, firm, corporation, association or company, but stored, maintained or otherwise placed at a location other than the principal residence of the natural person or principal place of business of the firm, corporation, association or company;
   (b) The cost of acquisition of each item of taxable personal property including the cost of any improvements of the personal property, such as additions to or renovations of the property other than routine maintenance or repairs, and the year in which each item of taxable personal property was acquired; and
   (c) If the natural person, firm, corporation, association or company owns at least 25 mobile or manufactured homes that are being leased within the county for commercial purposes, and those homes have not been converted to real property pursuant to NRS 361.244, the year, make or model, size, serial number and location of each such mobile or manufactured home.

3. The statement must be returned not later than July 31, except for a statement mailed to the taxpayer after July 15, in which case it must be returned within 15 days after demand for its return is made. Upon petition of the property owner showing good cause, the county assessor may grant one or more 30-day extensions.

4. If the owners of any taxable property not listed by another person are absent or unknown, or fail to provide the written statement as described in subsection 1, the county assessor shall make an estimate of the value of the property and assess it accordingly. If the name of the absent owner is known to the county assessor, the property must be assessed in his name. If the name of the owner is unknown to the county assessor, the property must be assessed to “unknown owner,” but no mistake made in the name of the owner or the supposed owner of personal property renders the assessment or any sale of the property for taxes invalid.

5. If any person, officer or agent neglects or refuses on demand of the county assessor or his deputy to give the statement required by this section, or gives a false name, or refuses to give his name or sign the statement, he is guilty of a misdemeanor.


NRS 361.275  Liability of county assessor for taxes not assessed through willful or inexcusable neglect; duties of county auditor and county treasurer regarding property not assessed.

1. The county assessor and his sureties shall be, and they hereby are, made liable for the taxes on all taxable property, within the county required to be assessed by him, which is not assessed through the county assessor’s willful or inexcusable neglect. Proof of the nonassessment of any taxable property within the county shall be deemed prima facie evidence of such neglect.

2. The county auditor and the county treasurer shall inform the district attorney of the county of the nature and value of all property not assessed, naming the owner or owners thereof whenever they or either of them shall know or have good reason to believe any property within the county has not been assessed according to law.

[Part 6:344:1953]

NRS 361.280  District attorney to report unassessed property to county commissioners; hearing; action against county assessor; levy of double amount of taxes against person refusing to give statement.
1. On or before January 15 of each year, the district attorney shall report in writing to the board of county commissioners of his county all taxable real and personal property in his county unassessed. At that time the county assessor of such county may appear and, by testimony under oath or by other sworn proof, explain to the board the reason for such nonassessment.

2. If, after hearing such proofs, the board shall be satisfied that such nonassessment was excusable in the county assessor, the board shall cause an order to that effect to be entered upon its minutes. If the board shall be satisfied that any nonassessment was not excusable, then the board shall cause an order to that effect to be entered on its minutes, and the district attorney shall demand of the county assessor all the state and county taxes due and payable upon such property for the preceding year. If the same shall not be paid by the county assessor within 10 days from such demand, then the district attorney forthwith shall commence an action in a court of competent jurisdiction against the county assessor and his sureties for the collection, in one suit, of all sums payable by the county assessor.

3. If it can be proven that any nonassessment was caused by the refusal of the owner, agent or claimant of such property, or of the person or persons having it in possession or under their control or charge, to give a list of it to the county assessor, the county assessor shall not be liable; but the person or persons whose refusal to give the county assessor such list (and whose duty it was under the law to give such list) caused the omission shall pay double the amount of the taxes that would have been imposed upon the property had it been assessed.

[Part 6:344:1953]

NRS 361.295 Assessment of real property by two counties: Examination and determination by Department. When real property is assessed by the county assessors of two counties on territory claimed by both, the Department of Taxation shall examine the property and determine the county to which the taxes must be paid.


NRS 361.300 Time and manner for completion of secured tax roll; list of taxpayers and valuations; notice of assessed valuation.

1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow him a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause such list and valuations to be printed and delivered by the county assessor or mailed by him on or before January 1 of the fiscal year in which assessment is made to each taxpayer in the county; or

(b) To cause such list and valuations to be published once on or before January 1 of the fiscal year in which assessment is made in a newspaper of general circulation in the county.

In addition to complying with paragraph (a) or (b), the list and valuations may also be posted in a public area of the public libraries and branch libraries located in the county, in a public area of the courthouse and the county office building in which the county assessor’s office is located, and on a website or other Internet site that is operated or administered by or on behalf of the county or county assessor.

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in paragraph (a) of subsection 3, to taxpayers whose property is assessed at $1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever property is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

NRS 361.305 Preparation of maps, plats of city blocks and subdivisions by county assessor. The county assessor shall also make a map or plat of the various blocks within any incorporated city and shall mark thereon the various subdivisions, as they are assessed. Each parcel in a subdivision must be further identified by a parcel number in accordance with the parceling system prescribed by the Department.


NRS 361.310 Time and manner for completion of assessment roll; closing and reopening of roll as to changes; appeal of changes; log of changes to secured roll.

1. On or before January 1 of each year, the county assessor of each of the several counties shall complete his assessment roll, and shall take and subscribe to an affidavit written therein to the effect that he has made diligent inquiry and examination to ascertain all the property within the county subject to taxation, and required to be assessed by him, and that he has assessed the property on the assessment roll equally and uniformly, according to the best of his judgment, information and belief, at the rate provided by law. A copy of the affidavit must be filed immediately by the assessor with the Department. The failure to take or subscribe to the affidavit does not in any manner affect the validity of any assessment contained in the assessment roll.

2. The county assessor shall close his roll as to all changes on the day he delivers it for publication. The roll may be reopened beginning the next day:
   (a) For changes that occur before July 1 in:
      (1) Ownership;
      (2) Improvements as a result of new construction, destruction or removal;
      (3) Land parceling;
      (4) Site improvements;
      (5) Zoning or other legal or physical restrictions on use;
      (6) Actual use, including changes in agricultural or open space use;
      (7) Exemptions; or
      (8) Items of personal property on the secured roll;
   (b) To correct assessments because of a clerical, typographical or mathematical error; or
   (c) To correct overassessments because of a factual error in existence, size, quantity, age, use or zoning, or legal or physical restrictions on use.

3. Any changes made after the roll is reopened pursuant to subsection 2 may be appealed to the county board of equalization in the current year or the next succeeding year.

4. Each county assessor shall keep a log of all changes in value made to the secured roll after it has been reopened. On or before October 31 of each year, the county assessor shall transmit a copy of the log to the board of county commissioners and the Nevada Tax Commission.


Assessments by Nevada Tax Commission

NRS 361.315 Meetings to establish valuation for purposes of assessment.

1. Except as otherwise provided in subsection 3, annually, a regular session of the Nevada Tax Commission shall be held at Carson City, Nevada, beginning on the first Monday in October and continuing from day to day until the business of the particular session is completed, at which valuations shall be established by the Nevada Tax Commission on the several kinds and classes of property mentioned in NRS 361.320.

2. The publication in the statutes of the foregoing time, place and purpose of each regular session of the Nevada Tax Commission shall be deemed notice of such sessions, or if it so elects the Nevada Tax Commission may cause published notices of such regular sessions to be made in the press, or may notify parties in interest by letter or otherwise.

3. The Nevada Tax Commission may designate some place other than Carson City, Nevada, for the regular session specified in subsection 1. If such other place is so designated, notice thereof shall be given by publication of a notice once a week for 2 consecutive weeks in some newspaper of general circulation in the county in which such regular session is to be held.

4. All sessions are public and any person is entitled to appear in person or by his agent or attorney. Evidence of valuation which is determined by using appropriate appraisal standards may be submitted, except as otherwise provided in this chapter. In lieu of an appearance, the person may file with the Department a written statement containing his claim and any evidence thereon with respect to the valuation of his property or the property of others.


NRS 361.318 Reports by companies that use property of interstate or intercounty nature: Filing requirements; extension of time to file; failure to file.

1. To enable the Nevada Tax Commission to establish appropriate valuations of property pursuant to subsection 1 of NRS 361.320, each company that uses property subject to valuation pursuant to subsection 1 of NRS 361.320 shall file with the Nevada Tax Commission a written report, signed under penalty of perjury, that contains such financial and other
Nevada Tax Commission shall examine the reports filed pursuant to NRS 361.318.

1. At the regular session of the Nevada Tax Commission commencing on the first Monday in October of each year, the determination and allocation of valuation for property of interstate or intercounty nature; billing, collection and remittance of taxes on private car lines.

2. Except as otherwise provided in subsections 3, 4 and 7 and NRS 361.323, the Nevada Tax Commission shall establish and fix the valuation of all physical property used directly in the operation of any such business of any such company in this State, as a collective unit. If the company is operating in more than one county, on establishing the unit valuation for the collective property, the Nevada Tax Commission shall then determine the total aggregate mileage operated within the State and within its several counties and apportion the mileage upon a mile-unit valuation basis. The number of miles apportioned to any county are subject to assessment in that county according to the mile-unit valuation established by the Nevada Tax Commission.

3. If a company subject to the reporting requirements of subsection 1 fails to provide the required report to the Nevada Tax Commission by the date due, the Nevada Tax Commission may make an estimate of the value of the property and assess it accordingly.

4. If a company subject to the reporting requirements of subsection 1 fails to file a required report by the date due, the company shall pay to the Department a penalty of 10 percent of the tax due or $5,000, whichever is less. The Department shall deposit any amount paid as a penalty in the State General Fund. The Department may, for good cause shown, waive the payment of the penalty or any part thereof.

(Added to NRS by 2003, 810)

NRS 361.320 Determination and allocation of valuation for property of interstate or intercounty nature; billing, collection and remittance of taxes on private car lines.

1. At the regular session of the Nevada Tax Commission commencing on the first Monday in October of each year, the Nevada Tax Commission shall examine the reports filed pursuant to NRS 361.318 and establish the valuation for assessment purposes of any property of an interstate or intercounty nature used directly in the operation of all interstate or intercounty railroad, sleeping car, private car, natural gas transmission and distribution, water, telephone, scheduled and unscheduled air transport, electric light and power companies, and the property of all railway express companies operating on any common or contract carrier in this State. This valuation must not include the value of vehicles as defined in NRS 371.020.

2. Except as otherwise provided in subsections 3, 4 and 7 and NRS 361.323, the Nevada Tax Commission shall establish and fix the valuation of all physical property used directly in the operation of any such business of any such company in this State, as a collective unit. If the company is operating in more than one county, on establishing the unit valuation for the collective property, the Nevada Tax Commission shall then determine the total aggregate mileage operated within the State and within its several counties and apportion the mileage upon a mile-unit valuation basis. The number of miles apportioned to any county are subject to assessment in that county according to the mile-unit valuation established by the Nevada Tax Commission.

3. After establishing the valuation, as a collective unit, of a public utility which generates, transmits or distributes electricity, the Nevada Tax Commission shall segregate the value of any project in this State for the generation of electricity which is not yet put to use. This value must be assessed in the county where the project is located and must be taxed at the same rate as other property.

4. After establishing the valuation, as a collective unit, of an electric light and power company that places a facility into operation on or after July 1, 2003, in a county whose population is less than 100,000, the Nevada Tax Commission shall segregate the value of the facility from the collective unit. This value must be assessed in the county where the facility is located and taxed at the same rate as other property.

5. The Nevada Tax Commission shall adopt formulas and incorporate them in its records, providing the method or methods pursued in fixing and establishing the taxable value of all property assessed by it. The formulas must be adopted and may be changed from time to time upon its own motion or when made necessary by judicial decisions, but the formulas must in any event show all the elements of value considered by the Nevada Tax Commission in arriving at and fixing the value for any class of property assessed by it. These formulas must take into account, as indicators of value, the company’s income and the cost of its assets, but the taxable value may not exceed the cost of replacement as appropriately depreciated.

6. If two or more persons perform separate functions that collectively are needed to deliver electric service to the final customer and the property used in performing the functions would be centrally assessed if owned by one person, the Nevada Tax Commission shall establish its valuation and apportion the valuation among the several counties in the same manner as the valuation of other centrally assessed property. The Nevada Tax Commission shall determine the proportion of the tax levied upon the property by each county according to the valuation of the contribution of each person to the aggregate valuation of the property. This subsection does not apply to a qualifying facility, as defined in 18 C.F.R. § 292.101, which was constructed before July 1, 1997, or to an exempt wholesale generator, as defined in 15 U.S.C. § 79z-5a.

7. A company engaged in a business described in subsection 1 that does not have property of an interstate or intercounty nature must be assessed as provided in subsection 8.

8. All other property, including, without limitation, that of any company engaged in providing commercial mobile radio service, radio or television transmission services or cable television or other video services, must be assessed by the county assessors, except as otherwise provided in NRS 361.321 and 362.100 and except that the valuation of land and mobile homes must be established for assessment purposes by the Nevada Tax Commission as provided in NRS 361.325.
9. On or before November 1 of each year, the Department shall forward a tax statement to each private car line company based on the valuation established pursuant to this section and in accordance with the tax levies of the several districts in each county. The company shall remit the ad valorem taxes due on or before December 15 to the Department, which shall allocate the taxes due each county on a mile-unit basis and remit the taxes to the counties no later than January 31. The portion of the taxes which is due the State must be transmitted directly to the State Treasurer. A company which fails to pay the tax within the time required shall pay a penalty of 10 percent of the tax due or $5,000, whichever is greater, in addition to the tax. Any amount paid as a penalty must be deposited in the State General Fund. The Department may, for good cause shown, waive the payment of a penalty pursuant to this subsection. As an alternative to any other method of recovering delinquent taxes provided by this chapter, the Attorney General may bring a civil action in a court of competent jurisdiction to recover delinquent taxes due pursuant to this subsection in the manner provided in NRS 361.560.

10. For the purposes of this section, an unscheduled air transport company does not include a company that only uses three or fewer fixed-wing aircraft with a weight of less than 12,500 pounds to provide transportation services, if the company elects, in the form and manner prescribed by the Department, to have the property of the company assessed by a county assessor.

11. As used in this section:
(a) “Company” means any person, company, corporation or association engaged in the business described.
(b) “Commercial mobile radio service” has the meaning ascribed to it in 47 C.F.R. § 20.3, as that section existed on January 1, 1998.

NRS 361.3205 Central assessment roll for property of interstate or intercounty nature; notice of assessment; payment; recovery of delinquent taxes.
1. The Department shall enter on a central assessment roll the assessed valuation established for such classes of property as are enumerated in NRS 361.320, except for private car lines, together with the apportionment of each county of the assessment.

2. On or before January 1 of the fiscal year in which the assessment is made, the Department shall mail to each taxpayer on the central assessment roll a notice of the amount of his assessment. The Department shall bill each such taxpayer pursuant to subsection 3 of NRS 361.480. Except as otherwise provided in subsection 3, the tax must be paid to the Department pursuant to NRS 361.483.

3. If the amount of any tax required by NRS 361.320 or 361.321 for property placed on the unsecured tax roll is not paid within 10 days after it is due, it is delinquent and must be collected as other delinquent taxes are collected by law, together with a penalty of 10 percent of the amount of the tax which is owed, as determined by the Department, in addition to the tax, plus interest at the rate of 1 percent per month, or fraction of a month, from the date the tax was due until the date of payment. The Department shall deposit all amounts paid as a penalty or interest pursuant to this subsection in the State General Fund.

4. Upon receipt, the Department shall apportion and promptly remit all taxes due each county.

5. As an alternative to any other method of recovering delinquent taxes provided by this chapter, the Attorney General may bring a civil action in a court of competent jurisdiction to recover delinquent taxes due under this section in the manner provided in NRS 361.560.

(Amended by NRS by 1987, 1337; A 2003, 812.)

NRS 361.321 Report of new construction by business; apportionment of value of new construction by Department; valuation for assessment purposes; supplemental tax bill; payment and apportionment of taxes.
1. Any business which owns, manages or operates property that is assessed pursuant to NRS 361.320 shall, on or before the first Monday in September of each year, submit to the Department a report of any construction which represents a net addition to its property as distinguished from an addition of property exempt from taxation, a replacement or repair:
(a) During the period from July 1 to December 31 of the preceding fiscal year; and
(b) During the period from January 1 to June 30 of the preceding fiscal year.

2. At the regular session of the Nevada Tax Commission commencing on the first Monday in October of each year, the Nevada Tax Commission shall establish the valuation of, for assessment purposes:
(a) The property reported pursuant to paragraph (b) of subsection 1, and enter that valuation on the central assessment roll pursuant to NRS 361.3205 for the next fiscal year; and
(b) The property reported pursuant to paragraphs (a) and (b) of subsection 1 for supplemental tax bills for the current fiscal year.

3. The Department shall mail a supplemental tax bill to each person reporting construction pursuant to subsection 1 by November 1 of each year. The bills must be mailed pursuant to subsection 2 of NRS 361.3205.

4. Taxes assessed pursuant to paragraph (b) of subsection 2 must be paid to the Department by December 15 of each year. Upon receipt, the Department shall apportion and promptly remit all taxes due each county.

5. The county assessor of each county shall not assess property assessed pursuant to this section.

(Added to NRS by 1983, 523; A 1987, 1340)
NRS 361.323 Determination and apportionment of valuation for property of electric light and power companies used to generate or transmit electricity for use outside State.

1. Except as otherwise provided in NRS 361.320, where 75 percent or more of the physical property of an electric light and power company is devoted to the generation or transmission of electricity for use outside the State of Nevada and the physical property also includes three or more operating units which are not interconnected at any point within the State of Nevada, the Nevada Tax Commission shall successively:
   (a) Determine separately the valuation of each operating unit, using the criteria provided in subsection 2 of NRS 361.320.
   (b) Apportion 15 percent of the valuation of each operating unit which generates electricity predominantly for use outside Nevada to each other operating unit within the State of Nevada.
   (c) Apportion the valuation of each operating unit, adjusted as required by paragraph (b) upon a mile-unit basis among the counties in which the operating unit is located.

2. Except as otherwise provided in NRS 361.320, where 75 percent or more of the physical property of an electric light and power company is devoted to the generation or transmission of electricity for use outside the State of Nevada and the physical property also includes two but not more than two operating units which are not interconnected at any point within the State of Nevada, the Nevada Tax Commission shall successively:
   (a) Determine separately the valuation of each operating unit, using the criteria provided in subsection 2 of NRS 361.320.
   (b) Apportion 20 percent of the valuation of each operating unit which generates electricity predominantly for use outside Nevada to each other operating unit within the State of Nevada.
   (c) Apportion the valuation of each operating unit, adjusted as required by paragraph (b) upon a mile-unit basis among the counties in which the operating unit is located.

(Added to NRS by 1983, 548)

NRS 361.325 Nevada Tax Commission to establish valuations of mobile homes and land; property escaping taxation to be placed on assessment roll.

1. On or before the first Monday in June of each year, the Nevada Tax Commission shall:
   (a) Fix and establish the valuation for assessment purposes of all mobile homes in the State.
   (b) Classify land and fix and establish the valuation thereof for assessment purposes. The classification of agricultural land must be made on the basis of crop, timber or forage production, either in tons of crops per acre, board feet or other unit, or animal unit months of forage. An animal unit month is the amount of forage which is necessary for the complete sustenance of one animal unit for 1 month. One animal unit is defined as one cow and calf, or its equivalent, and the amount of forage necessary to sustain one animal unit for 1 month is defined as 900 pounds of dry weight forage.
   2. The valuation of mobile homes and land so fixed and established is for the next succeeding year and is subject to equalization by the State Board of Equalization.
   3. In establishing the value of new mobile homes sold on or after July 1, 1982, the Nevada Tax Commission shall classify them according to those factors which most closely determine their useful lives. In establishing the value of other mobile homes, the Commission shall begin with the retail selling price and depreciate it by 5 percent per year, but not below 20 percent of its original amount.
   4. The Nevada Tax Commission shall cause to be placed on the assessment roll of any county property found to be escaping taxation coming to its knowledge after the adjournment of the State Board of Equalization. This property must be placed upon the assessment roll prior to the delivery thereof to the ex officio tax receiver. If such property cannot be placed upon the assessment roll of the proper county within the proper time, it must be placed upon the tax roll for the next ensuing year, in addition to the assessment for the current year, if any, and taxes thereon must be collected for the prior year in the same amount as though collected upon the prior year’s assessment roll.
   5. The Nevada Tax Commission shall not raise or lower any valuations established by the State Board of Equalization unless, by the addition to any assessment roll of property found to be escaping taxation, it is necessary to do so.
   6. Nothing in this section provides an appeal from the acts of the State Board of Equalization to the Nevada Tax Commission.


NRS 361.330 Effect of noncompliance on assessment and collection of taxes. No assessment of property is invalid, and no collection of taxes may be enjoined, restrained or ordered to be refunded, on account of any failure:

1. To do any act required by NRS 361.315 to 361.325, inclusive; or
2. To do any act required by this chapter within the time so required, if notice and an opportunity to be heard were afforded generally to the class of taxpayers affected by the act required to be done.

[15:177:1917; 1919 RL p. 3202; NCL § 6556]—(NRS A 1979, 1; 2003, 813)

Equalization of Assessments Among the Several Counties

NRS 361.333 Procedure.

1. Not later than May 1 of each year, the Department shall:
(a) Determine the ratio of the assessed value of each type or class of property for which the county assessor has the responsibility of assessing in each county to:
   (1) The assessed value of comparable property in the remaining counties.
   (2) The taxable value of that type or class of property within that county.

(b) Publish and deliver to the county assessors and the boards of county commissioners of the counties of this state:
   (1) A comparison of the latest median ratio, overall ratio and coefficient of dispersion of the median for:
       (I) The total property for each of the 17 counties; and
       (II) Each major class of property within each county.
   (2) A determination whether each county has adequate procedures to ensure that all property subject to taxation is being assessed in a correct and timely manner.
   (3) A summary for each county of any deficiencies that were discovered in carrying out the study of those ratios.

2. The Nevada Tax Commission shall allocate the counties into three groups such that the work of conducting the study is approximately the same for each group. The Department shall conduct the study in one group each year. The Commission may from time to time reallocate counties among the groups, but each county must be studied at least once in every 3 years.

3. In conducting the study the Department shall include an adequate sample of each major class of property and may use any statistical criteria that will indicate an accurate ratio of taxable value to assessed value and an accurate measure of equality in assessment.

4. During the month of May of each year, the board of county commissioners, or a representative designated by the board’s chairman, and the county assessor, or a representative designated by the assessor, of each county in which the study was conducted shall meet with the Nevada Tax Commission. The board of county commissioners and the county assessor, or their representatives, shall:
   (a) Present evidence to the Nevada Tax Commission of the steps taken to ensure that all property subject to taxation within the county has been as assessed as required by law.
   (b) Demonstrate to the Nevada Tax Commission that any adjustments in assessments ordered in the preceding year as a result of the procedure provided in paragraph (c) of subsection 5 have been complied with.

5. At the conclusion of each meeting with the board of county commissioners and the county assessor, or their representatives, the Nevada Tax Commission may:
   (a) If it finds that all property subject to taxation within the county has been assessed at the proper percentage, take no further action.
   (b) If it finds that any class of property is assessed at less or more than the proper percentage, and if the board of county commissioners approves, order a specified percentage increase or decrease in the assessed valuation of that class on the succeeding tax list and assessment roll.
   (c) If it finds the existence of underassessment or overassessment wherein the ratio of assessed value to taxable value is less than 32 percent or more than 36 percent in any of the following classes:
       (1) Improvement values for the reappraisal area;
       (2) Land values for the reappraisal area; and
       (3) Total property values for each of the following use categories in the reappraisal area:
           (I) Vacant;
           (II) Single-family residential;
           (III) Multi-residential;
           (IV) Commercial and industrial; and
           (V) Rural,
       of the county which are required by law to be assessed at 35 percent of their taxable value, if in the nonreappraisal area the approved land and improvement factors are not being correctly applied or new construction is not being added to the assessment roll in a timely manner, or if the board of county commissioners does not agree to an increase or decrease in assessed value as provided in paragraph (b), order the board of county commissioners to employ forthwith one or more qualified appraisers approved by the Department. The payment of those appraisers’ fees is a proper charge against the county notwithstanding that the amount of such fees has not been budgeted in accordance with law. The appraisers shall determine whether or not the county assessor has assessed all real and personal property in the county subject to taxation at the rate of assessment required by law. The appraisers may cooperate with the Department in making their determination if so agreed by the appraisers and the Department, and shall cooperate with the Department in preparing a report to the Nevada Tax Commission. The report to the Nevada Tax Commission must be made on or before October 1 following the date of the order. If the report indicates that any real or personal property in the county subject to taxation has not been assessed at the rate required by law, a copy of the report must be transmitted to the board of county commissioners by the Department before November 1. The board of county commissioners shall then order the county assessor to raise or lower the assessment of such property to the rate required by law on the succeeding tax list and assessment roll.
   6. The Nevada Tax Commission may adopt regulations reasonably necessary to carry out the provisions of this section.
   7. Any county assessor who refuses to increase or decrease the assessment of any property pursuant to an order of the Nevada Tax Commission or the board of county commissioners as provided in this section is guilty of malfeasance in office.

EQUALIZATION

Equalization by County Board of Equalization

NRS 361.334 Definitions. As used in NRS 361.334 to 361.435, inclusive:
1. The term “property” includes a leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property which is taxable pursuant to NRS 361.157 or 361.159.
2. Where the term “property” is read to mean a taxable leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property, the term “owner” used in conjunction therewith must be interpreted to mean the lessee or user of the property.
(Amended to NRS by 1997, 1111; A 2001, 1551)

NRS 361.335 Notice of completion of assessment roll and of meeting of county board of equalization. After the assessment roll has been completed pursuant to NRS 361.300, the clerk of the board of county commissioners shall thereupon immediately give notice thereof and of the time the county board of equalization will meet to equalize assessments. The notice must be given by publication in a newspaper of the county, if there is one so published in the county, and by posting at the front door of the courthouse, and in such additional manner as the board of county commissioners may direct.

NRS 361.340 County boards of equalization: Membership; additional panels; clerk; compensation; compliance with regulations; meetings; procedural requirements; attendance of district attorney and assessor.
1. Except as otherwise provided in subsection 2, the board of equalization of each county consists of:
   (a) Five members, only two of whom may be elected public officers, in counties having a population of 15,000 or more; and
   (b) Three members, only one of whom may be an elected public officer, in counties having a population of less than 15,000.
2. The board of county commissioners may by resolution provide for an additional panel of like composition to be added to the board of equalization to serve for a designated fiscal year. The board of county commissioners may also appoint alternate members to either panel.
3. A district attorney, county treasurer or county assessor or any of their deputies or employees may not be appointed to the county board of equalization.
4. The chairman of the board of county commissioners shall nominate persons to serve on the county board of equalization who are sufficiently experienced in business generally to be able to bring knowledge and sound judgment to the deliberations of the board or who are elected public officers. The nominees must be appointed upon a majority vote of the board of county commissioners. The chairman of the board of county commissioners shall designate one of the appointees to serve as chairman of the county board of equalization.
5. Except as otherwise provided in this subsection, the term of each member is 4 years and any vacancy must be filled by appointment for the unexpired term. The term of any elected public officer expires upon the expiration of the term of his elected office.
6. The county clerk or his designated deputy is the clerk of each panel of the county board of equalization.
7. Any member of the county board of equalization may be removed by the board of county commissioners if, in its opinion, the member is guilty of malfeasance in office or neglect of duty.
8. The members of the county board of equalization are entitled to receive per diem allowance and travel expenses as provided for state officers and employees. The board of county commissioners of any county may by resolution provide for compensation to members of the board of equalization in its county who are not elected public officers as it deems adequate for time actually spent on the work of the board of equalization. In no event may the rate of compensation established by a board of county commissioners exceed $125 per day.
9. A majority of the members of the county board of equalization constitutes a quorum, and a majority of the board determines the action of the board.
10. A county board of equalization shall comply with any applicable regulation adopted by the Nevada Tax Commission.
11. The county board of equalization of each county shall hold such number of meetings as may be necessary to care for the business of equalization presented to it. Every appeal to the county board of equalization must be filed not later than January 15. Each county board shall cause to be published, in a newspaper of general circulation published in that county, a schedule of dates, times and places of the board meetings at least 5 days before the first meeting. The county board of equalization shall conclude the business of equalization on or before the last day of February of each year except as to matters remanded by the State Board of Equalization. The State Board of Equalization may establish procedures for the county boards, including setting the period for hearing appeals and for setting aside time to allow the county board to review and make final determinations. The district attorney or his deputy shall be present at all meetings of the county board of equalization to explain the law and the board’s authority.
12. The county assessor or his deputy shall attend all meetings of each panel of the county board of equalization.
NRS 361.345 Power of county board of equalization to change valuation of property; review of changes in valuation and estimation of certain property by county assessor; notice of addition to assessed valuation.

1. Except as otherwise provided in subsection 2, the county board of equalization may determine the valuation of any property assessed by the county assessor, and may change and correct any valuation found to be incorrect either by adding thereto or by deducting therefrom such sum as is necessary to make it conform to the taxable value of the property assessed, whether that valuation was fixed by the owner or the county assessor. The county board of equalization may not reduce the assessment of the county assessor unless it is established by a preponderance of the evidence that the valuation established by the county assessor exceeds the full cash value of the property or is inequitable. A change so made is effective only for the fiscal year for which the assessment was made. The county assessor shall each year review all such changes made for the previous fiscal year and maintain or remove each change as circumstances warrant.

2. If a person complaining of the assessment of his property:
   (a) Has refused or, without good cause, has neglected to give the county assessor his list under oath, as required by NRS 361.265; or
   (b) Has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination required by NRS 361.260,
       the county assessor shall make a reasonable estimate of the property and assess it accordingly. No reduction may be made by the county board of equalization from the assessment of the county assessor made pursuant to this subsection.

3. If the county board of equalization finds it necessary to add to the assessed valuation of any property on the assessment roll, it shall direct the clerk to give notice to the person so interested by registered or certified letter, or by personal service, naming the day when it will act on the matter and allowing a reasonable time for the interested person to appear.

NRS 361.350 List of assessments increased by county board of equalization; hearing before State Board of Equalization.

1. On the day after the adjournment of the county board of equalization the clerk shall prepare a list of the names of those whose assessments have been added to by the county board of equalization, and who did not appear before the county board of equalization, and shall cause such list to be published one time in a newspaper of the county, if there is a newspaper so published in the county, and to be posted at the front door of the courthouse.

2. Any person whose name appears thereon and who makes an affidavit to the effect that he did not receive the notice required to be given by the clerk may appear before the State Board of Equalization and shall be given a hearing.

NRS 361.355 Complaints of overvaluation or excessive valuation by reason of undervaluation or nonassessment of other property.

1. Any person, firm, company, association or corporation, claiming overvaluation or excessive valuation of its real or secured personal property in the State, whether assessed by the Nevada Tax Commission or by the county assessor or assessors, by reason of undervaluation for taxation purposes of the property of any other person, firm, company, association or corporation within any county of the State or by reason of any such property not being so assessed, shall appear before the county board of equalization of the county or counties where the undervalued or nonassessed property is located and make complaint concerning it and submit proof thereon. The complaint and proof must show the name of the owner or owners, the location, the description, and the taxable value of the property claimed to be undervalued or nonassessed.

2. Any person, firm, company, association or corporation wishing to protest the valuation of real or personal property placed on the unsecured tax roll which is assessed between May 1 and December 15 may appeal the assessment on or before the following January 15, or the first business day following January 15 if it falls on a Saturday, Sunday or holiday, to the county board of equalization.

3. The county board of equalization forthwith shall examine the proof and all data and evidence submitted by the complainant, together with any evidence submitted thereon by the county assessor or any other person. If the county board of equalization determines that the complainant has just cause for making the complaint it shall immediately make such increase in valuation of the property complained of as conforms to its taxable value, or cause the property to be placed on the assessment roll at its taxable value, as the case may be, and make proper equalization thereof.

4. Except as provided in subsection 5 and NRS 361.403, any such person, firm, company, association or corporation who fails to make a complaint and submit proof to the county board of equalization of each county wherein it is claimed property is undervalued or nonassessed as provided in this section, is not entitled to file a complaint with, or offer proof concerning that undervalued or nonassessed property to, the State Board of Equalization.

5. If the fact that there is such undervalued or nonassessed property in any county has become known to the complainant after the final adjournment of the county board of equalization of that county for that year, the complainant may file his
complaint on or before March 10 with the State Board of Equalization and submit his proof as provided in this section at a session of the State Board of Equalization, upon complainant proving to the satisfaction of the State Board of Equalization he had no knowledge of the undervalued or nonassessed property before the final adjournment of the county board of equalization. If March 10 falls on a Saturday, Sunday or legal holiday, the complaint may be filed on the next business day. The State Board of Equalization shall proceed in the matter in the same manner as provided in this section for a county board of equalization in such a case, and cause its order thereon to be certified to the county auditor with direction therein to change the assessment roll accordingly.


NRS 361.356 Appeal to county board of equalization where inequity exists.
1. An owner of property who believes that his property was assessed at a higher value than another property whose use is identical and whose location is comparable may appeal the assessment, on or before January 15 of the fiscal year in which the assessment was made, to the county board of equalization. If January 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.
2. Before a person may file an appeal pursuant to subsection 1, the person must complete a form provided by the county assessor to appeal the assessment to the county board of equalization. The county assessor may, before providing such a form, require the person requesting the form to provide the parcel number or other identification number of the property that is the subject of the planned appeal.
3. If the board finds that an inequity exists in the assessment of the value of the land or the value of the improvements, or both, the board may add to or deduct from the value of the land or the value of the improvements, or both, either of the appellant’s property or of the property to which it is compared, to equalize the assessment.
4. In the case of residential property, the appellant shall cite other property within the same subdivision if possible.
(Added to NRS by 1997, 732; A 2001, 1551; 2003, 2765)

NRS 361.357 Appeal to county board of equalization where full cash value of property is less than its taxable value.
1. The owner of any property who believes that the full cash value of his property is less than the taxable value computed for the property in the current assessment year, may, not later than January 15 of the fiscal year in which the assessment was made, appeal to the county board of equalization. If January 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.
2. Before a person may file an appeal pursuant to subsection 1, the person must complete a form provided by the county assessor to appeal the assessment to the county board of equalization. The county assessor may, before providing such a form, require the person requesting the form to provide the parcel number or other identification number of the property that is the subject of the planned appeal.
3. If the county board of equalization finds that the full cash value of the property on January 1 immediately preceding the fiscal year for which the taxes are levied is less than the taxable value computed for the property, the board shall correct the land value or fix a percentage of obsolescence to be deducted from the otherwise computed taxable value of the improvements, or both, to make the taxable value of the property correspond as closely as possible to its full cash value.
4. No appeal under this section may result in an increase in the taxable value of the property.

NRS 361.360 Appeals to State Board of Equalization.
1. Any taxpayer aggrieved at the action of the county board of equalization in equalizing, or failing to equalize, the value of his property, or property of others, or a county assessor, may file an appeal with the State Board of Equalization on or before March 10 and present to the State Board of Equalization the matters complained of at one of its sessions. If March 10 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.
2. All such appeals must be presented upon the same facts and evidence as were submitted to the county board of equalization in the first instance, unless there is discovered new evidence pertaining to the matter which could not, by due diligence, have been discovered before the final adjournment of the county board of equalization. The new evidence must be submitted in writing to the State Board of Equalization and served upon the county assessor not less than 7 days before the hearing.
3. Any taxpayer whose real or personal property placed on the unsecured tax roll was assessed after December 15 but before or on the following April 30 may likewise protest to the State Board of Equalization. Every such appeal must be filed on or before May 15. If May 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. A meeting must be held before May 31 to hear those protests that in the opinion of the State Board of Equalization may have a substantial effect on tax revenues. One or more meetings may be held at any time and place in the State before October 1 to hear all other protests.
4. The State Board of Equalization may not reduce the assessment of the county assessor if:
   (a) The appeal involves an assessment on property which the taxpayer has refused or, without good cause, has neglected to include in the list required of him pursuant to NRS 361.265; or if the taxpayer has refused or, without good cause, has neglected to provide the list to the county assessor; or
NRS 361.362 Appeal on behalf of owner of property. Except as otherwise provided in this section, at the time that a person files an appeal pursuant to NRS 361.356, 361.357 or 361.360 on behalf of the owner of a property, the person shall provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal concerning the assessment that was made. If the person files the appeal in a timely manner without the written authorization required by this section, he may provide that written authorization within 48 hours after the last day allowed for filing the appeal.

(Added to NRS by 2001, 1540; A 2005, 2658)

NRS 361.365 Records of hearings of county board of equalization: Format and contents; transmittal to State Board of Equalization; duties of complainant who requests transcript.

1. Each county board of equalization shall, at the expense of the county, cause complete minutes and an audio recording or transcript to be taken at each hearing. In addition to the requirements of NRS 241.035, these minutes must include the title of all exhibits, papers, reports and other documentary evidence submitted to the county board of equalization by the complainant. The clerk of the county board of equalization shall forward the minutes and audio recordings or transcripts to the Secretary of the State Board of Equalization.

2. If a transcript of any hearing held before the county board of equalization is requested by the complainant, he shall furnish the reporter, pay for the transcript and deliver a copy of the transcript to the clerk of the county board of equalization and the Secretary of the State Board of Equalization upon filing an appeal.


Equalization by State Board of Equalization

NRS 361.375 State Board of Equalization: Composition; qualifications; terms; removal; compensation; quorum; adoption of and compliance with regulations; staff.

1. The State Board of Equalization, consisting of five members appointed by the Governor, is hereby created. The Governor shall designate one of the members to serve as Chairman of the Board.

2. The Governor shall appoint:
   (a) One member who is a certified public accountant or a registered public accountant.
   (b) One member who is a property appraiser with a professional designation.
   (c) One member who is versed in the valuation of centrally assessed properties.
   (d) Two members who are versed in business generally.

3. Only three of the members may be of the same political party and no more than two may be from the same county.

4. An elected public officer or his deputy, employee or any person appointed by him to serve in another position must not be appointed to serve as a member of the State Board of Equalization.

5. After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms. No member may serve more than two full terms consecutively.

6. Any member of the Board may be removed by the Governor if, in his opinion, that member is guilty of malfeasance in office or neglect of duty.

7. Each member of the Board is entitled to receive a salary of not more than $80, as fixed by the Board, for each day actually employed on the work of the Board.

8. While engaged in the business of the Board, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. A majority of the members of the Board constitutes a quorum, and a majority of the Board shall determine the action of the Board. The Board may adopt regulations governing the conduct of its business.

10. The Board shall comply with any applicable regulation adopted by the Nevada Tax Commission.
11. The staff of the State Board of Equalization must be provided by the Department and the Executive Director is the Secretary of the Board.

NRS 361.380 Meetings of State Board of Equalization; notice.
1. Except as otherwise provided in subsection 3, annually, the State Board of Equalization shall convene on the fourth Monday in March in Carson City, Nevada, and shall hold such number of meetings as may be necessary to care for the business of equalization presented to it. The State Board of Equalization shall conclude the business of equalization on cases that in its opinion have a substantial effect on tax revenues on or before April 15. Cases having less than a substantial effect on tax revenues may be heard at additional meetings which may be held at any time and place in the state before October 1.
2. The publication in the statutes of the foregoing time, place and purpose of each regular session of the State Board of Equalization is notice of such sessions, or if it so elects, the State Board of Equalization may cause published notices of such regular sessions to be made in the press, or may notify parties in interest by letter or otherwise.
3. The State Board of Equalization may designate some place other than Carson City, Nevada, for any of the meetings specified in subsection 1. If such other place is so designated, notice thereof must be given by publication of a notice once a week for 2 consecutive weeks in some newspaper of general circulation in the county in which such meeting or meetings are to be held.

NRS 361.385 Public sessions; persons may appear by attorney or file statements.
1. All sessions shall be public and any person is entitled to appear in person or by his agent or attorney. Evidence may be submitted, except as otherwise provided in this chapter. In lieu of an appearance, the person may file with the State Board of Equalization a written statement containing his claim and any evidence thereon with respect to the valuation of his property or the property of others.
2. Nothing contained in this section relieves such claimant or any board, commission or officer from complying with all the requirements of law relative to the manner and form of appealing from the action of county boards of equalization, and submitting such proof as may be required by the State Board of Equalization.

NRS 361.390 Duties of county assessor. Each county assessor shall:
1. File with or cause to be filed with the Secretary of the State Board of Equalization, on or before March 10 of each year, the tax roll, or a true copy thereof, of his county for the current year as corrected by the county board of equalization.
2. Prepare and file with the Department on or before January 31, and again on or before March 5 of each year, a segregation report showing the assessed values for each taxing entity within the county on a form prescribed by the Department. The assessor shall make any projections required for the current fiscal year. The Department shall make any projections required for the upcoming fiscal year.
3. Prepare and file with the Department on or before July 31 for the secured roll and on or before May 5 for the unsecured roll, a statistical report showing values for all categories of property on a form prescribed by the Department.

NRS 361.395 Equalization of property values and review of tax rolls by State Board of Equalization; notice of proposed increase in valuation.
1. During the annual session of the State Board of Equalization beginning on the fourth Monday in March of each year, the State Board of Equalization shall:
   a. Equalize property valuations in the State.
   b. Review the tax rolls of the various counties as corrected by the county boards of equalization thereof and raise or lower, equalizing and establishing the taxable value of the property, for the purpose of the valuations therein established by all the county assessors and county boards of equalization and the Nevada Tax Commission, of any class or piece of property in whole or in part in any county, including those classes of property enumerated in NRS 361.260.
2. If the State Board of Equalization proposes to increase the valuation of any property on the assessment roll, it shall give 10 days’ notice to interested persons by registered or certified mail or by personal service. The notice must state the time when and place where the person may appear and submit proof concerning the valuation of the property. A person waives the notice requirement if he personally appears before the Board and is notified of the proposed increase in valuation.

NRS 361.400 Appeals from action of county boards of equalization.
1. The State Board of Equalization shall hear and determine all appeals from the action of each county board of equalization, as provided in NRS 361.360.
2. No such appeals shall be heard and determined by the State Board of Equalization where overvaluation or excessive valuation of the claimant’s property, or the undervaluation of other property, or nonassessment of other property, was the ground of complaint before the county board of equalization, save upon the terms and conditions provided in NRS 361.350 and 361.355.

3. No appeal shall be heard and determined save upon the evidence and data submitted to the county board of equalization, unless it is proven to the satisfaction of the State Board of Equalization that it was impossible in the exercise of due diligence to have discovered or secured such evidence and data in time to have submitted the same to the county board of equalization prior to its final adjournment.

[Part 4:177:1917; A 1929, 341; 1939, 279; 1953, 576] + [Part 6:177:1917; A 1929, 341; 1933, 248; 1939, 279; 1943, 81; 1953, 576]

NRS 361.403 Direct appeals to State Board of Equalization from valuations of Nevada Tax Commission.
1. Any person, firm, company, association or corporation, claiming overvaluation or excessive valuation of its property in this State; or
2. Any representative of any local government entity or the Department claiming undervaluation, overvaluation or nonassessment of any property in the State, solely by reason of the valuation placed thereon by the Nevada Tax Commission pursuant to NRS 361.320 or 361.325, whether or not it is apportioned pursuant to NRS 361.321 or 361.323, is entitled to a hearing before the State Board of Equalization to protest any assessment resulting therefrom, without appearing before or requesting relief from the county board of equalization. If a hearing is held, evidence of the valuation of the property in which the value is determined by using appropriate appraisal standards must be submitted to the State Board of Equalization.

(Added to NRS by 1959, 73; A 1977, 1320; 1983, 554; 1985, 16; 1987, 1341)

NRS 361.405 Certification of changes in assessed valuation; duties of county auditors and tax receivers; inclusion of net proceeds of minerals in assessed valuation.
1. The Secretary of the State Board of Equalization forthwith shall certify any change made by the Board in the assessed valuation of any property in whole or in part to the county auditor of the county where the property is assessed, and whenever the valuation of any property is raised, the Secretary of the State Board of Equalization shall forward by certified mail to the property owner or owners affected, notice of the increased valuation.
2. As soon as changes resulting from cases having a substantial effect on tax revenues have been certified to him by the Secretary of the State Board of Equalization, the county auditor shall:
   (a) Enter all such changes and the value of any construction work in progress and net proceeds of minerals which were certified to him by the Department, on the assessment roll before the delivery thereof to the tax receiver.
   (b) Add up the valuations and enter the total valuation of each kind of property and the total valuation of all property on the assessment roll.
   (c) Certify the results to the board of county commissioners and the Department on or before April 15 of each year.
3. The board of county commissioners shall not levy a tax on the net proceeds of minerals added to the assessed valuation pursuant to paragraph (a) of subsection 2, but, except as otherwise provided by specific statute, the net proceeds of minerals must be included in the assessed valuation of the taxable property of the county and all local governments in the county for the determination of the rate of tax and all other purposes for which assessed valuation is used.
4. As soon as changes resulting from cases having less than a substantial effect on tax revenue have been certified to him by the Secretary of the State Board of Equalization, the county tax receiver shall adjust the assessment roll or the tax statement or make a tax refund, as directed by the State Board of Equalization.


NRS 361.410 Taxpayer not deprived of remedy or redress; burden of proof upon complainant; Executive Director and Department prohibited from seeking judicial review of certain decisions.
1. No taxpayer may be deprived of any remedy or redress in a court of law relating to the payment of taxes, but all such actions must be for redress from the findings of the State Board of Equalization, and no action may be instituted upon the act of a county assessor or of a county board of equalization or the Nevada Tax Commission until the State Board of Equalization has denied complainant relief. This subsection must not be construed to prevent a proceeding in mandamus to compel the placing of nonassessed property on the assessment roll.
2. The Nevada Tax Commission or the Department, in that name and in proper cases, may sue and be sued, and the Attorney General shall prosecute and defend all such cases, but the burden of proof is upon the complainant to show by clear and satisfactory evidence that any valuation established by the Nevada Tax Commission or the Department or equalized by the State Board of Equalization is unjust and inequitable.
3. The Executive Director or any other employee or representative of the Department shall not seek judicial review of a decision made by the Nevada Tax Commission or the State Board of Equalization, except in those cases where the State Board of Equalization has original jurisdiction.

[10:177:1917; A 1933, 128; 1939, 279; 1931 NCL § 6551]—(NRS A 1975, 1668; 1997, 2597)
NRS 361.420  Payment of taxes under protest; action for recovery of taxes; limitation of action.

1. Any property owner whose taxes are in excess of the amount which the owner claims justly to be due may pay each installment of taxes as it becomes due under protest in writing. The protest must be in the form of a separate, signed statement from the property owner and filed with the tax receiver at the time of the payment of the installment of taxes.

2. The property owner, having protested the payment of taxes as provided in subsection 1 and having been denied relief by the State Board of Equalization, may commence a suit in any court of competent jurisdiction in the State of Nevada against the State and county in which the taxes were paid, and, in a proper case, both the Nevada Tax Commission and the Department may be joined as a defendant for a recovery of the difference between the amount of taxes paid and the amount which the owner claims justly to be due, and the owner may complain upon any of the grounds contained in subsection 4.

3. Every action commenced under the provisions of this section must be commenced within 3 months after the date of the payment of the last installment of taxes, and if not so commenced is forever barred. If the tax complained of is paid in full and under the written protest provided for in this section, at the time of the payment of the first installment of taxes, suit for the recovery of the difference between the amount paid and the amount claimed to be justly due must be commenced within 3 months after the date of the full payment of the tax or the issuance of the decision of the State Board of Equalization denying relief, whichever occurs later, and if not so commenced is forever barred.

4. In any suit brought under the provisions of this section, the person assessed may complain or defend upon any of the following grounds:
   (a) That the taxes have been paid before the suit;
   (b) That the property is exempt from taxation under the provisions of the revenue or tax laws of the State, specifying in detail the claim of exemption;
   (c) That the person assessed was not the owner and had no right, title or interest in the property assessed at the time of assessment;
   (d) That the property is situate in and has been assessed in another county, and the taxes thereon paid;
   (e) That there was fraud in the assessment or that the assessment is out of proportion to and above the taxable cash value of the property assessed;
   (f) That the assessment is out of proportion to and above the valuation fixed by the Nevada Tax Commission for the year in which the taxes were levied and the property assessed; or
   (g) That the assessment complained of is discriminatory in that it is not in accordance with a uniform and equal rate of assessment and taxation, but is at a higher rate of the taxable value of the property so assessed than that at which the other property in the State is assessed.

5. In a suit based upon any one of the grounds mentioned in paragraphs (e), (f) and (g) of subsection 4, the court shall conduct the trial without a jury and confine its review to the record before the State Board of Equalization. Where procedural irregularities by the Board are alleged and are not shown in the record, the court may take evidence respecting the allegation and, upon the request of either party, shall hear oral argument and receive written briefs on the matter.

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

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


NRS 361.425  Distribution of taxes; payment of judgments pursuant to NRS 361.420; duties of county commissioners and Governor pertaining to interest.

1. Nothing in NRS 361.420 or in any remedy provided in that section prevents the distribution or apportionment of the taxes paid under the provisions of NRS 361.420 into the various funds of the State and county. In the event of judgment in favor of the person bringing the suit to recover taxes claimed to be paid unjustly pursuant to NRS 361.420, the amount of the judgment plus the interest thereon, as may be fixed and determined by the court, must be paid out of the general funds of the State and county by the proper officers thereof as the respective liability of the State and county may appear.

2. In making tax settlements with the State, the tax receiver shall notify the State Controller of the amount of state taxes paid under protest, and then an amount equivalent to the amount of taxes paid under protest plus a reasonable amount of interest thereon, not exceeding 6 percent per annum after the date of the payment to the tax receiver, shall be deemed to be and hereby is appropriated for the purpose of satisfying any judgment therefor recovered against the State in a suit under the provisions of NRS 361.420.

3. When a judgment is secured under the provisions of NRS 361.420 and there is not sufficient money in the general fund of the county affected by the judgment to satisfy the judgment, the board of county commissioners of the county shall immediately levy and provide for the collection of a sufficient tax upon all the taxable property within the county, exclusive of the property of the person securing the judgment, to satisfy the judgment and any interest on the judgment as may have been fixed and determined by the court.

4. Annually, the boards of county commissioners of the respective counties shall provide in their respective budgets a reasonable amount of money and shall levy a tax to provide for the payment of interest required in NRS 361.420 with respect to judgments which may be secured against the counties.
5. The Governor shall include in the biennial proposed executive budget of the State a reasonable amount of money to provide for the payments of interest required in NRS 361.420 with respect to judgments which may be secured against the State. If at the time a final judgment secured against the State pursuant to NRS 361.420 is presented for satisfaction there is not sufficient money in the State Treasury set apart for the satisfaction of the judgment, the State Treasurer shall satisfy the judgment from money then in the General Fund of the State.

NRS 361.430 Burden of proof on plaintiff in action brought under NRS 361.420. In every action brought under the provisions of NRS 361.420, the burden of proof shall be upon the plaintiff to show by clear and satisfactory evidence that any valuation established by the Nevada Tax Commission or the county assessor or equalized by the county board of equalization or the State Board of Equalization is unjust and inequitable.

NRS 361.435 Consolidation of actions; venue. Any property owner owning property of like kind in more than one county in the State and desiring to proceed with a suit under the provisions of NRS 361.420 may, where the issues in the cases are substantially the same in all or in some of the counties concerning the assessment of taxes on such property, consolidate any of the suits in one action and bring the action in any court of competent jurisdiction in Carson City, the county of this State where the property owner resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the Department.

LEVY OF TAX

NRS 361.445 Basis for property taxation. The assessment made by the county assessor and by the Department, as equalized according to law, shall be the only basis for property taxation by any city, town, school district, road district or other district in that county.

NRS 361.450 Liens for taxes: Attachment; superiority; expiration of lien on mobile or manufactured home.

1. Except as otherwise provided in subsection 3, every tax levied under the provisions of or authority of this chapter is a perpetual lien against the property assessed until the tax and any penalty charges and interest which may accrue thereon are paid. Notwithstanding the provisions of any other specific statute, such a lien and a lien for unpaid assessments imposed pursuant to chapter 271 of NRS is superior to all other liens, claims, encumbrances and titles on the property, including, without limitation, interests secured pursuant to the provisions of chapter 104 of NRS, whether or not the lien was filed or perfected first in time.

2. Except as otherwise provided in this subsection and NRS 361.739, the lien attaches on July 1 of the year for which the taxes are levied, upon all property then within the county. The lien attaches upon all migratory property, as described in NRS 361.505, on the day it is moved into the county. If real and personal property are assessed against the same owner, a lien attaches upon such real property also for the tax levied upon the personal property within the county. A lien for taxes on personal property also attaches upon real property assessed against the same owner in any other county of the State from the date on which a certified copy of any unpaid property assessment is filed for record with the county recorder in the county in which the real property is situated.

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

4. All special taxes levied for city, town, school, road or other purposes throughout the different counties of this State are a lien on the property so assessed, and must be assessed and collected by the same officer at the same time and in the same manner as the state and county taxes are assessed and collected.

NRS 361.453 Limitation on total ad valorem tax levy; exceptions.

1. Except as otherwise provided in this section and NRS 354.705, 354.723 and 450.760, the total ad valorem tax levy for all public purposes must not exceed $3.64 on each $100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each $100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is 40,000 or less, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada Tax Commission was at least $3.50 on each $100 of assessed valuation on June 25, 1998;
The county auditor shall ascertain,

(a) A statement that the notice is not a bill for taxes owed but an informational notice. The notice must state:

(b) The county auditor shall deliver the information required pursuant to this section to the ex officio tax receiver:

1. On or before May 5 of each year, the ex officio tax receivers shall prepare and cause to be published in a newspaper of general circulation in their respective counties, a notice which contains at least the following information:

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body’s determination is final. As used in this subsection, “emergency” means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.


NRS 361.4535 Projections of revenue from ad valorem taxes: Duties of county assessors and Department.

1. On or before March 5 of each year, the county assessor of each county shall provide to the Department, in addition to the information provided pursuant to NRS 361.390, such information regarding each parcel or other taxable unit of property in the county as the Department determines to be necessary to carry out subsection 2.

2. On or before March 25 of each year, the Department shall provide to each local government in this State a projection of the revenue the local government may receive for the upcoming fiscal year from ad valorem taxes.

(Added to NRS by 2005, 1744)

NRS 361.454 Determination by county auditor of effect of tentative budget on each taxpayer; dissemination of information.

1. Upon receipt of the tentative budgets submitted pursuant to NRS 354.596, the county auditor shall ascertain, separately for each property owner whose property taxes are affected by one or more of the tentative budgets, the following information:

(a) The assessed valuation of his property for the current and ensuing fiscal years;

(b) The combined tax rate which applied to his property in the current fiscal year and the proposed combined tax rate for the ensuing fiscal year;

(c) The percentage of increase or decrease, if any, of the combined tax rate for his property proposed for the ensuing fiscal year as compared to the combined tax rate for the current fiscal year;

(d) The amount of tax collected on his property in the current fiscal year and the amount of tax to be collected on his property for the ensuing fiscal year, computed on the basis of the proposed combined tax rate;

(e) The respective amounts of his taxes which will be disbursed to each local government, for debt service and to any other recipient of the tax revenue, presented so as to show the distribution of the total amount of the taxes to be collected from him; and

(f) The percentage of increase or decrease, if any, of each amount shown pursuant to paragraph (e) as compared to the corresponding amount for the current fiscal year.

2. For the purposes of subsection 1, the county auditor shall apply the information contained in each tentative budget to the assessment roll to determine the tax rate necessary to produce the revenue required for each budget and compute a proposed combined tax rate for each property owner. He shall use the tax rate for the current fiscal year for any tentative budget which was not submitted. For each property owner, he shall make available upon request the information ascertained for each of paragraphs (a) to (d), inclusive, and paragraph (f) of subsection 1, and for paragraph (e) an itemized list whose total equals the amount for the ensuing year under paragraph (d).

3. The county auditor shall deliver the information required pursuant to this section to the ex officio tax receiver:

(a) On or before April 25 of each year; and

(b) Within 10 days after the receipt of an amended tentative budget.

(Added to NRS by 1985, 1728; A 1987, 165)

NRS 361.4545 Publication of informational notices regarding tentative budgets and tax rates.

1. On or before May 5 of each year, the ex officio tax receivers shall prepare and cause to be published in a newspaper of general circulation in their respective counties, a notice which contains at least the following information:

(a) A statement that the notice is not a bill for taxes owed but an informational notice. The notice must state:

(1) That public hearings will be held on the dates listed in the notice to adopt budgets and tax rates for the fiscal year beginning on July 1;
(2) That the purpose of the public hearings is to receive opinions from members of the public on the proposed budgets and tax rates before final action is taken thereon; and

(3) The tax rate to be imposed by the county and each political subdivision within the county for the ensuing fiscal year if the tentative budgets which affect the property in those areas become final budgets.

(b) A brief description of the limitation imposed by the Legislature on the revenue of the local governments.

(c) The dates, times and locations of all of the public hearings on the tentative budgets which affect the taxes on property.

(d) The names and addresses of the county assessor and ex officio tax receiver who may be consulted for further information.

(e) A brief statement of how property is assessed and how the combined tax rate is determined.

(f) A telephone number and Internet website at which a person may obtain an explanation of each component tax that forms part of the total rate of tax levied upon property in the county. The explanation must identify:

(1) The statutory authority pursuant to which each component tax is levied; and

(2) If the component tax was approved by the voters:

(I) The year in which the tax was first collected; and

(II) The year in which the authority to collect the tax expires, if any.

The notice must be displayed in the format used for news and must be printed in not less than 10-point type on at least one-half of a page of the newspaper.

2. Each ex officio tax receiver shall prepare and cause to be published in a newspaper of general circulation within the county:

(a) A notice, displayed in the format used for news and printed in not less than 10-point type, disclosing any increase in the property taxes as a result of any change in the tentative budget.

(b) A notice, displayed in the format used for advertisements and printed in not less than 10-point type on at least one quarter of a page of the newspaper, disclosing any amount in cents on each $100 of assessed valuation by which the highest combined tax rate for property in the county exceeds $3.64 on each $100 of assessed valuation.

The notices must be published within 10 days after the receipt of the information pursuant to NRS 354.596.

(Added to NRS by 1985, 1728; A 1987, 166; 1999, 2108; 2005, 1508, 1745)

NRS 361.4547 Nevada Tax Commission to certify combined tax rate to boards of county commissioners; procedure when additional levy of taxes ad valorem approved by voters of school district causes combined rate to exceed statutory limitation.

1. After the approval of the final budgets for the various local governments as defined in NRS 354.474 and their submission to the Department, for examination and approval, the Nevada Tax Commission shall certify to the board of county commissioners of each of the several counties the combined tax rate necessary to produce the amount of revenue required by the approved budgets, and shall certify that combined rate, to each of the boards of county commissioners.

2. If the voters of a school district approve an additional levy of taxes ad valorem pursuant to NRS 387.3285 or 387.3287 or the issuance of bonds or other debt to be repaid by a levy of taxes ad valorem throughout the district, and the Department finds for any fiscal year that the additional rate of tax required for this purpose, when added to the rates of taxes ad valorem authorized to be levied in the district by other local governments and the State for that fiscal year would cause the combined rate within the territory of any other local government to exceed the rate allowed by NRS 361.453, the Department shall determine:

(a) The amounts by which the proposed levies for all of the other local governments whose rates affect the territory have increased from the previous year; and

(b) The portion of the amount by which the combined rate would exceed the rate allowed by NRS 361.453 that is directly attributable to the additional levy approved by the voters for the school district.

3. If the Department determines that any portion of the amount by which the combined rate would exceed the rate allowed by NRS 361.453 is directly attributable to the additional levy approved by the voters for the school district, the school district shall:

(a) Reduce for the fiscal year the amount levied pursuant to NRS 387.3285 or 387.3287, or both, if the proceeds of the levy are not already committed for debt service, by the amount determined by the Department to be directly attributable to the school district;

(b) Transfer to the other local government whose rate overlaps in that territory an amount of money, determined by the Department to be directly attributable to the school district, to reduce the combined rate to the rate allowed; or

(c) Determine and implement a combination of the methods of reduction allowed by paragraphs (a) and (b) that will result in the reduction of the combined rate by the amount determined by the Department to be directly attributable to the school district.

4. If a school district determines that it will proceed pursuant to paragraph (b) or (c) of subsection 3, the Department shall calculate the transfers so as to minimize the total amount transferred, and each local government to which a transfer is made shall correspondingly reduce its rate and file a revised budget within the time allowed by subsection 6 of NRS 361.455. The amounts transferred must be paid in installments, within 30 days after each installment of property taxes is due.

(Added to NRS by 1995, 1029; A 1999, 197)

NRS 361.455 Procedure for reducing combined rate within statutory limitation; revised budgets.

91
1. Unless individual tax rates are reduced pursuant to NRS 361.4547, immediately upon adoption of the final budgets, if the combined tax rate exceeds the limit imposed by NRS 361.453, the chairman of the board of county commissioners in each county concerned shall call a meeting of the governing boards of each of the local governments within the county for the purpose of establishing a combined tax rate that conforms to the statutory limit. The chairman shall convene the meeting no later than June 20 of each year.

2. The governing boards of the local governments shall meet in public session and the county clerk shall keep appropriate records, pursuant to regulations of the Department, of all proceedings. The costs of taking and preparing the record of the proceedings, including the costs of transcribing and summarizing tape recordings, must be borne by the county and participating incorporated cities in proportion to the final tax rate as certified by the Department. The chairman of the board of county commissioners or his designee shall preside at the meeting. The governing boards shall explore areas of mutual concern so as to agree upon a combined tax rate that does not exceed the statutory limit.

3. The governing boards shall determine final decisions by a unanimous vote of all entities present and qualified to vote, as defined in this subsection. No ballot may be cast on behalf of any governing board unless a majority of the individual board is present. A majority vote of all members of each governing board is necessary to determine the ballot cast for that entity. All ballots must be cast not later than the day following the day the meeting is convened. The district attorney is the legal adviser for such proceedings.

4. The county clerk shall immediately thereafter advise the Department of the results of the ballots cast and the tax rates set for local governments concerned. If the ballots for the entities present at the meeting in the county are not unanimous, the county clerk shall transmit all records of the proceedings to the Department within 5 days after the meeting.

5. If a unanimous vote is not obtained and the combined rate in any county together with the established state tax rate exceeds the statutory limit, the Department shall examine the record of the discussions and the budgets of all local governments concerned. On June 25 or, if June 25 falls on a Saturday or Sunday, on the Monday next following, the Nevada Tax Commission shall meet to set the tax rates for the next succeeding year for all local governments so examined. In setting the tax rates for the next succeeding year the Nevada Tax Commission shall not reduce that portion of the proposed tax rate of the county school district for the operation and maintenance of public schools.

6. Any local government affected by a rate adjustment, made in accordance with the provisions of this section, which necessitates a budget revision shall file a copy of its revised budget by July 30 next after the approval and certification of the rate by the Nevada Tax Commission.

7. A copy of the certificate of the Nevada Tax Commission sent to the board of county commissioners must be forwarded to the county auditor.

[NRS 361.457 Establishement of combined tax rate: Prohibited agreements between local governments. The governing bodies of the local governments within a county shall not agree upon a combined tax rate that is created by a larger local government agreeing to transfer money to a smaller local government whose boundaries are located within the boundaries of the larger local government to enable the smaller local government to lower its tax rate to establish a combined tax rate for the county that complies with the limitation set forth in NRS 361.453.

(Added to NRS by 1999, 945)

[NRS 361.460 Levy of tax rate by county commissioners: Resolution. Immediately after the Nevada Tax Commission shall certify the combined tax rate, the board of county commissioners shall by resolution proceed to levy the tax rate required for the fiscal period beginning the succeeding July 1, designating the number of cents of each $100 of property levied for each fund.


[NRS 361.463 Reduction of tax levy which exceeds statutory limitation; priority of taxes levied for payment of bonded indebtedness.

1. In any year in which the total taxes levied by all overlapping units within the boundaries of the State exceed the limitation imposed by NRS 361.453, and it becomes necessary for that reason to reduce the levies made by any of those units, the reduction so made must be in taxes levied by those units (including the State) for purposes other than the payment of bonded indebtedness, including interest thereon.

2. The taxes levied for the payment of bonded indebtedness and the interest thereon enjoy a priority over taxes levied by each such unit (including the State) for all other purposes where reduction is necessary to comply with the limitation imposed by NRS 361.453.

(Added to NRS by 1979, 1233)

[NRS 361.465 Extension and delivery of tax roll after levy.

1. Immediately upon the levy of the tax rate the county clerk shall inform the county auditor of the action of the board of county commissioners. The county auditor shall proceed to extend the tax roll by:

(a) Applying the tax rate levied to the total assessed valuation;

(b) Ascertaining the total taxes to be collected from each property owner; and
(c) Itemizing, separately for each property owner:
(1) The rate of tax applicable to him which is levied for each local government, debt service and any other recipient of the tax revenue so that the distribution of the total rate of tax levied upon his property is shown; and
(2) The total taxes that would have been collected from the owner if not for the provisions of NRS 361.4722 to 361.4728, inclusive.

2. When the tax roll has been so extended, and not later than July 10 of each year, the county auditor shall deliver it, with his certificate attached, to the ex officio tax receiver of the county.


NRS 361.470 Tax receiver charged with full amount of taxes levied; county auditor to transmit statement to State Controller. On delivering the assessment roll to the ex officio tax receiver, the county auditor shall:
1. Charge the ex officio tax receiver with the full amount of the taxes levied; and
2. Forthwith transmit by mail to the State Controller a statement showing the assessed valuation of all property in the county and the amount of taxes levied thereon for state and county purposes.

[25:344:1953]

PARTIAL ABATEMENT OF TAX

NRS 361.471 Definitions. As used in NRS 361.471 to 361.4735, inclusive, unless the context otherwise requires, the words and terms defined in NRS 361.4712, 361.4715 and 361.4721 have the meanings ascribed to them in those sections.
(Added to NRS by 2005, 1739; A 2007, 1885)

NRS 361.4711 “Abatement percentage” defined. Repealed. (See chapter 415, Statutes of Nevada 2007, at page 1899.)

NRS 361.4712 “Ad valorem taxes levied in a county” defined. “Ad valorem taxes levied in a county” means any ad valorem taxes levied by the State or any other taxing entity in a county.
(Added to NRS by 2005, 1739)

NRS 361.4713 “Base-year assessed value” defined. Repealed. (See chapter 415, Statutes of Nevada 2007, at page 1899.)

NRS 361.4714 “Base-year assessed value percentage” defined. Repealed. (See chapter 415, Statutes of Nevada 2007, at page 1899.)

NRS 361.4715 “Combined overlapping tax rate” defined. “Combined overlapping tax rate” means the total ad valorem tax rate levied on a parcel or other taxable unit of property, excluding any portion thereof which is:
1. Exempt pursuant to NRS 361.4726 or subsection 3 of NRS 361.4727 from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724; or
2. Approved and levied pursuant to NRS 361.4728 and exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.
(Added to NRS by 2005, 1740)

NRS 361.4716 “Incremental assessed value” defined. Repealed. (See chapter 415, Statutes of Nevada 2007, at page 1899.)

NRS 361.4717 “Parcel-proportionate share of the base value” defined. Repealed. (See chapter 415, Statutes of Nevada 2007, at page 1899.)

NRS 361.4718 “Redevelopment agency” defined. Repealed. (See chapter 415, Statutes of Nevada 2007, at page 1899.)

NRS 361.4719 “Redevelopment area” defined. Repealed. (See chapter 415, Statutes of Nevada 2007, at page 1899.)

NRS 361.472 “Redevelopment taxing entity” defined. Repealed. (See chapter 415, Statutes of Nevada 2007, at page 1899.)

NRS 361.4721 “Taxing entity” defined. “Taxing entity” means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.
(Added to NRS by 2005, 1740)

NRS 361.4722 Partial abatement of taxes levied on property for which assessed valuation has been established or on remainder parcel of real property.

93
1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

   (a) The amount of all the ad valorem taxes:

      (1) Levied in that county on the property for the immediately preceding fiscal year; or
      (2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

   whichever is greater; and

   (b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

      (1) The greater of:

         (I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;
         (II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or
         (III) Zero; or

      (2) Eight percent,

   whichever is less.

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

   (a) The amount of all the ad valorem taxes:

      (1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or
      (2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

   whichever is greater; and

   (b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

      (1) The greater of:

         (I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;
         (II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or
         (III) Zero; or

      (2) Eight percent,

   whichever is less.

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.
6. For the purposes of this section, “remainder parcel of real property” means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

(Added to NRS by 2005, 39; A 2005, 1750; 2007, 1885, 1888)

NRS 361.4723 Partial abatement of taxes levied on certain single-family residences. The Legislature hereby finds and declares that an increase in the tax bill of the owner of a home by more than 3 percent over the tax bill of that homeowner for the previous year constitutes a severe economic hardship within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:
   (1) Levied in that county on the property for the immediately preceding fiscal year; or
   (2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,
   \( \Rightarrow \) whichever is greater; and
(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to any property for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or
(b) The provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section, including, without limitation, regulations providing a methodology for applying the partial abatement provided pursuant to subsection 1 to a parcel of real property of which only a portion qualifies as a single-family residence which is the primary residence of the owner and the remainder is used in another manner.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or
(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. For the purposes of this section:

(a) “Primary residence of the owner” means a residence which:
   (1) Is designated by the owner as the primary residence of the owner in this State, exclusive of any other residence of the owner in this State; and
   (2) Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.
(b) “Single-family residence” means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.
(c) “Unit of personal property” includes, without limitation, any:
   (1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or
   (2) Taxable unit of a condominium, common-interest community, planned unit development or similar property, \( \Rightarrow \) if classified as personal property for the purposes of this chapter.
(d) “Unit of real property” includes, without limitation, any taxable unit of a condominium, common-interest community, planned unit development or similar property, if classified as real property for the purposes of this chapter.

(Added to NRS by 2005, 36; A 2005, 1747; 2007, 1890)

NRS 361.4724 Partial abatement of taxes levied on certain residential rental dwellings. The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution
should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair market rent for the county in which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes;

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

(Added to NRS by 2005, 38; A 2005, 1748; 2007, 1891)

NRS 361.4725 Exemption from partial abatements following certain fluctuations in taxable value of property.

1. Except as otherwise provided in this section and notwithstanding the provisions of NRS 361.4722, 361.4723 and 361.4724, if the taxable value of any parcel or other taxable unit of property:

(a) Decreases by 15 percent or more from its taxable value on:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission may exempt from the requirements of this section the levy of any taxes in an amount which is less than the cost of collecting those taxes.

(Added to NRS by 2005, 41; A 2005, 1752; 2007, 1892)
NRS 361.4726 Exemption from partial abatements for certain new taxes and increases in existing taxes.
1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.
2. For the purposes of this section, “taxing entity” does not include the State.
(Added to NRS by 2005, 1753)

NRS 361.4727 Increase in rate of tax for payment of obligations secured by proceeds of tax: Prerequisites; effect on partial abatements.
1. A taxing entity may, if otherwise so authorized by law, increase the rate of an ad valorem tax imposed by or on behalf of that taxing entity for the payment of any obligations secured by the proceeds of that tax if:
   (a) The taxing entity determines that the additional tax rate is necessary for the taxing entity to satisfy those obligations; and
   (b) The additional tax rate is stated separately on the tax bill of each taxpayer, with a separate line that identifies the portion of the tax liability resulting from the additional levy.
2. For the purposes of subsection 1, an additional tax rate shall be deemed to be necessary to satisfy the obligations secured by the proceeds of an ad valorem tax if the rate of the ad valorem tax most recently levied for the payment of those obligations will not produce sufficient revenue, after considering the effect of the partial abatements from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724, to satisfy those obligations during the next fiscal year.
3. Except as otherwise provided in this subsection, any increase in the rate of an ad valorem tax authorized pursuant to this section must be included in the calculation of the partial abatements from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724. An increase in the rate of an ad valorem tax authorized pursuant to this section is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724 if the obligations for which that increase is imposed are issued:
   (a) Before July 1, 2005; or
   (b) On or after July 1, 2005, and, before the issuance of the obligations:
      (1) The governing body of the taxing entity issuing the obligations makes a finding that no increase in the rate of an ad valorem tax is anticipated to be necessary for the payment of the obligations during the term thereof; and
      (2) The debt management commission of the county in which the taxing entity is located approves that finding.
4. For the purposes of this section, “taxing entity” does not include the State.
(Added to NRS by 2005, 42; A 2005, 1753)

NRS 361.4728 Levy of tax upon approval of voters at rate that is exempt from partial abatements.
1. In addition or as an alternative to increasing the rate of an ad valorem tax pursuant to NRS 361.4727, a taxing entity may, if otherwise so authorized by law and upon the approval of a majority of the registered voters residing within the boundaries of the taxing entity and voting on the question, levy or require the levy on its behalf of an ad valorem tax at a rate that is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.
2. The exemption set forth in subsection 1 from the partial abatements provided in NRS 361.4722, 361.4723 and 361.4724 does not apply to any portion of a rate that was approved by the voters before April 6, 2005.
3. A question that is placed on the ballot pursuant to subsection 1:
   (a) Must clearly indicate that any amount which is approved by the voters will be outside of the caps on an individual’s liability for ad valorem taxes; and
   (b) May indicate that no additional taxes or tax levy will result from the approval of the question by the voters only if that approval will not result in a reduction of the revenue of any other taxing entity.
4. For the purpose of obtaining the exemption set forth in subsection 1, a question submitted pursuant to NRS 350.020, 354.59817, 387.3285 or 387.3287 may be combined into a single question with a question submitted pursuant to subsection 1. If a question submitted by or on behalf of a taxing entity pursuant to NRS 350.020 is combined into a single question with a question submitted pursuant to subsection 1 and the combined question is approved by a majority of the registered voters voting on the question, the amount of the tax which the governing body of that taxing entity determines to be needed from year to year to repay the principal of and interest on the amount of any general obligations approved pursuant to that question is, except as otherwise provided in subsection 2 or unless the question provides otherwise, exempt pursuant to subsection 1 from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.
5. For the purposes of this section, “taxing entity” does not include the State.
(Added to NRS by 2005, 42; A 2005, 1754)

NRS 361.473 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Generally. Repealed. (See chapter 415, Statutes of Nevada 2007, at page 1899.)

NRS 361.4731 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Property in or apportioned to redevelopment area. Repealed. (See chapter 415, Statutes of Nevada 2007, at page 1899.)
**NRS 361.4732  Effect of annexation of real property to taxing entity.** Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733 and notwithstanding any other provision of NRS 361.471 to 361.4735, inclusive, to the contrary, after a parcel or other taxable unit of real property is annexed to a taxing entity:

1. The amount otherwise required to be determined pursuant to paragraph (a) of subsection 1 of NRS 361.4722, paragraph (a) of subsection 2 of NRS 361.4722, paragraph (a) of subsection 1 of NRS 361.4723 or paragraph (a) of subsection 1 of NRS 361.4724 with respect to that property for the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the amount of ad valorem taxes which would have been levied on the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier, based upon the tax rates that would have applied to the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier and without regard to any exemptions from taxation that applied to the property for the immediately preceding fiscal year but do not apply to the property for the current fiscal year; and

2. For the purposes of any other calculations required pursuant to the provisions of NRS 361.471 to 361.4735, inclusive, the combined overlapping tax rate applicable to that property for the fiscal year immediately preceding the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the combined overlapping tax rate that would have applied to the property for that year if the annexation had occurred 1 year earlier.

(Added to NRS by 2005, 1743; A 2007, 1896)

**NRS 361.4733  Adoption of regulations by Committee on Local Government Finance.**

1. The Committee on Local Government Finance shall adopt:

   (a) Such regulations as it determines to be appropriate to provide for the allocation among the appropriate taxing entities of the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, in accordance with the principles that:

   1. Any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is caused by an increase in the rate of taxes imposed by one or more taxing entities should be allocated to the taxing entities that would have received the benefit of that increase in proportion to the relative amount of benefit that otherwise would have been received from that increase;

   2. Any increase in the rate of ad valorem taxes imposed by a taxing entity should not affect the amount of ad valorem taxes received by other taxing entities, except for redevelopment agencies and tax increment areas whose property tax receipts depend on the tax rate of the taxing entity that increases its rate of taxes and whose territory is included, in whole or in part, in the territory of the taxing entity that increases its rate of taxes; and

   3. A taxing entity that does not increase its rate of ad valorem taxes should not be allocated any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, except for any reduction caused by an increase in the assessed value of that parcel or other taxable unit of real property; and

   (b) Subject to the principles set forth in paragraph (a):

   1. Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of NRS 361.4732; and

   2. Regulations which provide methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after June 14, 2005.

2. Any regulations adopted by the Committee on Local Government Finance pursuant to this section must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

(Added to NRS by 2005, 1743; A 2007, 1896, 1897)

**NRS 361.4734  Review of determination of applicability of partial abatement; appeal of decision upon review; judicial review.**

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

   (a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the county assessor of the county in which the property is located. The petition must be submitted on or before January 15 of the fiscal year for which the determination is effective. The county assessor shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

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

2. A taxpayer who is aggrieved by a decision rendered by a county assessor or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.
3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination. (Added to NRS by 2005, 1744; A 2007, 1898, 2504)

NRS 361.4735 Penalty for false claim of partial abatement. Any person who falsely claims to be entitled to a partial abatement from taxation pursuant to NRS 361.4723 or 361.4724 with the intent to evade the payment of the amount of ad valorem taxes required by law shall pay a penalty of three times the amount of the tax deficiency, in addition to the amount of the tax due and any other penalty provided by law. (Added to NRS by 2005, 1745)

COLLECTION OF TAXES

General Provisions

NRS 361.475 County treasurers to be tax receivers. The several county treasurers of this state shall be ex officio tax receivers under the provisions of this chapter for their several counties, and they shall receive all taxes assessed upon the real property tax roll. [27:344:1953]

NRS 361.480 Notice to taxpayers; individual tax bills. 1. Upon receiving the assessment roll from the county auditor, the ex officio tax receiver shall proceed to receive taxes.
2. He shall give notice at least quarterly by publication in some newspaper published in his county, and if none is so published then by posting notices in three public and conspicuous places in the county, specifying:
   (a) The dates when taxes are due; and
   (b) The penalties for delinquency.
3. He shall mail to each property owner, or to the holder of the mortgage on that property, an individual tax bill which includes:
   (a) All of the information supplied to him by the county auditor.
   (b) A statement explaining how to obtain the information set forth in the notices published by the ex officio tax receiver pursuant to NRS 361.4545.
   ➔ If the holder of a mortgage receives such a bill on behalf of a property owner, he shall forward the bill or a copy thereof to the owner in the next notice of billing sent to the owner for the mortgage. Failure to receive an individual tax bill does not excuse the taxpayer from the timely payment of his taxes.
4. If, in lieu of an individual tax bill, an ex officio tax receiver mails an individual tax notice to a property owner, the notice must include the information required for the individual tax bill pursuant to subsection 3.
5. In addition to complying with subsections 3 and 4, an ex officio tax receiver shall:
   (a) Provide without charge a copy of an individual tax bill or individual tax notice to the property owner upon request.
   (b) Post the information included in an individual tax bill or individual tax notice on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the ex officio tax receiver.

NRS 361.482 Collection of tax levied by State. The ad valorem tax on property levied by the Legislature shall be collected, in one sum or in installments as provided by this chapter, during each fiscal year upon:
1. Property assessed during that fiscal year which is not placed upon the secured roll.
2. Property assessed during the preceding fiscal year which was placed upon the secured roll. (Added to NRS by 1969, 558; A 1979, 1235)

NRS 361.483 Time for payment of taxes; penalties; notification of certain provisions regarding waiver or reduction of penalty.
1. Except as otherwise provided in subsection 6 and NRS 361.736 to 361.7398, inclusive, taxes assessed upon the real property tax roll and upon mobile or manufactured homes are due on the third Monday of August.
2. Taxes assessed upon the real property tax roll may be paid in four approximately equal installments if the taxes assessed on the parcel exceed $100.
   3. Except as otherwise provided in this section, taxes assessed upon a mobile or manufactured home may be paid in four installments if the taxes assessed exceed $100.
   4. If a taxpayer owns at least 25 mobile or manufactured homes in a county that are leased for commercial purposes, and those mobile or manufactured homes have not been converted to real property pursuant to NRS 361.244, taxes assessed upon those homes may be paid in four installments if, not later than July 31, the taxpayer returns to the county assessor the written statement of personal property required pursuant to NRS 361.265.
   5. Except as otherwise provided in this section and NRS 361.505, taxes assessed upon personal property may be paid in four approximately equal installments if:
      (a) The total personal property taxes assessed exceed $10,000;
this section of the provisions of NRS 360.419

10. The ex officio tax receiver of a county shall notify each person in the county who is subject to a penalty pursuant to

(b) Personal property acquired by condemnation from the date of judgment pursuant to NRS 37.160

(a) Personal property acquired by purchase commencing on the date of sale indicated on the purchase order or other sales

3. The county treasurer or the county assessor shall disclose, upon the request of any person:

(a) The name of the person; and

(b) The amount of the relief.

4. If the relief sought by the taxpayer is denied, he may appeal from the denial to the Nevada Tax Commission.

5. The county treasurer or the county assessor may defer the decision to the Department.

(Added to NRS by 1997, 1568; A 2003, 2769

5. The county treasurer or the county assessor may defer the decision to the Department.

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

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

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

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

(d) The full amount of the taxes, together with accumulated penalties, on or within 10 days following the first Monday of March, there must be added thereto a penalty of 7 percent of the full amount of the taxes.

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

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

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

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

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


NRS 361.4835 Waiver of all or part of interest and penalty for late payment of taxes.

1. If the county treasurer or the county assessor finds that a person’s failure to make a timely return or payment of tax that is assessed by the county treasurer or county assessor and that is imposed pursuant to chapter 361 of NRS, except NRS 361.320, is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent, the county treasurer or the county assessor may relieve him of all or part of any interest or penalty, or both.

2. A person seeking this relief must pay the amount of the tax due and, within 30 days after the date the payment is made, file a statement setting forth the facts upon which he bases his claim with the county treasurer or the county assessor.

3. The county treasurer or the county assessor shall disclose, upon the request of any person:

(a) The name of the person; and

(b) The amount of the relief.

4. If the relief sought by the taxpayer is denied, he may appeal from the denial to the Nevada Tax Commission.

5. The county treasurer or the county assessor may defer the decision to the Department.

(Added to NRS by 1997, 1568; A 2003, 2769; 2007, 1898)

NRS 361.484 Abatement of taxes on real or personal property acquired by Federal Government, State or political subdivision.

1. As used in this section, “acquired” means acquired:

(a) Pursuant to a purchase order or other sales agreement or by condemnation proceedings pursuant to chapter 37 of NRS, if the property acquired is personal property.

(b) By purchase and deed or by condemnation proceedings pursuant to chapter 37 of NRS, if the property acquired is real property.

2. Taxes levied on real or personal property which is acquired by the Federal Government or the State or any of its political subdivisions must be abated ratably for the portion of the fiscal year in which the property is owned by the Federal Government or the State or its political subdivision.

3. For the purposes of abatement, the Federal Government or the State or its political subdivision shall be deemed to own:

(a) Personal property acquired by purchase commencing on the date of sale indicated on the purchase order or other sales agreement.

(b) Personal property acquired by condemnation from the date of judgment pursuant to NRS 37.160.
(c) Real property acquired by purchase commencing with the date the deed is recorded.
(d) Real property acquired by condemnation from the date of judgment pursuant to NRS 37.160 or the date of occupancy of the property pursuant to NRS 37.100, whichever occurs earlier.

NRS 361.485 Duties of tax receiver when taxes paid; certain overpayments not refunded; certain deficiencies not collected.
1. Whenever any tax is paid to the ex officio tax receiver, he shall appropriately record the payment and the date thereof on the tax roll contiguously with the name of the person or the description of the property liable for the taxes, and shall give a receipt for the payment if requested by the taxpayer.
2. If the assessment roll is maintained on magnetic storage files in a computer system, the requirement of subsection 1 is met if the system is capable of producing, as printed output, the assessment roll with the dates of payments shown opposite the name of the person or the description of the property liable for the taxes.
3. If the amount of taxes paid on personal property:
   (a) Results in an overpayment that is less than the average cost of collecting property taxes in this State as determined by the Nevada Tax Commission, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund within 6 months after the original payment. All interest paid on money deposited in the county treasury pursuant to this paragraph is the property of the county.
   (b) Results in a deficiency, the amount of the deficiency, other than a payment for a penalty, must be exempted from collection if the amount of the deficiency is less than the average cost of collecting property taxes in this State as determined by the Nevada Tax Commission.
4. If the amount of taxes paid on real property:
   (a) Results in an overpayment that does not exceed the amount due by more than $5, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund within 6 months after the original payment.
   (b) Results in a deficiency that is $5 or less than the amount due, the ex officio tax receiver may exempt the amount of the deficiency from collection.

NRS 361.486 Payment of interest on overpayment of taxes.
1. Except as otherwise provided in subsection 2 and NRS 361.485, interest must be paid on an overpayment of the taxes imposed by this chapter at the rate of 0.5 percent per month, or fraction thereof, from the last day of the calendar month in which the overpayment was made to the last day of the calendar month in which a refund is made.
2. No interest is allowed:
   (a) On a refund of any penalty or interest paid by a taxpayer; or
   (b) If the ex officio tax receiver determines that the overpayment was made intentionally or by reason of carelessness.
(Added to NRS by 2007, 2504)

Property on Unsecured Roll

NRS 361.505 Migratory property: Definition; placement on unsecured tax roll; proration of tax.
1. As used in NRS 361.505 to 361.5607, inclusive, “migratory property” means any movable personal property which the county assessor expects will not remain in the county for a full fiscal year.
2. Each county assessor, when he assesses the migratory property of any person liable to taxation, shall place it on the unsecured tax roll.
3. The county assessor shall prorate the tax on migratory property brought into or entering the State or county for the first time during the fiscal year by reducing the tax one-twelfth for each full month which has elapsed since the beginning of the fiscal year. Where such property is owned by a person who does own real estate in the county of sufficient value in the county assessor’s judgment to pay the taxes on both his real and personal property, the tax on the personal property for the fiscal year in which the property was moved into the State or county, prorated, may be collected all at once or by installments as permitted by NRS 361.483 for property assessed upon the real property tax roll. The tax on personal property first assessed in May or June may be added to the tax on that property for the ensuing fiscal year and collected concurrently with it.
4. The person who pays such taxes is not thereby deprived of his right to have the assessment equalized, and if, upon equalization, the value is reduced, the taxes paid must be refunded to that person from the county treasury, upon the order of the county board of equalization or State Board of Equalization in proportion to the reduction of the value made.

NRS 361.510 Preparation of blank receipts for payment of taxes on movable personal property.
1. Except as otherwise provided in subsection 2, before June 1 of each year, the tax receiver of each county shall prepare suitable blank receipts that are sequentially numbered to be issued upon the payment, in cash, of taxes on movable personal property.

2. The provisions of this section do not apply in a county which provides receipts for such payments in cash which are produced by a computer.


NRS 361.525 Penalties for tax receiver giving other than required receipts. If a tax receiver gives any receipt on the payment to him of any tax on movable personal property other than that provided for in NRS 361.510, he is guilty of a category D felony and shall be punished as provided in NRS 193.130, and shall be removed from office.


NRS 361.530 Reservation and disposition of commission on personal property tax collected. [Effective through June 30, 2009.]

1. Except as otherwise provided in this section, on all money collected from personal property tax by the several county assessors and county treasurers, there must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor or county treasurer, a percentage commission of 8 percent on the gross amount of collections from personal property tax.

2. One-quarter of the commission reserved pursuant to subsection 1 must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.

[Part 1:57:1885; BH § 2386; C § 1241; RL § 1581; NCL § 2062]—(NRS A 2005, 2660)

NRS 361.530 Reservation and disposition of commission on personal property tax collected. [Effective July 1, 2009.] On all money collected from personal property tax by the several county assessors and county treasurers, there must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor or county treasurer, a percentage commission of 6 percent on the gross amount of collections from personal property tax.

[Part 1:57:1885; BH § 2386; C § 1241; RL § 1581; NCL § 2062]—(NRS A 2005, 2660; 2007, 1899, effective July 1, 2009)

NRS 361.535 Date taxes become delinquent; penalty for delinquency; collection of taxes and costs by seizure and sale of personal property or alternative methods; deposit and refund of excess proceeds from sale of certain property.

1. If the person, company or corporation so assessed neglects or refuses to pay the taxes within 30 days after demand, the taxes become delinquent. If the person, company or corporation so assessed neglects or refuses to pay the taxes within 10 days after the taxes become delinquent, a penalty of 10 percent must be added. If the tax and penalty are not paid on demand, the county assessor or his deputy may seize, seal or lock enough of the personal property of the person, company or corporation so neglecting or refusing to pay to satisfy the taxes and costs. The county assessor may use alternative methods of collection, including, without limitation, the assistance of the district attorney.

2. The county assessor shall:

(a) Post a notice of the seizure, with a description of the property, in a public area of the county courthouse or the county office building in which the assessor’s office is located, and within the immediate vicinity of the property being seized; and

(b) At the expiration of 5 days, proceed 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 the property to pay the taxes and expenses incurred. For this service, the county assessor must be allowed from the delinquent person a fee of $3. The county assessor is not required to sell the property if the highest bid received is less than the lowest acceptable bid indicated in the notice.

3. If the personal property seized by the county assessor or his deputy consists of a mobile or manufactured home, an aircraft, or the personal property of a business, the county assessor shall publish a notice of the seizure once during each of 2 successive weeks in a newspaper of general circulation in the county. If the legal owner of the property is someone other than the registered owner and the name and address of the legal owner can be ascertained from public records, the county assessor shall, before publication, send a notice of the seizure by registered or certified mail to the legal owner. The cost of the publication and notice must be charged to the delinquent taxpayer. The notice must state:

(a) The name of the owner, if known.

(b) The description of the property seized, including the location, the make, model and dimensions and the serial number, body number or other identifying number.

(c) The fact that the property has been seized and the reason for seizure.

(d) The lowest acceptable bid for the sale of the property, which is the total amount of the taxes due on the property and the penalties and costs as provided by law.

(e) The time and place at which the property is to be sold.

After the expiration of 5 days from the date of the second publication of the notice, the property must be sold at public auction in the manner provided in subsection 2 for the sale of other personal property by the county assessor.
4. Upon payment of the purchase money, the county assessor shall deliver to the purchaser of the property sold, with a certificate of the sale, a statement of the amount of taxes or assessment and the expenses thereon for which the property was sold, whereupon the title of the property so sold vests absolutely in the purchaser.

5. After a mobile or manufactured home, an aircraft, or the personal property of a business is sold and the county assessor has paid all the taxes and costs on the property, the county assessor shall deposit into the general fund of the county the first $300 of the excess proceeds from the sale. The county assessor shall deposit any remaining amount of the excess proceeds from the sale into an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the money within 6 months after the sale of the property for which the claim is made, the county assessor shall pay the money into the general fund of the county. All interest paid on money deposited in the account pursuant to this subsection is the property of the county.

6. If the former owner of a mobile or manufactured home, aircraft, or personal property of a business that was sold pursuant to this section makes a claim in writing for the balance of the proceeds of the sale within 6 months after the completion of the sale, the county assessor shall pay the balance of the proceeds of the sale or the proper portion of the balance over to the former owner if the county assessor is satisfied that the former owner is entitled to it.

NRS 361.545 Monthly returns of county assessor to county auditor and county treasurer. On or before the 5th day of each month, the county assessor shall:

1. Return to the county auditor a list, under oath, of all collections made under the provisions of NRS 361.505 and 361.535, and shall, at the same time, return all the original schedules of assessment of such property made the previous month. After comparing the schedules with the sworn list of collections, the county auditor shall file them in his office, and shall enter upon the assessment roll of his county for that year, when it comes into his hands, and mark the word “Paid” opposite the name of each person whose taxes are so paid.

2. Except as otherwise provided in NRS 361.535, pay over to the county treasurer all money collected under the provisions of NRS 361.505 and 361.535, taking duplicate receipts from the county treasurer for the amount so paid. The county assessor shall file one of the receipts with the county auditor.

NRS 361.550 Penalty for county assessor’s neglect or refusal; duties of county auditor and district attorney.

1. Should the county assessor neglect or refuse to make the monthly statements of his collections of movable personal property tax as required by law, or neglect or refuse to file the original schedules of his assessments of such property, he shall be guilty of a misdemeanor, and shall be removed from office.

2. In case of such neglect or refusal, the county auditor shall inform the district attorney immediately of such facts, and the district attorney shall commence proceedings against the county assessor under this section.

NRS 361.555 Actions against county auditor for losses sustained by State and county through defalcation of county assessor.

1. The county auditor shall be liable on his official bond for double the amount of the loss that the State and county may sustain through the defalcation of the county assessor, or otherwise, in cases where he has not notified the district attorney of the neglect or refusal of the county assessor to make his monthly statement, under oath, of collection of the tax on movable personal property as required by law.

2. The State Controller shall have direction and control of all suits brought against the county auditor under this section. A copy of the statement of amount lost by the State and county, made out and certified by the State Controller, shall be sufficient evidence to support an action in any court of competent jurisdiction for the amount of such loss without proof of the signature or official character of the State Controller, subject, however, to the right of the defendant to plead and give in evidence, as in other actions, all such matters as shall be legal and proper for his defense or discharge.

3. One-half of all moneys recovered under such suit against the county auditor shall go into the General Fund of the State and one-half shall go into the general fund of the county.

NRS 361.560 Action to recover personal property tax.

1. In addition to any other remedies provided by law for the collection of delinquent taxes, the district attorney of the proper county may bring a civil action in a court of competent jurisdiction therein for the recovery of the personal property tax.

2. In cases where personal property taxes, assessed to the same owner of migratory property and upon such property, it being used and operated in more than one county of this state, are due and unpaid therein for the then current fiscal year or for not exceeding 4 years prior thereto, the district attorneys of each of such counties or the Attorney General may consolidate all civil actions brought against the owner for the recovery of all or any portion of the delinquent taxes in one civil action brought in a court of competent jurisdiction in Carson City, State of Nevada. Any judgment recovered, when satisfied, must be paid to each county involved and to the State, as their several interests may appear.
3. Where a nonresident of the State, owner of migratory property, is defendant in any such action and judgment is recovered against such owner, such judgment becomes a lien on any property of such owner then or thereafter found within the State.

4. Any court in which the civil action provided in this section is brought has jurisdiction to try and determine such action, whether or not property of the defendant can be found within the State at the time of the commencement of the action or thereafter.


**NRS 361.5605 County commissioners may designate county treasurer to collect personal property taxes.** The board of county commissioners of any county may by ordinance designate the county treasurer to collect taxes on personal property in the county otherwise collectible by the county assessor, and the county treasurer by virtue of that ordinance has the same rights, powers, duties and liabilities as a county assessor under this chapter for the collection of those taxes on personal property.

(Added to NRS by 1981, 578)

**NRS 361.5607 Designation of taxes on personal property as uncollectible.**

1. The tax receiver may petition the board of county commissioners to designate as uncollectible those taxes on personal property:
   (a) Which have been delinquent for 3 years or more;
   (b) Whose amount, including penalties and costs, is $25 or less; and
   (c) For whose collection all appropriate procedures have been followed and have proved unsuccessful.

   The board may grant or deny the petition with respect to any or all of those taxes.

2. No future liability attaches to the county assessor or the county treasurer for any taxes designated as uncollectible by the board of county commissioners under this section.

(Added to NRS by 1983, 845; A 2005, 2662)

**Mobile and Manufactured Homes; Recreational Vehicles**

**NRS 361.561 Applicability to certain vehicles.**

1. A dwelling unit identified as “chassis-mount camper,” “mini motor home,” “motor home,” “recreational park trailer,” “travel trailer,” “utility trailer” and “van conversion,” in chapter 482 of NRS and any other vehicle required to be registered with the Department of Motor Vehicles are subject to the personal property tax unless registered and taxed pursuant to chapter 371 of NRS. Such unregistered units and vehicles must be taxed in the manner provided in NRS 361.561 to 361.5644, inclusive.

2. As used in this section, “dwelling unit” means a vehicle that is primarily used as living quarters, but has not been converted to real property pursuant to NRS 361.244, and is located in a manufactured home park, as defined in NRS 118B.017, or on other land within the county, but not in a recreational vehicle park, as defined in NRS 108.2678, that is licensed for parking vehicles for a duration of less than 9 months per year.


**NRS 361.562 Report to county assessor of purchase, repossession or entry into State of mobile or manufactured home; manner of assessment.**

1. Each purchaser or repossessor of a mobile or manufactured home and each person who brings a mobile or manufactured home into the State shall report that mobile or manufactured home to the county assessor within 30 days after the date of its purchase, repossession or entry into the State.

2. If the county assessor determines that the mobile or manufactured home is:
   (a) Migratory property, he shall assess it pursuant to NRS 361.505.
   (b) Nonmigratory property, he shall assess it pursuant to NRS 361.260.


**NRS 361.5625 Filing requirements for owners of at least 25 mobile or manufactured homes leased within county for commercial purposes and not converted to real property.** A person who owns at least 25 mobile or manufactured homes that are leased within a county for commercial purposes and have not been converted to real property pursuant to NRS 361.244 shall file:

1. A written statement required by NRS 361.265 that includes an inventory of such homes; and
2. With the county assessor of the county in which the homes are situated a report of any new or used mobile or manufactured homes brought into the county as required by NRS 361.562.

(Added to NRS by 2003, 2749)

**NRS 361.5641 Allowable credit for tax paid on another mobile or manufactured home sold or exchanged or paid to state of previous residence.** If any person:
1. Who has purchased a mobile or manufactured home on which he is required to pay a personal property tax under the provisions of NRS 361.562, establishes to the satisfaction of the county assessor that he has paid the personal property tax for the current fiscal year on another mobile or manufactured home which he has sold or exchanged, the county assessor shall allow as a credit 1/12 of the tax previously paid multiplied by the number of full months remaining in the current fiscal year after the sale or exchange of the mobile or manufactured home on which the tax was paid.

2. Has paid a personal property tax on a mobile or manufactured home to the state of his previous residence, the county assessor shall allow a 1/12 reduction in the tax for the current fiscal year for each calendar month that the person has paid such a tax in the other state.


NRS 361.5643 Issuance of sticker upon payment of tax. Upon compliance by the purchaser or repossession of a mobile or manufactured home with the provisions of NRS 361.562 or upon payment of the tax the county assessor may issue a sticker which must be of a design and affixed in such manner as is prescribed by the Department.


NRS 361.5644 Penalty for noncompliance; seizure and sale of mobile or manufactured home.

1. If the purchaser, repossessor or other owner of a mobile or manufactured home fails to comply with the provisions of subsection 1 of NRS 361.562 within the required time, the county assessor shall collect a penalty, which must be added to the tax and collected therewith in the amount of 10 percent of the tax due.

2. If any person required to pay a personal property tax under the provisions of NRS 361.562 neglects or refuses to pay the tax on demand of the county assessor, the county assessor or his deputy shall seize the mobile or manufactured home upon which the taxes are due and proceed in accordance with the provisions of NRS 361.535.

3. The tax is due and the tax and any penalty must be computed for each fiscal year from the date of purchase within or importation into this state.


**Delinquencies, Trustee’s Certificates, Redemption and Sale**

NRS 361.5648 Mailing of notice of delinquent taxes: Duties of tax receiver; contents of notice; second notice; costs; limitation of liability for failure to provide.

1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:
   (a) The owner or owners of the property;
   (b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known; and
   (c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189.

2. The notice of delinquency must state:
   (a) The name of the owner of the property, if known.
   (b) The description of the property on which the taxes are a lien.
   (c) The amount of the taxes due on the property and the penalties and costs as provided by law.
   (d) That if the amount is not paid by the taxpayer or his successor in interest:

   (1) The tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing him to hold the property, subject to redemption within 2 years after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

   (2) A tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of his affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.
NRS 361.565  Publication of notice of delinquent taxes: Time, manner and costs of publication; contents of notice.
1. Except as otherwise provided in subsection 3, if the tax remains delinquent 30 days after the first Monday in April of each year, the tax receiver of the county shall cause notice of the delinquency to be published at least once in the newspaper which publishes the list of taxpayers pursuant to NRS 361.300. If there is no newspaper in the county, the notice must be posted in at least five conspicuous places within the county.
2. The cost of publication in each case must be charged to the delinquent taxpayer, and is not a charge against the State or county. The publication must be made at not more than legal rates.
3. If the delinquent property consists of unimproved real estate assessed at a sum not exceeding $25, the notice must be given by posting a copy of the notice in three conspicuous places within the county without publishing the notice in a newspaper.
4. The notice must contain the information required for a notice mailed pursuant to NRS 361.5648.

NRS 361.570  Trustee’s certificate: Issuance to county treasurer; effect; contents; recordation; annual assessment of property held in trust.
1. Pursuant to the notice given as provided in NRS 361.5648 and 361.565, and at the time stated in the notice, the tax receiver shall make out a certificate that describes each property on which delinquent taxes, penalties, interest and costs have not been paid. The certificate authorizes the county treasurer, as trustee for the State and county, to hold each property described in the certificate for the period of 2 years after the first Monday in June of the year the certificate is dated, unless sooner redeemed.
2. The certificate must specify:
   (a) The amount of delinquency on each property, including the amount and year of assessment;
   (b) The taxes, and the penalties and costs added thereto, on each property, and that, except as otherwise provided in NRS 360.232 and 360.320, interest on the taxes will be added at the rate of 10 percent per annum, assessed monthly, on the date due until paid; and
   (c) The name of the owner or taxpayer of each property, if known.
3. The certificate must state:
   (a) That each property described in the certificate may be redeemed within 2 years after the date of the certificate;
   (b) That the title to each property not redeemed vests in the county for the benefit of the State and county; and
   (c) That a tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.
4. Until the expiration of the period of redemption, each property held pursuant to the certificate must be assessed annually to the county treasurer as trustee. Before the owner or his successor redeems the property, he must also pay the county treasurer holding the certificate any additional taxes, penalties and costs assessed and accrued against the property after the date of the certificate, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid, unless otherwise provided in NRS 360.232 and 360.320.
5. A county treasurer shall take a certificate issued to him pursuant to this section. The county treasurer may cause the certificate to be recorded in the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes, penalties, interest and costs due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate additional taxes, penalties, interest and costs assessed and accrued or the repayment of any of those delinquent amounts. The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.

NRS 361.575  Property held in trust by county treasurer: Annual assessment; payment of taxes on sale or rental. Repealed. (See chapter 472, Statutes of Nevada 2007, at page 2513.)

NRS 361.577  Costs of abating nuisance chargeable against property held by county treasurer. The necessary costs to the county to abate a nuisance on property held in trust by the county treasurer for delinquent taxes are legally chargeable against the property.
(Added to NRS by 1977, 453)

NRS 361.580  Accounting by tax receiver to county auditor following period for redemption.
1. No later than July 31 of each year following the redemption period as set forth in NRS 361.570, the ex officio tax receiver shall attend at the office of the county auditor with the assessment roll and shall render for the period ending on June 30 of that year an account under oath to the county auditor as to the amount of the taxes paid on the roll, the amount of taxes stricken by the board of county commissioners and the amount of taxes delinquent on the roll.
2. The county auditor shall audit the account and make a final settlement with the ex officio tax receiver of all taxes charged against him on account of the assessment roll.
NRS 361.585 Execution and delivery of deeds to county treasurer as trustee after period of redemption; reconveyance of property.
1. When the time allowed by law for the redemption of a property described in a certificate has expired and no redemption has been made, the tax receiver who issued the certificate, or his successor in office, shall execute and deliver to the county treasurer a deed of the property in trust for the use and benefit of the State and county and any officers having fees due them.
2. The county treasurer and his successors in office, upon obtaining a deed of any property in trust under the provisions of this chapter, shall hold that property in trust until it is sold or otherwise disposed of pursuant to the provisions of this chapter.
3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time during the 90-day period specified in NRS 361.603, or before the public notice of sale by a county treasurer, pursuant to NRS 361.595, of any property held in trust by him by virtue of any deed made pursuant to the provisions of this chapter, any person specified in subsection 4 is entitled to have the property reconveyed upon payment to the county treasurer of an amount equal to the taxes accrued, together with any costs, penalties and interest legally chargeable against the property. A reconveyance may not be made after expiration of the 90-day period specified in NRS 361.603 or after commencement of posting or publication of public notice pursuant to NRS 361.595.
4. Property may be reconveyed pursuant to subsection 3 to one or more of the persons specified in the following categories, or to one or more persons within a particular category, as their interests may appear of record:
   (a) The owner.
   (b) The beneficiary under a note and deed of trust.
   (c) The mortgagee under a mortgage.
   (d) The creditor under a judgment.
   (e) The person to whom the property was assessed.
   (f) The person holding a contract to purchase the property before its conveyance to the county treasurer.
   (g) The Director of the Department of Health and Human Services if the owner has received or is receiving any benefits from Medicaid.
   (h) The successor in interest of any person specified in this subsection.
5. The provisions of this section apply to land held in trust by a county treasurer on or after April 17, 1971.

NRS 361.590 Contents, recordation and effect of deeds to county treasurer as trustee after period of redemption; presumption of legality of proceedings.
1. If a property described in a certificate is not redeemed within the time allowed by law for its redemption, the tax receiver or his successor in office shall make to the county treasurer as trustee for the State and county a deed of the property, reciting in the deed substantially the matters contained in the certificate of sale or, in the case of a conveyance under NRS 361.604, the order of the board of county commissioners, and that no person has redeemed the property during the time allowed for its redemption.
2. The deed must be recorded in the office of the county recorder within 30 days after the date of expiration of the period of redemption.
3. All such deeds are, except as against actual fraud, conclusive evidence that:
   (a) The property was assessed as required by law.
   (b) The property was equalized as required by law.
   (c) The taxes were levied in accordance with law.
   (d) The taxes were not paid.
   (e) At a proper time and place a certificate of delinquency was filed as prescribed by law, and by the proper officer.
   (f) The property was not redeemed.
   (g) The person who executed the deed was the proper officer.
4. Such deeds are, except as against actual fraud, conclusive evidence of the regularity of all other proceedings, from the assessment by the county assessor to the execution of the deed.
5. Except as otherwise provided by specific statute, the deed conveys to the county treasurer as trustee for the State and county the property described therein, free of all encumbrances, except any easements of record for public utility purposes, any lien for taxes or assessments by any irrigation or other district for irrigation or other district purposes, and any interest and penalties on the property, except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession accrued as of the date of the deed to the purchaser, but without prejudice to the lien for other taxes or assessments or the claim of any such district for interest or penalties.
6. No tax assessed upon any property, or sale therefor, may be held invalid by any court of this State on account of:
   (a) Any irregularity in any assessment;
   (b) Any assessment or tax roll not having been made or proceeding had within the time required by law; or
(c) Any other irregularity, informality, omission, mistake or want of any matter of form or substance in any proceedings which the Legislature might have dispensed with in the first place if it had seen fit so to do, and that does not affect the substantial property rights of persons whose property is taxed.

All such proceedings in assessing and levying taxes, and in the sale and conveyance therefor, must be presumed by all the courts of this State to be legal until the contrary is shown affirmatively.


NRS 361.595 Conveyances of property held in trust by county treasurer: Procedure; order of county commissioners; deeds to purchasers.

1. Any property held in trust by any county treasurer by virtue of any deed made pursuant to the provisions of this chapter may be sold and conveyed in the manner prescribed in this section and in NRS 361.603 or conveyed without sale as provided in NRS 361.604.

2. If the property is to be sold, the board of county commissioners may make an order, to be entered on the record of its proceedings, directing the county treasurer to sell the property particularly described therein, after giving notice of sale, for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property as stated in the order.

3. Notice of the sale must be:
   (a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice for 20 days in some newspaper published within the county, if the board of county commissioners so directs.
   (b) Mailed by certified mail, return receipt requested, not less than 90 days before the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

4. Upon compliance with such an order the county treasurer shall make, execute and deliver to any purchaser, upon payment to him, as trustee, of a consideration not less than that specified in the order, a quitclaim deed, discharged of any trust of the property mentioned in the order.

5. Before delivering any such deed, the county treasurer shall record the deed at the expense of the purchaser.

6. All such deeds, whether issued before, on or after July 1, 1955, are primary evidence:
   (a) Of the regularity of all proceedings relating to the order of the board of county commissioners, the notice of sale and the sale of the property; and
   (b) That, if the real property was sold to pay taxes on personal property, the real property belonged to the person liable to pay the tax.

7. No such deed may be executed and delivered by the county treasurer until he files at the expense of the purchaser, with the clerk of the board of county commissioners, proper affidavits of posting and of publication of the notice of sale, as the case may be, together with his return of sale, verified, showing compliance with the order of the board of county commissioners, which constitutes primary evidence of the facts recited therein.

8. If the deed when regularly issued is not recorded in the office of the county recorder, the deed, and all proceedings relating thereto, is void as against any subsequent purchaser in good faith and for a valuable consideration of the same property, or any portion thereof, when his own conveyance is first recorded.

9. The board of county commissioners shall provide its clerk with a record book in which must be indexed the name of each purchaser, together with the date of sale, a description of the property sold, a reference to the book and page of the minutes of the board of county commissioners where the order of sale is recorded, and the file number of the affidavits and return.

10. No action or counterclaim for the recovery of lands sold for taxes lies unless it is brought or interposed within 2 years after the execution and delivery to the purchaser of the quitclaim deed therefor by the county treasurer.

[NRS 361.600 Limitation of action to recover land sold for taxes.]

NRS 361.603 Acquisition by local government or Nevada System of Higher Education of property held in trust.

1. Any local government or the Nevada System of Higher Education may, in the manner provided in this section, acquire property held in trust by the treasurer of the county in which the local government or any part of the System is located by virtue of any deed made pursuant to the provisions of this chapter.

2. Whenever any local government or the Nevada System of Higher Education determines that a public purpose may be served by the acquisition of the property, it may make application to the board of county commissioners for permission to acquire the property. If the board of county commissioners approves the application, it shall direct the county treasurer to give notice of intent to sell to the last known owner or heirs or devisees of the last known owner of the property in the manner provided by law.
3. The last known owner may, within 90 days after the notice, redeem the property by paying to the treasurer the amount of the delinquent taxes, plus penalties, interest and costs.

4. If the owner fails to redeem the property within the time allowed, the county treasurer shall transfer the property to the local government or the Board of Regents of the University of Nevada upon receiving from it the amount of the delinquent taxes, except as otherwise provided in subsection 5.

5. If property is so transferred to a local government for street, sewer or drainage uses, for use in a program for the rehabilitation of abandoned residential properties established by the local government pursuant to chapter 279B of NRS, or for use as open-space real property as designated in a city, county or regional comprehensive plan, the delinquent taxes need not be paid.

6. As used in this section, “open-space real property” has the meaning ascribed to it in NRS 361A.040. (Added to NRS by 1969, 259; A 1973, 278; 1979, 486; 1981, 505; 1989, 191; 1993, 397; 1999, 1321)

NRS 361.604 Acquisition by Indian tribe of property held in trust.

1. Any Indian tribe may acquire property held in trust by the county treasurer if:
   (a) The property is an undivided interest in Indian land which is allotted to members of the tribe;
   (b) The taxes due on the property are delinquent; and
   (c) The period of redemption has expired.

2. The tribe must apply to the board of county commissioners of the county in which the property is located for permission to acquire the property under this section.

3. If the board of county commissioners is satisfied that all of the conditions specified in subsection 1 are met, it may order the county treasurer to convey the property to the tribe without consideration.

(Added to NRS by 1979, 465)

NRS 361.605 Rental of property held in trust; application of rents. While property is held in trust as provided in this chapter, the county treasurer, or his successor in office, may collect any rents arising from the property during the time the property is subject to redemption. After the time of redemption has expired, until the property is sold, the county treasurer, or his successor in office, may rent the property, with the approval of the board of county commissioners, for a price to be fixed in its minutes. The rents must be paid out by the county treasurer, or his successor in office, for the payment of any taxes, penalties, interest and costs already assessed and afterward accruing upon the property.


NRS 361.606 Leases for development of oil, gas and geothermal resources: Authority to lease property held in trust.

Any property held in trust by any county treasurer by virtue of any deed made pursuant to the provisions of this chapter may be leased by the county for the purpose of exploration for and production of oil, gas or other hydrocarbon substances, or geothermal resources in the manner prescribed in NRS 361.607 and 361.608.

(Added to NRS by 1973, 1113)

NRS 361.607 Leases for development of oil, gas and geothermal resources: Procedure for leasing.

1. When the board of county commissioners determines that the lease of any property referred to in NRS 361.606 will be to the advantage of the county, the board may grant leases thereon on such terms and conditions as it sees fit to the highest responsible bidder by competitive bidding, under regulations promulgated in advance, on the basis of a cash bonus as the sole biddable factor.

2. Before ordering the lease of any property the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to lease the property. The resolution shall:
   (a) Describe the property proposed to be leased in such manner as to identify it.
   (b) Specify the annual rental, royalty, term of the lease and the other terms upon which it will be leased, including a cash consideration which shall be the sole biddable factor to be included in all bids submitted. All sealed bids shall be accompanied by a deposit not less than 20 percent of the amount bid. Such deposit shall be by cashier’s check, certified check, United States currency, or a United States money order. The resolution shall also specify that oral bids will be received after all sealed bids have been opened, examined and declared. In the event an oral bid is the highest bid, the bidder thereof shall in like manner immediately deposit not less than 20 percent of the amount bid.
   (c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the board to be held at its regular place of meeting, at which sealed bids to lease will be received and considered.

3. Notice of the adoption of the resolution and of the time and place of holding the meeting shall be given by:
   (a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and
   (b) Publishing the resolution not less than once a week for 2 successive weeks before the meeting in a newspaper of general circulation published in the county, if any such newspaper is published therein.

4. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received shall be opened, examined and declared by the board.
5. After all sealed bids have been opened, examined and declared, the board shall at the same session call for oral bids. The first such oral bid must exceed by at least 5 percent the highest sealed bid. Any subsequent oral bid or bids must exceed the amount of the next preceding oral bid.

6. The highest bid (sealed or oral) made by a responsible party shall be accepted, either at the same session or at any adjourned session of the same meeting held within the 10 days next following, but if the board deems such action to be for the best public interest, it may reject any and all bids, either written or oral, and withdraw the property from lease.

7. Any resolution of acceptance of any bid made by the board shall authorize and direct the chairman to execute a lease and to deliver it upon performance and compliance by the lessee with all the terms or conditions of his contract which are to be performed concurrently therewith.

8. All moneys received from the leases of such property shall be deposited forthwith with the county treasurer to be credited to the county general fund.

(Added to NRS by 1973, 1113; A 1975, 574)

NRS 361.608 Leases for development of oil, gas and geothermal resources: Term of lease. A lease may be for a fixed period, and so long thereafter as minerals, oil, gas or other hydrocarbon substances or geothermal resources are produced in paying quantities from any of the lands included in any such agreement or drilling operations are conducted thereon.

(Added to NRS by 1973, 1114)

NRS 361.610 Disposition of amounts received from sale price, rents or redemption of property held in trust; no charge against county for services of officer; claims for and agreements concerning recovery of excess proceeds; authorization of person to file claim and collect property.

1. Out of the sale price or rents of any property of which he is trustee, the county treasurer shall pay the costs due any officer for the enforcement of the tax upon the parcel of property and all taxes owing thereon, and upon the redemption of any property from him as trustee, he shall pay the redemption money over to any officers having fees due them from the parcels of property and pay the tax for which it was sold and pay the redemption percentage according to the proportion those fees respectively bear to the tax.

2. In no case may:
   (a) Any service rendered by any officer under this chapter become or be allowed as a charge against the county; or
   (b) The sale price or rent or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented or redeemed.

3. After paying all the tax and costs upon any one parcel of property, the county treasurer shall pay into the general fund of the county, from the excess proceeds of the sale:
   (a) The first $300 of the excess proceeds; and
   (b) Ten percent of the next $10,000 of the excess proceeds.

4. The amount remaining after the county treasurer has paid the amounts required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the excess proceeds within 1 year after the deed given by the county treasurer is recorded, the county treasurer shall pay the money into the general fund of the county, and it must not thereafter be refunded to the former property owner or his successors in interest. All interest paid on money deposited in the account required by this subsection is the property of the county.

5. If a person who would have been entitled to receive reconveyance of the property pursuant to NRS 361.585 makes a claim in writing for the excess proceeds within 1 year after the deed is recorded, the county treasurer shall pay the claim or the proper portion of the claim over to the person if the county treasurer is satisfied that the person is entitled to it.

6. A claim for excess proceeds must be paid out in the following order of priority to:
   (a) The persons specified in paragraphs (b), (c), (d), (g) and (h) of subsection 4 of NRS 361.585 in the order of priority of the recorded liens; and
   (b) Any person specified in paragraphs (a), (e) and (f) of subsection 4 of NRS 361.585.

7. The county treasurer shall approve or deny a claim within 30 days after the period described in subsection 4 for filing a claim has expired. Any records or other documents concerning a claim shall be deemed the working papers of the county treasurer and are confidential. If more than one person files a claim, and the county treasurer is not able to determine who is entitled to the excess proceeds, the matter must be submitted to mediation.

8. If the mediation is not successful, the county treasurer shall:
   (a) Conduct a hearing to determine who is entitled to the excess proceeds; or
   (b) File an action for interpleader.

9. A person who is aggrieved by a determination of the county treasurer pursuant to this section may, within 90 days after he receives notice of the determination, commence an action for judicial review of the determination in district court.
10. Any agreement to locate, deliver, recover or assist in the recovery of remaining excess proceeds of a sale which is entered into by a person who would have been entitled to receive reconveyance of the property pursuant to subsection 4 of NRS 361.585 must:

(a) Be in writing.
(b) Be signed by the person who would have been entitled to receive reconveyance.
(c) Not provide for a fee of more than 10 percent of the total remaining excess proceeds of the sale due that person.

11. In addition to authorizing a person pursuant to an agreement described in subsection 10 to file a claim and collect from the county treasurer any property owed to him, a person described in subsection 4 of NRS 361.585 may authorize a person pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property owed to him. The county is not liable for any losses resulting from the approval of the claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

NRS 361.615 Liability of county treasurer for failure to perform duties of trust. Every county treasurer and his successor in office, becoming a trustee under the provisions of this chapter, shall be liable upon his official bond for any misfeasance, malfeasance, failure or neglect to perform faithfully all the duties of his trust.

NRS 361.620 Payment of penalties, interest and costs into county general fund. The additional penalties, interest and costs provided for in this chapter must be paid into the county general fund for the use of the county.

Suits for Delinquent Taxes

NRS 361.625 Payment of delinquent taxes before sale and institution of suit; filing of tax receipt. At any time after June 1 and before the institution of suit, as provided in this chapter, and before the sale of the property, any delinquent taxpayer may pay to the ex officio tax receiver the taxes assessed against the delinquent, together with the penalties and costs provided by law, taking from the ex officio tax receiver a receipt for the amount paid. In cases where suit has been required, such receipt shall be filed with the district attorney of the county.

NRS 361.630 District attorney not to commence suit after service upon him of tax receiver’s receipt. After having been served by any person with the tax receipt of the ex officio tax receiver for the total amount of the taxes, penalties and costs due from such person or upon a piece of property, the district attorney shall not commence the suit authorized by this chapter against such person or property. If any person shall fail to serve the receipt, that person shall pay all costs that may result from his negligence.

NRS 361.635 Preparation and delivery of certified lists of delinquencies to district attorney; commencement of action.

1. Not later than the second Monday in June, the county treasurer:
   (a) May, and shall when directed by the board of county commissioners, prepare and deliver to the district attorney of the county a list certified by the county treasurer of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of $3,000 or more.
   (b) May prepare and deliver to the district attorney of the county, a list certified by the county treasurer of all accumulated delinquent taxes, exclusive of penalties and assessments of benefits of irrigation districts, of the sum of $1,000 or more but less than $3,000.

2. If the delinquent taxes specified in the certified list, and penalties, interest and costs, are not paid to the county treasurer as ex officio tax receiver within 20 days after the date of delivery of the certified list to the district attorney, the district attorney may, and shall when directed by the board of county commissioners, immediately commence an action for the collection of the delinquent taxes, penalties, interest and costs.

3. The remedy prescribed by this section is in addition to any other remedies provided by law for the collection of delinquent taxes, penalties, interest and costs.

NRS 361.640 Additional bond of district attorney. Before receiving the delinquent list as provided in NRS 361.635, the district attorney shall enter into such additional bond as may be required by the board of county commissioners.

NRS 361.645 Evidentiary effect of list of delinquent taxes and certificate of purchase of tax lien. 1. The delinquent list or a copy thereof certified by the county treasurer showing unpaid taxes against any person or property is prima facie evidence in any court in an action commenced by the district attorney pursuant to the provisions of this chapter to prove:
(a) The assessment.
(b) The property assessed.
(c) The delinquency.
(d) The amount of taxes due and unpaid.
(e) That all the forms of law in relation to the assessment and levy of those taxes have been complied with.

2. A certificate of purchase of a tax lien issued pursuant to NRS 361.731 to 361.733, inclusive, or a copy thereof which is certified by the county treasurer and which indicates the sale of a tax lien to collect unpaid taxes on a parcel of real property is prima facie evidence in any court in an action commenced by the holder of the certificate of purchase to prove:
(a) The assessment.
(b) The property assessed.
(c) The delinquency.
(d) The amount of taxes, penalties, interest and costs due and unpaid.
(e) That all the forms of law in relation to the assessment and levy of those taxes and the sale of the tax lien have been complied with.


NRS 361.650  Parties; venue and jurisdiction.
1. Actions authorized by NRS 361.635 must be commenced in the name of the State of Nevada against the person or persons so delinquent, and against all owners, known or unknown.
2. An action authorized by NRS 361.733 must be commenced in the name of the holder of the certificate of purchase of the tax lien against the person or persons delinquent in the payment of the taxes on the parcel of real property which is the subject of the tax lien and against all owners, known or unknown, of that parcel.
3. Any action described in subsection 1 or 2 may be commenced in the county where the assessment is made, before any court in the county having jurisdiction of the amount thereof. The jurisdiction must be determined solely by the amount of delinquent taxes, exclusive of penalties and costs sued for, without regard to the location of the lands or other property as to townships, cities or districts, and without regard to the residence of the person or persons, or owner or owners, known or unknown.


NRS 361.655  Form of complaint by district attorney. The complaint in an action brought by the district attorney may be as follows in form:

IN THE (TITLE OF COURT)

State of Nevada } }
V. } COMPLAINT
A.B. & Co., and the real estate and } }
improvements in (describing them). } }

The State of Nevada, by C.D., district attorney of the county of ....................................., complains of A.B. and also the real estate and improvements (describing them with the same particularity as in actions of ejectment, or actions for the recovery of personal property), and for cause of action says that between July 1, of the year ......, and January 2, of the year ......, in the county of ..............., in the State of Nevada, E.F., then and there, being county assessor of the county, did duly assess and put down on an assessment roll all the real and personal property in the county subject to taxation, and that the assessment roll was afterward submitted to the county board of equalization of the county, and was by the board duly equalized as provided by law; that A.B. was then and there the owner of, and that there was duly assessed to him the above-described real estate, improvements upon real estate and certain personal property, and that upon such property there has been duly levied for the fiscal year ...... a state tax of ............ dollars, and a county tax of ............ dollars, amounting in the whole to ............ dollars, all of which is due and unpaid; of which amount ............ dollars was duly assessed and levied against the real estate, and ............ dollars against the improvements aforesaid, and ............ dollars against the personal property.

Wherefore, plaintiff prays judgment against A.B. for the sum of ............ dollars (the whole of the tax) and all penalties and costs, and a separate judgment against the real estate and improvements, for the sum of ............ dollars (the tax due on real estate, improvements, and personal property) and all penalties and costs, as provided by law, and for such other judgment as to justice belongs, and for all costs subsequent to the assessment of the taxes, and of this action.

.......................................................
C.D., District Attorney
County of..........................

NRS 361.660 Complaint and summons may contain more specific description of property than is contained in assessment roll.

1. In all suits brought by the district attorney for delinquent taxes, the district attorney is authorized and empowered to make, in the summons and complaint, additional and more certain description than that contained in the assessment roll of the real property assessed and upon which suit is brought for the taxes due thereon, as he may deem proper, whether the same is an estate in fee, possessory claims, or claim to or right of possession to any lands.

2. Where such additional description is made, evidence may be introduced to prove that the property described in the summons and complaint is the same property as that described in the assessment roll; but the complaint and summons shall aver such fact, and the judgment and execution and all proceedings thereafter shall follow the description given in the assessment roll and the additional description given in the summons and complaint.

[NRS 361.665 Issuance of summons. Upon a complaint being filed in a district court, a summons shall be issued as provided in other civil cases, except that it shall require the defendant and all owners of or claimants to any real estate or improvements described in the summons, known or unknown, to appear and answer the complaint filed in the court on a day certain, which day shall not be less than 30 days nor more than 40 days from the date of the summons.

[NRS 361.670 Service of summons on personal defendant and real estate and improvements. The summons so issued must be served by the sheriff, as follows:

1. As to the personal defendant, by delivering to and leaving with him a copy of the summons if he is found within the county. If the personal defendant cannot, after diligent search, be found within the county, service may be made upon that personal defendant by publishing a notice, substantially in the form described in NRS 361.680, if the action is brought by a district attorney, in a newspaper published in the county once each week for 3 successive weeks. If no newspaper is published in the county, or a newspaper is published in the county and, from any cause whatever, the proprietor, manager or chief clerk of that newspaper refuses to publish the notice, such facts to be shown by affidavit of the officer serving the summons, the notice prescribed by NRS 361.680 may be posted at the courthouse door of the county in which the suit is commenced for 21 days. No order of court is necessary for such publication or posting, but the sheriff shall publish or post the notice as provided in this section when the personal defendant cannot be found within the county, and shall return the manner of service on the summons.

2. As to real estate and improvements thereon, or improvements when assessed to a person other than the owner of the real estate, and as to all owners of or claimants to the same, known or unknown, service of the summons may be made by posting a copy of the summons in a public place on the estate, or improvements, when assessed separately, for 21 days, and also by publishing or posting a notice in the same manner and for the same time as required in cases where the personal defendant cannot be found in the county.

[NRS 361.675 Publication and posting to be completed 10 days before date set for appearance; return as conclusive evidence of service.

1. The last publication of the notice, and the last day of the 21 days which the copy of the summons is required to be posted, shall expire at least 10 days before the return day named in the summons.

2. No other or further service shall be required. The return of the officer, showing a service of the summons upon the defendant named, the real estate and improvements thereon, when assessed separately, and upon all owners of and claimants to the same, known or unknown, shall be conclusive evidence of the due service of the summons.

[NRS 361.680 Form of notice of action by district attorney. In an action brought by the district attorney, the notice required to be published or posted must be substantially in the following form and may include any number of cases in which the return day of the summons is the same:

State of Nevada                       }                         
County of........................................ }                         
                                   } DISTRICT ATTORNEY’S OFFICE
                                   }                         
NOTICE OF SUITS COMMENCED

To the following-named defendants, and to all owners of, or claimants to, the real estate and improvements, when assessed separately, hereinafter described, known or unknown.

You are hereby notified that suits have been commenced in (name of court where held) by the State of Nevada, plaintiff, against each of the defendants hereinafter named, and each of the following-described tracts or parcels of land with the improvements thereon, and improvements when separately assessed, and all owners of, or claimants to the same, known or unknown, to recover the tax and delinquency assessed to the defendant against the property, for the fiscal year commencing
and ending, and that a summons has been duly issued in each case; and you are further notified that unless you appear and answer to the complaint filed in such cause, on or before the day of the month of of the year, judgment will be taken against you and the real estate and improvements herein described, for the amount of tax and delinquency specified, and cost of suit.

Tax and delinquency: A.B. (describe real estate and improvements as in summons) $; E.F., personal property, assessed at $.

C.D., District Attorney
County of

NRS 361.685 Notices and affidavits: Filing with county recorder; evidentiary effect of copies; costs.
1. The district attorney or the holder of a certificate of purchase of a tax lien issued pursuant to NRS 361.731 to 361.733, inclusive, shall file in the office of the county recorder a copy of each notice published or posted, with the affidavit of the publisher or foreman in the office, setting forth the date of each publication of the notice in the newspaper in which the notice was published.
2. The officers shall file a copy of the notices posted, with an affidavit of the time and place of posting.
3. Copies so filed or certified copies thereof are prima facie evidence of all the facts contained in the notice or affidavit, in all courts in the State.
4. The publishers are entitled to not more than the legal rate for each case for publishing a notice, including the making of the affidavit.
5. The county recorder is entitled to 50 cents for filing each notice of publication, including the affidavit.
6. The sums allowed must be taxed and collected as other costs in the case from the defendant, and in no case may they be charged against or collected from the county or State.

NRS 361.690 Entry of default and final judgment on failure of defendant to appear.
1. If, on the return day named in the summons, the personal defendant fails to appear and answer the complaint, his default may be entered and final judgment entered by the clerk, as in other civil cases, for the amount of taxes with penalties and costs as provided by law.
2. If, upon the return day, no person appears and answers for the real estate and improvements thereon, or for the improvements when assessed separately, then the default of the real estate and improvements thereon, or of the improvements when assessed separately, and of all owners of or claimants to the same, known or unknown, may be entered and final judgment rendered as in other civil cases.

NRS 361.695 Answer of defendant. The defendant may answer by a verified pleading:
1. That the taxes, penalties, interest and costs have been paid before suit.
2. That the taxes, penalties, interest and costs have been paid since suit, or that the property is exempt from taxation under the provisions of this chapter.
3. Denying all claim, title or interest in the property assessed at the time of the assessment.
4. That the land is situate in, and has been assessed in, another county, and the taxes thereon paid.
5. Alleging fraud in the assessment, or that the assessment is out of proportion to and above the taxable value of the property assessed. If the defense is based upon the ground that the assessment is above the taxable value of the property, the defense is only valid as to the proportion of the tax based upon the excess of valuation, but in no such case may an entire assessment be declared void.
6. If the action is brought by the holder of a certificate of purchase of a tax lien issued pursuant to NRS 361.731 to 361.733, inclusive, that the defendant is the owner of a parcel of real property against which a tax lien was sold in a manner that did not comply with the provisions of NRS 361.731 to 361.733, inclusive.
7. If the action is brought by the holder of a certificate of purchase of a tax lien issued pursuant to NRS 361.731 to 361.733, inclusive, that the defendant has redeemed the tax lien pursuant to NRS 361.7326. The defendant shall file the certificate of redemption issued pursuant to NRS 361.7326 with his answer.

NRS 361.700 Judgments, liens and execution.
1. In case judgment is rendered for the defendant, it shall be general, without costs, and may be entered in favor of some one or more of them, and against others, as in other civil cases; but when defendants have no claim or title to the property at the time of assessment, judgment may, notwithstanding, be entered against the property by continuing the suit and summoning the owner, known or unknown, as provided in NRS 361.670.
2. In case judgment is rendered for the plaintiff, it may be entered against such defendant or defendants as are found liable for the tax, and for such portions as he or they may be found liable for.

3. Judgment may be entered against the real estate, improvements and personal property for the taxes, penalties and costs severally due thereon; and when it appears from the assessment roll, and is not disproved at the trial, that the real estate, improvements and personal property belonged to the same person or persons at the time the assessments were made, then the whole tax of such person or persons for that year may be recovered out of any such real estate, improvements or personal property, or out of any other property of the defendant or defendants, at the time of levy under execution; but upon such real estate and improvements assessed, a lien shall attach for the taxes and penalties due upon the personal property, and shall not be released from such lien until all taxes, penalties and costs are paid, as provided in NRS 361.450.

4. Such judgment shall be a lien as in other civil cases where judgments are rendered in the district court. Such lien shall not be extinguished until the delinquent tax, penalties and costs of suit and sale shall have been paid.

5. The clerk of the district court may issue execution upon judgments rendered in his court as in other civil cases.

6. Judgment may be rendered by default, for want of an answer, as in other civil cases.

7. In case any person shall be sued for taxes on any lands or improvements of which he was the owner, or in which he had a claim or interest at the time of the institution of suit, and shall be discharged from personal liability under an answer in conformity with subsection 3 of NRS 361.695, and such lands or improvements shall be sold under a judgment obtained against it, and shall thereafter be redeemed by such discharged defendant, or if he shall pay the taxes and costs to prevent a sale, then such personally discharged defendant shall have, and is hereby given, the right of recovery over against the owner at the time of the assessment, or any subsequent purchaser, for the full sum of all taxes, penalties and costs, or redemption money paid.

8. No court shall, in any action now or hereafter instituted under this chapter, award liquidated or other damages.

9. The receipt of the district attorney for taxes, penalties and costs, or of the ex officio tax receiver for the redemption money, shall be prima facie evidence of the debt and of its amount.

10. The tax receiver and all officers are empowered and directed to accept taxes due, exclusive of penalties, interest and taxes, if the property has not been sold by reason of such delinquency.

NRS 361.705 Deeds derived from sale of real property conclusive evidence of title; exceptions. Any deed derived from the sale of real property under this chapter shall be conclusive evidence of the title, except as against actual frauds or the payment of the taxes by a person not a party to the action or judgment in or upon which such sale was made, and shall entitle the holder thereof to possession of such property, which possession may be obtained by an action in a Justice Court for the unlawful withholding thereof in the same manner as where tenants hold over after the expiration of their lease.

NRS 361.710 Applicability of NRS, N.R.C.P. and N.R.A.P. to proceedings. The provisions of title 2 of NRS and the Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure, so far as the same are not inconsistent with the provisions of this chapter, are hereby made applicable to the proceedings under this chapter.

NRS 361.715 Fees of officers; taxing and apportionment of costs.

1. There shall be allowed to all officers, except district attorneys, the same fees as are allowed in other civil cases. All officers shall perform such services as may be required of them under this chapter without the payment of fees in advance.

2. All costs shall be taxed and entered in the judgment against the person and the real estate and the improvements, when the judgment is the same against all; but if the judgment against the person and the property is for different sums, then the costs may be apportioned by the court as the same may be deemed just.

3. No fees or costs shall be paid to any officer unless the same are collected from the defendant except when property sold for taxes is purchased by the county, in which case the county shall pay all fees and costs properly charged or taxed against such property, and the board of county commissioners shall allow the fees and costs provided for in this section, and direct the same to be paid out of the general fund of the county.

NRS 361.720 Duties of district attorney on collection of delinquent taxes.

1. The district attorney shall:
   (a) On the receipt of any money for taxes, enter the same on his delinquent list, opposite the description of the property;
   (b) On Monday in each week, after the time fixed in this chapter for the commencement of actions against delinquent taxpayers, pay to the county treasurer all money collected by him for taxes, taking a receipt for the amounts so paid; and
   (c) At the same time, file with the county auditor a list of all judgments obtained by him up to the date for taxes under the provisions of this chapter, stating therein:
      (1) The names of the defendants, if known, or if unknown, a description of the property.
      (2) The amount of each judgment.
      (3) The name of the court in which the judgment was obtained.

2. On the Friday next preceding the first Monday in September in each year, the district attorney shall:
(a) Pay to the county treasurer all money received by him from taxes and not previously paid over, taking a receipt therefor;
(b) File with the county auditor a list of all judgments obtained by him and not previously filed as provided in subsection 1; and
(c) Make out and file with the county auditor an affidavit stating that he has paid to the county treasurer all money collected by him for taxes prior to that date, and that the several lists filed by him, as directed in this section, contain all judgments obtained by him under the provisions of this chapter.

[NRS 361.725] Return of list of delinquent taxes and statement of those remaining uncollected to county auditor; board of county commissioners may strike off uncollectible taxes.
1. On the first Monday of September and May in each fiscal year, the district attorney shall attend at the office of the county auditor with the delinquent list or lists, and the county auditor shall then carefully compare the same with the statements filed by the district attorney. If the same shall be found to be correct, the county auditor shall give to the district attorney a receipt specifying the same.
2. The district attorney shall at the same time deliver to the county auditor a written statement of all delinquent taxes upon the delinquent list or lists remaining uncollected, or for which suit has not been brought, with his reason in detail for not being able to collect the same, or for not bringing suit.
3. The county auditor shall immediately file the delinquent list or lists and statement with the clerk of the board of county commissioners, and the board of county commissioners shall revise the same by striking off such taxes as cannot be collected. The delinquent list or lists shall then be returned to the county auditor, who shall note the changes made, and shall then return the same to the district attorney, taking his receipt therefor.
4. The county auditor shall, in his report to the State Controller, state the amounts stricken off the delinquent list or lists by the board of county commissioners.

[NRS 361.730] Penalties for district attorney failing or refusing to pay over tax money. If any district attorney shall fail or refuse to pay any money collected by him for taxes to the county treasurer as provided in this chapter, he shall:
1. Forfeit his office and shall be removed forthwith therefrom; and
2. Be guilty of a gross misdemeanor.

[Sales of Tax Liens]

[NRS 361.731] “Tax lien” defined. As used in NRS 361.731 to 361.733, inclusive, unless the context otherwise requires, “tax lien” means a perpetual lien which remains against a parcel of real property until the taxes assessed against that parcel and any penalties, interest and costs which may accrue thereon are paid.

(Added to NRS by 2005, 508)

[NRS 361.7312] Authority of county to sell tax lien; prohibited purchasers.
1. Except as otherwise provided in this section, a county may, in lieu of the remedies for the collection of delinquent taxes set forth in NRS 361.5648 to 361.730, inclusive, sell a tax lien against a parcel of real property upon which the taxes are delinquent pursuant to the provisions of NRS 361.731 to 361.733, inclusive.
2. Except as otherwise provided in this section, a county may sell a tax lien to any purchaser. A county may not sell a tax lien to a government, governmental agency or political subdivision of a government, or to any insurer other than an insurer that:
(a) Is entitled to receive the credit set forth in NRS 680B.050 because it owns and substantially occupies and uses a building in this State as its home office or as a regional home office; or
(b) Issues in this State a policy of insurance for medical malpractice.
3. For the purposes of this section:
(a) “Insurer” has the meaning ascribed to it in NRS 679A.100.
(b) “Policy of insurance for medical malpractice” has the meaning ascribed to it in NRS 679B.144.

(Added to NRS by 2005, 509)

[NRS 361.7314] Adoption of procedure for sale and transfer of tax lien by county treasurer.
1. Before a county may offer for sale tax liens against parcels of real property located within the county, the board of county commissioners of that county must adopt by resolution a procedure for the sale and transfer of tax liens by the county treasurer.
2. The procedure must include, but is not limited to:
(a) The requirements for notice of the sale of the tax lien. The notice must include:
(1) The date, time and location of the sale; and
(2) An indication of all other tax liens against the property that have been previously sold.
(b) The manner in which:
   (1) A tax lien is selected for sale;
   (2) The price to purchase a tax lien is determined; and
   (3) The holder of a certificate of purchase issued pursuant to NRS 361.7318 may collect the delinquent taxes, interest, penalties and costs on the parcel of real property which is the subject of the tax lien.

(Added to NRS by 2005, 509)

NRS 361.7316  Sale of tax lien by county treasurer: Time and conditions of sale; scope of lien; method of payment; enforcement of unsold lien.
1. A county treasurer may sell a tax lien against a parcel of real property after the first Monday in June after the taxes on that parcel become delinquent if:
   (a) The parcel is on the secured roll;
   (b) The taxes on the parcel are delinquent pursuant to the provisions of NRS 361.483; and
   (c) The tax receiver has given notice of the delinquency pursuant to NRS 361.5648; and
   (d) The price for the tax lien established by the county treasurer is at least equal to the amount of the taxes which are delinquent for the parcel and any penalties, interest and costs which may accrue thereon.

2. The county treasurer may sell a tax lien separately or in combination with other tax liens in accordance with the procedure adopted by the board of county commissioners pursuant to NRS 361.7314.

3. Each tax lien must relate to the taxes assessed against the parcel for at least 1 year, and any penalties, interest and costs which may accrue thereon.

4. The county treasurer may sell a tax lien which relates to the taxes assessed against the parcel for any year of assessment and any penalties, interest and costs accrued thereon if those taxes are delinquent pursuant to the provisions of NRS 361.483.

5. If two or more parcels are assessed as a single parcel, one tax lien may be sold for that single parcel.

6. A tax lien must be purchased in cash or by certified check, money order or wire transfer of money.

7. If a tax lien offered for sale is not sold at the sale conducted by the county treasurer, the county may collect the delinquent taxes pursuant to the remedies for the collection of delinquent taxes set forth in NRS 361.5648 to 361.730, inclusive.

(Added to NRS by 2005, 509)

NRS 361.7318  Certificate of purchase: Issuance; rights of holder; contents; transfer; security interest.
1. The county treasurer shall issue a certificate of purchase to each purchaser of a tax lien.
2. The holder of a certificate of purchase is entitled to receive:
   (a) The amount of the taxes which are delinquent for the year those taxes are assessed against the parcel of real property which is the subject of the tax lien and any penalties, interest and costs imposed pursuant to the provisions of this chapter; and
   (b) Interest on the amount described in paragraph (a) which accrues at a rate established by the board of county commissioners. The interest must be calculated annually from the date on which the certificate of purchase is issued. The rate of interest established by the board may not be less than 10 percent per annum or more than 20 percent per annum.

3. Each certificate of purchase must include:
   (a) A description of the parcel of real property which is the subject of the tax lien;
   (b) The years the taxes which are delinquent were assessed on the parcel;
   (c) The amount the county treasurer received for the tax lien;
   (d) The amount of the delinquent taxes owed on the parcel and any penalties, interest and costs imposed pursuant to the provisions of this chapter; and
   (e) A statement that the amount indicated on the certificate pursuant to paragraph (d) bears interest at the rate established by the board of county commissioners, from the date on which the certificate of purchase is issued.

4. The holder of a certificate of purchase may transfer the certificate to another person by signing the certificate before a notary public. A certificate of purchase may not be transferred to a government, governmental agency or political subdivision of a government. The transferee must submit the certificate to the county treasurer for entry of the transfer in the record of sales of tax liens maintained by the county treasurer pursuant to NRS 361.7322.

5. Notwithstanding the provisions of NRS 104.9109, a security interest in a certificate of purchase may be created and perfected in the manner provided for general intangibles set forth in NRS 104.9101 to 104.9709, inclusive.

(Added to NRS by 2005, 510)

NRS 361.732  Issuance of duplicate certificate of purchase. If the holder of a certificate of purchase requests the county treasurer to issue a duplicate certificate, the holder must submit to the county treasurer a notarized affidavit which attests that the certificate was lost or destroyed. The county treasurer shall, upon receipt of the affidavit, issue to the holder an exact duplicate of the certificate of purchase.

(Added to NRS by 2005, 511)
NRS 361.7322 Preparation and maintenance of record of each tax lien sold. The county treasurer shall prepare and maintain a record of each tax lien he sells pursuant to the provisions of NRS 361.731 to 361.733, inclusive. The record must include:

1. The date of the sale of the tax lien;
2. A description of the parcel of real property which is the subject of the tax lien;
3. The year the taxes which are delinquent were assessed on the parcel;
4. The name of the owner of the parcel, if known;
5. The name and address of the original purchaser of the tax lien;
6. The amount of the delinquent taxes owed on the parcel and any penalties, interest and costs imposed pursuant to the provisions of this chapter on the date the county treasurer sells the tax lien;
7. The name and address of any person to whom the certificate of purchase is transferred and the date of the transfer;
8. The name of the person who redeems the tax lien, the date of that redemption and the amount paid to redeem the tax lien; and
9. The date of any judgment entered pursuant to NRS 361.700.

(Added to NRS by 2005, 510)

NRS 361.7324 Procedure when taxes on parcel again become delinquent during year after tax lien sold. 1. If a tax lien against a parcel of real property has been sold in the year immediately preceding the date that taxes on that parcel again become delinquent pursuant to NRS 361.483, the county treasurer shall:
   (a) Collect the delinquent taxes in the manner set forth in NRS 361.5648 to 361.730, inclusive;
   (b) Redeem the tax lien pursuant to NRS 361.7326; or
   (c) Cause written notice of the delinquency to be sent by certified mail to the holder of the certificate of purchase who is listed in the record maintained by the county treasurer pursuant to NRS 361.7322.

2. Within 90 days after receiving a notice from the county treasurer pursuant to paragraph (c) of subsection 1, the holder of the certificate of purchase may:
   (a) Purchase from the county treasurer a tax lien against the parcel for the current year of assessment pursuant to NRS 361.7318; or
   (b) Consent to the redemption of the tax lien pursuant to NRS 361.7326.

3. If the holder of the certificate of purchase consents to the redemption of the tax lien pursuant to NRS 361.7326, the county treasurer shall:
   (a) Redeem the tax lien pursuant to that section; or
   (b) Sell the tax lien to another person, who shall redeem any previous tax lien pursuant to NRS 361.7326.

(Added to NRS by 2005, 511)

NRS 361.7326 Redemption of tax lien after sale: Authorized persons; amount of required payment; issuance and contents of certificate of redemption; recording of information. 1. In addition to the persons authorized to redeem a tax lien pursuant to NRS 361.7324, any tax lien sold pursuant to the provisions of NRS 361.731 to 361.733, inclusive, may be redeemed by any of the following persons, as their interests in the parcel of real property which is the subject of the tax lien may appear of record:
   (a) The owner of the parcel of real property.
   (b) The beneficiary under a deed of trust.
   (c) The mortgagor under a mortgage.
   (d) The person to whom the property was assessed.
   (e) The person who holds a contract to purchase the property before its conveyance to the county treasurer.
   (f) The successor in interest of any person specified in this subsection.

2. A person who redeems a tax lien must pay to the county treasurer the amount stated on the certificate of purchase of the tax lien, including interest at the rate stated on the certificate and any fees paid by the holder of the certificate of purchase to the county treasurer.

3. If the person who redeems the tax lien has been served with a summons pursuant to NRS 361.670, he must pay the costs incurred by the holder of the certificate of purchase to commence the action.

4. The county treasurer shall issue a certificate of redemption to each person who redeems a tax lien pursuant to this section.

5. A certificate of redemption issued pursuant to subsection 4 must include:
   (a) A description of the parcel of real property which is the subject of the tax lien;
   (b) The date the tax lien is redeemed;
   (c) The name and address of the person who redeems the tax lien; and
   (d) The amount paid to redeem the tax lien.

6. The county treasurer shall record the information set forth in subsection 5 in the record he maintains pursuant to NRS 361.7322.

7. A certificate of redemption may be recorded in the office of the county recorder.

(Added to NRS by 2005, 511)
NRS 361.7328 Redemption of tax lien after sale: Notification and payment of holder of certificate of purchase.  
1. The county treasurer shall, within 10 days after a tax lien is redeemed pursuant to NRS 361.7326, mail a certified copy of the certificate of redemption to the holder of the certificate of purchase of the tax lien.  
2. The county treasurer shall pay to the holder of the certificate of purchase the amount indicated on the certificate pursuant to NRS 361.7318 at the time the holder presents the certificate for payment.  
(Added to NRS by 2005, 512)

NRS 361.7333 Commencement of action for collection by holder of certificate of purchase.  If a tax lien is not redeemed pursuant to NRS 361.7326 within the time allowed for the collection of the delinquent taxes set forth in NRS 361.5648 to 361.620, inclusive, the holder of the certificate of purchase may commence an action for the collection of the delinquent taxes, penalties, interest and costs.  
(Added to NRS by 2005, 512)

POSTPONEMENT OF PAYMENT OF TAX

NRS 361.736 Definitions.  As used in NRS 361.736 to 361.7398, inclusive, unless the context otherwise requires, the words and terms defined in NRS 361.7362 to 361.7372, inclusive, have the meanings ascribed to them in those sections.  
(Added to NRS by 2003, 1620)

NRS 361.7362 “Claim” defined.  “Claim” means a claim for the postponement of the payment of property tax filed pursuant to NRS 361.738.  
(Added to NRS by 2003, 1620)

NRS 361.7364 “Household” defined.  “Household” means a claimant and a spouse, parent, child or sibling, or any combination thereof.  
(Added to NRS by 2003, 1620)

NRS 361.7366 “Income” defined.  “Income” means adjusted gross income, as defined in the Internal Revenue Code, and includes:  
1. Tax-free interest;  
2. The untaxed portion of a pension or annuity;  
3. Railroad retirement benefits;  
4. Veterans’ pensions and compensation;  
5. Payments received pursuant to the federal Social Security Act, including supplemental security income, but excluding hospital and medical insurance benefits for the aged and disabled;  
6. Public welfare payments, including allowances for shelter;  
7. Unemployment insurance benefits;  
8. Payments for lost time;  
9. Payments received from disability insurance;  
10. Disability payments received pursuant to workers’ compensation insurance;  
11. Alimony;  
12. Support payments;  
13. Allowances received by dependents of servicemen;  
14. The amount of recognized capital gains and losses excluded from adjusted gross income;  
15. Life insurance proceeds in excess of $5,000;  
16. Bequests and inheritances; and  
17. Gifts of cash of more than $300 not between household members and such other kinds of cash received by a household as the Department specifies by regulation.  
(Added to NRS by 2003, 1620)

NRS 361.7368 “Occupied by the owner” defined.  “Occupied by the owner” means that a single-family residence and the appurtenant land are held for the exclusive use of an owner, or one or more of the owners, and not rented, leased or otherwise made available for exclusive occupancy by a person other than an owner or the owners.  
(Added to NRS by 2003, 1620)

NRS 361.737 “Property tax accrued” defined.  “Property tax accrued” means property taxes, excluding special assessments, delinquent taxes and interest, levied on a claimant’s single-family residence located in this state.  
(Added to NRS by 2003, 1621)

NRS 361.7372 “Single-family residence” defined.  “Single-family residence” includes:  
1. A single dwelling unit and all land appurtenant thereto.  
2. An individually owned residential unit that is an integral part of a larger complex and all land included in the assessed valuation of the individually owned unit.
NRS 361.7374  Powers and duties of Department.
1. The Department is responsible for the administration of the provisions of NRS 361.736 to 361.7398, inclusive.
2. The Department may:
   (a) Prescribe the content and form of claims and approve any form used by a county treasurer.
   (b) Designate the information required to be submitted for substantiation of claims.
   (c) Establish criteria for determining the circumstances under which a claim may be filed by one of two eligible persons.
   (d) Prescribe that a claimant’s ownership of his single-family residence must be shown of record.
   (e) Verify and audit any claims, statements or other records made pursuant to the provisions of NRS 361.736 to 361.7398, inclusive.
   (f) Adopt regulations to ensure the confidentiality of information provided by claimants.
   (g) Adopt such other regulations as may be required to carry out the provisions of NRS 361.736 to 361.7398, inclusive.

NRS 361.7376  Eligibility to file claim for postponement; maximum amount that may be postponed.
1. The owner of a single-family residence may file a claim to postpone the payment of all or any part of the property tax accrued against his residence if:
   (a) The residence is placed upon the secured or unsecured tax roll and has an assessed value of not more than $175,000;
   (b) He or any other owner of the residence does not own any other real property in this state that has an assessed value of more than $30,000;
   (c) The residence has been occupied by the owner for at least 6 months;
   (d) The owner is not the subject of any proceeding for bankruptcy;
   (e) The owner owes no delinquent property taxes on the residence for a year other than the year in which the application is submitted;
   (f) The owner has suffered severe economic hardship that was caused by circumstances beyond his control, including, without limitation, an illness or a disability that is expected to last for a continuous period of at least 12 months; and
   (g) The total annual income of the members of the owner’s household is at or below the federally designated level signifying poverty.
2. The amount of property tax that may be postponed pursuant to the provisions of NRS 361.736 to 361.7398, inclusive, may not exceed the amount of property tax that will accrue against the single-family residence in the succeeding 3 fiscal years.

NRS 361.7378  Determination of claimant for household. If two or more members of a household are eligible to file a claim pursuant to NRS 361.738, the members may determine between themselves who will be the claimant. If they are unable to agree, the matter must be referred to the Nevada Tax Commission and its decision is final. Only one claim may be filed for any household.

NRS 361.738  Filing, form, contents and execution of claims; availability of forms.
1. A claim must be filed with the county treasurer of the county in which the claimant’s single-family residence is located.
2. The claim must be made under oath and filed in such form and content, and be accompanied by such information, as the Department may prescribe to determine the eligibility of the claimant to file the claim.
3. The claim must be signed by:
   (a) The owner or owners of the property;
   (b) Any person of lawful age, authorized by an executed power of attorney to sign an application on behalf of any person described in paragraph (a); or
   (c) The guardian or conservator of any person described in paragraph (a) or the executor or administrator of such a person’s estate.
4. The Department or county treasurer shall provide the appropriate form for filing such a claim to each claimant.

NRS 361.7382  Action by county treasurer on claims; review of decisions on claims.
1. A county treasurer shall, within 30 days after receiving a claim pursuant to NRS 361.738, determine:
   (a) Whether the claimant is eligible to postpone the payment of the property taxes accrued against his single-family residence;
   (b) The amount of property tax, if any, that will be postponed; and
   (c) The period for which the property tax will be postponed.
2. The county treasurer shall notify the claimant of his decision by first-class mail.
3. Any claimant aggrieved by a decision of the county treasurer may submit a written petition for a review of that decision to the Nevada Tax Commission within 30 days after the claimant receives notice of the decision.
4. Any claimant aggrieved by a decision of the Nevada Tax Commission is entitled to judicial review.

(Added to NRS by 2003, 1622)

NRS 361.7384 Confidentiality of information contained in claims. Except as otherwise provided by specific statute, no person may publish, disclose or use any personal or confidential information contained in a claim except for purposes connected with the administration of the provisions of NRS 361.736 to 361.7398, inclusive.

(Added to NRS by 2003, 1623)

NRS 361.7386 Issuance, contents and recording of certificates of eligibility.
1. If a claim is approved, the county treasurer of the county in which the single-family residence is located shall issue to the claimant a certificate of eligibility. The certificate must be in a form prescribed by the Department and include:
   (a) The name of the claimant;
   (b) A legal description of the single-family residence for which the claimant filed the claim;
   (c) The amount of the property tax accrued against the single-family residence that will be postponed;
   (d) The period for which the property tax will be postponed; and
   (e) Such other information as the Department may require.
2. The county treasurer shall cause to be recorded with the county recorder of the county in which the single-family residence is located a copy of the certificate of eligibility issued pursuant to subsection 1 within 10 days after the claim is approved. The postponement of the payment of the taxes becomes effective on the date on which the certificate is filed with the county recorder.

(Added to NRS by 2003, 1622)

NRS 361.7388 Accrual of interest on amounts postponed. Interest accrues on the amount of property tax postponed pursuant to NRS 361.736 to 361.7398, inclusive, at the rate of 6 percent of the total amount postponed as of the date the postponed taxes are paid or become due and payable. Except as otherwise provided in subsection 9 of NRS 361.483, no other penalties or interest accrue during the period of postponement.

(Added to NRS by 2003, 1622)

NRS 361.739 Attachment of liens for postponed amounts; collection of postponed amounts.
1. Any property tax postponed pursuant to NRS 361.736 to 361.7398, inclusive, is a perpetual lien against the single-family residence on which it accrued until the tax and any penalties and interest which may accrue thereon are paid.
2. The lien attaches from the date on which a certificate of eligibility is recorded with the county recorder of the county in which the single-family residence is located pursuant to NRS 361.7386.
3. The property tax postponed must be collected in the manner provided in this chapter for all taxable property in this state upon becoming due and payable pursuant to NRS 361.736 to 361.7398, inclusive.

(Added to NRS by 2003, 1622)

NRS 361.7392 Submission of request for statement of amount postponed; preparation and provision of statement.
A claimant who has postponed the payment of property tax pursuant to NRS 361.736 to 361.7398, inclusive, may submit to the county treasurer of the county in which the single-family residence is located a request for a statement of the total amount postponed as of the date of the request and the interest accrued thereon. Upon the receipt of such a request, the county treasurer shall prepare such a statement and provide the claimant with a copy of the statement.

(Added to NRS by 2003, 1622)

NRS 361.7394 Time when postponed amounts become due; payments authorized before amounts become due.
1. Except as otherwise provided in NRS 361.7396, the payment of property tax postponed pursuant to NRS 361.736 to 361.7398, inclusive, becomes due and payable:
   (a) If the single-family residence ceases to be occupied by the claimant, or the claimant sells or otherwise disposes of his possessory interest in the residence;
   (b) If the claimant allows any property tax that has not been postponed on the single-family residence to become delinquent during the period of postponement;
   (c) When the period for which the property tax will be postponed expires, as indicated in the claimant’s certificate of eligibility; or
   (d) If the claimant dies. If a surviving spouse or other member of the household is eligible to file a claim to postpone the payment of property tax accrued on the single-family residence continues to occupy the residence, the amounts postponed are not due unless that member of the household dies or ceases to occupy the residence.
2. Payments on the amount of property tax postponed may be made before they become due and payable.

(Added to NRS by 2003, 1623)

NRS 361.7396 Denial or revocation of claims; penalty and assessment upon revocation. A county treasurer shall deny any claim to which a claimant is not entitled. A county treasurer may deny any claim which he finds to have been filed
with fraudulent intent. If any such claim has been approved and is afterward revoked, the amount of the property tax that was postponed together with a 10 percent penalty becomes due and payable. If the tax and penalty are not paid, the amount must be assessed against any real or personal property owned by the claimant.

(Added to NRS by 2003, 1623)

NRS 361.7398 Criminal penalty. Any person who willfully makes a materially false statement or uses any other fraudulent device to secure for himself or any other person the postponed payment of property tax pursuant to the provisions of NRS 361.736 to 361.7398, inclusive, is guilty of a gross misdemeanor.  

(Added to NRS by 2003, 1623)

**DISTRIBUTION AND APPORTIONMENT**

NRS 361.745 Quarterly remittances from county treasurer to State Controller; payments upon order of State Controller.

1. On the third Mondays of July, October, January and April of each year, each county treasurer shall deposit with the State Controller all money which has come into his hands as county treasurer for the use and benefit of the State.

2. Each county treasurer shall hold himself in readiness to settle and pay all money in his hands belonging to the State at all other times whenever required to do so by order signed by the State Controller, who is authorized to draw such an order whenever he deems it necessary.


NRS 361.755 Apportionment of taxes by county treasurers.

1. At least once each quarter and at such intervals as may be required by the board of county commissioners, the county treasurer shall apportion all the money that he has received as ex officio tax receiver since the last apportionment into several funds, as provided by law, and make out a statement of the apportionment under oath and transmit the statement to the county auditor and to the governing body of each local government entitled to receive an apportionment of the taxes collected. The county auditor shall file his copy of the statement in his office.

2. A local government that receives an apportionment from the county treasurer may not submit a claim for interest earned in a prior fiscal year on the money apportioned, unless the claim is based solely upon an error in the calculation of the money apportioned in that prior fiscal year.


**CORRECTIONS, CANCELLATIONS AND MISCELLANEOUS PROVISIONS**

NRS 361.765 Correction of clerical and typographical errors on tax rolls.

1. If a clerical or typographical error or errors appear upon the real or personal property tax roll of any county which have not been corrected by any officer or board vested by law with the duty of correcting such errors, the county assessor of the county upon whose tax roll such errors appear shall make a report thereof to the board of county commissioners of the county.

2. The board of county commissioners shall thereupon examine the error or errors so reported, together with such evidence as may be presented in connection therewith, and, if satisfied that the errors or any of them are purely clerical or typographical shall:

   (a) By an order entered in the minutes of the board authorize and direct the county treasurer to correct the error or errors so reported so as to conform to the true assessment; and

   (b) Deliver a copy of the order to the county treasurer, who shall thereupon make the corrections and change the tax roll or rolls in conformity therewith.

3. If it appears that corrections of mathematical or typographical errors on the tax roll are necessary, the county assessor may, with the concurrence of the county treasurer, make corrections in the assessed valuation of any property within the county. When such corrections are made, the county treasurer shall make such adjustments as are necessary to the tax rolls for fiscal years within 3 years after the fiscal year for which the corrections were made. The adjustment may be a full refund or a credit against taxes due which may be allocated over a period no longer than 3 years.

4. At the end of each fiscal year the county treasurer shall report to the board of county commissioners all corrections made under subsection 3 during such fiscal year. The board of county commissioners shall approve or disapprove each correction reported. The county treasurer shall make any adjustments to the tax rolls made necessary by the disapproval by the board of county commissioners of any corrections made.

[1:70:1949; 1943 NCL § 1930.01]—(NRS A 1969, 629; 1997, 1580)

NRS 361.767 Assessment of personal property that was not assessed or was underassessed.

1. If the county assessor determines that certain personal property was not assessed, he may assess the property based upon its taxable value in the year in which it was not assessed.

2. If the county assessor determines that certain personal property was underassessed because it was incorrectly reported by the owner, the assessor may assess the property based upon its taxable value in the year in which it was underassessed. He
may then send an additional tax bill for an amount which represents the difference between the reported value and the taxable value for each year.

3. The assessments provided for in subsections 1 and 2 may be made at any time within 3 years after the end of the fiscal year in which the taxes would have been due. The tax bill must specify the fiscal year for which the tax is due and the applicable rate and whether it is for property which was not assessed or for property which was underassessed.

4. If property is not assessed or is underassessed because the owner submitted an incorrect written statement or failed to submit a written statement required pursuant to subsection 1 of NRS 361.265, there must be added to the taxes due a penalty in the amount of 20 percent of the tax for each year the property was not assessed or was underassessed. The county assessor may waive this penalty if he finds extenuating circumstances sufficient to justify the waiver.

(Added to NRS by 1987, 530; A 1999, 2774)

NRS 361.768 Correction of overassessment of real or personal property because of factual error; adjustment for partial or complete destruction of real property improvement or personal property.

1. If an overassessment of real or personal property appears upon the secured tax roll of any county because of a factual error concerning its existence, size, quantity, age, use or zoning or legal or physical restrictions on its use within 3 years after the end of the fiscal year for which the assessment was made, the county assessor shall make a report thereof to the board of county commissioners of the county.

2. The board of county commissioners shall examine the error so reported, together with any evidence presented and, if satisfied that the error is factual, shall:
   (a) By an order entered in the minutes of the board, direct the county treasurer to correct the error; and
   (b) Deliver a copy of the order to the county treasurer, who shall make the necessary adjustments to the tax bill and correct the secured tax roll. The adjustment may be a full refund or a credit against taxes due which may be allocated over a period no longer than 3 years.

3. Partial or complete destruction of a real property improvement or of personal property may be adjusted pro rata if the destruction occurred on or after the lien date and the property was rendered unusable or uninhabitable for a period of not less than 90 consecutive days. The adjustments may be made in the form of a credit on taxes due or a refund if taxes have been paid for the period. The county assessor shall notify the county treasurer of each adjustment. The county assessor shall report recommended adjustments to the board of county commissioners no later than June 30 of each fiscal year.

(Added to NRS by 1987, 530; A 1989, 1822; 1991, 2100; 1993, 97; 1997, 1581; 2003, 2772)

NRS 361.769 Assessment of real property not on secured roll: Time; notice.

1. The county assessor of any county in which real property is located which is not on the secured roll shall assess the property and petition the appropriate board of equalization to place the property on the secured roll for the next tax year. The taxes for the current year and any prior year must be calculated and collected in the same manner as if the property had been assessed in those years and placed on the secured roll.

2. The assessment may be made at any time within 3 years after the end of the fiscal year in which the taxes would have been due.

3. The petition must be made to the:
   (a) County board of equalization if the assessment is made on or after July 1 but before February 1; or
   (b) State board of equalization if the assessment is made on or after February 1, but before July 1.

4. The county assessor shall give notice of the assessment by certified letter to the owner of the property on or before the date on which the petition is filed pursuant to subsection 1. The notice must include:
   (a) A description of the property;
   (b) The years for which the taxes were not paid;
   (c) The assessed valuation of the property for each of the years stated in paragraph (b); and
   (d) A statement informing the property owner of his right to appeal the assessed valuation at a hearing of the appropriate board of equalization.

(Added to NRS by 1987, 531; A 1989, 1822)

NRS 361.770 Assessment of newly constructed real property as personal property when not assessed for current tax year.

1. If newly constructed real property is not assessed on the secured assessment roll for the current tax year and the roll has been closed pursuant to NRS 361.310, the county assessor of any county wherein the property is located shall assess the property as personal property and give his receipt for the taxes paid thereon in the amount received by him. If the amount of the taxes exceeds $100, they may be paid in installments as provided in NRS 361.483 for property assessed upon the real property tax roll.

2. An assessment may be made at any time between July 1 and December 15. The receipt issued by the county assessor must specify the description of the property, together with the year for which the tax is paid.

3. Any taxes for property assessed pursuant to this section which become delinquent must be treated in the same manner as if the property had been placed on the secured roll.
4. The receipt issued by the county assessor is conclusive evidence for the payment of all taxes against the property described for the year named on the receipt and is a complete defense to any action for taxes which may be brought for the period covered by the receipt.


NRS 361.773 Correction of tax rolls to indicate that certain single-family residences are eligible for partial abatement from taxation.

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

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

(Added to NRS by 2005, 1744)

NRS 361.777 Priority of partial abatements and partial exemptions from taxation. Any partial abatements and partial exemptions to which a person may be entitled from the taxes imposed pursuant to this chapter must be applied in the following order of priority:

1. Any partial abatement to which the person is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724.

2. Any partial exemptions to which the person is entitled.

3. Any partial abatements to which the person is entitled other than a partial abatement described in subsection 1.

(Added to NRS by 2005, 1745; A 2007, 3384)

NRS 361.780 Procedure for issuance of deeds when property sold for delinquent taxes: Conditions.

1. Whenever real property has been sold to pay for delinquent taxes, and no deed to such property appears of record, whether the purchaser shall have been an individual or the county treasurer as trustee for the state and county, upon application to the board of county commissioners the board may make its order addressed to the proper county officer requiring such officer to make his deed for such property to the purchaser.

2. The applicant for such deed shall address his application to the board of county commissioners in writing, and shall state with particularity the need for the deed applied for. The deed, when issued, shall be in the name of the original purchaser, and shall state the circumstances of its issuance, and shall be recorded at the expense of the applicant.

3. The deed when recorded shall have the same effect as it would have if issued and recorded at the time the property described therein was sold to pay delinquent taxes.


NRS 361.790 Payment of taxes on parcel of real property that is part of larger parcel upon which taxes are delinquent: Procedure; receipt.

1. Whenever a person has acquired a legal, equitable, security or vendee’s interest in a parcel of real property, which is a part of a larger parcel upon which there are delinquent taxes, and the person offers to tender to the county treasurer, in the county where the real estate is assessed, his prorated share of the tax on the larger parcel, covering the parcel in which he has acquired an interest, then the county treasurer shall make a report of the offer to the board of county commissioners of the county.

2. The board of county commissioners shall then examine the report of the county treasurer, and request a report from the county assessor as to the relative values of each parcel together with such other evidence as may be presented in connection therewith. If, after reviewing the report and evidence, the board of county commissioners is satisfied that the person offering to tender payment of the taxes due has a legal or beneficial interest in the smaller parcel only, it shall:

   (a) Determine what proportion of the assessment and tax on the entire parcel affected are attributable to the smaller parcel.

   (b) Enter an order in the minutes of the board, directing:

      (1) Each officer who has custody of the tax or assessment roll for the year for which the offer to tender has been made and for each subsequent year to divide and prorate the assessment and tax accordingly.

      (2) The county treasurer to accept the prorated tax when tendered and apply it to the proper parcel. If the smaller parcel has, at any time prior thereto, been conveyed to the county treasurer pursuant to NRS 361.585, the board shall enter a further order directing the county treasurer to issue and deliver a deed conveying the property to the person who has tendered the tax upon payment to the county treasurer of the cost, penalties and interest chargeable against the prorated tax for each fiscal period for which the tax remains unpaid, until the time of conveyance.

      (3) The county assessor to assess each parcel separately thereafter.

   (c) Direct the clerk of the board to mail a copy of the order to the person offering to tender payment.

124
3. If the board of county commissioners issues the orders pursuant to subsection 2, the county treasurer shall issue a receipt to the person when he tenders payment of taxes. The receipt is conclusive evidence for the payment of all taxes assessed against the particular parcel for which the payment of tax is tendered, and is a complete defense to any action for taxes due on the parcel which may be brought for the period covered by the receipt.

4. Each county assessor receiving a request for a report as provided for in subsection 2 shall submit the report to the board of county commissioners within 30 days after receipt of the request.

(Added to NRS by 1967, 1208; A 1969, 198, 936; 1987, 817; 1989, 1823; 2005, 2662)

NRS 361.797 Allowance for taxes on property admitted to state program for preservation of railroad lines on which service has been discontinued.

1. As used in this section:
   (a) “Program” means the state program established by NRS 705.425 for the physical preservation, in place, of property of certain lines of railroad while service on such lines is discontinued.
   (b) “Property” means the trackage and other operating rail properties of a line of railroad.
   (c) “Taxes accrued” means the taxes (exclusive of special assessments, delinquent taxes and interest) levied on the property of a line of railroad which are due and payable during July, immediately succeeding the date on which the owner of the property files a claim for an allowance under this section.

2. The owner of property which is placed upon the tax roll and has been admitted to the program by the Department of Transportation is entitled to an allowance equal to the taxes accrued against such property.

3. A claim for an allowance under the program may be filed with the assessor of the county in which the claimant’s property is located between January 15 and April 30, inclusive. The claim must be made under oath or affirmation and filed in such form and content and accompanied by such proof as the Department may prescribe. The county assessor shall furnish the appropriate form to each claimant.

4. The county assessor shall, within 10 days after receiving a claim, determine the assessed valuation of the property to which the claim applies and submit the claim to the Department. The Department shall examine the claim and may obtain from the Department of Transportation any information necessary to verify whether the line of railroad which is the subject of the claim has been admitted to the program, and if so, the date of admission and the identification of the owner of the line.

5. The Department shall grant or deny each claim and shall notify both the claimant and the county assessor of its decision not later than June 30.

6. If the claim is granted, the county assessor immediately shall notify the auditor and ex officio tax receiver of the county, who shall make such adjustments with respect to the tax roll and the claimant’s tax bill as are necessary to carry into effect the allowance granted to the claimant.

7. The ex officio tax receiver of the county shall send to the Department a statement showing the allowances granted pursuant to this section. Upon verification and audit of the allowances, the Department shall authorize reimbursement to the county by the State from money appropriated for that purpose.

8. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

9. Any person who willfully makes a materially false statement on a claim filed under this section or produces false proof, and as a result of such false statement or false proof an allowance is granted to a person not entitled to the allowance, is guilty of a gross misdemeanor.

(Added to NRS by 1979, 563)

ALLODIAL TITLE

NRS 361.900 Application for establishment; calculation of payment required; issuance of certificate; agreement for installment payments.

1. A person who owns and occupies a single-family dwelling, its appurtenances and the land on which it is located, free and clear of all encumbrances, except any unpaid assessment for a public improvement, may, not later than June 13, 2005, apply to the county assessor to establish alodial title to the dwelling, its appurtenances and the land on which it is located.

One or more persons who own such a home in any form of joint ownership may, not later than June 13, 2005, apply for the alodial title jointly if the dwelling is occupied by each person included in the application. The application must be made on a form prescribed by the State Treasurer. The county assessor may require that the application be accompanied by a nonrefundable processing fee of not more than $25. If collected, the fee must be deposited in the county general fund and used to pay any expenses incurred by the county in carrying out the provisions of NRS 361.900 to 361.920, inclusive.

2. Upon receipt of an application made pursuant to subsection 1, the county assessor shall transmit the application to the State Treasurer. The county assessor shall transmit with the application any additional information required by the State Treasurer.

3. Upon receipt of an application from a county assessor, the State Treasurer shall determine the amount of money that would be required to be paid by the owner of the property to establish alodial title to the property using a tax rate of $5 for each $100 of assessed valuation on the date of the application. The amount must be separately calculated to produce an alternative for payment in a lump sum and an alternative for the payment of installments over a payment period of not more than 10 years. The amounts must be calculated to the best ability of the State Treasurer so that the money paid plus the interest or other income earned on that money will be adequate to pay all future tax liability of the property for a period equal
to the life expectancy of the youngest titleholder of the property. The State Treasurer shall make a written record of the calculations upon which the amount was determined. The record must include an annual projection of the estimated interest and income that will be earned on the money.

4. Upon completion of the calculations required by subsection 3, the State Treasurer shall notify the requester of the two amounts.

5. If the homeowner pays the lump sum indicated by the State Treasurer pursuant to subsection 4 and submits proof satisfactory to the State Treasurer that the home is a single-family dwelling occupied by the homeowner and that the home, its appurtenances and the land on which it is located are owned free and clear of all encumbrances, except any unpaid assessment for a public improvement, the State Treasurer shall issue a certificate of allodial title to the homeowner for the home, its appurtenances and the land on which it is located that is described in the deed for that property.

6. If the homeowner notifies the State Treasurer that the homeowner wishes to enter into an agreement with the State of Nevada to establish allodial title to his residence by installments, the State Treasurer shall execute such an agreement on behalf of the State of Nevada. The agreement must include a provision for rescission of the agreement by the homeowner at any time before the last payment is made and a guarantee, upon such a rescission, of a refund of the unused portion of the installment payments. The unused portion of the installment payments must be calculated by:

(a) Determining the total amount of all installment payments made before the date of the rescission plus the income and interest actually accrued on that money; and

(b) Subtracting from the amount determined pursuant to paragraph (a) a pro rata share of any expenses incurred by the State Treasurer that are directly and indirectly related to the investment of the money in the Allodial Title Trust Fund and any costs directly and indirectly related to the administration of the allodial title program during the period for which the installment payments were made.

7. The homeowner shall pay the installments directly to the State Treasurer and shall continue to pay the current property taxes directly to the county during the period for which the installment payments are made.

8. Upon receipt of the last installment payment, which must reflect any increase or decrease in the assessed valuation of the property since the date of the application, and submission of proof satisfactory to the State Treasurer that the home is a single-family dwelling occupied by the homeowner and that the home, its appurtenances and the land on which it is located are owned free and clear of all encumbrances, except any unpaid assessment for a public improvement, the State Treasurer shall issue a certificate of allodial title to the homeowner for the home, its appurtenances and the land on which it is located that is described in the deed for that property.

(Added to NRS by 1997, 3407; A 2005, 1484)

**NRS 361.905 Duties of State Treasurer and county assessor upon issuance of certificate; payment of taxes; deficiencies.**

1. Immediately upon the issuance of a certificate of allodial title, the State Treasurer shall transmit a copy of the certificate to the county assessor of the county in which the property is located.

2. Upon receipt of such a certificate, the county assessor shall make a notation on the tax roll and collect no further taxes from the allodial titleholder for the property, unless the allodial title is relinquished by the homeowner or his heirs.

3. The county assessor shall, in lieu of all requirements concerning notification of a taxpayer for the amount due pursuant to this chapter, notify the State Treasurer of the annual taxes due based on the date of the certificate of allodial title. The State Treasurer shall pay the amounts due for taxes pursuant to this chapter, as those amounts become due, from the Trust Fund for Allodial Title.

4. If, at the time a payment becomes due, the account for the property upon which the taxes are due does not contain an amount sufficient to make the payment, the State Treasurer shall make up the deficiency with money from the Allodial Title Account for Stabilization. If the money in the Allodial Title Account for Stabilization is not sufficient to make up the deficiency, the State Treasurer shall use all money available in the account for the property and the Allodial Title Account for Stabilization, if any, to make a partial payment of the amount due. If no money is available in either account, the State Treasurer shall notify the county treasurer. Any deficiency in tax proceeds resulting from the partial or nonpayment of taxes pursuant to this section must be borne by each of the entities that would have received the proceeds, including the State, in the same proportion as the tax rate of the entity bears to the total tax rate for the property.

(Added to NRS by 1997, 3408)

**NRS 361.910 Duration of validity.** Alodial title established pursuant to **NRS 361.900** is valid for as long as the homeowner continues to own the residence unless he relinquishes the alodial title pursuant to **NRS 361.915**.

(Added to NRS by 1997, 3409; A 2005, 1486)

**NRS 361.915 Relinquishment.**

1. A homeowner or heir who has inherited the property may relinquish the alodial title to the home at any time and shall relinquish such title:

(a) Upon the sale, lease or other transfer of the property during the lifetime of the last surviving alodial titleholder of the property;

(b) Within 150 days after the date on which the last surviving alodial titleholder no longer occupies the dwelling; or

(c) At the time the home is converted to anything other than a single-family dwelling occupied by the owner.
2. If the last surviving allodial titleholder, all allodial titleholders of the residence or all heirs are required by subsection 1 or choose to relinquish the allodial title, the State Treasurer must be notified in a written document that is signed by each allodial titleholder or heir and notarized.

3. Upon receipt of a notice to relinquish allodial title, the State Treasurer shall prepare a refund of the unused portion of the money in the Allodial Title Trust Fund that is attributable to the title being relinquished, if any. The unused portion must be calculated by:
   (a) Determining the total amount paid by the allodial titleholder into the Allodial Title Trust Fund plus the income and interest actually accrued on that money; and
   (b) Subtracting from the amount determined pursuant to paragraph (a):
       (1) The amount which was paid out for taxes from the Allodial Title Trust Fund on behalf of the property during the period for which the allodial title was held;
       (2) A pro rata share of any expenses incurred by the State Treasurer that are directly and indirectly related to the investment of the money in the Allodial Title Trust Fund and any costs directly and indirectly related to the administration of the allodial title program during the period for which the allodial title was held; and
       (3) Any money removed from the account for the property pursuant to subsection 3 of NRS 361.920.

4. Immediately upon the acceptance of a notice to relinquish allodial title, the State Treasurer shall transmit a copy of the notice to the county assessor of the county in which the property is located. Upon receipt of such a notice, the county assessor shall make a notation on the tax roll and proceed to collect all future taxes directly from the homeowner.

5. Allodial title may not be relinquished by less than all of the allodial titleholders or heirs of the residence.

(Added to NRS by 1997, 3411; A 2005, 1487)

NRS 361.920  Allodial Title Trust Fund; regulations of State Treasurer.
1. The Allodial Title Trust Fund is hereby created. The State Treasurer shall administer the Fund. The interest and income earned on the money in the Trust Fund must be credited to the Fund. The State Treasurer shall expend the money in the Trust Fund to make the payments of property tax on behalf of the residential properties for which allodial title has been established and not relinquished and for no other purposes except that not more than 2 percent of the money in the Fund may be used as necessary to pay expenses of the State Treasurer that are directly related to the cost to invest the money in the Fund and to administer the program. The State Treasurer shall not make any payment from the money in the Trust Fund more than 5 business days before the day on which the payment becomes due.

2. The State Treasurer shall invest the money in the Trust Fund in obligations which would be legal investments for the state pursuant to NRS 355.140.

3. The State Treasurer shall maintain a separate account in the Trust Fund for each allodial title and an Allodial Title Account for Stabilization. Any interest or other income earned on the money in an account that exceeds the projection of estimated interest and income made pursuant to subsection 3 of NRS 361.900 for the fiscal year must be transferred to the Allodial Title Account for Stabilization as soon as practicable after June 30 of that year.

4. The State Treasurer shall adopt such regulations as are necessary to carry out the provisions of NRS 361.900 to 361.920, inclusive, to ensure that the Allodial Title Trust Fund is efficiently and securely maintained.

(Added to NRS by 1997, 3412)

CHAPTER 361A - TAXES ON AGRICULTURAL REAL PROPERTY AND OPEN SPACE

GENERAL PROVISIONS

NRS 361A.010 Definitions. As used in this chapter, the terms defined in NRS 361A.020 to 361A.065, inclusive, have the meanings ascribed to them in those sections except where the context otherwise requires.

(Added to NRS by 1975, 1755; A 1977, 679; 1985, 515; 1987, 672; 1989, 1827; 2005, 2664)

NRS 361A.020 “Agricultural real property” defined.

1. “Agricultural real property” means:
   (a) Land devoted exclusively for at least 3 consecutive years immediately preceding the assessment date to agricultural use.
   (b) Land leased by the owner to another person for agricultural use and composed of any lot or parcel which:
       (1) Includes at least 7 acres of land devoted to accepted agricultural practices; or
       (2) Is contiguous to other agricultural real property owned by the lessee.
   (c) Land covered by a residence or necessary to support the residence if it is part of a qualified agricultural parcel.

2. The term does not include any land with respect to which the owner has granted and has outstanding any lease or option to buy the surface rights for other than agricultural use, except leases for the exploration of geothermal resources as
defined in NRS 361.027, mineral resources or other subsurface resources, or options to purchase such resources, if such exploration does not interfere with the agricultural use of the land.

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


NRS 361A.030 “Agricultural use” defined.

1. “Agricultural use” means the current employment of real property as a business venture for profit, which business produced a minimum gross income of $5,000 from agricultural pursuits during the immediately preceding calendar year by:
   (a) Raising, harvesting and selling crops, fruit, flowers, timber and other products of the soil;
   (b) Feeding, breeding, management and sale of livestock, poultry, or the produce thereof, if the real property used therefor is owned or leased by the operator and is of sufficient size and capacity to produce more than one-half of the feed required during that year for the agricultural pursuit;
   (c) Operating a feed lot consisting of at least 50 head of cattle or an equivalent number of animal units of sheep or hogs, for the production of food;
   (d) Raising fur-bearing animals or bees;
   (e) Dairying and the sale of dairy products; or
   (f) Any other use determined by the Department to constitute agricultural use if such use is verified by the Department.
   ❯ The term includes every process and step necessary and incidental to the preparation and storage of the products raised on such property for human or animal consumption or for marketing except actual market locations.

2. As used in this section, “current employment” of real property in agricultural use includes:
   (a) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry;
   (b) Land planted in orchards or other perennials prior to maturity; and
   (c) Land leased or otherwise made available for use by an agricultural association formed pursuant to chapter 547 of NRS.

(Added to NRS by 1975, 1755; A 1991, 531; 1997, 1265)

NRS 361A.031 “Converted to a higher use” defined.

1. “Converted to a higher use” means:
   (a) A physical alteration of the surface of the property enabling it to be used for a higher use;
   (b) The recording of a final map or parcel map which creates one or more parcels not intended for agricultural use;
   (c) The existence of a final map or parcel map which creates one or more parcels not intended for agricultural use; or
   (d) A change in zoning to a higher use made at the request of the owner.

2. The term does not apply to the property remaining after a portion of the parcel is converted to higher use pursuant to paragraph (b) or (c) of subsection 1 if the remaining portion continues to qualify as agricultural real property.

3. The term does not include leasing the land to or otherwise permitting the land to be used by an agricultural association formed pursuant to chapter 547 of NRS.

4. As used in this section:
   (a) “Final map” has the meaning ascribed to it in NRS 278.0145.
   (b) “Parcel map” has the meaning ascribed to it in NRS 278.017.

(Added to NRS by 1987, 671; A 1987, 680; 1993, 2585; 1997, 1265, 1583; 1999, 434)

NRS 361A.0315 “Golf course” defined.

1. “Golf course” means:
   (a) Real property that may be used for golfing or golfing practice by the public or by the members and guests of a private club; and
   (b) Improvements to that real property, including, without limitation, turf, bunkers, trees, irrigation, lakes, lake liners, bridges, practice ranges, golf greens, golf tees, paths and trails.

2. The term does not include:
   (a) A commercial golf driving range that is not operated in conjunction with a golf course.
   (b) A clubhouse, pro shop, restaurant or other building that is associated with a golf course.

(Added to NRS by 2005, 2663)

NRS 361A.032 “Higher use” defined. “Higher use” means any use other than agricultural use or open-space use.

(Added to NRS by 1977, 678)

NRS 361A.040 “Open-space real property” defined. “Open-space real property” means:

1. Land:
   (a) Located within an area classified pursuant to NRS 278.250 and subject to regulations designed to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; and
   (b) Devoted exclusively to open-space use.
2. The improvements on the land described in subsection 1 that is used primarily to support the open-space use and not primarily to increase the value of surrounding developed property or secure an immediate monetary return.
3. Land that is used as a golf course.

(Added to NRS by 1975, 1756; A 1987, 673; 2005, 2664)

NRS 361A.050 “Open-space use” defined. “Open-space use” means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies, maintain natural features which enhance control of floods or preserve sites designated as historic by the Office of Historic Preservation of the Department of Cultural Affairs. The use of real property and the improvements on that real property as a golf course shall be deemed to be an open-space use of the land.

(Added to NRS by 1975, 1756; A 1979, 208; 1987, 432; 1993, 1576; 2001, 940; 2005, 2664)

NRS 361A.060 “Owner” defined. “Owner” means any person having a legal or equitable freehold estate in agricultural or open-space real property, including a contract vendee of a land sales contract respecting the property, but excluding a lessee or tenant of the property.

(Added to NRS by 1975, 1756; A 1987, 674)

NRS 361A.065 “Parcel” defined. “Parcel” means a contiguous area of land that is designated by a county assessor as a parcel for assessment purposes.

(Added to NRS by 1989, 1827)

NRS 361A.090 Legislative declaration.
1. It is the intent of the Legislature to:
   (a) Constitute agricultural and open-space real property as a separate class for taxation purposes; and
   (b) Provide a separate plan for:
       (1) Appraisal and valuation of such property for assessment purposes; and
       (2) Partial deferred taxation of such property with tax recapture as provided in NRS 361A.280 and 361A.283.
2. The Legislature hereby declares that it is in the best interest of the State to maintain, preserve, conserve and otherwise continue in existence adequate agricultural and open-space lands and the vegetation thereon to assure continued public health and the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens.
3. The Legislature hereby further finds and declares that the use of real property and improvements on that real property as a golf course achieves the purpose of conserving and enhancing the natural and scenic resources of this State and promotes the conservation of open space.

(Added to NRS by 1975, 1756; A 1991, 2101; 2005, 2664)

ASSESSMENT OF AGRICULTURAL PROPERTY

NRS 361A.100 Application by owner. Any owner of real property may apply to the county assessor for agricultural use assessment and the payment of taxes on such property as provided in this chapter.

(Added to NRS by 1975, 1757)

NRS 361A.110 Filing, contents and execution of application.
1. Any application for agricultural use assessment must be filed on or before June 1 of any year:
   (a) With the county assessor of each county in which the property is located, if the property contains 20 acres or more.
   (b) With the Department, if the property contains less than 20 acres.
2. Except as otherwise provided in this subsection, a new application to continue that assessment is required on or before June 1 following any change in ownership or conversion to a higher use of any portion of the property. If the property is divided, an owner who retains a portion qualifying as agricultural real property is not required to file a new application to continue agricultural use assessment on the portion retained unless any part of that portion is converted to a higher use.
3. The application must be made on forms prepared by the Department and supplied by the county assessor and must include such information as may be required to determine the entitlement of the applicant to agricultural use assessment. Each application must contain an affidavit or affirmation by the applicant that the statements contained therein are true. The application must prominently contain the printed statement “This property may be subject to liens for undetermined amounts.”
4. The application may be signed by:
   (a) The owner of the agricultural real property, including tenants in common or joint tenants.
   (b) Any person, of lawful age, authorized by an executed power of attorney to sign an application on behalf of any person described in paragraph (a).
   (c) The guardian or conservator of an owner or the executor or administrator of an owner’s estate.
5. The county assessor shall not approve an application unless the application is signed by each owner of record or his representative as specified in subsection 4. Additional information may be required of the applicant if necessary to evaluate his application.
**NRS 361A.120 Independent determination of use; regulations; notice of determination; recording of approved applications.**

1. Upon receipt of an application, the county assessor or the Department shall make an independent determination of the use of the owner’s real property. The assessor or the Department shall consider the use of the property by its owner or occupant together with any other agricultural real property that is a part of one agricultural unit being operated by the owner or occupant. The assessor or the Department shall consider the use of agricultural real property which is not contiguous to the owner’s real property only if that property has been in agricultural use for at least 2 months during the 2 years preceding the receipt of the application.

2. The assessor or the Department may inspect the property and request such evidence of use and sources of income as is necessary to make an accurate determination of use. The assessor or the Department may deny the application when the owner or occupant refuses to permit the inspection or furnish the evidence.

3. The Department shall provide by regulation for a more detailed definition of agricultural use, consistent with the general definition given in NRS 361A.030, for use by county assessors or the Department in determining entitlement to agricultural use assessment.

4. The county assessor or the Department shall send to the applicant a written notice of his or its determination within 10 days after determining the applicant’s entitlement to agricultural use assessment. If an applicant seeking agricultural use assessment on property located in more than one county is refused such assessment in any one county, he may withdraw his application for such assessment in all other counties.

5. The county assessor or the Department shall record the application with the county recorder within 10 days after its approval.

(Added to NRS by 1975, 1757; A 1979, 276; 1987, 674; 1993, 177)

**NRS 361A.130 Determination of value for agricultural use; notification of assessment.**

1. If the property is found to be agricultural real property, the county assessor shall determine its value for agricultural use and assess it for taxes to be collected in the ensuing fiscal year at 35 percent of that value.

2. The agricultural use assessment must be maintained in the records of the assessor and must be made available to any person upon request. The property owner must be notified of the agricultural use assessment in the manner provided for notification of taxable value assessments. The notice must contain the following statement: Deferred taxes will become due on this parcel if it is converted to a higher use.

(Added to NRS by 1975, 1758; A 1977, 679; 1981, 807; 1987, 675; 1993, 178)

**NRS 361A.140 Classification of agricultural property; valuations for each classification.**

1. On or before the first Monday in October of each year, the Nevada Tax Commission shall:
   (a) Define the classifications of agricultural real property.
   (b) Except as otherwise provided in paragraph (c), determine the valuations for each classification on the basis provided in NRS 361.325.
   (c) Provide for the determination of the value of the land covered by a residence or necessary to support the residence in the same manner as other real property pursuant to NRS 361.227.
   (d) Prepare a bulletin listing all classifications and values thereof for the following assessment year.

2. The county assessors shall classify agricultural real property utilizing the definitions and applying the appropriate values published in the Tax Commission’s bulletin.

(Added to NRS by 1975, 1758; A 1977, 679; 1981, 807; 1987, 675; 1993, 178)

**NRS 361A.150 Disqualification of property.**

1. The county assessor shall enter on the assessment roll the valuation based on agricultural use until the property becomes disqualified for agricultural use assessment by:
   (a) Notification by the applicant to the assessor to remove the agricultural use assessment pursuant to NRS 361A.270;
   (b) Sale or transfer to an owner making it exempt from ad valorem property taxation;
   (c) Removal of the agricultural use assessment by the assessor upon discovery that the property is no longer in agricultural use; or
   (d) Failure to file an application as provided in NRS 361A.110.

2. Except as otherwise provided in paragraph (b) of subsection 1, the sale or transfer to a new owner or transfer by reason of death of a former owner does not operate to disqualify agricultural real property from agricultural use assessment so long as the property continues to be used exclusively for agricultural use, if the new owner applies for agricultural use assessment in the manner provided in NRS 361A.110.

3. Within 30 days after agricultural real property becomes disqualified under subsection 1, the county assessor shall send a written notice of disqualification by certified mail with return receipt requested to each owner of record. The notice must contain the nonagricultural assessed value for the ensuing fiscal year.

(Added to NRS by 1975, 1758; A 1977, 680; 1987, 676; 1991, 2101; 1993, 179)
NRS 361A.155 Determination of taxable value when agricultural land converted to higher use. When any portion of agricultural land is converted to a higher use, the county assessor shall determine its taxable and agricultural use values against which to compute the deferred tax for each fiscal year the property was under agricultural assessment during the current fiscal year and the preceding 6 fiscal years, or such other period as is required pursuant to NRS 361A.283. The agricultural use values for each of the years may be based on the agricultural use for the latest year. The taxable values for each year must be comparable for the corresponding years to the taxable values for property similar, including, without limitation, in size, zoning and location, to the portion of property actually converted to a higher use.

(Added to NRS by 1977, 678; A 1981, 807; 1987, 676; 1989, 1828; 1991, 2102)

NRS 361A.160 Determination of county assessor final unless appealed. The determination of use and agricultural use assessment in each year are final unless appealed in the manner provided in chapter 361 of NRS for complaints of overvaluation, excessive valuation or undervaluation.

(Added to NRS by 1975, 1759; A 1977, 680; 1981, 808; 1987, 677; 1993, 179)

ASSESSMENT OF OPEN SPACE

NRS 361A.170 Designations or classifications of property for open-space use; procedures and criteria.

1. Property used as a golf course is hereby designated and classified as open-space real property and must be assessed as an open-space use.

2. In addition to the designation and classification of a golf course as open-space real property pursuant to subsection 1, the governing body of each city or county shall, from time to time, specify by resolution additional designations or classifications under its master plan that are designed to promote the conservation of open space, the maintenance of natural features for control of floods and the protection of other natural and scenic resources from unreasonable impairment.

3. The board of county commissioners shall, from time to time, adopt by ordinance procedures and criteria which must be used in considering an application for open-space use assessment based on a designation or classification adopted pursuant to subsection 2. The criteria may include requirements respecting public access to and the minimum size of the property.

(Added to NRS by 1975, 1757; A 1987, 432, 677; 2005, 2665)

NRS 361A.180 Application by owner. Any owner of real property may apply to the county assessor for open-space use assessment based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170 and the payment of taxes on such property as provided in this chapter.

(Added to NRS by 1975, 1759; A 2005, 2665)

NRS 361A.190 Filing, contents and execution of application.

1. Any application for open-space use assessment must be filed on or before June 1 of any year with the county assessor of each county in which the property is located. A new application to continue that assessment is required on or before June 1 following any change in ownership or from approved open-space use of any portion of the property. If the property is divided, an owner who retains a portion of the property must file a new application in order to continue open-space use assessment on the portion retained.

2. The application must be made on forms prepared by the Department and supplied by the county assessor and must include a description of the property, its current use and such other information as may be required to determine the entitlement of the applicant to open-space use assessment. Each application must contain an affidavit or affirmation by the applicant that the statements contained therein are true.

3. The application may be signed by:
   (a) The owner of the open-space real property, including tenants in common or joint tenants.
   (b) Any person, of lawful age, authorized by a duly executed power of attorney to sign an application on behalf of any person described in paragraph (a).
   (c) The guardian or conservator of an owner or the executor or administrator of an owner’s estate.

4. The county assessor shall not accept an application unless the application is signed by each owner of record or his representative as specified in subsection 3. The assessor may require such additional information of the applicant as is necessary to evaluate his application.

(Added to NRS by 1975, 1759; A 1979, 277; 1993, 179)

NRS 361A.200 Action on application by governing bodies of county and city: Procedure.

1. The county assessor shall refer each application for open-space use assessment to the board of county commissioners, and if any part of the property is located within an incorporated city to the governing body of the city, within 10 days after its filing.

2. The governing body of the city shall consider the application in a public hearing. The governing body shall use the applicable procedures and criteria adopted pursuant to NRS 361A.170 and recommend its approval or denial to the board of county commissioners no later than 90 days after receipt of the application.

3. The board of county commissioners shall consider the application in a public hearing. The board shall use the applicable procedures and criteria adopted pursuant to NRS 361A.170 and weigh the benefits to the general welfare of
preserving the current use of the property against the potential loss in revenue which may result from approving the application. The board may set such conditions as it reasonably may require upon its approval of the application.

4. At least 10 days’ notice of the time and place of any public hearing held pursuant to this section shall be published in a newspaper of general circulation in the county.

5. The board may approve the application with respect to only part of the property, but if any part of the application is denied, the applicant may withdraw the entire application.

6. The board shall approve or deny an application no later than March 31 of each year. An application on which action by the board is not completed by March 31 is approved.

(Added to NRS by 1975, 1759)

NRS 361A.210 Orders of approval or denial by board of county commissioners.

1. Within 10 days after the board approves an application for open-space use assessment, it shall:
   (a) Send copies of the order of approval to the county assessor and the applicant.
   (b) Record the order of approval with the county recorder.

2. When the board denies an application, it shall, within 10 days after denial, send an order of denial to the applicant listing its reasons for denial.

(Added to NRS by 1975, 1760)

NRS 361A.220 Determination of value for open-space use; notification of assessment.

1. If property is to be assessed as open-space real property, the county assessor shall determine its value for open-space use and assess it for taxes to be collected in the ensuing fiscal year at 35 percent of that value.

2. The open-space use assessment must be maintained in the records of the assessor and must be made available to any person upon request. The property owner must be notified of the open-space use assessment in the manner provided for notification of taxable value assessments. The notice must contain the statement: Deferred taxes will become due on any portion of this parcel which is converted to a higher use.


NRS 361A.225 Determination of value for open-space use of real property used as golf course.

1. For the purposes of NRS 361A.220, the value for open-space use of real property used as a golf course in a fiscal year is equal to the sum of:
   (a) The value of the land; and
   (b) The value of the improvements made to the real property before that fiscal year as adjusted for obsolescence, determined in accordance with the manual established pursuant to subsection 2.

2. The Nevada Tax Commission shall establish a manual for determining the value for open-space use of real property used as a golf course. The manual must:
   (a) Require the use of such standards and modifiers, as published or furnished by the Marshall and Swift Publication Company, as the Nevada Tax Commission determines to be applicable.
   (b) For the purpose of determining the value of the land, define various classifications of golf courses and provide for the valuation of each such classification in a manner that is consistent with the provisions of NRS 361.227, except that the value of the land must not be determined to exceed the product of $2,860 per acre multiplied by 1 plus the percentage change in the Consumer Price Index (All Items) for July 1 of the current year as compared to July 1, 2004.
   (c) For the purpose of determining the value of the improvements made to the real property, require the use of such factors as the Nevada Tax Commission determines to be appropriate. Those factors must include, for the purpose of determining obsolescence, a factor for golf courses that are not used on a consistently frequent basis each month of the year, which is based upon the actual number of rounds of golf played on the golf course in relation to the number of rounds that could have been played under optimum conditions.

(Added to NRS by 2005, 2663)

NRS 361A.230 Disqualification of property.

1. The county assessor shall enter on the assessment roll the valuation based on open-space use until the property becomes disqualified for open-space use assessment by:
   (a) Sale or transfer to an owner making it exempt from ad valorem property taxation;
   (b) Removal of the open-space use assessment by the assessor, with the concurrence of the board, upon discovery that the property is no longer in the open-space use; or
   (c) If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170:
      (1) Notification by the applicant to the assessor to remove the open-space use assessment; or
      (2) Failure to file a new application as provided in NRS 361A.190.

2. Except as otherwise provided in paragraph (a) of subsection 1, the sale or transfer to a new owner or transfer by reason of death of a former owner does not operate to disqualify open-space real property from open-space use assessment so long as the property continues to be used exclusively for an open-space use. If the open-space use assessment is based on a
designations or classifications adopted pursuant to subsection 2 of NRS 361A.170, the new owner must apply for open-space use assessment in the manner provided in NRS 361A.190.

3. Whenever open-space real property becomes disqualified under subsection 1, the county assessor shall send a written notice of disqualification by certified mail with return receipt requested to each owner of record. The notice must contain the assessed value for the ensuing fiscal year.

(Amended to NRS by 1975, 1760; A 1977, 681; 1987, 678; 1993, 180; 2005, 2665)

NRS 361A.240 Appeal from determination; equalization of assessment.

1. The determination of use and the open-space use assessment in each year are final unless appealed.

2. If the application for an open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170, the applicant for the open-space assessment is entitled to:

(a) Appeal the determination made by the board of county commissioners to the district court in the county where the property is located, or if located in more than one county, in the county in which the major portion of the property is located, as provided in NRS 278.0235.

(b) Equalization of the open-space use assessment in the manner provided in chapter 361 of NRS for complaints of overvaluation, excessive valuation or undervaluation.

(Amended to NRS by 1975, 1761; A 1977, 681; 1981, 808; 1987, 678; 2005, 2666)

NRS 361A.250 Redetermination of use: Complaint; hearing; order; judicial review.

1. Any person claiming that any open-space real property is no longer in the approved open-space use may file a complaint and proof of his claim with the board of county commissioners of the county or counties in which the property is located. The complaint and proof must show the name of each owner of record of the property, its location, description and the use in which it is claimed to be.

2. The board shall hear the complaint after 10 days’ notice of the time to the complainant and each owner of the property.

3. The board shall examine the proof and all data and evidence submitted by the complainant, together with any evidence submitted by the county assessor or any other person. The board shall notify the complainant, each owner of the property and the county assessor of its determination within 10 days after the hearing. It shall direct the county assessor to appraise, value and tax the property for the ensuing fiscal year in a manner consistent with its determination and the provisions of this chapter and, in appropriate cases, order the tax receiver to collect any amounts due under NRS 361A.280 and 361A.283.

4. The determination of the board may be appealed to the district court by the complainant or the owner of the property as provided in NRS 361A.240.

(Amended to NRS by 1975, 1761; A 1991, 2102; 1993, 181)

PARTIAL DEFERRED TAXATION AND RECAPTURE OF TAX

NRS 361A.265 Prepayment of deferred taxes; estimate of taxes due; appeal by owner; conversion to higher use after secured tax roll has been closed.

1. An owner of property which has received an agricultural or open-space use assessment:

(a) Must pay the full amount of deferred taxes calculated pursuant to NRS 361A.280 for any property for which a final map will be recorded pursuant to NRS 278.460 before the date on which the map is recorded.

(b) In all other cases may, before the conversion of any portion of the property to a higher use, pay the amount of deferred taxes which would be due upon the conversion of that property pursuant to NRS 361A.280.

2. An owner who desires to pay the deferred taxes must request, in writing, the county assessor to estimate the amount of the deferred taxes which would be due at the time of conversion. After receiving such a request, the county assessor shall estimate the amount of the deferred taxes due for the next property tax statement and report the amount to the owner.

3. An owner who voluntarily pays the deferred taxes may appeal the valuations and calculations upon which the deferred taxes were based in the manner provided in NRS 361A.273.

4. If a parcel that has been created after the secured tax roll has been closed is converted to a higher use, the assessor must change the roll to reflect the changes in the parcel or parcels and assess the new parcel or parcels at taxable value for the following fiscal year. The deferred tax must be assessed pursuant to NRS 361A.280.

(Amended to NRS by 1987, 672; A 1989, 1829; 1991, 2103; 1993, 181; 1997, 1583)

NRS 361A.270 Owner to notify assessor of cessation of agricultural or open-space use or conversion to higher use; survey of portion of parcel converted to higher use.

1. Within 30 days after a parcel or any portion of a parcel of real property which has received agricultural or open-space use assessment ceases to be used exclusively for agricultural use or the approved open-space use or is converted to a higher use, the owner shall notify the county assessor in writing of the date of cessation or change of that use.

2. In addition to the notice required by subsection 1, an owner of agriculturally assessed land who wishes to have a portion of a parcel converted to a higher use rather than the entire parcel must record and transmit to the county assessor a survey of the portion of the parcel to be converted. The survey must be transmitted to the county assessor at the same time as the notice required by subsection 1. The recordation of a survey pursuant to this subsection does not create a new parcel.
3. The county assessor shall keep a description of any portion of a parcel that is separately converted to a higher use and a record of the taxes paid on that portion of the parcel with his records for the parcel until the remainder of the parcel is converted to a higher use or the parcel becomes inactive.

(Added to NRS by 1975, 1762; A 1979, 277; 1987, 678; 1989, 1829; 1991, 2103)

NRS 361A.271 Assessor to give owner notice of determination; contents of notice. Within 30 days after determining that property has been converted to a higher use, the county assessor shall send a written notice of that determination by certified mail, return receipt requested, to each owner of record. The notice must contain the taxable and assessed values for that property. If the property has been converted to a higher use, the county assessor shall send a written notice of that determination by certified mail, return receipt requested, to each owner of record. The notice must contain the taxable and assessed values for the next tax roll and all prior years for which a deferred tax or penalty is owed pursuant to NRS 361A.280 or 361A.283.

(Added to NRS by 1987, 671; A 1991, 2103)

NRS 361A.273 Appeal from determination or valuations.

1. An owner of property who receives a notice of conversion which is postmarked on or after July 1 and before December 16 may appeal in the manner provided in NRS 361.355:

(a) The determination that the property has been converted to a higher use; and
(b) The valuations for the years described in the notice,

(Added to NRS by 1987, 672; A 1993, 182)

2. An owner who receives a notice of conversion which is postmarked on or after December 16 and before July 1 may appeal, not later than July 15 of the ensuing fiscal year:

(a) The determination that the property has been converted to a higher use; or
(b) The valuations for the years described on the notice,

(Added to NRS by 1987, 672; A 1993, 182)

NRS 361A.280 Payment of deferred tax when property converted to higher use. If the county assessor is notified or otherwise becomes aware that a parcel or any portion of a parcel of real property which has received agricultural or open-space use assessment has been converted to a higher use the county assessor shall add to the tax extended against that portion of the property on the next property tax statement the deferred tax, which is the difference between the taxes that would have been paid or payable on the basis of the agricultural or open-space use valuation and the taxes which would have been paid or payable on the basis of the taxable value calculated pursuant to NRS 361A.155, for each year in which agricultural or open-space use assessment was in effect for the property during the fiscal year in which the property ceased to be used exclusively for agricultural use or approved open-space use and the preceding 6 fiscal years. The county assessor shall assess the property pursuant to NRS 361A.227 for the next fiscal year following the date of conversion to a higher use.

(Added to NRS by 1975, 1762; A 1977, 681; 1979, 277; 1981, 809; 1987, 678; 1989, 1829; 1991, 2104)

NRS 361A.283 Period for assessment of deferred tax; penalty for failure of owner to provide assessor with required notice.

1. If the county assessor determines that the deferred tax for any fiscal year or years was not assessed in the year it became due, he may assess it anytime within 5 fiscal years after the end of the fiscal year in which a parcel or portion of a parcel was converted to a higher use.

2. If the county assessor determines that a parcel was assessed for agricultural use rather than at full taxable value for any fiscal year in which it did not qualify for agricultural assessment, he may assess the deferred tax for that year anytime within 5 years after the end of that fiscal year.

3. A penalty equal to 20 percent of the total accumulated deferred tax described in subsections 1 and 2 must be added for each of the years in which the owner failed to provide the written notice required by NRS 361A.270. The county assessor may waive this penalty if he finds extenuating circumstances sufficient to justify the waiver.

(Added to NRS by 1991, 2100; A 1999, 2775)

NRS 361A.286 Lien for deferred tax and penalty.

1. The deferred tax and penalty assessed pursuant to NRS 361A.280 and 361A.283 are a perpetual lien until paid as provided in NRS 361A.450. If the property continues to be used exclusively for agricultural use or approved open-space use for 7 fiscal years after the date of attachment, the lien for that earliest year expires. The lien is for an undetermined amount until the property is converted and the amount is determined pursuant to NRS 361A.280. Any liens calculated and recorded before July 1, 1989, for property that had not been converted shall be deemed to have expired on that date.

2. If agricultural or open-space real property receiving agricultural or open-space use assessment is sold or transferred to an ownership making it exempt from taxation ad valorem, any such liens for deferred taxes must, unless the property is sold or transferred to the Nevada System of Higher Education, a school district or another local governmental entity, be paid in full before the transfer of ownership if the property is converted to another use.

3. The provisions of this section do not apply to any portion of agricultural or open-space real property if the deferred tax and any penalty have been paid pursuant to NRS 361A.265.

4. Each year, the county assessor must record a list of parcel numbers and owner’s names for all parcels on which a lien exists pursuant to subsection 1.
CHAPTER 362 - TAXES ON PATENTED MINES AND PROCEEDS OF MINERALS

GENERAL PROVISIONS

NRS 362.010 Definitions. As used in this chapter, unless the context otherwise requires:
1. “Mine” means an excavation in the earth from which ores, coal or other mineral substances are extracted, or a subterranean natural deposit of minerals located and identified as such by the staking of a claim or other method recognized by law. The term includes a well drilled to extract minerals.
2. “Mineral” includes oil, gas and other hydrocarbons, but does not include sand, gravel or water, except hot water or steam in an operation extracting geothermal resources for profit.
3. “Patented mine or mining claim” means each separate, whole or fractional patented mining location, whether such whole or fractional mining location is covered by an independent patent or is included under a single patent with other mining locations.

ASSESSMENT OF PATENTED MINES AND MINING CLAIMS

NRS 362.030 County assessor to assess surface of patented mines and mining claims; exceptions. The county assessor shall assess the surface of each patented mine and mining claim in his county for which an affidavit was not filed pursuant to NRS 362.050, 362.070 and 362.090 and return the assessment as required by law.

NRS 362.040 Exclusion of assessment from roll. Upon receipt of an affidavit from the county recorder pursuant to NRS 362.050 stating that at least $100 in development work has been actually performed upon the patented mine or mining claim during the federal mining assessment work period ending within the year before the fiscal year for which the assessment has been levied, the assessor shall exclude from the roll the assessment against the patented mine or mining claim named in the affidavit.

NRS 362.050 Affidavit of labor: Requirement for exemption of surface of patented mine or mining claim from taxation; form and contents.
1. To obtain the exemption of the surface of a patented mine or mining claim from taxation ad valorem, pursuant to Section 5 of Article 10 of the Constitution of this state, the owner must record an affidavit with the office of the county recorder for the county in which the mine is located on or before December 30 covering work done during the 12 months next preceding 12 a.m. on September 1 of that year. The exemption then applies to the taxes for the fiscal year beginning on July 1 following the filing of the affidavit. Upon receipt of such an affidavit, the county recorder shall transmit a copy of the affidavit, without charge, to the county assessor.
2. The affidavit of labor must describe particularly the work performed, upon what portion of the mine or claim, and when and by whom done, and may be substantially in the following form:

State of Nevada                        }
} ss.
County of............................. }

........................................., being first duly sworn, deposes and says: That development work worth at least $100 was performed upon the ....................... patented mine or mining claim, situated in the ................................. Mining District, County of ................................., State of Nevada, during the federal mining assessment work period ending within the year ...... . The work was done at the expense of ......................, the owner (or one of the owners) of the patented mine or mining claim, for the purpose of relieving it from the tax assessment. It was performed by ............................, at about
feet in a ............ direction from the monument of location, and was done between the ....... day of the month of
........ of the year ......., and the ........ day of the month of ........ of the year ......., and consisted of the following work:
.......................................................................................................................................................
.......................................................................................................................................................
...............................................................

(Signature)

Subscribed and sworn to before me
this ...... day of the month of ...... of the year ......

...............................................................

Notary Public (or other person
authorized to administer oaths)

2003, 2773)

NRS 362.060 Who may make affidavit. The affidavit may be made by the owner or agent of the owner, or the person
performing the labor, or by any person familiar with the facts, on behalf of the owner.
[8:206:1915; 1919 RL p. 3010; NCL § 6599]

NRS 362.070 Contiguous patented mines or mining claims: Performance of work on one mine. The owner of two
or more contiguous patented mines or mining claims may perform all the work required by Section 5 of Article 10 of the
Constitution of this state upon one mine or claim only; but the aggregate amount of such work must be equal to $100 for each
of the contiguous patented mines or claims.

NRS 362.090 One affidavit may be recorded for labor on several patented mines or mining claims. A single
affidavit may be recorded for the labor on several patented mines or mining claims belonging to the same person or held in
common ownership, provided all are located in the same county.

NRS 362.095 Method of taxation of patented mine or mining claim used for purpose other than mining or
agriculture.
1. Whenever any portion of a patented mine or mining claim is used by the patentee or a successor in interest for a
purpose unrelated to mining or agriculture, the portion of such patented mine or mining claim so used shall cease to be a
patented mine or mining claim or part thereof and shall be taxed as other real property is taxed.
2. For the purpose of this section, a dwelling placed upon a patented mine or mining claim to be occupied by the operator
of such patented mine or mining claim or his agent is not a use unrelated to mining.
3. Whenever any patented mine or mining claim is taxed as real property, such taxation shall not affect the status of
contiguous patented mines or mining claims.
(Added to NRS by 1967, 839; A 1989, 34)

ASSESSMENT AND TAXATION OF NET PROCEEDS OF MINERALS

NRS 362.100 Duties of Department.
1. The Department shall:
   (a) Investigate and determine the net proceeds of all minerals extracted and certify them as provided in NRS 362.100 to
       362.240, inclusive.
   (b) Appraise and assess all reduction, smelting and milling works, plants and facilities, whether or not associated with a
       mine, all drilling rigs, and all supplies, machinery, equipment, apparatus, facilities, buildings, structures and other
       improvements used in connection with any mining, drilling, reduction, smelting or milling operation as provided in chapter
       361 of NRS.
2. As used in this section, “net proceeds of all minerals extracted” includes the proceeds of all:
   (a) Operating mines;
   (b) Operating oil and gas wells;
   (c) Operations extracting geothermal resources for profit, except an operation which uses natural hot water to enhance the
       growth of animal or plant life; and
   (d) Operations extracting minerals from natural solutions.
1305; 1989, 34)

NRS 362.105 “Royalty” defined. As used in NRS 362.100 to 362.240, inclusive, unless the context otherwise requires:
1. “Royalty” means a portion of the proceeds from extraction of a mineral which is paid for the privilege of extracting the mineral.
2. “Royalties” do not include:
   (a) Rents or other compensatory payments which are fixed and certain in amount and payable periodically over the duration of the lease regardless of the extent of extractions; or
   (b) Minimum royalties covering periods when no mineral is extracted if the payments are fixed and certain in amount and payable on a regular periodic basis.

(Added to NRS by 1975, 135; A 1989, 35)

NRS 362.110 Annual statement of gross yield and claimed net proceeds; annual list of lessees. [Effective through June 30, 2009.]
1. Every person extracting any mineral in this State or receiving any royalty:
   (a) Shall, on or before February 16 of each year, file with the Department a statement showing the gross yield and claimed net proceeds from each geographically separate operation where a mineral is extracted by that person during the calendar year immediately preceding the year in which the statement is filed.
   (b) May have up to 30 days after filing the statement required by paragraph (a) to file an amended statement.
2. The statement must:
   (a) Show the claimed deductions from the gross yield in the detail set forth in NRS 362.120. The deductions are limited to the costs incurred during the calendar year immediately preceding the year in which the statement is filed.
   (b) Be in the form prescribed by the Department.
   (c) Be verified by the manager, superintendent, secretary or treasurer of the corporation, or by the owner of the operation, or, if the owner is a natural person, by someone authorized in his behalf.
3. Each recipient of a royalty as described in subsection 1 shall annually file with the Department a list showing each of the lessees responsible for taxes due in connection with the operation or operations included in the statement filed pursuant to subsections 1 and 2.


NRS 362.110 Annual statement of gross yield and claimed net proceeds. [Effective from July 1, 2009, through June 30, 2011.]
1. Every person extracting any mineral in this State:
   (a) Shall, on or before February 16 of each year, file with the Department a statement showing the gross yield and claimed net proceeds from each geographically separate operation where a mineral is extracted by that person during the calendar year immediately preceding the year in which the statement is filed.
   (b) May have up to 30 days after filing the statement required by paragraph (a) to file an amended statement.
2. The statement must:
   (a) Show the claimed deductions from the gross yield in the detail set forth in NRS 362.120. The deductions are limited to the costs incurred during the calendar year immediately preceding the year in which the statement is filed.
   (b) Be in the form prescribed by the Department.
   (c) Be verified by the manager, superintendent, secretary or treasurer of the corporation, or by the owner of the operation, or, if the owner is a natural person, by someone authorized in his behalf.


NRS 362.110 Annual statement of gross yield and claimed net proceeds; annual list of lessees. [Effective July 1, 2011.]
1. Every person extracting any mineral in this State or receiving any royalty:
   (a) Shall, on or before February 16 of each year, file with the Department a statement showing the gross yield and claimed net proceeds from each geographically separate operation where a mineral is extracted by that person during the calendar year immediately preceding the year in which the statement is filed.
   (b) May have up to 30 days after filing the statement required by paragraph (a) to file an amended statement.
2. The statement must:
   (a) Show the claimed deductions from the gross yield in the detail set forth in NRS 362.120. The deductions are limited to the costs incurred during the calendar year immediately preceding the year in which the statement is filed.
   (b) Be in the form prescribed by the Department.
   (c) Be verified by the manager, superintendent, secretary or treasurer of the corporation, or by the owner of the operation, or, if the owner is a natural person, by someone authorized in his behalf.
3. Each recipient of a royalty as described in subsection 1 shall annually file with the Department a list showing each of the lessees responsible for taxes due in connection with the operation or operations included in the statement filed pursuant to subsections 1 and 2.

NRS 362.115  Annual statement of estimated gross yield, net proceeds and royalties; quarterly reports; payment of estimated tax liability; use of statement by Department. [Effective through June 30, 2011.]

1. In addition to the statement required by subsection 1 of NRS 362.110, each person extracting any mineral in this State:
   (a) Shall, on or before March 1 of each year, file with the Department a statement showing the estimated gross yield and estimated net proceeds from each such operation for the entire current calendar year and an estimate of all royalties that will be paid during the current calendar year and shall pay the tax upon the net proceeds and upon the royalties so estimated. The estimated payment may be reduced by the amount of any credit to which the taxpayer is entitled pursuant to NRS 362.130. The amount of the tax paid upon royalties must be deducted from the payment of the royalties.
   (b) May file with the Department a quarterly report stating an estimate for the year and the actual quarterly amounts of production, gross yield and net proceeds as of March 31, June 30, September 30 and December 31, and pay any additional amount due. The additional estimated tax liability must be calculated by determining the difference between the revised estimates of net proceeds based on the recent production figures as indicated by the quarterly reports and the original estimate supplied pursuant to paragraph (a). If the person chooses to submit such reports, the reports must be submitted on a form prescribed by the Department not later than the last day of the month following the end of the calendar quarter and payment must be made within 30 days after filing any quarterly report that indicates an additional estimated tax liability.

2. The Department shall:
   (a) Use the statement filed pursuant to subsection 1 to prepare estimates for use by local governments in the preparation of their budgets; and
   (b) Submit those estimates to the affected local governments on or before March 15 of each year.


NRS 362.115  Annual statement of estimated gross yield, net proceeds and royalties; use of statement. [Effective July 1, 2011.]

1. In addition to the statement required by subsection 1 of NRS 362.110, each person extracting any mineral in this State shall, on or before March 1 of each year, file with the Department a statement showing the estimated gross yield and estimated net proceeds from each such operation for the entire current calendar year.

2. The Department shall:
   (a) Use the statement filed pursuant to subsection 1 only to prepare estimates for use by local governments in the preparation of their budgets; and
   (b) Submit those estimates to the local governments on or before March 15 of each year.


NRS 362.120  Computation of gross yield and net proceeds.

1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.

2. The gross yield must include the value of any mineral extracted which was:
   (a) Sold;
   (b) Exchanged for any thing or service;
   (c) Removed from the State in a form ready for use or sale; or
   (d) Used in a manufacturing process or in providing a service, during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:
   (a) The actual cost of extracting the mineral.
   (b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.
   (c) The actual cost of reduction, refining and sale.
   (d) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.
   (e) The actual cost of maintenance and repairs of:
       (1) All machinery, equipment, apparatus and facilities used in the mine.
       (2) All milling, refining, smelting and reduction works, plants and facilities.
       (3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada or the Nevada Transportation Authority.
   (f) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e).
   (g) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.
4. If the amount paid pursuant to paragraph (a) of subsection 1 of NRS 362.115 in the year in which the certificate is received.

3. The tax due as indicated in the certificate prepared pursuant to this section and any penalty must be paid on or before May 10 of the year in which the certificate is received.

2. The certificate must be prepared and mailed not later than:
   (a) April 20 immediately following the month of February during which the statement was filed; or
   (b) April 30 immediately thereafter if an amended statement is filed in a timely manner.

1. When the Department determines from the annual statement filed pursuant to NRS 362.110 the net proceeds of any minerals extracted, it shall prepare its certificate of the amount of the net proceeds and the tax due and shall send a copy to the owner of the mine, operator of the mine or recipient of the royalty, as the case may be.

5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department.

6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:
   (a) The working of the mine;
   (b) The operating of the mill, smelter or reduction works;
   (c) The operating of the facilities or equipment for transportation;
   (d) Superintending the management of any of those operations; or
   (e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations.

4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.

NRS 362.130 Preparation and mailing of certificate of amount of net proceeds and tax due; due date of tax; overpayments. [Effective through June 30, 2009.]

1. When the Department determines from the annual statement filed pursuant to NRS 362.110 the net proceeds of any minerals extracted, it shall prepare its certificate of the amount of the net proceeds and the tax due and shall send a copy to the owner of the mine, operator of the mine or recipient of the royalty, as the case may be.

2. The certificate must be prepared and mailed not later than:
   (a) April 20 immediately following the month of February during which the statement was filed; or
   (b) April 30 immediately thereafter if an amended statement is filed in a timely manner.

3. The tax due as indicated in the certificate prepared pursuant to this section must be paid on or before May 10 of the year in which the certificate is received.

4. If an overpayment was made, the overpayment may be credited toward the payment due on May 10 of the next calendar year. If the certificate prepared pursuant to this section shows a net loss for the year covered by the certificate or an amount of tax due for that year which is less than an overpayment made for the preceding year, the amount or remaining amount of the overpayment must be refunded to the taxpayer within 30 days after the certification was sent to the taxpayer.

NRS 362.130 Annual preparation and mailing of certificate by Department; payment of tax due and penalty; overpayments. [Effective from July 1, 2009, through June 30, 2011.]

1. When the Department determines from the annual statement filed pursuant to NRS 362.110 the net proceeds of any minerals extracted, it shall prepare its certificate of the amount of the net proceeds, the amount of the estimated tax paid in the prior calendar year pursuant to paragraph (a) of subsection 1 of NRS 362.115 and any additional payments made pursuant to paragraph (b) of subsection 1 of that section, and the balance of the tax due, if any, and shall send a copy to the owner or operator of the mine.

2. The certificate must be prepared and mailed not later than:
   (a) April 20 immediately following the month of February during which the statement was filed; or
   (b) April 30 immediately thereafter if an amended statement is filed in a timely manner.

3. The tax due as indicated in the certificate prepared pursuant to this section and any penalty must be paid on or before May 10 of the year in which the certificate is received.

4. If the amount paid pursuant to paragraph (a) of subsection 1 of NRS 362.115 in the prior calendar year is less than 90 percent of the amount certified pursuant to this section, the amount due must include a penalty of 10 percent of the amount by which the tax was underpaid unless:
   (a) The amount paid pursuant to paragraph (a) of subsection 1 of NRS 362.115 in the prior calendar year is equal to or greater than the total liability of the operation for the preceding calendar year; or
   (b) The person files quarterly reports pursuant to paragraph (b) of subsection 1 of NRS 362.115 in a timely manner for that year and the total of all payments exceeds 90 percent of the amount certified.

(h) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(i) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.

(j) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(k) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.

4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.

5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department.

6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:

1. When the Department determines from the annual statement filed pursuant to NRS 362.110 the net proceeds of any minerals extracted, it shall prepare its certificate of the amount of the net proceeds, the amount of the estimated tax paid in the prior calendar year pursuant to paragraph (a) of subsection 1 of NRS 362.115 and the balance of the tax due, if any, and shall send a copy to the owner or operator of the mine, operator of the mine or recipient of the royalty, as the case may be.

2. The certificate must be prepared and mailed not later than:
   (a) April 20 immediately following the month of February during which the statement was filed; or
   (b) April 30 immediately thereafter if an amended statement is filed in a timely manner.

3. The tax due as indicated in the certificate prepared pursuant to this section must be paid on or before May 10 of the year in which the certificate is received.

4. If an overpayment was made, the overpayment may be credited toward the payment due on May 10 of the next calendar year. If the certificate prepared pursuant to this section shows a net loss for the year covered by the certificate or an amount of tax due for that year which is less than an overpayment made for the preceding year, the amount or remaining amount of the overpayment must be refunded to the taxpayer within 30 days after the certification was sent to the taxpayer.

NRS 362.130 Preparation and mailing of certificate of amount of net proceeds and tax due; due date of tax; overpayments. [Effective through June 30, 2009.]

1. When the Department determines from the annual statement filed pursuant to NRS 362.110 the net proceeds of any minerals extracted, it shall prepare its certificate of the amount of the net proceeds and the tax due and shall send a copy to the owner of the mine, operator of the mine or recipient of the royalty, as the case may be.

2. The certificate must be prepared and mailed not later than:
   (a) April 20 immediately following the month of February during which the statement was filed; or
   (b) April 30 immediately thereafter if an amended statement is filed in a timely manner.

3. The tax due as indicated in the certificate prepared pursuant to this section must be paid on or before May 10 of the year in which the certificate is received.

4. If an overpayment was made, the overpayment may be credited toward the payment due on May 10 of the next calendar year. If the certificate prepared pursuant to this section shows a net loss for the year covered by the certificate or an amount of tax due for that year which is less than an overpayment made for the preceding year, the amount or remaining amount of the overpayment must be refunded to the taxpayer within 30 days after the certification was sent to the taxpayer.

NRS 362.130 Annual preparation and mailing of certificate by Department; payment of tax due and penalty; overpayments. [Effective from July 1, 2009, through June 30, 2011.]

1. When the Department determines from the annual statement filed pursuant to NRS 362.110 the net proceeds of any minerals extracted, it shall prepare its certificate of the amount of the net proceeds, the amount of the estimated tax paid in the prior calendar year pursuant to paragraph (a) of subsection 1 of NRS 362.115 and any additional payments made pursuant to paragraph (b) of subsection 1 of that section, and the balance of the tax due, if any, and shall send a copy to the owner or operator of the mine.

2. The certificate must be prepared and mailed not later than:
   (a) April 20 immediately following the month of February during which the statement was filed; or
   (b) April 30 immediately thereafter if an amended statement is filed in a timely manner.

3. The tax due as indicated in the certificate prepared pursuant to this section and any penalty must be paid on or before May 10 of the year in which the certificate is received.

4. If the amount paid pursuant to paragraph (a) of subsection 1 of NRS 362.115 in the prior calendar year is less than 90 percent of the amount certified pursuant to this section, the amount due must include a penalty of 10 percent of the amount by which the tax was underpaid unless:
   (a) The amount paid pursuant to paragraph (a) of subsection 1 of NRS 362.115 in the prior calendar year is equal to or greater than the total liability of the operation for the preceding calendar year; or
   (b) The person files quarterly reports pursuant to paragraph (b) of subsection 1 of NRS 362.115 in a timely manner for that year and the total of all payments exceeds 90 percent of the amount certified.
5. If an overpayment was made, the overpayment may be credited toward the payment due on March 1 of the next calendar year. If the certificate prepared pursuant to this section shows a net loss for the year covered by the certificate or an amount of tax due for that year which is less than an overpayment made for the preceding year, the amount or remaining amount of the overpayment must be refunded to the taxpayer within 30 days after the certification was sent to the taxpayer.

[NRS 362.130 Preparation and mailing of certificate of amount of net proceeds and tax due; due date of tax; overpayments. [Effective July 1, 2011.]

1. When the Department determines from the annual statement filed pursuant to NRS 362.110 the net proceeds of any minerals extracted, it shall prepare its certificate of the amount of the net proceeds and the tax due and shall send a copy to the owner of the mine, operator of the mine or recipient of the royalty, as the case may be.

2. The certificate must be prepared and mailed not later than:
   (a) April 20 immediately following the month of February during which the statement was filed; or
   (b) April 30 immediately thereafter if an amended statement is filed in a timely manner.

3. The tax due as indicated in the certificate prepared pursuant to this section must be paid on or before May 10 of the year in which the certificate is received.

4. If an overpayment was made, the overpayment may be credited toward the payment due on May 10 of the next calendar year. If the certificate prepared pursuant to this section shows a net loss for the year covered by the certificate or an amount of tax due for that year which is less than an overpayment made for the preceding year, the amount or remaining amount of the overpayment must be refunded to the taxpayer within 30 days after the certification was sent to the taxpayer.

[NRS 362.140 Rate of tax upon net proceeds.

1. Except as otherwise provided in this section, the rate of tax upon the net proceeds of each geographically separate extractive operation depends upon the ratio of the net proceeds to the gross proceeds of that operation as a whole, according to the following table:

<table>
<thead>
<tr>
<th>Net Proceeds as Percentage of Gross Proceeds</th>
<th>Rate of Tax as Percentage of Net Proceeds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10..................................................</td>
<td>2.00</td>
</tr>
<tr>
<td>10 or more but less than 18.................................</td>
<td>2.50</td>
</tr>
<tr>
<td>18 or more but less than 26.................................</td>
<td>3.00</td>
</tr>
<tr>
<td>26 or more but less than 34.................................</td>
<td>3.50</td>
</tr>
<tr>
<td>34 or more but less than 42.................................</td>
<td>4.00</td>
</tr>
<tr>
<td>42 or more but less than 50.................................</td>
<td>4.50</td>
</tr>
<tr>
<td>50 or more........................................................</td>
<td>5.00</td>
</tr>
</tbody>
</table>

2. If the combined rate of tax ad valorem which would be assessed but for the provisions of Section 5 of Article 10 of the Constitution of this state, including any rate levied by the State of Nevada, upon property at the situs of the operation is more than 2 percent, the minimum rate of tax under this section equals that rate of tax ad valorem.

3. The rate of tax upon royalties is 5 percent.

4. The rate of tax upon the net proceeds of a geothermal operation taxable pursuant to NRS 362.100 is the combined rate of tax ad valorem applicable to the property at the situs of the operation.

5. The rate of tax upon an operation for which the net proceeds in a calendar year exceed $4,000,000 is 5 percent.

[NRS 362.150 Liens for taxes on proceeds of minerals. Every tax levied under the authority or provisions of NRS 362.100 to 362.240, inclusive, on the proceeds of minerals extracted is hereby made a lien on the mines from which minerals are extracted for sale or reduction, and also on all machinery, fixtures, equipment and stockpiles of the taxpayer located at the...
mine site or elsewhere in the State. The lien attaches on the 1st day of January of each year, for the calendar year commencing on that day and may not be removed or satisfied until the taxes are all paid, or the title to those mines has vested absolutely in a purchaser under a sale for those taxes.

[76:99:1891; C § 1148; RL § 3688; NCL § 6482]—(NRS A 1979, 822; 1989, 39)

**NRS 362.160 When tax becomes delinquent; collection of delinquency, penalty and interest; appeal of imposition of penalty and interest.**

1. Except as otherwise provided in NRS 360.232 and 360.320, if the amount of any tax required by NRS 362.100 to 362.240, inclusive, is not paid within 10 days after it is due, it is delinquent and must be collected as other delinquent taxes are collected by law, together with a penalty of 10 percent of the amount of the tax which is owed, as determined by the Department, in addition to the tax, plus interest at the rate of 1 percent per month, or fraction of a month, from the date the tax was due until the date of payment.

2. Any person extracting any mineral or receiving a royalty may appeal from the imposition of the penalty and interest to the Nevada Tax Commission by filing a notice of appeal in accordance with the requirements set forth in NRS 360.245.


**NRS 362.170 Appropriation to county of amount of tax, penalties and interest attributable to extractive operations in county; apportionment by county treasurer; Department to report amount received as tax upon net proceeds of geothermal resources. [Effective through June 30, 2009.]**

1. There is hereby appropriated to each county the total of the amounts obtained by multiplying, for each extractive operation situated within the county, the net proceeds of that operation and any royalties paid by that operation, as estimated and paid pursuant to NRS 362.115, plus any amounts paid pursuant to NRS 362.130 by the combined rate of tax ad valorem for the fiscal year to which the payments apply, excluding any rate levied by the State of Nevada, for property at that site, plus a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to the county. The Department shall report to the State Controller on or before May 25 of each year the amount appropriated to each county, as calculated for each operation from the final statement made in February of that year for the preceding calendar year. The State Controller shall distribute all money due to a county on or before May 30 of each year. The Department shall report to the State Controller any additional payments made pursuant to paragraph (b) of subsection 1 of NRS 362.115 within 15 days after receipt of the payment, and the State Controller shall distribute the money to the appropriate county within 5 days after receipt of the report from the Department. For the purposes of this subsection, payments made pursuant to paragraph (b) of subsection 1 of NRS 362.115 apply to the fiscal year in which the statement of the estimated net proceeds is filed pursuant to paragraph (a) of subsection 1 of NRS 362.115.

2. The county treasurer shall apportion to each local government or other local entity an amount calculated by:
   (a) Determining the total of the amounts obtained by multiplying, for each extractive operation situated within its jurisdiction, the net proceeds of that operation and any royalty payments paid by that operation, by the rate levied on behalf of that local government or other local entity;
   (b) Adding to the amount determined pursuant to paragraph (a) a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to that local government or local entity; and
   (c) Subtracting from the amount determined pursuant to paragraph (b) a commission of 5 percent of that amount, of which 3 percent must be deposited in the county general fund and 2 percent must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.

3. The amounts apportioned pursuant to subsection 2, including, without limitation, the amount retained by the county and excluding the percentage commission, must be applied to the uses for which each levy was authorized in the same proportion as the rate of each levy bears to the total rate.

4. The Department shall report to the State Controller on or before May 25 of each year the amount received as tax upon the net proceeds of geothermal resources which equals the product of those net proceeds multiplied by the rate of tax levied ad valorem by the State of Nevada.


**NRS 362.170 Appropriation to county of amount of tax, penalties and interest attributable to extractive operations in county; apportionment by county treasurer; Department to report amount received as tax upon net proceeds of geothermal resources. [Effective from July 1, 2009, through June 30, 2011.]**

1. There is hereby appropriated to each county the total of the amounts obtained by multiplying, for each extractive operation situated within the county, the net proceeds of that operation and any royalties paid by that operation, as estimated and paid pursuant to NRS 362.115, plus any amounts paid pursuant to NRS 362.130 by the combined rate of tax ad valorem for the fiscal year to which the payments apply, excluding any rate levied by the State of Nevada, for property at that site, plus a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to the county. The Department shall report to the State Controller on or before May 25 of each year the amount appropriated to each county, as calculated for each operation from the estimate provided pursuant to NRS 362.115 for the current calendar year and any adjustments made pursuant to NRS 362.130 for the preceding calendar year. The State Controller shall distribute all
money due to a county on or before May 30 of each year. The Department shall report to the State Controller any additional payments made pursuant to paragraph (b) of subsection 1 of NRS 362.115 within 15 days after receipt of the payment, and the State Controller shall distribute the money to the appropriate county within 5 days after receipt of the report from the Department. For the purposes of this subsection, payments made pursuant to paragraph (b) of subsection 1 of NRS 362.115 apply to the fiscal year in which the statement of the estimated net proceeds is filed pursuant to paragraph (a) of subsection 1 of NRS 362.115.

2. The county treasurer shall apportion to each local government or other local entity an amount calculated by:
   (a) Determining the total of the amounts obtained by multiplying, for each extractive operation situated within its jurisdiction, the net proceeds of that operation and any royalty payments paid by that operation, by the rate levied on behalf of that local government or other local entity;
   (b) Adding to the amount determined pursuant to paragraph (a) a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to that local government or local entity; and
   (c) Subtracting from the amount determined pursuant to paragraph (b) a commission of 3 percent of that amount which must be deposited in the county general fund.

3. The amounts apportioned pursuant to subsection 2, including, without limitation, the amount retained by the county and excluding the percentage commission, must be applied to the uses for which each levy was authorized in the same proportion as the rate of each levy bears to the total rate.

4. The Department shall report to the State Controller on or before May 25 of each year the amount received as tax upon the net proceeds of geothermal resources which equals the product of those net proceeds multiplied by the rate of tax levied ad valorem by the State of Nevada.

NRS 362.170 Appropriation to county of amount of tax, penalties and interest attributable to extractive operations in county; apportionment by county treasurer; Department to report amount received as tax upon net proceeds of geothermal resources. [Effective July 1, 2011.]

1. There is hereby appropriated to each county the total of the amounts obtained by multiplying, for each extractive operation situated within the county, the net proceeds of that operation and any royalties paid by that operation, by the combined rate of tax ad valorem, excluding any rate levied by the State of Nevada, for property at that site, plus a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to the county. The Department shall report to the State Controller on or before May 25 of each year the amount appropriated to each county, as calculated for each operation from the final statement made in February of that year for the preceding calendar year. The State Controller shall distribute all money due to a county on or before May 30 of each year.

2. The county treasurer shall apportion to each local government or other local entity an amount calculated by:
   (a) Determining the total of the amounts obtained by multiplying, for each extractive operation situated within its jurisdiction, the net proceeds of that operation and any royalty payments paid by that operation, by the rate levied on behalf of that local government or other local entity;
   (b) Adding to the amount determined pursuant to paragraph (a) a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to that local government or local entity; and
   (c) Subtracting from the amount determined pursuant to paragraph (b) a commission of 3 percent of that amount which must be deposited in the county general fund.

3. The amounts apportioned pursuant to subsection 2, including, without limitation, the amount retained by the county and excluding the percentage commission, must be applied to the uses for which each levy was authorized in the same proportion as the rate of each levy bears to the total rate.

4. The Department shall report to the State Controller on or before May 25 of each year the amount received as tax upon the net proceeds of geothermal resources which equals the product of those net proceeds multiplied by the rate of tax levied ad valorem by the State of Nevada.


NRS 362.171 Establishment and use of county fund for mitigation and school district fund for mitigation.

1. Each county to which money is appropriated by subsection 1 of NRS 362.170 may set aside a percentage of that appropriation to establish a county fund for mitigation. Money from the fund may be appropriated by the board of county commissioners only to mitigate adverse effects upon the county, or the school district located in the county, which result from:
   (a) A decline in the revenue received by the county from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or
   (b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.

2. Each school district to which money is apportioned by a county pursuant to subsection 2 of NRS 362.170 may set aside a percentage of the amount apportioned to establish a school district fund for mitigation. Money from the fund may be used by the school district only to mitigate adverse effects upon the school district which result from:
(a) A decline in the revenue received by the school district from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.

(Added to NRS by 1993, 2289; A 1999, 736)

NRS 362.175  Procedure for removal of amount of tax and name from records of Department when tax impossible or impractical to collect.

1. If at any time, in the opinion of the Executive Director, it becomes impossible or impractical to collect any tax certified on the proceeds of minerals extracted, the Executive Director may apply to the Nevada Tax Commission to have the amount of the tax and the name of the person against whom the tax is certified removed from the tax records of the Department.

2. If the Nevada Tax Commission approves the application, the Department may remove the name and amount from its tax records.

(Added to NRS by 1960, 84; A 1975, 1678; 1989, 40)

NRS 362.180  Burden of proof on taxpayer to show certification by Department to be unjust, improper or invalid.

In any suit arising concerning the certification and taxation of the net proceeds of minerals extracted, the burden of proof is upon the taxpayer to show if he so alleges or contends that the certification by the Department is unjust, improper or otherwise invalid.


NRS 362.200  Powers of Department: Examination of records; hearings.

1. The Department may examine the records of any person operating or receiving royalties from any extractive operation in this state. The records are subject to examination at all times by the Department or its authorized agents and must remain available for examination for a period of 4 years from the date of any entry therein.

2. If any person whose gross yield from an extractive operation as reported to the Department for any annual reporting period during the 4 years immediately preceding the examination was $100,000 or more keeps his books and records pertaining to that operation or royalties outside this state, the person shall pay an amount per day equal to the amount set by law for out-of-state travel for each day or fraction thereof during which an examiner is actually engaged in examining the books, plus the actual expenses of that examiner during the time he is absent from Carson City, Nevada, for the purpose of making the examination, but the time must not exceed 1 day going to and 1 day coming from the place of examination. No more than one examination may be charged against a person in any 1 fiscal year.

3. The Department may hold hearings and summon and subpoena witnesses to appear and testify upon any subject material to the determination of the net proceeds of minerals extracted. The hearings may be held at any place the Department designates, after not less than 10 days’ notice of the time and place of the hearing given in writing to the owner or operator of the mine. The owner or operator is entitled, on request made to the Executive Director, to the issuance of the Department’s subpoena requiring witnesses in behalf of the owner or operator to appear and testify at such hearing.

4. The failure of a witness to obey the subpoena of the Department subjects the witness to the same penalties prescribed by law for failure to obey a subpoena of a district court.


NRS 362.230  Penalty for failure to file statements.

1. Every person extracting any mineral in this state, or receiving a royalty in connection therewith, who fails to file with the Department the statements provided for in NRS 362.100 to 362.240, inclusive, during the time and in the manner provided for in NRS 362.100 to 362.240, inclusive, shall pay a penalty of not more than $5,000. If any such person fails to file the statement, the Department may ascertain and certify the net proceeds of the minerals extracted or the value of the royalty from all data and information obtainable, and the amount of the tax due must be computed on the basis of the amount due so ascertained and certified.

2. The Executive Director shall determine the amount of the penalty. This penalty becomes a debt due the State of Nevada and, upon collection, must be deposited in the State Treasury to the credit of the State General Fund.

3. Any person extracting any mineral or receiving a royalty may appeal from the imposition of the penalty to the Nevada Tax Commission by filing a notice of appeal in accordance with the requirements set forth in NRS 360.245.


NRS 362.240  Penalty for false statements.

Any person who verifies under oath to the truthfulness of a statement required by NRS 362.100 to 362.240, inclusive, that is false in any material respect shall be liable to a penalty of not more than 15 percent of the tax as determined by the Executive Director after reasonable notice and hearing.

[8:77:1927; NCL § 6585]—(NRS A 1975, 1680)
CHAPTER 701A - ENERGY-RELATED TAX INCENTIVES

GREEN BUILDINGS

NRS 701A.100 Adoption of Green Building Rating System; requirements and limitations.
1. The Director of the Office of Energy shall adopt a Green Building Rating System for the purposes of determining the eligibility of a building or other structure for a tax abatement pursuant to NRS 701A.110.
2. The Green Building Rating System must include standards and ratings equivalent to the standards and ratings provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System, except that the standards adopted by the Director:
   (a) Except as otherwise provided in paragraphs (b) and (c), must not include:
      (1) Any standard that has not been included in the Leadership in Energy and Environmental Design Green Building Rating System for at least 2 years; or
      (2) Standards for homes;
   (b) Must provide reasonable exceptions based on the size of the area occupied by the building or other structure; and
   (c) Must require a building or other structure to obtain:
      (1) At least 3 points of credit for energy conservation to meet the equivalent of the silver level;
      (2) At least 5 points of credit for energy conservation to meet the equivalent of the gold level; and
      (3) At least 8 points of credit for energy conservation to meet the equivalent of the platinum level.
3. As used in this section, “home” means a building or other structure for which the principal use is as a residential dwelling for not more than four families.
(Added to NRS by 2007, 3375)

NRS 701A.110 Partial abatement of certain property taxes for buildings or structures that meet certain standards under Green Building Rating System; requirements and limitations; regulations.
1. Except as otherwise provided in this section, the Director shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on a building or other structure that is determined to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100, if:
   (a) No funding is provided by any governmental entity in this State for the acquisition, design or construction of the building or other structure or for the acquisition of any land therefor. For the purposes of this paragraph:
      (1) Private activity bonds must not be considered funding provided by a governmental entity.
      (2) The term “private activity bond” has the meaning ascribed to it in 26 U.S.C. § 141.
   (b) The owner of the property:
      (1) Submits an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.
      (2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.
2. As soon as practicable after the Director receives:
   (a) The application required by subsection 1, the Director shall forward a copy of that application to the:
      (1) Chief of the Budget Division of the Department of Administration;
      (2) Department of Taxation;
      (3) County assessor;
      (4) County treasurer; and
      (5) Commission on Economic Development.
   (b) The application and proof required by subsection 1, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:
      (1) Department of Taxation;
      (2) County assessor;
      (3) County treasurer; and
      (4) Commission on Economic Development.
3. As soon as practicable after receiving a copy of:
   (a) An application pursuant to paragraph (a) of subsection 2:
      (1) The Chief of the Budget Division shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State; and
      (2) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government.
(b) A certificate of eligibility pursuant to paragraph (b) of subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement:
   (a) Must be for a duration of not more than 10 years and in an annual amount that equals, for a building or other structure that meets the equivalent of:
      1. The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land;
      2. The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or
      3. The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.
   (b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.
   (c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:
      1. Department of Taxation, who shall immediately notify each affected local government of the determination;
      2. County assessor;
      3. County treasurer; and

5. The Director shall adopt regulations:
   (a) Establishing the qualifications and methods to determine eligibility for the abatement;
   (b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and
   (c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (b) of subsection 1, and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

6. As used in this section:
   (a) “Building or other structure” does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.
   (b) “Director” means the Director of the Office of Energy appointed pursuant to NRS 701.150.
   (c) “Taxes imposed for public education” means:
      1. Any ad valorem tax authorized or required by chapter 387 of NRS;
      2. Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and
      3. Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

(Added to NRS by 2007, 3375)

BUSINESSES, FACILITIES, SYSTEMS AND DEVICES

NRS 701A.200 Exemption from certain property taxes for qualified energy systems; requirements and limitations; regulations.
1. For purposes of the assessment of property pursuant to chapter 361 of NRS:
   (a) Except as otherwise provided in paragraph (b), the value of a qualified system must not be included in the assessed value of a building.
   (b) Any value added by a qualified system must be included in the assessed value of a commercial or industrial building during any period in which the business that owns the commercial or industrial building is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.
2. The Department of Taxation shall adopt such regulations as it determines to be necessary for the administration of this section.
3. As used in this section, “qualified system” means any system, method, construction, installation, machinery, equipment, device or appliance which is designed, constructed or installed in a residential, commercial or industrial building to heat or cool the building or water used in the building, or to provide electricity used in the building, by using:
   (a) Energy from the wind or from solar devices not thermally insulated from the area where the energy is used;
(b) Geothermal resources;
(c) Energy derived from conversion of solid wastes; or
(d) Waterpower,
which conforms to standards established by regulation of the Department of Taxation.
(Added to NRS by 2007, 3379)

NRS 701A.210 Partial abatement of certain property taxes for businesses and facilities using recycled material; requirements and limitations.
1. Except as otherwise provided in this section, if a:
   (a) Business that engages in the primary trade of preparing, fabricating, manufacturing or otherwise processing raw material or an intermediate product through a process in which at least 50 percent of the material or product is recycled on-site; or
   (b) Business that includes as a primary component a facility for the generation of electricity from recycled material, is found by the Commission on Economic Development to have as a primary purpose the conservation of energy or the substitution of other sources of energy for fossil sources of energy and obtains certification from the Commission on Economic Development pursuant to NRS 360.750, the Commission may, if the business additionally satisfies the requirements set forth in subsection 2 of NRS 361.0687, grant to the business a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS.
2. If a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS is approved by the Commission on Economic Development pursuant to NRS 360.750 for a business described in subsection 1:
   (a) The partial abatement must:
      (1) Be for a duration of at least 1 year but not more than 10 years;
      (2) Not exceed 50 percent of the taxes on real property payable by the business each year; and
      (3) Be administered and carried out in the manner set forth in NRS 360.750.
   (b) The Executive Director of the Commission on Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Commission granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.
3. The partial abatement provided in this section applies only to the business for which certification was granted pursuant to NRS 360.750 and the property used in connection with that business. The exemption does not apply to property in this State that is not related to the business for which the certification was granted pursuant to NRS 360.750 or to property in existence and subject to taxation before the certification was granted.
4. As used in this section, “facility for the generation of electricity from recycled material” means a facility for the generation of electricity that uses recycled material as its primary fuel, including material from:
   (a) Industrial or domestic waste, other than hazardous waste, even though it includes a product made from oil, natural gas or coal, such as plastics, asphalt shingles or tires;
   (b) Agricultural crops, whether terrestrial or aquatic, and agricultural waste, such as manure and residue from crops; and
   (c) Municipal waste, such as sewage and sludge.
   The term includes all the equipment in the facility used to process and convert into electricity the energy derived from a recycled material fuel.
(Added to NRS by 2007, 3378)

NRS 701A.220 Partial abatement of certain property taxes for facilities that generate electricity from renewable energy or produce energy storage devices; requirements and limitations. [Effective through June 30, 2009.]
1. If a partial abatement from the taxes imposed pursuant to chapter 361 of NRS is approved by the Commission on Economic Development pursuant to NRS 360.750 for a facility for the generation of electricity from renewable energy or a facility for the production of an energy storage device:
   (a) The partial abatement must be:
      (1) For a duration of 10 years;
      (2) Equal to 50 percent of the taxes on real and personal property payable by the facility each year; and
      (3) Administered and carried out in the manner set forth in NRS 360.750.
   (b) The Executive Director of the Commission on Economic Development shall:
      (1) Notify the county assessor of the county in which the facility is located of the approval of the partial abatement; and
      (2) Advise the county assessor of the county in which the facility is located as to the dates on which the partial abatement will begin and end.
2. As used in this section:
   (a) “Biomass” means any organic matter that is available on a renewable basis, including, without limitation:
      (1) Agricultural crops and agricultural wastes and residues;
      (2) Wood and wood wastes and residues;
      (3) Animal wastes;
(4) Municipal wastes; and
(5) Aquatic plants.
(b) “Energy storage device” means a device for use and storage of electrical energy that alleviates the consumption of fossil fuel and does not produce fossil fuel emissions.
(c) “Facility for the generation of electricity from renewable energy” means a facility for the generation of electricity that:
(1) Uses renewable energy as its primary source of energy; and
(2) Has a generating capacity of at least 10 kilowatts.
The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.
(d) “Renewable energy” means:
(1) Biomass;
(2) Solar energy; or
(3) Wind.
The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.
(Added to NRS by 2007, 3379)

NRS 701A.230 Partial abatement of certain sales and use taxes for facilities that generate electricity from renewable energy or produce energy storage devices; requirements and limitations. [Effective through June 30, 2009.]
If an application for an abatement from taxes pursuant to NRS 374.357 is approved pursuant to NRS 360.750 for a facility for the generation of electricity from renewable energy or a facility for the production of an energy storage device:
1. The taxpayer is eligible for the abatement for 2 years.
2. The abatement must be administered and carried out in the manner set forth in NRS 360.750.
3. For the purposes of this section and the abatement, unless the context otherwise requires:
(a) “Biomass” means any organic matter that is available on a renewable basis, including, without limitation:
(1) Agricultural crops and agricultural wastes and residues;
(2) Wood and wood wastes and residues;
(3) Animal wastes;
(4) Municipal wastes; and
(5) Aquatic plants.
(b) “Eligible machinery or equipment” means:
(1) If the business that qualifies for the abatement is a facility for the production of an energy storage device, machinery or equipment which is leased or purchased and for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:
(I) Buildings or the structural components of buildings;
(II) Equipment used by a public utility;
(III) Equipment used for medical treatment;
(IV) Machinery or equipment used in mining;
(V) Machinery or equipment used in gaming; or
(VI) Aircraft.
(2) If the business that qualifies for the abatement is a facility for the generation of electricity from renewable energy, all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity.
(c) “Energy storage device” means a device for use and storage of electrical energy that alleviates the consumption of fossil fuel and does not produce fossil fuel emissions.
(d) “Facility for the generation of electricity from renewable energy” means a facility for the generation of electricity that:
(1) Uses renewable energy as its primary source of energy; and
(2) Has a generating capacity of at least 10 kilowatts.
The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.
(e) “Fuel cell” means a device or contrivance which, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.
(f) “Renewable energy” means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:
(1) Biomass;
(2) Fuel cells;
(3) Geothermal energy;
(4) Solar energy;
(5) Waterpower; and
(6) Wind.
The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.
(Added to NRS by 2007, 3380)
NEVADA ADMINISTRATIVE CODE

CHAPTER 360 - REVENUE AND TAXATION: GENERALLY

GENERAL PROVISIONS

NAC 360.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 360.015 to 360.040, inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification)

NAC 360.015 “Board” defined. (NRS 360.090) “Board” means the State Board of Equalization.
[Tax Comm’n, Practice Rule No. 7, eff. 11-15-77]

[Tax Comm’n, Practice Rule No. 8, eff. 11-15-77]

NAC 360.025 “Department” defined. (NRS 360.090) “Department” means the Department of Taxation.
[Tax Comm’n, Practice Rule No. 9, eff. 11-15-77]

NAC 360.030 “Director” defined. (NRS 360.090) “Director” means the Executive Director of the Department.
[Tax Comm’n, Practice Rule No. 10, eff. 11-15-77]

NAC 360.035 “Hearing officer” defined. (NRS 360.090) “Hearing officer” means the Executive Director of the Department or any other person the Commission may designate.
[Tax Comm’n, Practice Rule No. 11, eff. 11-15-77]

NAC 360.040 “Staff” defined. (NRS 360.090) “Staff” means the staff of the Department.
[Tax Comm’n, Practice Rule No. 16, eff. 11-15-77]

NAC 360.042 Taxpayers’ Bill of Rights: Publication and distribution of informational pamphlet; written instructions concerning rights and responsibilities of taxpayers; periodical newsletter with information on common errors; timely response to request of taxpayer; agreements for payment of tax in installments. (NRS 360.090, 360.2915, 360.292, 360.2925, 360.293)

1. NRS 360.291, the Taxpayers’ Bill of Rights, specifies the rights of the taxpayers of Nevada. These rights, summarized in pamphlet form, will be furnished to all taxpayers and any other person upon request and will be updated as needed. The Department shall support not only the letter, but also the spirit, of the provisions of the Taxpayers’ Bill of Rights.

2. The Department shall provide:
(a) Written instructions advising taxpayers of their rights and responsibilities;
(b) Information concerning the most common errors made by taxpayers which will be published periodically in the newsletter of the Department entitled, Nevada Tax Notes; and
(c) A written response to each written request submitted by a taxpayer, within 30 days after receiving the request, unless other arrangements have been made in advance.

3. The Department may accept installment payments over a period exceeding 12 months upon the execution of a written instrument between the taxpayer and the Department. The Executive Director’s approval is required before any such agreement becomes effective.

(Added to NAC by Tax Comm’n, eff. 1-16-92)—(Substituted in revision for NAC 360.500)

PRACTICE BEFORE THE NEVADA TAX COMMISSION

General Provisions

NAC 360.043 Scope; construction; deviation. (NRS 360.090)
1. The provisions of NAC 360.043 to 360.200, inclusive:
   (a) Govern the practice and procedure in contested cases before the Commission and Department.
   (b) Govern all practice and procedure before the Commission or Department under titles 31 and 32 of NRS.
   (c) Will be liberally construed to secure the just, speedy and economical determination of all issues presented to the Commission or Department.

   2. In special cases, where good cause appears, not contrary to statute, deviation from these rules, if stipulated to by all parties of record, will be permitted.

[Tax Comm’n, Practice Rule No. 1, eff. 11-15-77; A 12-20-79; No. 2, part No. 3 & No. 5, eff. 11-15-77]—(NAC A by R112-07, 12-4-2007; R140-07, 1-30-2008)

NAC 360.045 Communications. (NRS 360.090)
1. All pleadings, including, but not limited to, complaints, petitions, answers, briefs, motions, affidavits and applications, should be addressed to the Director and not to individual members of the Commission or its staff. All pleadings are deemed to be officially received by the Department when a true copy of the paper or document, properly addressed and stamped, is deposited in the United States mail.

2. Informal communications may be made with individual members of the staff and these communications and documents are deemed to be officially received by the Department when they are properly addressed and stamped and deposited in the United States mail.

3. Informal communications from the Department or Commission must be signed by the responsible staff member or Commissioner.

4. Each communication must be limited to one subject, contain the name and address of the person originating the communication and the appropriate permit or account number, if any, pertaining to the subject of the communication.

[Tax Comm’n, Practice Rule No. 17, eff. 11-15-77; A 12-20-79; No. 19, eff. 11-15-77]

NAC 360.050 Fees and remittances. (NRS 360.090)
1. Fees and remittances to the Department must be by money order, bank draft or check payable to the Department.

2. Remittances in currency or coin are wholly at the risk of the remitter and the Department assumes no responsibility for loss thereof.

3. Postage stamps will not be accepted as remittances.

[Tax Comm’n, Practice Rule No. 20, eff. 11-15-77]

NAC 360.055 Hearing calendar; notice of meetings of Commission. (NRS 360.090)
1. A hearing calendar will be maintained by the Director and current assignments for hearings will be made from the calendar. A current copy of the hearing calendar will be posted at all of the offices of the Department.
2. Notice of the meetings of the Commission will be given to the public by posting a notice and an agenda at the Carson City, Reno, Las Vegas and Elko offices of the Department at least 3 working days before the meeting.

[Tax Comm’n, Practice Rule No. 21, eff. 11-15-77]

**NAC 360.056** Testimony must be under oath. ([NRS 360.090](#)) Oral evidence will be taken only upon oath or affirmation administered by the hearing officer, Director or a Commissioner. Before taking the witness stand, each person must swear, or affirm, that the testimony he is about to give will be the truth, the whole truth and nothing but the truth.

[Tax Comm’n, Practice Rule No. 30, eff. 11-15-77]—(Substituted in revision for NAC 360.140)

**NAC 360.057** Certificate of service. ([NRS 360.090](#)) With all documents required to be served, an acknowledgment of service or a certificate in substantially the following form must be included:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to ................) (by mailing a copy thereof, properly addressed, with postage prepaid, to .................)

Dated at ................., this .......(day) of .................(month) of ...........(year)

...................................
Signature

[Tax Comm’n, Practice Rule No. 18, eff. 11-15-77]—(Substituted in revision for NAC 360.160)

**NAC 360.058** Transcripts. ([NRS 360.090](#))

1. If a transcript of any hearing held before the Commission or the hearing officer is desired by the petitioner or appellant, he must furnish the reporter, pay for the transcript and deliver a copy of the transcript to the Director within 20 days after requesting a rehearing or filing an appeal of the matter.

2. If a transcript is prepared by the petitioner or appellant from a tape recording provided by the Department, the petitioner or appellant must, if he wishes to use the transcript in any subsequent hearing or appeal of the matter, deliver a copy of the transcript to the Department within the time required by subsection 1.

[Tax Comm’n, Practice Rule part No. 17, eff. 11-15-77; A 12-20-79]—(NAC A 6-20-90; 8-2-90)—(Substituted in revision for NAC 360.165)

**NAC 360.060** Meetings and hearings: Conduct required; smoking prohibited. ([NRS 360.090](#))

1. A person appearing in a proceeding shall conform to the recognized standards of ethical and courteous conduct.

2. Smoking is prohibited during all meetings of the Commission and hearings before the hearing officer.

[Tax Comm’n, Practice Rule No. 33, eff. 11-15-77]

Parties; Legal Representation

**NAC 360.065** Classification of parties. ([NRS 360.090](#))

1. “Appellant” means any party appealing to the Commission from a decision of the hearing officer.

2. “Intervener” means a person other than the original party to the proceeding who is directly and substantially affected by the proceeding and who requests in writing, not later than 3 days before a hearing, to appear and present testimony or otherwise participate at the hearing.

3. “Petitioner” means any person who requests or seeks a redetermination, refund or adjustment of any tax, tax liability or the amount of any tax paid by him, an assessment for tax purposes or
determination of value for any purpose, or who petitions the Department or Commission for an advisory opinion or to adopt, amend or repeal a regulation.

4. “Respondent” means any person who is required to respond to an appeal of an administrative decision of the Commission.

[Tax Comm’n, Practice Rule Nos. 6, 12, 13 & 14, eff. 11-15-77]—(NAC A 1-12-96)

NAC 360.070 Interveners. (NRS 360.090)

1. A person other than the original party to any proceeding who is directly and substantially affected by the proceeding must secure an order from the Commission or the hearing officer granting leave to intervene before being allowed to participate. The granting of leave to intervene in any matter or proceeding is not a finding or determination of the Commission or the hearing officer that the party will or may be a party aggrieved by any ruling, order or decision of the Commission or the hearing officer for purposes of court review or appeal.

2. Petitions for leave to intervene must be in writing and must clearly identify the proceeding in which intervention is sought. The petition must set forth the name and address of the petitioner and contain a clear and concise statement of the direct and substantial interest of the petitioner in the proceeding, stating the manner in which the petitioner will be affected by the proceeding and outlining the matters relied upon by the petitioner as a basis for his request to intervene. If affirmative relief is sought, the petition must contain a clear and concise statement of the relief sought and the basis thereof, together with a statement as to the nature and quantity of evidence the petitioner will present if his petition is granted.

3. Petitions to intervene and proof of service of copies thereof on all other parties of record must be filed not less than 2 days before the commencement of the hearing, or state a substantial reason for the delay, or it will not be considered.

4. If a petition to intervene shows a direct and substantial interest in the subject matter of the proceeding or any part thereof and does not unduly broaden the issues, the Commission or the hearing officer may grant leave to intervene or otherwise appear in the proceeding with respect to the matters set out in the intervening petition, subject to such reasonable conditions as may be prescribed.

5. If it appears during the course of a proceeding that an intervenor has no direct or substantial interest in the proceeding and that the public interest does not require his participation therein, the Commission may dismiss him from the proceeding.

[Tax Comm’n, Practice Rule No. 48-51, eff. 11-15-77]

NAC 360.080 Rights of petitioner and staff at evidentiary hearing. (NRS 360.090) At any evidentiary hearing, the petitioner and staff may:

1. Call and examine witnesses.
2. Introduce exhibits relevant to the issues of the case.
3. Cross-examine opposing witnesses on any matter relevant to the issues of the case, even though that matter was not covered in the direct examination.
4. Impeach any witness regardless of which party first called him to testify.
5. Offer rebuttal evidence.
6. Call any person who, because of his relationship to any other party, may be an adverse witness, and examine him as an adverse witness.

[Tax Comm’n, Practice Rule No. 31, eff. 11-15-77]—(NAC A 1-12-96)

NAC 360.085 Representation of parties; qualifications of attorneys. (NRS 360.090) Appearances and representation of parties must be made as follows:

1. A party may appear in person, as provided in subsection 2, or may be represented by an attorney, an accountant or an authorized representative.
2. A party, if other than a natural person, may appear:
   (a) If a partnership, by a partner.
   (b) If a corporation, by an officer or other authorized representative or regular employee.
(c) If a municipal corporation, by an authorized officer, agent or employee.
(d) If an unincorporated association, by an authorized representative, officer or employee.

3. If a party chooses to be represented by an attorney, the attorney must be one who is admitted to practice and in good standing before the highest court of any state of the United States. If the attorney is not admitted to practice and in good standing before the Supreme Court of Nevada, an attorney so admitted and in good standing must be associated with the attorney appearing before the Commission or Department.

[Tax Comm’n, Practice Rule No. 32, eff. 11-15-77]—(NAC A 1-12-96)

NAC 360.090 Representation of parties and appearance as expert witness by former employee of Department or Attorney General’s Office limited. (NRS 360.090)

1. No former employee of the Department or member of the Attorney General’s staff may, at any time after severing his employment with the Department or the Attorney General, appear, except with the written permission of the Commission, in a representative capacity on behalf of other parties in a proceeding in which he previously took an active part as a representative of the Commission or Department.

2. No former employee of the Department may at any time after severing his employment with the Department, appear, except, with the written permission of the Commission, as an expert witness on behalf of other parties in a proceeding in which he previously took an active part in the investigation or preparation as a representative of the Department.

[Tax Comm’n, Practice Rule Nos. 34 & 35, eff. 11-15-77]

Appeals

NAC 360.173 Appeal of decision of officer or employee of Department: Timely filing and extension of time for filing notice of appeal. (NRS 360.090, 360.245)

1. Except as otherwise provided in this section or required to carry out a specific statute, regulation or court order, the Commission will not consider any notice of appeal filed more than 30 calendar days after service upon the taxpayer of the decision that is the subject of the notice of appeal.

2. The Director may, within 45 calendar days after a notice of appeal is otherwise due, grant an extension of time for the filing of the notice of appeal if:

(a) A request for the extension, accompanied by any supporting documentation, is made in writing to the Department; and

(b) The Director finds that the failure to file the notice of appeal in a timely manner:

   (1) Occurred despite the exercise of ordinary care and without the intent of the taxpayer; and

   (2) Is the result of circumstances beyond the control of the taxpayer. Such circumstances may include, without limitation, a natural disaster or other disaster beyond the control of the taxpayer, or the death or hospitalization of the person responsible for filing the notice of appeal.

3. A notice of appeal filed with the Department in accordance with an extension of time granted by the Director pursuant to this section shall be deemed to be timely filed.

4. A taxpayer may appeal a decision of the Director denying a request for an extension of time for the filing of a notice of appeal by filing an appeal of that decision with the Commission within 30 calendar days after service of the decision on the taxpayer.

5. As used in this section, “notice of appeal” means notice of an appeal by a taxpayer of a decision of the Director or of any other officer or employee of the Department.

(Added to NAC by Tax Comm’n by R112-07, eff. 12-4-2007)

NAC 360.175 Appeal of decision of hearing officer. (NRS 360.090, 360.245)

1. The staff, petitioner or a designated representative may, within 30 days after service of the copy of the findings of fact, conclusions of law and decision of the hearing officer, file a notice of appeal with the Commission.

2. Within 30 days after filing a notice of appeal, the appellant shall file with the Commission a:
(a) Brief setting forth the points relied upon in his appeal and authorities in support thereof; and
(b) Designation of the parts of the record before the hearing officer that he deems relevant to his appeal.

3. An appeal from the decision of the hearing officer to the Commission must be based upon one or more of the grounds set forth in subsection 3 of NRS 233B.135.

4. The filing of a notice of appeal does not excuse compliance with the decision of the hearing officer nor suspend the effectiveness of a decision unless otherwise ordered by the hearing officer.

5. After receipt of a notice of appeal, filed in compliance with subsection 1, and the documentation required by subsection 2, the Department will schedule a time for oral argument before the Commission at its next meeting. The oral argument will be limited to a period of time not to exceed 20 minutes unless extended by the Commission. The Commission will not review evidence which was not submitted to the hearing officer unless it determines that good cause exists for a failure to submit the evidence to the hearing officer.

6. The Commission will modify, reverse or affirm the decision of the hearing officer or remand the case to the hearing officer. The Executive Director shall issue a final written decision on behalf of the Commission.

[Tax Comm’n, Practice Rule Nos. 56-59, eff. 11-15-77]—(NAC A 11-20-87; 1-12-96; R078-97, 11-14-97)

NAC 360.176 Presentation of arguments in appellate hearing. (NRS 360.090) In an appellate hearing before the Commission on a contested case, the order in which argument will ordinarily be received from the parties is:
1. The staff will provide a brief orientation;
2. The appellant;
3. Interveners;
4. The respondent; and
5. Rebuttal by the appellant.
(Added to NAC by Tax Comm’n, eff. 1-12-96)

NAC 360.177 Refund or credit following unsuccessful appeal by Department. (NRS 360.090, 360.2935, 360.395) If a person prevails after any final appeal by the Department to the Commission or a court, the Department will issue a refund or credit.
(Added to NAC by Tax Comm’n, eff. 1-12-96)

NAC 360.181 Appeal of taxpayer concerning liability for tax: “Trade secret” interpreted. (NRS 360.090, 360.247) For the purposes of NRS 360.247 and NAC 360.182, the Commission interprets the term “trade secret” to have the meaning ascribed to it in NRS 600A.030.
(Added to NAC by Tax Comm’n by R140-07, eff. 1-30-2008)

NAC 360.182 Appeal of taxpayer concerning liability for tax: Request for and conduct of closed hearing. (NRS 360.090, 360.247)
1. A taxpayer may request a closed hearing by submitting the request in writing to the Commission:
   (a) Not later than 14 calendar days before the date of the hearing; or
   (b) If authorized by the Director for good cause shown, not later than 5 calendar days before the date of the hearing.
2. A request for a closed hearing must include:
   (a) A list or summary of the information the taxpayer alleges to be proprietary or confidential information, which may include bank records, financial statements, customer lists, vendor lists, trade secrets and unique business practices of the taxpayer, and any other information the taxpayer considers to be proprietary or confidential information; and
   (b) A short statement explaining how the information alleged by the taxpayer to be proprietary or confidential information qualifies as such pursuant to NRS 360.247.
3. If the Commission receives a request for a closed hearing in accordance with the provisions of this section, the Commission will:
   (a) Indicate on its written agenda that the taxpayer has requested a closed hearing; and
   (b) Hold and protect the information included in the request and any information included in any briefs filed in the pertinent appeal, including any supporting materials and exhibits, in accordance with any applicable laws pertaining to the confidentiality of that information.
4. If a taxpayer submits a request for a closed hearing pursuant to:
   (a) Paragraph (a) of subsection 1, the Department may, not later than 5 calendar days before the date of the hearing; or
   (b) Paragraph (b) of subsection 1, the Department may, not later than 3 calendar days before the date of the hearing,
   file a written objection to the request with the Commission and serve a copy of the objection upon the taxpayer or his authorized representative.
5. In a closed hearing, the Commission:
   (a) May receive testimony from the taxpayer and other witnesses regarding the information the taxpayer alleges to be proprietary or confidential information; and
   (b) Must determine by a majority vote of a quorum of its members whether that information qualifies as proprietary or confidential information pursuant to NRS 360.247. If the Commission determines that any of that information qualifies as proprietary or confidential information pursuant to NRS 360.247, the Commission may continue to hold a closed hearing regarding that proprietary or confidential information until the Commission determines that the proprietary or confidential information has been adequately discussed within the context of the appeal.
6. A taxpayer who fails to submit a request for a closed hearing in accordance with the provisions of this section shall be deemed to have waived his right to request a closed hearing. The provisions of this section do not affect the right of a taxpayer or his agent to request a continuance of any hearing on an appeal by the taxpayer.
7. As used in this section, “closed hearing” means a hearing before the Commission which is closed to the public pursuant to NRS 360.247.

(Added to NAC by Tax Comm’n by R140-07, eff. 1-30-2008)

NAC 360.185 Rehearing or reconsideration of decisions of Commission. (NRS 360.090)
1. The Commission may issue an order granting a rehearing or reconsideration of all or part of any matter on its own motion or on a petition by an aggrieved party. A motion or petition for rehearing or reconsideration will not be granted if the motion is made or the petition is filed more than 15 days after service of the Commission’s final decision on the matter or if a petition on the matter has been filed in the district court. The Commission will serve an order granting or denying a rehearing or reconsideration on all parties of record at least 5 days before the expiration of the time for filing a petition for judicial review pursuant to NRS 233B.130. The right of a person to file a petition in the district court is not affected by his failure to have petitioned for the Commission’s rehearing or reconsideration.
2. No oral argument concerning a motion or petition for rehearing or reconsideration will be permitted.
3. Except as otherwise provided in subsection 4, if the Commission has not taken action on a motion or petition for rehearing or reconsideration within the 15-day period allowed for making such a motion or filing such a petition, the motion or petition shall be deemed denied.
4. If a motion or petition for rehearing or reconsideration is made or filed within the 15-day period but the Commission is not scheduled to meet within that period, the Director may, upon a showing of good cause, stay enforcement of the Commission’s original decision until the Commission can grant or deny the motion or petition.
5. A stay of enforcement may be ordered upon the condition that the petitioner comply with specific terms which are reasonably related to the original findings and decision.
6. If the Commission issues an order granting a rehearing or reconsideration, the subsequent decision by the Commission:
   (a) Will be based on all pertinent parts of the record and such additional evidence and argument as it may permit.
   (b) Is the final decision of the Commission for the purposes of judicial review.
   [Tax Comm’n, Practice Rule No. 61, eff. 10-16-80]—(NAC A by R179-99, eff. 5-16-2000)

Other Hearings and Decisions

NAC 360.186 Appeal of valuation of centrally assessed property. (NRS 360.090, 361.315) Any person, corporation, partnership or association whose property valuation is required to be determined by the Commission pursuant to NRS 361.315, 361.320 or 361.325 may appear before the Commission during its annual meeting on the first Monday of October, if he has first delivered to the Director no later than 7 working days in advance of the meeting a written petition to appear specifying which portions of the staff’s valuation formulae are to be questioned and the specific basis for the questions.
   [Tax Comm’n, Practice Rule No. 52, eff. 11-15-77]—(NAC A 1-12-96)—(Substituted in revision for NAC 360.110)

NAC 360.187 Notice of hearing before order to seal and padlock business. (NRS 360.090, 360.490) Any person who engages in business without having the appropriate permit or license required by title 32 of NRS or chapter 585 of NRS will be given 10 days’ notice in writing which specifies the time and place of a hearing and requires him to show cause why his place of business should not be sealed and padlocked. The notice will be served personally or by mail in the manner prescribed in NRS 360.350.
   [Tax Comm’n, Practice Rule No. 52A, eff. 7-8-80]—(NAC A 9-16-92)—(Substituted in revision for NAC 360.115)

NAC 360.188 Decisions of Commission in contested cases not receiving evidentiary hearing: Form; delivery. (NRS 360.090)
   1. All final decisions in contested cases issued by or on behalf of the Commission upon which the petitioner has not received an evidentiary hearing before a hearing officer will be written and include separate findings of fact and conclusions of law based upon substantial evidence or matters officially noticed.
   2. Decisions will be delivered to each party and to his attorney of record either in person or by certified mail.
   [Tax Comm’n, Practice Rule part No. 55, eff. 11-15-77]—(NAC A 1-12-96)—(Substituted in revision for NAC 360.180)

Advisory Opinions

NAC 360.190 Petitions: Form; contents. (NRS 360.090)
   1. Any person may petition for an advisory opinion concerning matters within the jurisdiction of the Department or Commission.
   2. All petitions must be in writing, be addressed to the Director and set forth at least the following:
      (a) A statement that an advisory opinion is requested;
      (b) A succinct statement of all the facts and circumstances necessary to dispose of the petition;
      (c) A clear, simple statement of the issue or question to be resolved;
      (d) A statement of all statutes, rules, agency decisions or other authorities which the petitioner believes may be relevant in disposing of the petition; and
      (e) A statement with supporting arguments and authorities of the petitioner’s opinion of a proper disposition of the petition.
   [Tax Comm’n, Practice Rule No. 53, eff. 11-15-77]
NAC 360.195 Jurisdiction. (NRS 360.090) Since the Commission’s jurisdiction does not extend to equalization matters, the Director may respond to any request for an advisory opinion as being directed to the Board.

[Tax Comm’n, Practice Rule part No. 54, eff. 11-15-77]

NAC 360.200 Opinions: Issuance; appeals. (NRS 360.090)
1. Advisory opinions must:
   (a) Be written;
   (b) Include a statement of facts, question, analysis and opinion;
   (c) Be issued by the Director within 45 days after the filing of the petition unless the Director in writing orders an extension of time up to a maximum of 60 days after filing; and
   (d) Be delivered to the petitioner in person or by certified mail.
2. Advisory opinions of the Director are appealable to the Commission in the same manner as any other appealable decision.

[Tax Comm’n, Practice Rule part No. 54 & part No. 55, eff. 11-15-77]

PAYMENT AND COLLECTION OF TAXES AND FEES

NAC 360.395 Amount of penalty for late payment. (NRS 360.090, 360.093, 360.417) The penalty imposed pursuant to NRS 360.417 for the late payment of tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 372A, 377, 377A, 444A or 585 of NRS or any fee provided for in NRS 482.313 must be in the amount of:
1. If the payment is not more than 10 days late, 2 percent of the amount of the tax or fee due.
2. If the payment is more than 10 days late but not more than 15 days late, 4 percent of the amount of the tax or fee due.
3. If the payment is more than 15 days late but not more than 20 days late, 6 percent of the amount of the tax or fee due.
4. If the payment is more than 20 days late but not more than 30 days late, 8 percent of the amount of the tax or fee due.
5. If the payment is more than 30 days late, 10 percent of the amount of the tax or fee due.

(Added to NAC by Tax Comm’n by R018-05, eff. 10-31-2005)

NAC 360.396 Waiver or reduction of penalty or interest for late payment. (NRS 360.090, 360.093, 360.417, 360.419)
1. The Department shall waive or reduce a penalty or interest, or both, for a late payment if the total penalty and interest for the late payment is $15 or less.
2. The Department may waive or reduce a penalty or interest, or both, for a late payment if the late payment is determined by the Department to have been caused by circumstances beyond the control of the taxpayer or his agent and occurred despite the exercise of ordinary care and without intent.
3. In determining whether to waive or reduce the penalty or interest, or both, for a late payment pursuant to subsection 2, the Department may consider:
   (a) The history of compliance and timely payment of the taxpayer;
   (b) The weight and sufficiency of the evidence supporting the request of the taxpayer to waive or reduce the penalty or interest, or both, for the late payment;
   (c) Any evidence which shows that the late payment was caused by circumstances that were not directly related to the actions of the taxpayer or his agent, including, without limitation:
      (1) Fire, earthquake, flood or other acts of God, theft, or the death or serious illness of the taxpayer or his agent or a member of the immediate family of the taxpayer;
      (2) An error or the misconduct of an employee of the taxpayer, including, without limitation, embezzlement;
157

(3) Erroneous written information provided to the taxpayer or his agent by the Department; and
(4) The misaddressed but timely mailing of the return or payment; and
(d) Any other factor deemed by the Department to be relevant.
(Added to NAC by Tax Comm’n by R018-05, eff. 10-31-2005; A by R206-07, 4-17-2008)

NAC 360.397 Request for waiver or reduction of penalty or interest: Generally. (NRS 360.090, 360.419)

1. Except as otherwise provided in NAC 360.398, a taxpayer or his agent may request the waiver or reduction of the penalty or interest, or both, by submitting to the Department a written statement signed under oath by the taxpayer or his agent which sets forth the facts and circumstances surrounding the failure of the taxpayer to make the payment in a timely manner.
2. The Department shall not consider a request made pursuant to subsection 1 until the taxpayer has paid in full the tax or fee upon which the interest or penalty is assessed.
(Added to NAC by Tax Comm’n by R018-05, eff. 10-31-2005; A by R206-07, 4-17-2008)

NAC 360.438 Submission and withdrawal of offer to compromise; action by Department and Commission; effect of compromise. (NRS 360.090, 360.263)

1. A person may request that the Commission compromise the liability of the person for a tax, contribution, premium, fee, interest or penalty assessed pursuant to the provisions of chapter 360, 360B, 362, 363A, 363B, 364A, 368A, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, NRS 482.313 or chapter 585 or 680B of NRS as administered or audited by the Department by submitting to the Department, on a form prescribed by the Department, an offer to compromise the liability of the person.
2. An offer to compromise the liability of a person submitted pursuant to subsection 1 must include:
(a) A statement of the grounds upon which the compromise is sought and any other information to support the offer;
(b) Copies of such financial information and documentation as may be required by the Department, including, without limitation, financial statements, bank records, accounting ledgers and a statement or explanation of any assets that may be acquired by the person pursuant to the resolution of a pending claim, cause of action, settlement or insurance disbursement, inheritance or an unsatisfied judgment or court order;
(c) An affirmation, signed under penalty of perjury, attesting to the truthfulness and accuracy of all information and documentation submitted with the offer to compromise; and
(d) A written statement signed by the person consenting to suspend any and all statutory periods of limitation relevant to the collection of the liability of the taxpayer or the seizure, attachment, garnishment or execution upon property or assets of the taxpayer to satisfy the liability of the taxpayer during the period in which the Commission considers whether to accept or reject the offer of compromise.
3. The Department shall review, analyze and verify an offer of compromise and any accompanying information and documentation submitted pursuant to subsection 1.
4. If, after reviewing, analyzing and verifying the offer pursuant to subsection 3, the Department determines that:
(a) The offer does not comply with subsection 1 or does not include adequate supporting information and documentation, the Department shall return the offer to the person who submitted the offer with a written explanation of the deficiencies.
(b) Except as otherwise provided in paragraph (c), the offer complies with subsection 1, the Department shall forward to the Commission the offer and the recommendation of the Department as to whether the Commission should accept or reject the offer.
(c) The offer complies with subsection 1 and the Department will recommend that the Commission reject the offer, the Department shall advise the person submitting the offer in writing that the Department will recommend that the Commission reject the offer before forwarding the offer and the
recommendation of the Department to the Commission pursuant to paragraph (b). A person so advised may withdraw the offer.

5. Except as otherwise provided in this subsection, if a person submits an offer pursuant to subsection 1, the Department shall cease, and shall not commence, any action related to the collection of the liability of the taxpayer or the seizure, attachment, garnishment or execution upon property or assets in satisfaction of the liability until the Commission accepts or rejects the offer. If the Department determines that the offer submitted pursuant to subsection 1 was offered for the purpose of delaying or avoiding the collection of the liability of the person, the Department may continue or commence any action related to the collection of the liability of the taxpayer or the seizure, attachment, garnishment or execution upon property or assets in satisfaction of the liability.

6. The Commission will review an offer received from the Department pursuant to subsection 4 and issue a written decision as to whether the Commission accepts or rejects the offer of compromise.

7. If the written decision of the Commission issued pursuant to subsection 6 is the acceptance of the offer of compromise, the Commission may:
   (a) Make the acceptance of the offer contingent upon the satisfaction of conditions as the Commission deems appropriate, including, without limitation, that all or part of the amount of the compromise be paid within a specific time frame.
   (b) Allow the person submitting the offer to pay the amount of the compromise in reasonable installments. If the Commission allows the person submitting the offer to pay the amount of the compromise in reasonable installments, the Commission may make the acceptance of the offer contingent upon the person complying with the schedule of installment payments.

8. If the Commission makes the acceptance of an offer of compromise contingent upon the satisfaction of a condition pursuant to subsection 7, the Commission will hold a hearing before finally accepting or rejecting the offer to determine whether the conditions upon the acceptance of the offer were satisfied. If the Commission determines that the conditions upon the acceptance of the offer were satisfied, the Commission will issue a written decision to accept the offer of compromise. If the Commission determines that the conditions upon the acceptance of the offer were not satisfied, the Commission will issue a written decision specifying the manner in which such conditions failed to be satisfied.

9. Except as otherwise provided in subsection 10, after the Commission has accepted an offer of compromise and the person has tendered the full amount of money offered in the compromise, the compromise will be deemed to be an accord and satisfaction of the liability of the person for that liability which is the subject of the compromise.

10. If, after a hearing, the Commission determines that the acceptance by the Commission of an offer of compromise was procured through fraud, misrepresentation or concealment or resulted from a mutual mistake of fact, the Commission may issue a written decision to reinstate the liability of the taxpayer in the amount originally assessed by the Department. The written decision of the Commission is a final decision for the purposes of judicial review.

11. The acceptance of an offer of compromise by the Commission pursuant to this section shall not be deemed to be a limitation on the rights and remedies of the Department with respect to any person not named or identified in the offer of compromise.

(Added to NAC by Tax Comm’n by R019-05, eff. 10-31-2005)

**NAC 360.458 Review by Commission.** (NRS 360.090, 360.2915) The Commission may review and deny or approve any agreement entered into by the Department pursuant to NAC 360.450 or 360.456.
PARTIAL ABATEMENT OF CERTAIN TAXES
Abatements for New or Expanded Business

NAC 360.466 Definitions. (NRS 360.750) As used in NAC 360.466 to 360.4775, inclusive, unless the context otherwise requires, the words and terms defined in NAC 360.468, 360.469 and 360.470 have the meanings ascribed to them in those sections.

(Added to NAC by Comm’n on Econ. Development by R050-01, eff. 11-9-2001; A by Tax Comm’n by R109-01, 5-13-2002; A by Comm’n on Econ. Development by R078-02, 7-18-2002)


(Added to NAC by Comm’n on Econ. Development by R050-01, eff. 11-9-2001)

NAC 360.469 “Eligible machinery or equipment” defined. (NRS 360.750) “Eligible machinery or equipment” has the meaning ascribed to it in NRS 374.357.

(Added to NAC by Tax Comm’n by R109-01, eff. 5-13-2002)

NAC 360.470 “Partial abatement” defined. (NRS 360.750) “Partial abatement” means the reduction of a portion of the taxes imposed pursuant to chapter 361, 364A or 374 of NRS, or any combination thereof, which is authorized by NRS 360.750.

(Added to NAC by Comm’n on Econ. Development by R050-01, eff. 11-9-2001)

NAC 360.472 Application: Date of submittal; consideration by Commission; certificate of eligibility upon approval. (NRS 360.750, 361.0687, 364A.170, 374.357, 701A.210)

1. To apply for a partial abatement, a person must submit an application to the Commission on a form prescribed by the Commission within the period prescribed in subsection 2.

2. If the application is for a partial abatement of the taxes imposed pursuant to chapter 361 or 364A of NRS, the application must be submitted not earlier than 18 months before the business is located or expanded in this State. If the application is for a partial abatement of the taxes imposed pursuant to chapter 374 of NRS, the application must be submitted not later than 60 days after the date of acquisition of the eligible machinery or equipment.

3. Except as otherwise provided in subsection 4, the Commission will consider an application submitted pursuant to subsection 1 if the application is received:

   (a) At least 15 working days before a regularly scheduled meeting of the Commission, at that meeting; or

   (b) Less than 15 working days before a regularly scheduled meeting of the Commission, at the next regularly scheduled meeting immediately following that meeting.

4. If the Commission determines that an application submitted pursuant to subsection 1 requires special or additional review and consideration by the Commission, the Commission may postpone consideration of the application until the next regularly scheduled meeting of the Commission.

5. If the Commission approves an application for a partial abatement, the Commission will forward to the Department, with the certificate of eligibility required pursuant to subsection 5 of NRS 360.750, any materials submitted to the Commission in support of the application submitted pursuant to subsection 1.

(Added to NAC by Comm’n on Econ. Development by R050-01, eff. 11-9-2001; A by Tax Comm’n by R109-01, 5-13-2002)

NAC 360.474 Factors considered by Commission. (NRS 360.750, 361.0687, 364A.170, 374.357, 701A.210)

1. The Commission will consider an application for a partial abatement if the goals of the applicant are consistent with the goals of the Commission concerning industrial development and diversification. The goals of the Commission include, without limitation:
(a) Diversification from the industries of gaming and hospitality;
(b) The attraction of basic industries to this State, including, without limitation, manufacturing, warehousing and distribution;
(c) The attraction to this State of business facilities and services, including, without limitation, corporate headquarters, facilities for research and development, and facilities for services such as technical assistance with products of the business or credit services; and
(d) The expansion of existing businesses and industries that are consistent with the goals described in paragraphs (a), (b) and (c).

2. Before the Commission approves an application for a partial abatement, the Commission will consider whether the applicant:
   (a) Complies with the requirements set forth in NRS 360.750;
   (b) Commits to continue in operation in this State for:
       (1) At least 5 years; or
       (2) The period specified in the agreement executed by the applicant with the Commission pursuant to paragraph (b) of subsection 2 of NRS 360.750,
   (c) Offers primary jobs; and
   (d) If the application concerns a partial abatement of the taxes imposed pursuant to chapter 364A or 374 of NRS, registers with the Department on a form provided by the Department.

3. As used in this section, “primary job” means a position of employment offered by an applicant for a partial abatement, the compensation for which is obtained from revenue that is generated outside the economic region in which the business is located.

(Added to NAC by Comm’n on Econ. Development by R050-01, eff. 11-9-2001)
3. If the Commission grants a partial abatement pursuant to NRS 361.0685 or 361.0687, the Commission will immediately forward a certificate of eligibility for the partial abatement that states the percentage and duration of the partial abatement to the county assessor of each county in which real or personal property used in connection with the business will be located.

(Added to NAC by Comm’n on Econ. Development by R078-02, eff. 7-18-2002)

Miscellaneous Abatements


1. A person who qualifies pursuant to section 6 of chapter 198, Statutes of Nevada 2005, at page 643, as amended by section 16 of chapter 407, Statutes of Nevada 2007, at page 1784, may apply to the Commission for a partial abatement of any personal property tax imposed pursuant to chapter 361 of NRS and any tax on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment imposed pursuant to chapter 374 of NRS for a new grocery store which the person intends to locate within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597.

2. The application must be submitted on a form prescribed by the Executive Director of the Commission within the applicable period prescribed in subsection 3. The application must include, without limitation:
   (a) A certificate of endorsement from the governing body of the county, city or town in which the new grocery store will be located, which must:
      (1) Be issued by the governing body of the county, city or town in a manner consistent with the procedures adopted by the governing body for evaluating the benefits of tax abatements for the economic development of the county, city or town; and
      (2) Describe the partial abatement of taxes determined by the governing body of the county, city or town to be beneficial for the economic development of the county, city or town;

   (b) Evidence satisfactory to the Commission that the governing body of the county, city or town provided notice of the hearing at which the governing body considered whether to endorse the application to the board of trustees of the school district in which the grocery store will be located;

   (c) Evidence satisfactory to the Commission that the new grocery store for which the partial abatement of taxes is sought will be located within the Southern Nevada Enterprise Community; and

   (d) Evidence satisfactory to the Commission that the total amount of partial abatements of taxes applied for pursuant to this section, together with the total amount of partial abatements of taxes to which the applicant is entitled pursuant to NRS 361.4722, 361.4723 and 361.4724, does not exceed 82 percent of the total amount of personal property taxes otherwise due on all property for which the applicant is seeking a partial abatement pursuant to this section.

3. If the application is for a partial abatement of any personal property tax imposed pursuant to chapter 361 of NRS, the application must be submitted not earlier than 18 months before the new grocery store is located within the Southern Nevada Enterprise Community. If the application is for a partial abatement of the taxes imposed pursuant to chapter 374 of NRS, the application must be submitted not later than 60 days after the date of acquisition of the eligible machinery or equipment.

4. Except as otherwise provided in subsection 5:
   (a) If an application submitted to the Commission pursuant to this section is received at least 15 business days before a regularly scheduled meeting of the Commission, the Commission will consider the application at that meeting; or

   (b) If an application submitted to the Commission pursuant to this section is received less than 15 business days before a regularly scheduled meeting of the Commission, the Commission will consider the application at the next regularly scheduled meeting immediately following that meeting.

5. If the Commission determines that an application submitted pursuant to this section requires special or additional review and consideration by the Commission, the Commission may postpone consideration of the application until the next regularly scheduled meeting of the Commission.
6. The Commission will approve an application for a partial abatement if the applicant satisfies all requirements of this section and subsection 3 of section 6 of chapter 198, Statutes of Nevada 2005, at page 643, as amended by section 16 of chapter 407, Statutes of Nevada 2007, at page 1784.

7. If the Commission approves an application for a partial abatement, the Commission will forward to the Department, with the certificate of eligibility required pursuant to subsection 4 of section 6 of chapter 198, Statutes of Nevada 2005, at page 643, as amended by section 16 of chapter 407, Statutes of Nevada 2007, at page 1784, any materials submitted to the Commission in support of the application submitted pursuant to this section.

8. If the Commission approves an application for a partial abatement from the tax imposed pursuant to chapter 374 of NRS, the taxpayer is eligible for an abatement from the tax for not more than 2 years for eligible machinery or equipment which is leased or purchased. In the case of machinery or equipment that is leased, the lessee is the taxpayer who is eligible for an abatement.

9. If a person whose partial abatement has been approved pursuant to this section and is in effect:
   (a) Ceases to meet the requirements set forth in this section or section 6 of chapter 198, Statutes of Nevada 2005, at page 643, as amended by section 16 of chapter 407, Statutes of Nevada 2007, at page 1784; or
   (b) Ceases operation of the grocery store before the expiration of the period specified in the agreement the applicant executed with the Commission pursuant to subsection 3 of section 6 of chapter 198, Statutes of Nevada 2005, at page 643, as amended by section 16 of chapter 407, Statutes of Nevada 2007, at page 1784,

   the person shall pay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, an amount equal to the amount of the tax abatement that was allowed pursuant to this section before the failure of the person to comply with the agreement fully, unless the Nevada Tax Commission determines that the person has substantially complied with the requirements of the agreement and section 6 of chapter 198, Statutes of Nevada 2005, at page 643, as amended by section 16 of chapter 407, Statutes of Nevada 2007, at page 1784. Except as otherwise provided in NRS 360.232 and 360.320, the person shall, in addition to the amount required to be paid pursuant to this subsection, pay interest on that amount at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment of the tax would have been due had the partial abatement not been approved until the date of payment of the tax.

10. As used in this section, unless the context otherwise requires:
   (a) “Commission” means the Commission on Economic Development.
   (b) “Eligible machinery or equipment” has the meaning ascribed to it in subsection 3 of NRS 374.357.
   (c) “Grocery store” has the meaning ascribed to it in subsection 7 of section 6 of chapter 198, Statutes of Nevada 2005, at page 643, as amended by section 16 of chapter 407, Statutes of Nevada 2007, at page 1784.

   (Added to NAC by Comm’n on Econ. Development by R168-07, eff. 4-17-2008)


1. A person who qualifies pursuant to section 7 of chapter 198, Statutes of Nevada 2005, at page 644, as amended by section 17 of chapter 407, Statutes of Nevada 2007, at page 1785, may apply to the Commission for a partial abatement of any tax on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment imposed pursuant to chapter 374 of NRS for the expansion of a grocery store which is located within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597.

2. The application must be submitted on a form prescribed by the Executive Director of the Commission within the applicable period prescribed in subsection 3. The application must include, without limitation:
(a) A certificate of endorsement from the governing body of the county, city or town in which the grocery store is located, which must:

(1) Be issued by the governing body of the county, city or town in a manner consistent with the procedures adopted by the governing body for evaluating the benefits of tax abatements for the economic development of the county, city or town; and

(2) Describe the partial abatement of taxes determined by the governing body of the county, city or town to be beneficial for the economic development of the county, city or town;

(b) Evidence satisfactory to the Commission that the governing body of the county, city or town provided notice of the hearing at which the governing body considered whether to endorse the application to the board of trustees of the school district in which the grocery store is located;

(c) Evidence satisfactory to the Commission that the grocery store for which the partial abatement of taxes is sought is located within the Southern Nevada Enterprise Community; and

(d) Evidence satisfactory to the Commission that the total amount of any partial abatement of taxes applied for pursuant to this section, together with the total amount of partial abatements of taxes to which the applicant is entitled pursuant to NRS 361.4722, 361.4723 and 361.4724, does not exceed 82 percent of the total amount of personal property tax otherwise due on all property for which the applicant is seeking a partial abatement pursuant to this section.

3. The application must be submitted not later than 60 days after the date of acquisition of the eligible machinery or equipment.

4. Except as otherwise provided in subsection 5:

(a) If an application submitted to the Commission pursuant to this section is received at least 15 business days before a regularly scheduled meeting of the Commission, the Commission will consider the application at that meeting; or

(b) If an application submitted to the Commission pursuant to this section is received less than 15 business days before a regularly scheduled meeting of the Commission, the Commission will consider the application at the next regularly scheduled meeting immediately following that meeting.

5. If the Commission determines that an application submitted pursuant to this section requires special or additional review and consideration by the Commission, the Commission may postpone consideration of the application until the next regularly scheduled meeting of the Commission.

6. The Commission will approve an application for a partial abatement if the applicant satisfies all requirements of this section and subsection 3 of section 7 of chapter 198, Statutes of Nevada 2005, at page 644, as amended by section 17 of chapter 407, Statutes of Nevada 2007, at page 1785.

7. If the Commission approves an application for a partial abatement, the Commission will forward to the Department, with the certificate of eligibility required pursuant to subsection 4 of section 7 of chapter 198, Statutes of Nevada 2005, at page 644, as amended by section 17 of chapter 407, Statutes of Nevada 2007, at page 1785, any materials submitted to the Commission in support of the application submitted pursuant to this section.

8. If the Commission approves an application for a partial abatement, the taxpayer is eligible for an abatement from the tax for not more than 2 years for eligible machinery or equipment which is leased or purchased. In the case of machinery or equipment that is leased, the lessee is the taxpayer who is eligible for an abatement.

9. If a person whose partial abatement has been approved pursuant to this section and is in effect:

(a) Ceases to meet the requirements set forth in this section or section 7 of chapter 198, Statutes of Nevada 2005, at page 644, as amended by section 17 of chapter 407, Statutes of Nevada 2007, at page 1785; or

(b) Ceases operation of the grocery store before the expiration of the period specified in the agreement the applicant executed with the Commission pursuant to subsection 3 of section 7 of chapter 198, Statutes of Nevada 2005, at page 644, as amended by section 17 of chapter 407, Statutes of Nevada 2007, at page 1785,

the person shall pay to the Department an amount equal to the amount of the tax abatement that was allowed pursuant to this section before the failure of the person to comply with the agreement fully,
unless the Nevada Tax Commission determines that the person has substantially complied with the requirements of the agreement and section 7 of chapter 198, Statutes of Nevada 2005, at page 644, as amended by section 17 of chapter 407, Statutes of Nevada 2007, at page 1785. Except as otherwise provided in NRS 360.232 and 360.320, the person shall, in addition to the amount required to be paid pursuant to this subsection, pay interest on that amount at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment of the tax would have been due had the partial abatement not been approved until the date of payment of the tax.

10. As used in this section, unless the context otherwise requires:
   (a) “Commission” means the Commission on Economic Development.
   (b) “Eligible machinery or equipment” has the meaning ascribed to it in subsection 3 of NRS 374.357.
   (c) “Grocery store” has the meaning ascribed to it in subsection 7 of section 7 of chapter 198, Statutes of Nevada 2005, at page 644, as amended by section 17 of chapter 407, Statutes of Nevada 2007, at page 1785.

   (Added to NAC by Comm’n on Econ. Development by R168-07, eff. 4-17-2008)

DISTRIBUTION OF PROCEEDS OF CERTAIN TAXES TO LOCAL GOVERNMENT

NAC 360.650 Determination of need for adjustment: Requirements for review; notification of local government or special district; annual report of findings. (NRS 360.090, 360.695)

1. To determine whether an adjustment to the amount allocated to a local government or special district from the Local Government Tax Distribution Account is necessary pursuant to NRS 360.695, the Executive Director shall:
   (a) On or before March 31 of each year, review the population, as determined pursuant to NRS 360.285 or subsection 9 of NRS 360.690, and assessed valuation of the taxable property, as determined pursuant to NRS 361.390, of each local government and special district; and
   (b) Review all information that is available concerning the amount allocated to the local government or special district, including, without limitation:
      (1) Whether the local government or special district has been determined to be in severe financial emergency pursuant to NRS 354.685; and
      (2) A comparison of the total per capita revenue of the local government or special district and the total per capita revenue of each other local government or special district of similar size and type.

2. If, after conducting the review required pursuant to paragraph (a) of subsection 1, the Executive Director determines that an adjustment to the allocation of the local government or special district may be necessary, the Executive Director shall notify that local government or special district of his determination within 3 days after he makes the determination.

3. The Executive Director shall report any findings he makes pursuant to this section to the Committee on Local Government Finance on or before December 1 of each year.

   (Added to NAC by Tax Comm’n by R042-00, eff. 3-2-2001)

AUDITS

NAC 360.700 Contact to schedule appointment; contents of auditor’s letter; period covered by audit; written request for extension of commencement date or estimated completion date; consequences of failure to provide necessary records. (NRS 360.090, 360.232, 360.2915)

1. As soon as practicable after selection of an account for audit, the auditor assigned to the audit shall attempt to contact the taxpayer by telephone to schedule an appointment that is convenient for the taxpayer and the auditor for the purpose of performing the audit. If the auditor is unable to contact the taxpayer by telephone, the auditor shall send a letter to the taxpayer requesting the taxpayer to contact the auditor to schedule an appointment for the purpose of performing the audit.

2. In scheduling an audit, the auditor and the taxpayer must discuss:
(a) A date on which to commence the audit;
(b) An estimate of the date by which the audit will be completed;
(c) The first and last months of the audit period;
(d) The nature of the business being audited and the availability of records;
(e) The hours during which the records will be available for review by the auditor;
(f) The contact person with whom the auditor is to work in conducting the audit and reviewing the results of the audit; and
(g) The criteria set forth in subsection 4 for changing the period that the audit will cover and extending the commencement date or estimated completion date, or both, of the audit.

3. After contacting the taxpayer pursuant to subsection 1, the auditor shall send a letter to the taxpayer which includes:
(a) The date, time and location of the first appointment for the audit;
(b) The first and last months of the audit period;
(c) The records that the taxpayer must make available for the audit;
(d) The estimated completion date of the audit;
(e) A copy of the Taxpayers’ Bill of Rights;
(f) A copy of each statute that authorizes the Department to perform an audit and issue a deficiency determination, if necessary, and the process for appealing such a determination; and
(g) The name and telephone number of the auditor and his supervisor.

4. The criteria to be used by the Department in determining whether to change the period that the audit will cover and to extend the commencement date or estimated completion date, or both, of the audit include, without limitation:
(a) The time required by the taxpayer to gather records necessary for the audit; and
(b) Circumstances determined by the Department to be beyond the control of the taxpayer or the Department.

5. A taxpayer may request an extension of the commencement date or estimated completion date, or both, of the audit. Such a request must be submitted in writing to the auditor and must set forth the reason for the request. The auditor shall, on good cause shown, grant a reasonable extension and shall notify the taxpayer in writing of the revised commencement date or the revised estimated completion date, or both, of the audit. If an extension is granted, the statute of limitations for the finding of a deficiency will not be tolled during the period of the extension and a waiver of the statute of limitations must be obtained from the taxpayer or the audit period must be adjusted to account for the extension.

6. If a taxpayer fails to provide the records necessary to complete an audit by the estimated completion date or revised estimated completion date, the auditor may:
(a) Determine an amount of delinquent taxes due from the records provided;
(b) If the taxpayer has not provided any records, estimate an amount of delinquent taxes due based on information regarding the taxpayer that the Department has in its possession, including, without limitation, any returns filed by the taxpayer; or
(c) Request the Department to issue a subpoena for the production of records by the taxpayer.
(Added to NAC by Tax Comm’n by R045-01, eff. 11-1-2001)

NAC 360.702 Taxpayer’s reliance on written advice; review of documentation by Director and recommendation to Commission regarding waiver of tax, interest or penalty. (NRS 360.090, 360.093, 360.294)

1. If a taxpayer provides written documentation during an audit that indicates that the taxpayer relied to his detriment on written advice provided by an officer, agent or employee of the Department, an opinion of the Attorney General or the Commission, or the written results of an audit of his records conducted by the Department, the auditor shall document the facts and circumstances relating to the issue for the audit file and shall continue the audit. Such documentation may include, without limitation:
(a) An advisory opinion issued by the Department pursuant to NAC 360.190, 360.195 and 360.200 in response to the request of the taxpayer for advice on an issue, if the facts contained in the request are similar to the facts of the transactions under review in the current audit;

(b) A letter issued by the Department to the taxpayer regarding the manner in which to account for the specific types of transactions under review in the current audit;

(c) Written documentation which establishes that the taxpayer has been audited previously by the Department and that the results of that audit conflict with the results of the current audit;

(d) An opinion or decision of the Attorney General or the Commission that addresses an issue or circumstances that are similar to the specific types of transactions under review in the current audit; and

(e) A letter issued by the Department to the taxpayer that defines the items, scope and issues reviewed in a prior audit which are similar to the specific types of transactions under review in the current audit. The occurrence of a prior audit is not conclusive evidence that relieves the taxpayer of liability in the current audit.

2. The Director shall review the documents submitted by the taxpayer pursuant to subsection 1 and decide whether to recommend a waiver of the tax, interest or penalty, pursuant to NRS 360.294, to the Commission based on the information provided by the taxpayer pursuant to subsection 1.

(Added to NAC by Tax Comm’n by R045-01, eff. 11-1-2001)

NAC 360.704 Letter to taxpayer addressing audit issues upon completion of audit. (NRS 360.090) Upon completion of the audit, the Department shall issue a letter to the taxpayer setting forth:

1. The issues reviewed in the audit;
2. The period of time under review for each section of the audit, including, without limitation, sample months, if applicable;
3. The results of the audit; and
4. If the taxpayer was using an incorrect method of collecting or accruing tax on a specific transaction reviewed in the audit, the proper method of collecting or accruing tax on the transaction.

(Added to NAC by Tax Comm’n by R045-01, eff. 11-1-2001)

NAC 360.706 Notice of deficiency determination; petition for redetermination; extension for filing petition; Department review; use of hearing officer; prehearing statement; extension for filing prehearing statement; notice of hearing; withdrawal of petition. (NRS 360.090, 360.350, 360.360, 360.365, 360.370)

1. If, after an audit, the Department determines that delinquent taxes are due, the Department shall issue to the taxpayer a notice of the deficiency determination. The notice must be issued on or before the estimated completion date or revised estimated completion date of the audit. The Department shall include with the notice a form prescribed by the Department for filing a petition for redetermination.

2. If the taxpayer wishes to dispute the findings of the audit, the taxpayer must petition the Department for a redetermination within 45 days after he is served with the notice of the deficiency determination. A petition for redetermination must be submitted:

(a) On a form prescribed by the Department for filing a petition for redetermination; or

(b) In the form of a letter which contains sufficient information to give notice to the Department that the taxpayer is disputing the deficiency determination. The letter must include, without limitation, the name of the taxpayer, the account number assigned to the taxpayer by the Department and the amount of the tax, interest or penalty in dispute.

3. The Director may grant an extension for the filing of a petition for redetermination if the request for an extension is made in writing to the Department and the Director finds that the petition for redetermination was not filed or was filed late despite the exercise of ordinary care by and without the intent of the taxpayer and that the cause of the failure to file or late filing of the petition was circumstances beyond the control of the taxpayer. Such circumstances include, without limitation, a natural disaster or other disaster beyond the control of the taxpayer and the death or hospitalization of the person responsible for filing the petition for redetermination.

4. A petition for redetermination will be sent to a hearing officer after:
(a) The Department has reviewed any additional documentation that the taxpayer has submitted with his petition; and

(b) The taxpayer and the Department have not agreed to a settlement based upon such documentation provided by the taxpayer.

5. The hearing officer may request that the parties file prehearing statements. The parties may file a joint prehearing statement. If the parties cannot agree on a joint prehearing statement, each party must file its statement by the date set by the hearing officer. The prehearing statement must be limited to a brief explanation of the issues from the audit for consideration by the hearing officer and must include, without limitation:

(a) A statement of the unresolved issues that will be presented to the hearing officer, the nature of the specific transaction at issue, the amount in dispute and the legal issues involved in the matter.

(b) A statement of the issues that have been resolved by the parties, including, without limitation, the uncontested facts.

(c) A list of exhibits that each party expects to introduce at the hearing and any objections to those exhibits. The exhibits must be marked in advance of the hearing.

(d) A list of the witnesses that each party expects to testify at the hearing.

(e) An estimate of the time required for the hearing.

(f) A statement regarding whether the party will submit a posthearing brief.

6. A prehearing statement must be filed by the date set by the hearing officer. The hearing officer may grant an extension for filing the prehearing statement if the motion or stipulation requesting the extension is filed with the hearing officer before the date set for filing the statement. The hearing officer shall issue a written decision on the motion or stipulation requesting the extension.

7. Failure of a party to file a prehearing statement will not delay the scheduling of the hearing. The hearing officer shall provide notice of the hearing to the parties at least 10 days before the date of the hearing.

8. If a party wishes to raise an issue that was not included in its prehearing statement before or during the hearing, the hearing officer shall grant a continuance to allow the opposing party to prepare a response to the issue.

9. The taxpayer may, at any time, withdraw his petition for redetermination by submitting a written request, in the form of a letter, to the Department.

(Added to NAC by Tax Comm’n by R045-01, eff. 11-1-2001)

CHAPTER 361 - PROPERTY TAX

GENERAL PROVISIONS

NAC 361.004 Definitions. (NRS 361.0775) Except as otherwise provided in NAC 361.617 to 361.620, inclusive, as used in this chapter, unless the context otherwise requires:

1. “Commission” means the Nevada Tax Commission.

2. “Department” means the Department of Taxation.

3. “Executive Director” means the Executive Director of the Department.

4. “Fiscal year” means that period of time from July 1 of one year to and including June 30 of the following year.

(Supplied in codification; A by Comm’n on Econ. Development by R220-05, 9-18-2006)
NAC 361.010 Definitions. (NRS 360.090, 360.250) As used in NAC 361.010 to 361.61038, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361.012 to 361.018, inclusive, have the meanings ascribed to them in those sections.
(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004; A by R011-06, 5-4-2006; R001-07, 3-23-2007)

NAC 361.012 “Actual age” defined. (NRS 360.090, 360.250) “Actual age” means the total number of years from the year of the construction of an improvement to the year of the lien date for the taxes which it affects.
(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004)

NAC 361.014 “Cost of replacement” defined. (NRS 360.090, 360.250) “Cost of replacement” means the estimated cost to construct an improvement with utility similar to the improvement being appraised, using modern materials and current standards, design and layout.
(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004)

NAC 361.016 “Depreciation” defined. (NRS 360.090, 360.250) “Depreciation” means, except as otherwise provided in NAC 361.266, a loss in the value of real or personal property from any cause.
(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004)

NAC 361.018 “Improvement” defined. (NRS 360.090, 360.250) “Improvement” means all appurtenances erected upon or affixed to the land, including, without limitation, those improvements listed in paragraphs (a) and (b) of subsection 1 of NRS 361.035.
(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004)

EXEMPT PROPERTY

Fine Art for Public Display

NAC 361.030 “Fine art for public display” defined. (NRS 360.090, 361.068, 361.186) As used in NAC 361.030 to 361.044, inclusive, unless the context otherwise requires, “fine art for public display” has the meaning ascribed to it in paragraph (b) of subsection 5 of NRS 361.068.
(Added to NAC by Tax Comm’n by R047-01, eff. 12-17-2002)

NAC 361.032 Interpretation of terms used in NRS 361.186. (NRS 360.090, 361.068, 361.186) For the purposes of NRS 361.186, the Department shall interpret:
1. “Direct costs of owning and exhibiting the fine art” to:
   (a) Except as otherwise provided in paragraph (a) of subsection 6 of NRS 361.186, include, without limitation:
      (1) Interest payments at a rate that does not exceed the rate set forth in NRS 99.040 made by the taxpayer, or a subsidiary or affiliated entity of the taxpayer, on secured or unsecured indebtedness used to acquire the work of fine art during the fiscal year for which the taxpayer is claiming an exemption for the work of fine art if the taxpayer complies with the provisions of NAC 361.034.
      (2) Insurance payments for the work of fine art, including, without limitation, insurance which provides a guaranty on the authenticity of the work of fine art.
      (3) Costs related to the repair, maintenance and conservation of the work of fine art, including, without limitation, cleaning and framing.
      (4) Costs related to the moving and storage of the work of fine art in the immediate area of the facility in which the work of fine art is displayed.
(5) Salaries and employee benefits for persons employed to work in the facility in which the work of fine art is displayed, including, without limitation, gallery managers, curators, security personnel, reservations agents and admissions personnel.

(6) Costs related to the operation and maintenance of the facility in which the work of fine art is displayed, including, without limitation, environmental control systems, lighting and security systems that are specific to such a facility.

(7) Rent or other lease obligations for the facility in which the work of fine art is displayed.

(8) Personal property taxes assessed for the work of art, except penalties or interest assessed on such taxes.

(9) Real and personal property taxes assessed for the facility in which the work of fine art is displayed, except penalties or interest assessed on such taxes.

(10) Allowable depreciation pursuant to subsection 4 of NRS 361.227 for furniture or fixtures in the facility in which the work of fine art is displayed.

(11) Allowable depreciation pursuant to paragraph (b) of subsection 1 of NRS 361.227 for real property on which the facility in which the work of fine art is displayed is located and improvements to such a facility.

(12) Communication devices that are used exclusively for informing visitors to the facility about the work of fine art.

(13) Costs for uniforms that persons who are employed by the facility in which the work of fine art is displayed are required to wear, including, without limitation, costs of laundering the uniforms.

(14) Costs associated with cleaning the facility in which the work of fine art is displayed.

(15) Commissions paid to credit card companies for the use of credit cards to pay admission fees.

(16) Advertising costs to notify the public of the display of the work of fine art.

(b) Not include any rent pursuant to an agreement for the lease or loan of a work of fine art for public display.

2. “Fees collected for exhibiting the fine art” to include, without limitation, fees paid by visitors to the facility for the rental of communication devices that inform them about the work of fine art.

3. “Resident” to mean a person who lives in this State and possesses a valid driver’s license or other identification issued by this State.

(Added to NAC by Tax Comm’n by R047-01, eff. 12-17-2002)

NAC 361.034 Calculation of interest payments on art indebtedness. (NRS 360.090, 361.068, 361.186)

1. For a work of fine art that was acquired with a portion of the proceeds of a secured or unsecured indebtedness, the amount of the interest on the total indebtedness that the taxpayer may claim as interest payments made on the art indebtedness pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NAC 361.032 must be calculated for the fiscal year for which the taxpayer is claiming an exemption for the work of fine art by applying the applicable rate or rates of interest to the amount of the art indebtedness. The interest payments must be recalculated each time that:

(a) A payment is made towards the principal of the total indebtedness;
(b) A draw is made against the principal of the total indebtedness; or
(c) The principal of the total indebtedness is increased or decreased in any other manner.

2. For the purposes of the calculations required by subsection 1:

(a) If the principal of the total indebtedness is reduced by a principal payment or in some other manner, the principal of the art indebtedness must be reduced as follows:

\[
\text{Total amount of the art indebtedness before payment or other reduction} \times \frac{\text{Amount of principal payment made or other reduction of the principal of the total amount of the art indebtedness}}{\text{Total amount of the art indebtedness before payment or other reduction}} = \text{Reduction in the principal on the art indebtedness}
\]
Total amount of the principal of the indebtedness before payment or other reduction

(b) The amount of the interest payments for the art indebtedness must be determined as follows, after reducing the total amount of the art indebtedness by any reduction in principal calculated pursuant to paragraph (a), reducing the total amount of the principal of the indebtedness by the principal payment or other reduction and increasing the total amount of the principal of the indebtedness by the amount of any increase in the total amount of the principal of the indebtedness:

\[
\text{Total amount of the art indebtedness} \times \frac{\text{Interest accrued on the total amount of the indebtedness}}{\text{Amount of interest accrued on the art indebtedness}} = \text{Amount of interest accrued on the art indebtedness}
\]

3. If a taxpayer, or a subsidiary or affiliated entity of the taxpayer, incurs interest expenses on indebtedness, a portion of the proceeds of which were used to acquire a work of fine art, the burden for appropriately allocating the principal payments and interest expenses for the work of fine art between the taxpayer and the subsidiary or affiliated entity of the taxpayer and between the work of fine art and the other items acquired with the proceeds of the indebtedness is on the taxpayer who is claiming an exemption for the work of fine art pursuant to paragraph (j) of subsection 1 of NRS 361.068.

4. If, for the purposes of claiming an exemption pursuant to paragraph (j) of subsection 1 of NRS 361.068, a taxpayer acquires a work of fine art using the proceeds of an indebtedness, the taxpayer must incur the indebtedness for the work of fine art within 120 days after the acquisition of the work of fine art unless the Department agrees to an extension of time.

5. To qualify or remain eligible for an exemption pursuant to paragraph (j) of subsection 1 of NRS 361.068, a taxpayer who wishes to refinance the outstanding amount of the indebtedness incurred to purchase the work of fine art must be able to trace the new debt directly to the repayment of the prior debt.

6. As used in this section, “art indebtedness” means the amount of the principal of the total indebtedness attributable to the acquisition of the work of fine art.

(Added to NAC by Tax Comm’n by R047-01, eff. 12-17-2002)

NAC 361.036 Apportionment of direct costs when works of art consist of more than fine art. (NRS 360.090, 361.068, 361.186) If an exhibition does not consist solely of fine art for public display owned by the taxpayer, the Department will apportion the direct costs of owning and exhibiting the fine art based on the percentage that the value of the fine art for public display owned by the taxpayer bears to the value of all the works of art included in the exhibition.

(Added to NAC by Tax Comm’n by R047-01, eff. 12-17-2002)

NAC 361.038 Requirements to receive credit for donations to certain museums. (NRS 360.090, 361.068, 361.186) For a taxpayer to receive a credit for a donation to a museum that provides exhibits specifically related to nature or a museum that provides exhibits specifically related to children, such a museum must be operated by an organization that:

1. Qualifies for exemption from taxation pursuant to section 501(c)(3) of the Internal Revenue Code; and

2. The net earnings of which do not inure to the benefit of any private shareholder or other person.

(Added to NAC by Tax Comm’n by R047-01, eff. 12-17-2002)

NAC 361.040 Affidavit for claiming exemption: Form; contents. (NRS 360.090, 361.068, 361.186) The affidavit that a taxpayer who is claiming an exemption pursuant to paragraph (j) of
subsection 1 of NRS 361.068 must file pursuant to paragraph (a) of subsection 3 of NRS 361.068 with the county assessor on or before June 15 of each year in which the taxpayer claims the exemption must:

1. Be notarized;
2. Be in a form prescribed by the Department; and
3. Contain:
   (a) A statement that the work of fine art will meet the criteria set forth in paragraph (b) of subsection 5 of NRS 361.068 during the following fiscal year;
   (b) A description of the work of fine art for which the taxpayer is claiming an exemption;
   (c) The purchase price or appraisal value of the work of fine art;
   (d) The fiscal year for which the exemption is sought; and
   (e) A statement in substantially the following form:

   “I, ____________, state under oath and pursuant to the conditions set forth in NRS 361.185 and 361.265, that the attached claim for the property tax exemption is made in good faith and to the best of my knowledge and belief is a true, correct and complete statement that said property meets the requirements of NRS 361.068. Further, I authorize the Nevada Tax Commission or its designee to inspect the fine art for public display for which I am claiming an exemption and any supporting documents, or otherwise verify the validity of my claim.”

(Added to NAC by Tax Comm’n by R047-01, eff. 12-17-2002)

NAC 361.042 Determination of value. (NRS 360.090, 361.068, 361.186) To determine the value of a work of fine art for public display for the purposes of sub-subparagraph (II) of subparagraph (1) of paragraph (b) of subsection 5 of NRS 361.068, the Department shall consider:

1. For an arm’s-length transaction, documentation of the sale, including, without limitation, the purchase price, the name of the seller or the seller’s agent, the date of the sale and any other documentation that the county assessor required.
2. For any other transaction, a written appraisal which has been completed by an independent and qualified appraiser of fine art not more than 3 years before the date on which the affidavit for an exemption required pursuant to paragraph (a) of subsection 3 of NRS 361.068 is filed and any additional documentation that the county assessor required.

(Added to NAC by Tax Comm’n by R047-01, eff. 12-17-2002)

NAC 361.044 Provision of poster to school or parent of child who receives in-home instruction. (NRS 360.090, 361.068, 361.186) Upon receiving a request for a poster pursuant to paragraph (b) of subsection 3 of NRS 361.068, the taxpayer shall select which poster to provide to the school or parent.

(Added to NAC by Tax Comm’n by R047-01, eff. 12-17-2002)

Property Used for Control of Air and Water Pollution

NAC 361.046 Examples of facilities, devices to which exemption does not apply. (NRS 360.090, 361.077) Examples of facilities and devices to which the exemption from taxation provided by NRS 361.077 does not apply are:

1. A mining operation or the generating facility of an electric utility which, in the treatment of water for reentry into public streams, distills and sells the water at a minor additional cost and offsets the total cost of the treatment and distilling process.
2. The installation of pollution control equipment to remove air pollutants from fuel exhausts and better utilize the fuel in manufacturing or industrial plants or where recovery of minerals in mining operations is made possible which results in a lower overall operating expense ratio.
3. Facilities or equipment, including blacktop for roadways and parking areas, water trucks and sprinkling systems, which are necessary for the normal operation of the enterprise and which are not
specifically exempted by statute or the Constitution or which are not required by the appropriate environmental agencies.

[Tax Comm’n, Property Tax Reg. part No. 6, eff. 9-7-73; A 3-29-74; 11-15-77]

**NAC 361.048 Application of exemption to additions, modifications of operational devices. (NRS 360.090, 361.077)** If an addition is made to or a modification is made in a device whose primary purpose is operational, but the addition or modification is a “facility, device or method for the control of air or water pollution” as defined in NRS 361.077, the value of the addition or modification, but not the value of the entire device, is exempt from taxation.

[Tax Comm’n, Property Tax Reg. part No. 6, eff. 11-15-77]

**NAC 361.050 Affidavits, reports, records required to claim exemption. (NRS 360.090, 361.077)**

1. An affidavit on a form approved by the Department for claiming an exemption pursuant to NRS 361.077 must be supplied annually to the county assessor of the county in which the property is located or to the Department if the property is of an intercounty or interstate nature as defined in NRS 361.032.

2. Owners of property of an interstate nature, as defined in NRS 361.032, shall report only those properties physically located in Nevada.

3. The taxpayer shall maintain accurate records which will reflect the additional net revenue to the operation which results from the installation of any equipment for which an exemption is claimed pursuant to NRS 361.077.

4. Copies of any orders from regulatory agencies directing the installation of a device or equipment must be submitted upon request to the county assessor or the Department.

[Tax Comm’n, Property Tax Reg. part No. 6, eff. 9-7-73; A 11-15-77]

**Qualified Systems for Heating, Cooling or Provision of Electricity**

**NAC 361.052 Determination of value added by qualified system. (NRS 360.090, 360.250, 361.079)**

1. For the purpose of NRS 361.079, a county assessor may consider value added by a qualified system as the difference between the cost of the building with the qualified system and the cost of a building constructed in a conventional manner without a qualified system and put to the same or a similar use. For example, a building of masonry construction used to provide solar energy may be valued on the basis of frame construction.

2. The value added by that portion of a qualified system which is not used for heating or cooling or to provide electricity or is essential to a conventionally built structure, must be included in the assessed value of the building. For example, a qualified system with an enclosed area for a solarium or sun space that is also used as a limited living area may be valued as an enclosed porch if it facilitates the use of solar energy.

(Added to NAC by Tax Comm’n, eff. 4-24-84)

**NAC 361.054 Form for requesting valuation. (NRS 360.090, 360.250, 361.079)** A county assessor may provide an appropriate form for the owner of a building to request the valuation of a qualified system. If an owner does not complete such a form, he may not be precluded from appealing the valuation of the building to the county board of equalization.

(Added to NAC by Tax Comm’n, eff. 4-24-84)

**NAC 361.056 Documentation to determine conformity to standards. (NRS 360.090, 360.250, 361.079)** A county assessor, a county board of equalization or the State Board of Equalization may require documentation from the owner of a building who has requested the valuation of a qualified system to determine whether it conforms to the standards established by the Department and functions to conserve energy.

(Added to NAC by Tax Comm’n, eff. 4-24-84)
NAC 361.058 List of buildings with qualified systems. (NRS 360.090, 361.079) On or before April 1 of each year, each county assessor shall submit to the Department for the preceding year a written list of the buildings in his county which have qualified systems.

(Added to NAC by Tax Comm’n, eff. 4-24-84)

Miscellaneous Provisions

NAC 361.062 Personal property in transit. (NRS 360.090, 361.170) Pursuant to NRS 361.170, each claim for an exemption for personal property in transit must be made on a form approved by the Commission. Such a claim must be filed with the office of the county assessor of each county in which a warehouse is located, when the personal property in transit is first consigned to the warehouse and by the first day of July of each year thereafter.

[Tax Comm’n, Property Tax Reg. part No. 3, eff. 7-24-70]—(NAC A 10-10-83; 5-27-92; R031-03, 8-4-2004)

NAC 361.065 Tangible personal property purchased by and consumed during operation of business. (NRS 360.090, 361.068)

1. All tangible personal property which is purchased by a business and which is claimed to be exempt pursuant to paragraph (d) of subsection 1 of NRS 361.068 must be consumed during the operation of the business and must not be intended to become a component part of a manufactured item for sale or lease.

2. The personal property for which such an exemption is claimed must be material that is:
   (a) Used up, drained, absorbed, dissipated or expended during the normal day-to-day operation of the business;
   (b) Characterized by its individual low cost in relation to the other more expensive fixed assets of the business;
   (c) Disposable, with a generally useful life of less than 1 year; and
   (d) Not meant for resale.

3. Tangible personal property which is consumed by a business and to which this exemption applies may include, without limitation, envelopes, pens, copy paper, paper clips, toner, tape, rubber gloves, masks, cyanide, janitorial supplies, bathroom tissue, light bulbs, playing cards, dice, napkins, straws, “doggie bags,” paper bags, wrapping materials, register tape, packaging supplies, invoices, Styrofoam, tires or batteries.

4. This exemption does not apply to any tangible personal property which is required to be depreciated for federal income tax purposes.

(Added to NAC by Tax Comm’n, eff. 7-9-96; A by R031-03, 8-4-2004)

NAC 361.070 Certain property leased or rented to Nevada System of Higher Education. (NRS 360.090, 361.099)

1. Application for an exemption pursuant to NRS 361.099 must be made to the county assessor by June 15 of each year.

2. The application must include a copy of the rental agreement and documentation from the lessor that proves that the total consideration for the rental or lease of the property is less than 10 percent of the fair market value of the property. Documentation may include, but is not limited to:
   (a) A copy of the lease of the previous tenants;
   (b) A copy of the lease or notarized statement from owners of similar or like properties; and
   (c) Statements from real estate brokers.

(Added to NAC by Tax Comm’n, eff. 7-9-96)

NAC 361.080 Privately owned park: “Park” interpreted; requirement for exemption. (NRS 360.090, 361.0605)
1. As used in NRS 361.0605, the Department shall interpret “park” to mean a detached tract of privately owned real property that is set apart and maintained for public use, generally of quite sizable proportions devoted to purposes of ornamentation and recreation, and usually platted out with trees and ornamented in a way pleasing to the eye as well as furnishing an opportunity for open-air recreation.

2. To qualify as a park for the purposes of the exemption provided by NRS 361.0605, a sign which is clearly legible and visible from ground level must be posted at each entrance to the park stating “This park is open to the public for all to use.”

(Added to NAC by Tax Comm’n, eff. 9-6-96)

NAC 361.085 “Portable goods and storage sheds and other household equipment” interpreted. (NRS 360.090, 361.069) As used in subparagraph (8) of paragraph (a) of subsection 4 of NRS 361.069, the Department shall interpret “portable goods and storage sheds and other household equipment” to include, without limitation:

1. A portable shed which is less than 120 square feet in area and which does not have a foundation;
2. A portable carport or aluminum awning which is less than 120 square feet in area and which does not have a foundation;
3. A satellite dish that is owned by the owner of the dwelling unit or a person who resides in the dwelling unit;
4. Decorative outdoor lighting;
5. A freestanding wood stove;
6. A portable spa;
7. A swamp cooler or air-conditioning unit that is attachable to the window of dwelling units;
8. Skirting on a mobile home;
9. Portable steps on a mobile home; and
10. Portable tubular panels for a corral.

(Added to NAC by Tax Comm’n by R014-98, eff. 11-20-98)

NAC 361.089 Portions of qualified low-income housing projects. (NRS 360.090, 361.082)

1. An owner of property who wishes to qualify the property for exempt status pursuant to NRS 361.082 must apply to the county assessor for the exemption not later than June 15 of each year. The application must be on a form approved by the Commission.

2. Except as otherwise provided in this section, an application for the exemption of property pursuant to NRS 361.082 must contain information showing:
   (a) That the property is part of a qualified low-income housing project funded in part by federal money appropriated pursuant to 42 U.S.C. §§ 12701 et seq. for the year in which the exemption applies;
   (b) That the property, including related facilities, has been occupied or used by qualified residents or will be used exclusively as low-income units as of June 15 of that year; and
   (c) The total number of qualifying low-income units and the number of units rent-restricted and currently occupied by persons meeting the income limitation applicable under 26 U.S.C. § 42(g)(1).

3. The following additional documentation must also be attached to the application:
   (a) Documentation showing the property is part of a qualified low-income housing project, including, without limitation:
      (1) A declaration of restrictive covenants;
      (2) A letter of verification from the appropriate housing agency in charge of dispensing federal funds which states that the project qualifies as a qualified low-income housing project and includes the type of federal funding granted, the date on which the funding was granted and the date of expiration of the funding; or
      (3) Any other verification of the disbursement of federal funding and the date of the disbursement.
   (b) Documentation showing the election of the taxpayer to qualify as a low-income housing project under the 20-50 test or the 40-60 test pursuant to 26 U.S.C. § 42(g). Such documentation may include, without limitation, a copy of that portion of a federal income tax return claiming the federal tax credit.
   (c) For an initial application, a copy of:
(1) The first quarter or annual status report for the project issued by the appropriate housing agency showing the number of units, the sizes of the units, the names of the tenants occupying those units, the sizes of the households living in those units, the actual amount of rent paid by the tenants of those units, the utility allowance, the annual household incomes of the tenants of those units and the rental activity for those units; and

(2) Area median income limits published each year by the Department of Housing and Urban Development used in the determination of eligibility for Section 8 subsidized rental housing which are incorporated in the income limits for the Home Investment Partnerships Program as of March 31 of the most current year.

4. Each owner of property who receives an exemption for low-cost housing shall annually file with the county assessor:
   (a) A report that includes the information and documentation identified in subsections 2 and 3; or
   (b) An affidavit providing that information on a form approved by the Commission.

5. An owner of property need not include on his renewal form the documentation and information described in paragraph (a) of subsection 2.

6. The owner of the property shall maintain accurate records in support of the information requested.

7. The county assessor shall disallow claims for exemption on any unit that:
   (a) Is not rent-restricted; or
   (b) Is not a part of a qualified low-income housing project funded in part by federal money appropriated pursuant to 42 U.S.C. §§ 12701 et seq. for the year in which the exemption is sought.

8. Any claim for exemption denied by the county assessor affecting the taxable value of the property may be appealed to the county board of equalization in accordance with NRS 361.345.

9. As used in this section:
   (a) The “20-50 test” means a test that requires 20 percent or more of the residential units in the low-income housing project to be both rent-restricted and occupied by natural persons whose income is 50 percent or less of the area median gross income.
   (b) The “40-60 test” means a test that requires 40 percent or more of the residential units in the low-income housing project to be both rent-restricted and occupied by natural persons whose income is 60 percent or less of the area median gross income.
   (c) “Low-income unit” means any unit in a building that:
      (1) Is rent-restricted pursuant to 26 U.S.C. § 42(g)(2);
      (2) Is occupied by persons who meet the income limitations applicable under the 20-50 test or the 40-60 test, as appropriate; and
      (3) Meets all other applicable exceptions and limits pursuant to 26 U.S.C. § 42(i)(3).
   (d) “Qualified low-income housing project” means any project for residential rental property meeting the 20-50 test or the 40-60 test, whichever is elected by the taxpayer pursuant to 26 U.S.C. § 42.
   (e) “Related facilities” means that part of qualified low-income housing occupied or used exclusively by persons with low incomes, including, without limitation, playgrounds, community rooms, the manager’s office and the low-income unit.

(Added to NAC by Tax Comm’n by R029-03, eff. 12-4-2003)

ASSESSMENTS BY COUNTY ASSESSORS

Determination of Taxable Value of Real Property

NAC 361.106 Definitions. (NRS 360.090, 360.250) As used in NAC 361.106 to 361.1315, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361.107 to 361.117, inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Tax Comm’n, 11-14-88; R013-98, 11-20-98; R031-03, 8-4-2004)

NAC 361.107 “Abstraction method” defined. (NRS 360.090, 360.250) “Abstraction method” means a method of estimating the value of land by subtracting from the sales prices of improved parcels
the full contributory value of all items attributable to the value of the improvements, thus yielding estimates of the residual or remainder value of the land.

(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004)

**NAC 361.109 “Allocation method” defined.** (NRS 360.090, 360.250) “Allocation method” means a method used to value land, in the absence of sales of vacant land, by estimating, from sales of comparable improved properties, a typical ratio of land to total value and applying that ratio to the improved property being analyzed to determine the value that the land contributes to the total value of the property.

(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004)

**NAC 361.111 “Capitalization of ground rents” defined.** (NRS 360.090, 360.250) “Capitalization of ground rents” means the estimation of the value of land in the absence of comparable sales by capitalizing the revenue from market-rate leases of land.

(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004)

**NAC 361.1115 “Cost of development method” defined.** (NRS 360.090, 360.250) “Cost of development method” means a method used to estimate the value of undeveloped land in which direct and indirect costs and entrepreneurial profit are deducted from an estimate of the probable proceeds to be obtained from selling the land as developed parcels and the resulting net income is discounted to a present value at a market-derived rate.

(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004)

**NAC 361.1125 “Expected absorption period” defined.** (NRS 360.090, 360.250) “Expected absorption period” means the length of time within which all the parcels in a qualified subdivision may reasonably be expected to be sold, rented or occupied if they are actively marketed. The period begins on July 1 of the year for which the tax on the parcels is levied and ends on the date determined by the county assessor.

(Added to NAC by Tax Comm’n, eff. 11-14-88)

**NAC 361.113 “Improved land” defined.** (NRS 360.090, 360.250) “Improved land” means land on which there is an improvement sufficient to allow the identification of or establish actual use.

[Tax Comm’n, Property Tax Reg. part No. 2, eff. 5-27-82]—(NAC A by R031-03, 8-4-2004)

**NAC 361.115 “Land residual technique” defined.** (NRS 360.090, 360.250) “Land residual technique” means a method used to estimate the value of land from a knowledge of normal net income, the discount rate, the remaining economic life of the property and the full contributory value of any improvements and nonrealty items. The method isolates a measurable income stream attributable to the improvements and then estimates the value of the land by capitalizing the income stream attributable to the land.

(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004)

**NAC 361.116 “Obsolescence” defined.** (NRS 360.090, 360.250) “Obsolescence” means an impairment to property resulting in the full cash value of the property being less than its taxable value as otherwise computed.

[Tax Comm’n, Property Tax Reg. part No. 2, eff. 1-14-82]

**NAC 361.117 “Qualified subdivision” defined.** (NRS 360.090, 360.250) “Qualified subdivision” means a group of parcels meeting the criteria contained in NAC 361.129.

(Added to NAC by Tax Comm’n, eff. 11-14-88)

**NAC 361.118 Land: Sales comparison approach.** (NRS 360.090, 360.250, 361.227)
1. Except as otherwise provided in NAC 361.119, a county assessor shall determine the full cash value of land by applying the sales comparison approach as follows:

(a) The county assessor shall adjust the sales prices or unit values of comparable properties as necessary to eliminate differences between the comparable properties and the subject property that affect value. The adjustments:

(1) Must be mathematical changes made to the sales prices or unit values of the comparable properties to account for differences in elements of comparison between the comparable properties and the subject property;

(2) May be made only to the comparable properties, not to the subject property; and

(3) May be made by adding or subtracting lump-sum dollar values, or by applying positive or negative percentage differentials, to the sales prices or unit values of the comparable properties.

(b) The elements of comparison between the comparable properties and the subject property that may be used by the county assessor include, without limitation, the real property rights conveyed, financing terms, conditions of sale, market conditions, location, physical characteristics, size, zoning or use, governmental restrictions and nonrealty components of value.

(c) If the subject property is improved land, the comparable properties must have a use that is consistent with that of the improved land.

(d) The elements of comparison used and adjustments made by the county assessor must be identifiable and supported by verifiable market data.

(e) After adjusting the comparable properties for differences that affect value, the county assessor shall analyze the range of adjusted sales prices of the comparable properties to arrive at an estimate of value for the subject property.

(f) If it is necessary to make an adjustment to recognize the view influence or any other property attribute associated with the subject property, the county assessor shall:

(1) Make a physical determination of the view influence from the land of each respective view parcel. The county assessor shall make the view influence determination from any area on the parcel that is capable of development. This would exclude legally required setbacks or portions of the parcel subject to applicable land use restrictions or applicable deed restrictions that prohibit development.

(2) Upon the request of the owner, provide to the owner as soon as practicable, but not later than 15 days after receiving the request, current market evidence for each adjustment for the view influence or other property attribute. In a county whose population is 40,000 or more, “current market evidence” as used in this subparagraph means sales data concerning sales of improved or unimproved parcels that occurred during the 36-month period immediately preceding July 1 of the year before the lien date, unless the Commission has approved the petition of the county assessor to consider sales that occurred before that 36-month period.

(3) Upon the request of the owner, provide to the owner as soon as practicable, but not later than 15 days after receiving the request, a comprehensive written analysis describing the adjustment, whether attributable to the view influence or other property attribute, so that the taxpayer can determine whether the value of the parcel has been appropriately adjusted by the county assessor.

(4) Consider whether an adjustment is necessary because of impairments caused by obstructions or aesthetic criteria, including, without limitation, tree growth, utility lines, water tanks or the presence of other improvements.

2. In determining whether the sales price of each comparable property is representative of the full cash value of the subject property, the county assessor must acquire sufficient sales data concerning the comparable property. The sales data may include, without limitation:

(a) The total amount paid for the property and the terms of sale;

(b) The names and contact information of the buyer and seller;

(c) The relationship of the buyer and seller;

(d) The legal description, address and parcel identifier of the property;

(e) Information concerning the type of transfer that is sufficient to enable the county assessor to determine whether the transfer was at arm’s length;
(f) The length of time the property was on the market;
(g) The extent of the interest transferred to the buyer;
(h) The nature of nonrealty items; and
(i) The date of the transfer.
3. The county assessor may determine the accuracy of the sales data acquired pursuant to subsection 2 by:
   (a) Contacting the buyer, seller, title company or any other knowledgeable participant in the transaction;
   (b) Using sales questionnaires;
   (c) Conducting personal interviews; or
   (d) Reviewing declarations of value.
   The county assessor shall disclose to each person he contacts for information pursuant to this subsection that the information provided by the person will only be used to establish value for the purposes of property taxation.
4. The following types of sales may provide unreliable information regarding full cash value and require additional verification to determine whether the sale represents full cash value:
   (a) Sales involving governmental agencies and public utilities;
   (b) Sales involving charitable, religious or educational institutions;
   (c) Sales involving financial institutions;
   (d) Sales between relatives or corporate affiliates;
   (e) Sales of convenience, including, without limitation, a sale intended to correct a flaw in title;
   (f) Sales settling an estate;
   (g) Forced sales, including, without limitation, a sale resulting from judicial order; and
   (h) Sales involving doubtful title.
5. The county assessor may sort sales and other market data into homogeneous groups to reflect different market influences and variations in zoning, other land-use controls and probable use, and to ensure that land values will reflect market data for parcels with similar or competitive uses in the same area.

[NAC 361.119  Land: Alternate methods to sales comparison approach. (NRS 360.090, 360.250, 361.227)]
1. If the county assessor is not able to use the sales comparison approach for vacant land pursuant to NAC 361.118 because sufficient sales of comparable properties which were vacant land at the time of sale are not available, the county assessor may determine valuation through any of the following methods:
   (a) Abstraction method;
   (b) Land residual technique;
   (c) Capitalization of ground rents;
   (d) Cost of development method; and
   (e) Allocation method, if the properties are substantially similar.
2. The use of sales of comparable improved properties pursuant to subsection 1 is subject to the provisions of NAC 361.118 and the following:
   (a) Sales of comparable improved properties must be adjusted to remove the full contributory value of all items attributable to the improvement of vacant land, including, without limitation, improvements, direct and indirect costs, soft costs, entrepreneurial profit, and personal property and other nonrealty components of value.
   (b) The complete obsolescence of an improvement for purposes of analyzing the sales price of a comparable improved property is best determined when the improvement is demolished or removed, but may be considered when:
(1) Sufficient evidence demonstrates an intention to demolish or remove the improvement, which evidence may include, without limitation, evidence that:
   (I) A permit has been issued for the demolition of the improvement;
   (II) A disclosure concerning the demolition or removal of the improvement has been filed with
        the Securities and Exchange Commission;
   (III) An order has been issued for the condemnation of the improvement; or
   (IV) Construction and development financing has been obtained with respect to the comparable
        property which establishes that the demolition or removal of the improvement is intended; and
(2) No occupancy or no use is established before the completion of the demolition or removal of
    the improvement.

(c) Sales of comparable improved properties may be used in determining valuation regardless of
    whether the complete obsolescence of an improvement may be determined or considered pursuant to
    paragraph (b).

(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004)

NAC 361.122 Improved land. (NRS 360.090, 360.250, 361.227)

1. If improved land is being put to a use not consistent with the zoning of the land or with the general
   use of land in the surrounding area, the value of the improved land must be established by considering
   the value of land that:
   (a) Is most comparable to the improved land;
   (b) Has the same or a similar use; and
   (c) Is affected by the same or similar restrictions.

2. The area of land to be valued according to the use of the improvements is the area actually
   covered by the improvement, plus the surrounding area necessary to the use of the improvement. Any
   additional land must be valued as if vacant.

[Tax Comm’n, Property Tax Reg. part No. 2, eff. 5-27-82]—(NAC A by R031-03, 8-4-2004)

NAC 361.123 Contaminated property: Definitions. (NRS 360.090, 360.250, 361.227) As used in
NAC 361.123 to 361.1236, inclusive, unless the context otherwise requires:

1. “Contaminated site” means:
   (a) Land on which the release of a hazardous substance has been verified pursuant to NAC 361.1232;
   or
   (b) An improvement for which permeation or incorporation into construction by a hazardous
       substance has been verified pursuant to NAC 361.1232, on or before the assessment date of the property.

2. “Cost-to-cure” means the present value of the remedial work to be performed to remove, contain
   or treat a hazardous substance on the property being valued. The term includes the cost of continued
   monitoring of the site after the remedial work has been completed if such monitoring is required.

3. “Hazardous substance” means a hazardous material or hazardous waste as those terms are defined
   in NRS 459.428 and 459.430, respectively.

(Added to NAC by Tax Comm’n, eff. 7-16-92; A by R031-03, 8-4-2004)

NAC 361.1232 Contaminated property: Burden of proof; documentation required. (NRS
360.090, 360.250, 361.227)

1. The burden of proving that property has been contaminated and documenting the proof of
   contamination to support a possible reduction of the assessed value of the property lies with the owner
   of the property.

2. To verify the release of a hazardous substance on land or the permeation or incorporation into
   the construction of an improvement by a hazardous substance, the owner of the property must:
   (a) Submit reliable, objective information, such as an engineering study, environmental audit,
       laboratory report or historical record, which proves to the satisfaction of the assessor that a hazardous

179
substance has been released on the land or has permeated or been incorporated into the construction of an improvement;

(b) Show that the release, permeation or incorporation was reported to an appropriate governmental agency such as the National Response Center or the State Department of Conservation and Natural Resources; and

(c) Provide sufficient data to the assessor to indicate the status of a proposed or ongoing cleanup plan.

3. To document the proof of contamination to support a possible reduction of the assessed value of the property, the owner of the property must submit to the assessor:

(a) A list of available comparable sales of similarly contaminated property, if any;

(b) Any pertinent information concerning the cleanup of the hazardous substance; and

(c) Where there is an existing business operating on the contaminated site, records of income and expense necessary to allow the assessor to estimate the value of the real property, as if uncontaminated, by the income approach.

(Added to NAC by Tax Comm’n, eff. 7-16-92)

NAC 361.1234 Contaminated property: Determination of full cash value. (NRS 360.090, 360.250, 361.227) In determining, pursuant to NRS 361.227, the full cash value of property that has been determined by the assessor to be a contaminated site:

1. The sales comparison approach may be used by comparing verified sales of similarly contaminated sites;

2. Where applicable, the income approach may be used by utilizing rent, vacancy and expense data derived from a survey of similarly contaminated sites with similarly used improvements; or

3. Where no sales or rental market exists for similarly contaminated properties:

(a) The value of the property for a specific use, or a specific user, reflecting the extent to which the property contributes to the utility or profitability of the enterprise of which it is a part may be determined by using the income approach, except that the value so determined must not exceed the full cash value of the property; or

(b) The present worth of the contaminated site may be determined by:

(1) Discounting the present worth of the property if it was contaminated by an off-site source or the cost-to-cure is not being borne by the current owner, or both, on the basis of the length of the delay caused by the contamination until the property can be developed to its highest and best use, readily sold or financed on the open market; or

(2) Using the present cash equivalency which represents the future reversionary value of the contaminated site after it is cleaned up to an extent that it is usable or developable to its highest and best use less the present worth of the yearly costs-to-cure if the current owner is incurring the remedial costs and an accurate forecast of the year-to-year costs to be incurred and the estimated date of the completion of the cleanup are available.

(Added to NAC by Tax Comm’n, eff. 7-16-92; A by R031-03, 8-4-2004)

NAC 361.1236 Contaminated property: Annual review. (NRS 360.090, 360.250, 361.227) The assessor shall review annually the assessment of any property which has been valued as a contaminated site pursuant to NAC 361.123, 361.1232 and 361.1234 to ensure that the remedial work, if any, is being performed as scheduled and to verify the actual yearly cost-to-cure.

(Added to NAC by Tax Comm’n, eff. 7-16-92)

NAC 361.124 Determination of actual age of improvement or newly constructed addition to improvement. (NRS 360.090, 360.250, 361.227, 361.229) In determining the actual age of:

1. An improvement or newly constructed addition to an existing improvement, the county assessor shall use the actual year of construction, if it is available, or else an estimated year of construction.

2. An improvement that has been constructed over a period of years, the county assessor shall use the weighted average age of the improvement.
NAC 361.125 Improvement: Initial taxable value. *(NRS 360.090, 360.250, 361.227)*

1. In determining the initial taxable value of an improvement, the rate of depreciation is set forth in NRS 361.227.

2. If obsolescence, deterioration or wear and tear causes the taxable value calculated pursuant to subsection 1 to exceed the full cash value of the improvements, the additional depreciation and obsolescence may be calculated separately.

(Added to NAC by Tax Comm’n by R031-03, eff. 8-4-2004)

NAC 361.127 Improvement: Replacement. *(NRS 360.090, 360.250, 361.227, 361.229)*

1. If the use or quality of an existing improvement is changed by a replacement, the county assessor shall revalue the improvement according to the new use or quality as of the time the replacement occurs.

2. Each county assessor who determines the percentage of the replacement made to an improvement:
   (a) May use the “Breakdown of Base Cost by Percentage,” as published in the manuals of the Marshall and Swift Publication Company as they existed on October 1 of the year preceding the current assessment year, if the Executive Director approves it for use by county assessors in determining the value of improvements, or other breakdowns of improvement costs adopted or approved annually by the Nevada Tax Commission.
   (b) Must consider the total replacements made to an improvement which have been accumulated since its construction or the last computation of replacement if one has been made.

3. As used in this section, the term “replacement” includes items of remodeling or renovation which extend the useful life of an improvement, other than those items excluded by the provisions of NRS 361.229.

4. The Executive Director shall review the “Breakdown of Base Cost by Percentage” as soon as practicable after each manual is published to determine its suitability for use by county assessors. If he finds the manual to be suitable, the Executive Director shall approve its use and notify each county assessor of that approval.

(Added to NAC by Tax Comm’n, eff. 10-10-83; A 1-18-85; 5-16-86)

NAC 361.128 Improvement and replacement of improvement: Determination of costs. *(NRS 360.090, 360.250, 361.227, 361.229)*

1. The cost of replacement of an improvement must include all costs for labor, materials, supervision, contractor’s profit and overhead, architect’s plans and specifications, sales taxes and insurance.

2. In determining the costs of an improvement, the county assessor shall:
   (a) For rural buildings, use the standards in the manual entitled *Rural Building Costs* adopted by the Commission.
   (b) For other improvements, use the standards in the cost manuals, including modifiers of local costs, published through or furnished by the Marshall and Swift Publication Company, as they existed on October 1 of the year preceding the closure of the roll for the appropriate assessment year, if the Executive Director approves it for use by county assessors in determining the costs of improvements. A computer program for determining cost furnished by the Marshall and Swift Publication Company may also be used. Other computer programs for determining cost which are based on costs published by the Marshall and Swift Publication Company may be used with the prior approval of the Executive Director.

3. If the manuals described in subsection 2 do not apply to improvements of a particular occupancy or construction type, the county assessor may apply to the Executive Director for permission to use alternative recognized cost manuals, cost determinations or subscription services. If the Executive Director finds that the manuals described in subsection 2 do not apply to such improvements and that the alternative recognized cost manuals, cost determinations or subscription services are suitable, the Executive Director shall approve the use of the alternative recognized cost manuals, cost determinations or subscription services and notify each county assessor of that approval. The Executive Director shall
submit to the Commission annually a list of the alternative recognized cost manuals, cost determinations and subscription services that the Executive Director has approved for use.

4. The Executive Director shall review the standards and modifiers published or furnished by the Marshall and Swift Publication Company as soon as practicable after they become available, to determine their suitability for use by county assessors. If he finds it to be suitable, the Executive Director shall approve the use of the standard or modifier and notify each county assessor of that approval.

[Tax Comm’n, Property Tax Reg. part No. 2, eff. 1-14-82]—(NAC A 10-10-83; 7-23-84; 1-18-85; 5-16-86; R031-03, 8-4-2004)

NAC 361.129 Appraisal of parcel as part of qualified subdivision. (NRS 360.090, 360.250, 361.227)

1. A parcel must be appraised as provided by paragraph (b) of subsection 2 of NRS 361.227 and NAC 361.1295 if:
   (a) It is one of a group of 10 or more contiguous parcels held under common ownership;
   (b) A final map, a series of final maps or one or more subdivision maps covering the area containing the parcel has been presented to the county recorder for filing in the manner provided by NRS 278.360 to 278.460, inclusive, or the parcel is assessable property in an improvement district created pursuant to chapter 271 of NRS;
   (c) The owner of the parcel provides the county assessor with whatever information the assessor deems necessary to determine the taxable value of the parcel; and
   (d) The county assessor determines that the group of parcels affected has an expected absorption period of more than 1 year.

2. For the purposes of this section:
   (a) The owner of a parcel is the person or entity shown as such in the records of the county recorder.
   (b) A parcel is contiguous with other parcels held under common ownership even if it is separated from those parcels:
      (1) By an easement, right-of-way, street, highway or other obstruction; or
      (2) By one or more parcels held by third persons, if the parcels so held are in the same phase or section of a development.
   (c) A parcel is not contiguous with other parcels held under common ownership, though they share a common boundary, if they are in different phases or sections of a development.

(Added to NAC by Tax Comm’n, eff. 11-14-88; A 10-27-93; R031-03, 8-4-2004)

NAC 361.1295 Taxable value of land within qualified subdivision. (NRS 360.090, 360.250, 361.227)

1. In determining the taxable value of land within a qualified subdivision, the county assessor shall use, as he deems appropriate based upon the available information concerning the subdivision:
   (a) The full cash value of the subdivision as unimproved land, plus all actual costs of site preparation and on- and off-site improvements;
   (b) The selling price of any comparable subdivision or group of parcels, adjusting that price as appropriate to reflect differences between the land sold and the land being appraised; or
   (c) The estimated retail selling price of all parcels in the subdivision which are not sold, rented or occupied, reduced by the percentage specified for the expected absorption period of the parcels:

<table>
<thead>
<tr>
<th>Expected Absorption Period (Years)</th>
<th>Percentage of Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 3.</td>
<td>20</td>
</tr>
<tr>
<td>4 - 6.</td>
<td>30</td>
</tr>
<tr>
<td>7 - 9.</td>
<td>40</td>
</tr>
<tr>
<td>10 or more.</td>
<td>50</td>
</tr>
</tbody>
</table>
2. The taxable value determined as provided in subsection 1 must be allocated to each parcel in the subdivision which is not sold, rented or occupied according to the size and other characteristics of that parcel.

3. The taxable value of any improvements made within a qualified subdivision must be determined as provided by NRS 361.227.

(Added to NAC by Tax Comm’n, eff. 11-14-88)

**NAC 361.130 Mobile or manufactured home. (NRS 360.090, 360.250, 361.227, 361.2445, 361.325)**

1. The taxable value of a mobile home or manufactured home which constitutes real property is the cost of replacement of the mobile home or manufactured home less depreciation and obsolescence.

2. In determining the taxable value of a mobile home or manufactured home which constitutes personal property, each county assessor shall, if the mobile home or manufactured home was sold as new:
   
   (a) Before July 1, 1982, value it at its retail selling price when sold to the original owner less depreciation at 5 percent per year, to a maximum depreciated value of 20 percent of its original retail selling price.

   (b) On or after July 1, 1982, value it at replacement cost, when new, less depreciation. Replacement cost when new is the retail selling price to the original owner adjusted by factors reflected in the annual Personal Property Manual.

   Depreciation must be calculated pursuant to the schedule located in the annual Personal Property Manual. Additional depreciation and obsolescence may be calculated separately.

3. The retail selling price of a mobile home or manufactured home includes all charges for transportation, installation, accessories, profit and overhead.

4. If the owner of a mobile home or manufactured home which has been converted to real property wishes to convert the mobile home or manufactured home back to personal property, the county assessor shall provide the owner with a form for an affidavit of conversion which has been approved by the Commission and which must be recorded in the county recorder’s office pursuant to NRS 361.2445 before the mobile home or manufactured home may be removed from the tax rolls. The affidavit of conversion may include information concerning the cost of acquisition of the mobile home or manufactured home. All signatures required pursuant to NRS 361.2445 to effectuate the conversion must be notarized.

5. The county assessor shall value the mobile home or manufactured home as personal property upon satisfaction of all the requirements set forth in NRS 361.2445 if the mobile home or manufactured home remains within the jurisdiction of the county assessor.

[Tax Comm’n, Property Tax Reg. part No. 2, eff. 1-14-82]—(NAC A 10-10-83; 6-29-84; 5-16-86; R031-03, 8-4-2004)

**NAC 361.1305 Billboards. (NRS 360.090, 360.250, 361.227)**

1. The taxable value of a billboard is the cost of replacement of the billboard less depreciation and obsolescence.

2. The cost of replacement of a billboard must be computed by multiplying the cost of acquisition to the current owner by the appropriate factor located in the annual Personal Property Manual. The factor that corresponds to the year the billboard was acquired must be used. Additional depreciation and obsolescence may be calculated separately.

(Added to NAC by Tax Comm’n, eff. 8-2-90; A by R031-03, 8-4-2004)

**NAC 361.131 Taxable value exceeding full cash value. (NRS 360.090, 360.250, 361.227)** If the initially determined taxable value for any real property is found to exceed the full cash value of the property, the person determining taxable value shall examine the taxable value determined for the land,
and if the land is properly valued, he shall appropriately reduce the taxable values determined for the improvements. If any further reduction is needed, the value of the land may also be reduced.

(Added to NAC by Tax Comm’n, eff. 10-10-83; A by R031-03, 8-4-2004)

NAC 361.1315 Adjustment in apportionment for school district. (NRS 360.090, 360.250, 387.1243)

1. To determine if a school district is eligible to receive an adjustment in apportionment pursuant to subsection 2 of NRS 387.1243, each county assessor shall, on or before March 15 of each year, submit a report to the Department on a form provided by the Department. The report must include the:
   (a) Value of all possessory interest of property in the county that is subject to taxation pursuant to NRS 361.157 and 361.159;
   (b) Value of such property for the current fiscal year;
   (c) Amount of taxes that are due on the property; and
   (d) Amount of taxes that have been paid for the current fiscal year.

   A copy of the report must be provided to the county treasurer.

2. After receipt of the report required by subsection 1, the Department will verify, in cooperation with the county treasurer, the amount of property taxes paid and the amount of anticipated shortfall in property taxes on any leasehold interest, possessory interest, beneficial interest or beneficial use on property that is owned by the Federal Government and subject to taxation pursuant to NRS 361.157 and 361.159. On or before April 15 of the year in which the taxes are due, the Department will provide certification of the amount of such anticipated shortfall to the Department of education.

3. If the delinquent taxes are paid after the report required by subsection 1 is made, the county treasurer shall report the date and amount of payment to the Department within 10 days after the payment is made. The Department will report the amount of the payment to the Department of Education to facilitate repayment by the school district in accordance with subsection 2 of NRS 387.1243.

(Added to NAC by Tax Comm’n by R013-98, eff. 11-20-98)

Determination of Taxable Value of Personal Property

NAC 361.1345 Definitions. (NRS 360.090, 360.250, 361.227) As used in NAC 361.1345 to 361.139, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361.1351, 361.1355 and 361.1361 have the meanings ascribed to them in those sections.

(Added to NAC by Tax Comm’n by R034-03, eff. 12-4-2003)

NAC 361.1351 “Acquisition cost” and “original cost” defined. (NRS 360.090, 360.250, 361.227) “Acquisition cost” or “original cost” means the actual cost of property to its present owner, including, without limitation, the costs of transportation and the costs of installation.

(Added to NAC by Tax Comm’n by R034-03, eff. 12-4-2003)

NAC 361.1355 “Costs of installation” defined. (NRS 360.090, 360.250, 361.227) “Costs of installation” means the costs of direct labor, direct overhead and the capitalized expense of interest or imputed charges for interest which are necessary to make the property operational.

(Added to NAC by Tax Comm’n by R034-03, eff. 12-4-2003)

NAC 361.1361 “Personal Property Manual” defined. (NRS 360.090, 360.250, 361.227) “Personal Property Manual” means a manual for the valuation of personal property that is published by the Department annually pursuant to NAC 361.1365.

(Added to NAC by Tax Comm’n by R034-03, eff. 12-4-2003)

NAC 361.1365 Personal Property Manual: Publication; contents; approval; use. (NRS 360.090, 360.250, 361.227)
1. The Department will annually publish a *Personal Property Manual* which describes the methods and standards that must be used for the valuation of personal property. The manual must include, without limitation, annually updated:
   (a) Cost-index factors that must be used in the conversion of acquisition cost into an estimate of replacement cost new;
   (b) Expected-life schedules that indicate the category of expected life for each type of property or type of industry in which the property is used; and
   (c) Percent-good tables which indicate the rate of depreciation that must be applied.
2. The *Personal Property Manual* must be approved by the Commission before publication. The Department, at least 1 month before presenting the manual to the Commission for approval, must disclose all proposed modifications to the manual and hold a public workshop on the modifications.
3. Each county assessor shall use the *Personal Property Manual* in determining the taxable value of personal property.

(Added to NAC by Tax Comm’n by R034-03, eff. 12-4-2003)

**NAC 361.1371 Procedure for determination of taxable value.** *(NRS 360.090, 360.250, 361.227)*
1. The taxable value of personal property must be determined by adjusting the acquisition cost of the property by a cost-index factor and reducing the adjusted acquisition cost by an estimate of applicable depreciation. The taxable value so determined shall be deemed to be the indicator of value of replacement cost new less depreciation.
2. In determining taxable value, a county assessor shall use the schedules in the *Personal Property Manual* that show the cost-index factors, the rates of depreciation and the percent good by year. The assessor shall use the schedules by:
   (a) Selecting the appropriate expected useful life of the personal property; and
   (b) Selecting the appropriate cost-index factor, based on the year of acquisition of the property, and applying it to the acquisition cost of the property.

   ➡️ The result shall be deemed to be the replacement cost new of the property.
3. The assessor shall select the method of applying depreciation to the personal property by either:
   (a) Multiplying the adjusted acquisition cost of the property by the rate of depreciation and subtracting the result from the adjusted acquisition cost; or
   (b) Multiplying the adjusted acquisition cost of the property by the percent-good factor.

   ➡️ The result from either approach shall be deemed to be the taxable value of the property.

(Added to NAC by Tax Comm’n by R034-03, eff. 12-4-2003)

**NAC 361.1375 Determination of expected life, cost-index factors and depreciation.** *(NRS 360.090, 360.250, 361.227)*
1. Personal property must be categorized by the specific type of property that it is or by the type of industry in which it is used. Each category must be assigned to a schedule of expected life which is based on commonly available sources of information, including, without limitation, the life expectancy guidelines published by the Marshall and Swift Valuation Service and any other sources published in the *Personal Property Manual*.
2. The cost-index factors published in the *Personal Property Manual* must be determined by calculating the average change in costs over time. The Department shall identify the sources used to calculate the average change.
3. For purposes of calculating the amount of applicable depreciation, personal property must be assigned to one of the following expected lives:
   (a) Three-year life;
   (b) Five-year life;
   (c) Seven-year life;
   (d) Ten-year life;
   (e) Fifteen-year life;
   (f) Twenty-year life; or
(g) Thirty-year life.

4. Depreciation must be calculated over the expected life of the personal property by using the declining balance method, except that tables which provide a method other than the declining balance method for calculating depreciation may be used if the tables have been approved by the Commission and included in the Personal Property Manual.

5. For purposes of calculating the rate of depreciation, a residual amount of 5 percent must be used. Percent-good tables using a residual amount other than 5 percent may be adopted by the Commission if the Department has conducted a market study or has otherwise obtained information which indicates that a different residual amount is appropriate for the category in which the personal property is placed pursuant to subsection 1.

(Added to NAC by Tax Comm’n by R034-03, eff. 12-4-2003)

NAC 361.138 Reported acquisition cost for leased equipment. (NRS 360.090, 360.250, 361.227)
For leased equipment, the reported acquisition cost is the cost which the user of the property would incur if the equipment were purchased, less any discount customarily allowed by a seller.

(Added to NAC by Tax Comm’n, eff. 10-10-83; A by R034-03, 12-4-2003)

NAC 361.139 Personal property acquired with real property for lump sum; use of other valuation techniques. (NRS 360.090, 360.250, 361.227)
1. In determining the taxable value of personal property which was acquired with real property for a lump sum, the assessor may refer to appropriate guides which list the cost of equipment to determine the value of the personal property in relation to the value of the real property. In addition, the assessor may estimate the age of the equipment by inspecting it or discussing the approximate value of the equipment with manufacturers, dealers or other persons in the business who have knowledge of the value of the equipment. The serial number, if it exists, may enable a manufacturer to determine the date of manufacture and the original cost.

2. If sufficient data is not otherwise available to establish acquisition cost, the assessor may use any nationally recognized valuation technique, including, without limitation:
   (a) Establishing the current cost of replacement of the property with new property by reference to current manufacturing costs. If the current cost of replacement is known, the assessor shall apply depreciation to that cost to determine the taxable value.
   (b) Using a guide which lists the cost or a procedure recognized by businesses which use such equipment to determine the taxable value. Before such a guide or procedure may be used, an assessor must receive approval from the Executive Director.
   (c) Using information based on current market data.

3. Upon request, the Division of Assessment Standards of the Department will provide information on various guides which may be used to determine original cost.

(Added to NAC by Tax Comm’n, eff. 10-10-83; A 6-29-84; R034-03, 12-4-2003)

Report

NAC 361.144 Areas of appraisal for cycle of reappraisal. (NRS 360.090, 360.250, 361.260)
1. Each county assessor shall:
   (a) Establish geographic boundaries for areas of appraisal or establish areas by other classifications within which all property must be reappraised at the same time; and
   (b) Establish not later than July 1 of the year immediately preceding the assessment year, the standards of valuation, including data on comparable sales, to be used throughout the year’s cycle of reappraisal.

2. These areas of appraisal may be changed to alleviate problems created by growth or other circumstances if the county assessor shows good cause and receives the approval of the Commission.

[Tax Comm’n, Property Tax Reg. part No. 7, eff. 9-17-80; A 1-14-82]—(NAC A by R031-03, 8-4-2004)
NAC 361.146  Records of reappraisals.  (**NRS 360.090, 360.250, 361.260**) Whenever property is reappraised, the county assessor shall indicate all the data necessary to determine the taxable value of the property, the date of the field inspection, if any, and the identity of the appraiser. The actual age and the depreciation of the existing improvements and any additions to those improvements must be clearly indicated.

[Tax Comm’n, Property Tax Reg. part No. 7, eff. 1-14-82]—(NAC A by R031-03, 8-4-2004)

NAC 361.150  Report of appraisals by county assessor.  (**NRS 360.090, 360.250, 361.260**) Each county assessor shall file with the Department on or before April 1 of each year a report which includes:

1. A statement of the appraisals accomplished in the previous year beginning January 1 and ending December 15, including:
   (a) The total number of parcels that were reappraised;
   (b) The total number of parcels with newly constructed improvements to realty, not including additions to existing improvements and newly subdivided parcels that were appraised;
   (c) The total number of all taxable parcels in the county; and
   (d) The areas of the county that were reappraised.

2. A statement of what the county assessor proposes to appraise in the following year, including:
   (a) An estimate of the percentage of all parcels in the county that the proposed reappraisals represent; and
   (b) The areas of the county that he proposes to reappraise.

3. A list of the areas of appraisal, encompassing all property in the county, which were used in the prior 5-year cycle of reappraisal and a statement of the areas which were appraised in each year of that cycle.

[Tax Comm’n, Property Tax Reg. part No. 7, eff. 9-17-80; A 1-14-82]—(NAC A 10-10-83)

NAC 361.151  Statement of valuation of property sold.  (**NRS 360.090, 360.250, 361.260**) On or before April 1 of each year, each county assessor shall furnish to the Department a statement of the valuation of real property which was sold in his county in the preceding calendar year. The statement must include:

1. The date of each sale;
2. The parcel number or a description of the real property sold;
3. The sales price; and
4. The method used to verify the sales price.

(Added to NAC by Tax Comm’n, eff. 4-24-84)

NAC 361.152  Assessment lists: Contents; distribution.  (**NRS 360.090, 360.250, 361.300**) 1. The assessment list for a county must include:

(a) The parcel number of each property;
(b) The name of the owner of each property;
(c) The year of the last reappraisal of each property at which time the taxable value of the property was determined; and
(d) The assessed value of the land, improvements and personal property, separately stated.

2. The county assessor shall submit a copy of the assessment list to the Department immediately following publication or delivery to taxpayers pursuant to subsection 3 of **NRS 361.300**.

3. For the purposes of paragraph (a) of subsection 3 of **NRS 361.300**, the Commission will interpret the term “each taxpayer in the county” as used in that paragraph to mean each taxpayer who resides in the county. A county assessor who causes a copy of the assessment list to be delivered to each taxpayer who resides in the county shall cause a copy of the assessment list to be delivered to any other taxpayer who owns property in the county if that taxpayer requests a copy of the assessment list.

[Tax Comm’n, Property Tax Reg. part No. 7, eff. 9-17-80; A 1-14-82]—(NAC A by R031-03, 8-4-2004)
NAC 361.154 Assessment roll: Filing; order of entries. (NRS 360.090, 360.250, 361.390)

1. The assessment roll filed with the Secretary of the State Board of Equalization must include:
   (a) The parcel number of each property;
   (b) The name of the owner of each property;
   (c) A code for each property designating its category as prescribed by the Department;
   (d) The year of the last physical reappraisal of each property at which time the taxable value of the property was determined; and
   (e) The assessed value of the land, improvements and personal property, separately stated.

2. When feasible and appropriate, the entries on the assessment roll must be in order by parcel number, not alphabetically by the name of the owner.

[Tax Comm’n, Property Tax Reg. part No. 7, eff. 9-17-80; A 1-14-82]—(NAC A 10-10-83)

NAC 361.155 Billing of real property on unsecured roll. (NRS 360.090, 360.250, 361.480) Any billing sent to the owner of real property assessed upon the unsecured roll must include:

1. The total taxes due for the year;
2. The amount of the tax which is due as of the next date for payment if the tax is paid in quarterly installments; and
3. A statement advising the owner of such property that payment may be made in:
   (a) One total payment; or
   (b) One payment which includes the quarterly installments that are due and equal quarterly installments for the remaining quarters.

(Added to NAC by Tax Comm’n, eff. 10-10-83; A 5-3-84)

ASSESSMENTS BY NEVADA TAX COMMISSION

General Provisions

NAC 361.200 Definitions. (NRS 360.090, 361.320) As used in NAC 361.200 to 361.508, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361.202 to 361.406, inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Tax Comm’n, 9-30-88)

NAC 361.202 “Accelerated amortization” defined. (NRS 360.090, 361.320) “Accelerated amortization” means the accruing of greater depreciation expense for income tax purposes in the early years of the property’s life and less in the later years.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.203 “Accelerated cost recovery system” defined. (NRS 360.090, 361.320) “Accelerated cost recovery system” means a tax accounting methodology whereby normalized accounting is used to reduce or defer taxes on property and income.

(Added to NAC by Tax Comm’n, eff. 9-30-88)

NAC 361.204 “Accelerated depreciation” defined. (NRS 360.090, 361.320) “Accelerated depreciation” means the accruing of greater depreciation expense in the early years of a property’s life and less in the later years. Two methods of accelerated depreciation are the:

1. Sum of the year’s digits method; and
2. Declining balance method.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.206 “Accrual accounting” defined. (NRS 360.090, 361.320) “Accrual accounting” means recording the revenues and expenses based on amounts due or owing during the report period whether received, paid or not.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]
NAC 361.208 “Accrued depreciation” defined. (NRS 360.090, 361.320) “Accrued depreciation” means the amount of depreciation to date; when recorded as a dollar amount it may be deductible from the total plant value or investment to arrive at the rate base.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.210 “Advance payments for gas” defined. (NRS 360.090, 361.320) “Advance payments for gas” means cash payments made to producers to finance exploration for gas. If any gas is discovered, the company making the advance payment has the right to bid on or buy all or part of the discovered gas. Repayment of the advance is taken in the form of delivered gas.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.212 “Allocation to states” defined. (NRS 360.090, 361.320) “Allocation to states” means the process of assigning a portion of a unit value or system statistic to a state.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.214 “Allowance for funds used during construction” defined. (NRS 360.090, 361.320) “Allowance for funds used during construction” means the process of capitalizing interest expense on funds used during the construction period. As property does not generate earnings during construction, the capitalized interest expense represents imputed earnings. The capitalized interest becomes part of the total cost of the project.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.216 “Amortization” defined. (NRS 360.090, 361.320) “Amortization” means the orderly writing off of an investment by making periodic charges against current income or the orderly retirement of an obligation by making periodic payments to the creditor.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.218 “Annuity” defined. (NRS 360.090, 361.320) “Annuity” means a series of payments to be made at equal intervals, annual, monthly or other. The payments themselves do not have to be equal. An annuity whose payments are equal is known as a level annuity.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.220 “Antipollution controls” defined. (NRS 360.090, 361.320) “Antipollution controls” means regulations or standards set up under federal and state laws to correct abuses leading to the contamination of clean air and water supplies by smoke, smog, fumes, hazardous radiation and other emissions including those from nuclear or other electric generating plants.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.222 “Apportionment to intrastate jurisdiction” defined. (NRS 360.090, 361.320) “Apportionment to intrastate jurisdiction” means the process of assigning a portion of a state value or state statistic or company statistic to geographical areas, usually tax levying districts or codes within the State.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.224 “Assessment ratio” defined. (NRS 360.090, 361.320) “Assessment ratio” means the relationship of assessed value to market value or to some statutory value such as actual value or true cash value.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.226 “Band-of-investment” defined. (NRS 360.090, 361.320) “Band-of-investment” means a method used to compute a capitalization rate in the absence of market information. The simplest form of band-of-investment computation requires estimating the appropriate ratio of debt to
equity, the interest cost of debt and, typically the most subjective element, the rate of return on equity capital. The weighted rates on debt and equity are added to obtain the band-of-investment rate.

[NAC 361.228 “Bond discount” defined. (NRS 360.090, 361.320) “Bond discount” means an amount in dollars subtracted from the face value of a bond because the market discount rate is greater than the coupon rate. [Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

[NAC 361.230 “Bond premium” defined. (NRS 360.090, 361.320) “Bond premium” means an amount in dollars added to the face value of the bond because of issuing costs or a market discount rate less than the coupon rate. [Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

[NAC 361.232 “Bond rating” defined. (NRS 360.090, 361.320) “Bond rating” means a classification assigned by financial reporting institutions reflecting relative standings as to risk. The classification may include consideration of management, revenue prospects, regulatory climate, operating costs and many other aspects of business operations. [Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

[NAC 361.234 “Book depreciation” defined. (NRS 360.090, 361.320) “Book depreciation” means the total accruals recorded on the books of the owner of property summarizing the systematic and periodic expenses charged toward amortizing the investment of limited-life property over its expected life. [Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

[NAC 361.236 “Book value,” “net book” defined. (NRS 360.090, 361.320) “Book value” or “net book” means the cost of a property as carried in the accounting records of the owner less the accrued depreciation reserve for that property. [Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

[NAC 361.238 “Capital structure” defined. (NRS 360.090, 361.320) “Capital structure” means the manner in which an organization is financed, that is, the amount and kind of equity and debt that satisfies the need for money. [Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

[NAC 361.240 “Capitalization process” defined. (NRS 360.090, 361.320) “Capitalization process” means the conversion of a stream of income having a certain duration into value by means of a capitalization rate that recognizes the degree of risk as between the property and the income it produces. [Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

[NAC 361.242 “Capitalization rate” defined. (NRS 360.090, 361.320) “Capitalization rate” means a factor, used as a divisor, which converts an income stream into an indicated value. If the income stream is expected to be of limited duration, a recapture component may be included in the capitalization rate. [Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

[NAC 361.244 “Cash accounting” defined. (NRS 360.090, 361.320) “Cash accounting” means recording revenues actually received and expenses actually paid during the report period. See NAC 361.206 for contra. [Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]
NAC 361.246 “Cash equivalent” defined. (NRS 360.090, 361.320) “Cash equivalent” means the market value of a property expressed in terms of cash.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.248 “Cash flow,” “net cash flow” or “after-tax cash flow” defined. (NRS 360.090, 361.320) “Cash flow,” “net cash flow” or “after-tax cash flow” means the sum of depreciation (and depletion, if any) and net income after all expenses, all taxes and interest on debt. Conversely, it is gross income minus operating expenses, interest on debt, property taxes and income taxes.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.250 “Cash flow, before-tax” defined. (NRS 360.090, 361.320) “Cash flow, before-tax” means the cash flow plus income taxes. When applied to “cash flow,” the term “before-tax” refers only to income taxes.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.252 “Certificate of convenience and necessity” defined. (NRS 360.090, 361.320) “Certificate of convenience and necessity” means a grant of authority from a state or federal regulatory commission authorizing a company to render a public utility service, usually specifying the area and other conditions of service.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.254 “Common carrier” defined. (NRS 360.090, 361.320) “Common carrier” means a person, corporation or entity engaged in transporting persons, goods or messages for compensation over a regular route, on a certain schedule or at a published rate, all of which are subject usually to government regulation.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.256 “Compound interest and annuity tables” defined. (NRS 360.090, 361.320) “Compound interest and annuity tables” means the six sets of factors or coefficients that embrace the fundamentals of the mathematics of finance. The various factors are here called present worth of 1, present worth of 1 per annum, future worth of 1, future worth of 1 per annum, sinking fund and mortgage repayment. The first type of factor, present worth of 1, is derived from the formula:

\[
\frac{1}{(1 + r)^n}
\]

Where “r” is the discount (capitalization) rate and “n” is the number of periods. All other factors are derived from the mathematical manipulation of this formula. Other names are sometimes given to some of the factors such as “reversion” for present worth of 1, “Inwood” for the present worth of 1 per annum, and many names for mortgage repayment.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.258 “Construction work in progress” defined. (NRS 360.090, 361.320) “Construction work in progress” means the total of the balances of work orders for plant, road and equipment including expenditures on research, development and demonstration projects for construction of facilities.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 12-20-79]

NAC 361.260 “Contribution in aid of construction” defined. (NRS 360.090, 361.320) “Contribution in aid of construction” means a plant which has been contributed to a utility by a prospective customer or which has been constructed by the utility and paid for by the prospective
customer for which no reimbursement is required to be made by the utility to the prospective customer as a prerequisite to obtaining service.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 12-20-79]

**NAC 361.262 “Debt” defined.** *(NRS 360.090, 361.320)* “Debt” is money owed. In the usual case, borrowed money (debt) is considered to be a permanent part of the capital used in the business.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.264 “Deferred federal income taxes” defined.** *(NRS 360.090, 361.320)* “Deferred federal income taxes” means the estimated income tax on the excess of net revenues, recognized for accounting purposes, over that reported for tax purposes.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

**NAC 361.266 “Depreciation” defined.** *(NRS 360.090, 361.320)* “Depreciation,” in an appraisal sense, means the loss in value of an item due to all causes. Sometimes it is meant to be physical deterioration, but in a strict sense it would include functional and economic obsolescence.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.268 “Discount rate” defined.** *(NRS 360.090, 361.320)* “Discount rate” means the annual percentage rate used to select present worth factors. The discount rate is one form of capitalization rate. A discount rate can be derived in two ways:

1. By use of the band-of-investment method; or
2. From sales data using the discounted cash flow rate of return method.

The discounted cash flow rate of return method consists of finding the annual rate at which future income must be discounted so that the total present worth equals the proposed investment in the sale price of a property. The present worth of a given year’s income automatically provides for recapture of capital. The difference between the income itself and its present worth provides for the return (yield) on the capital. The term “discount factor” is sometimes erroneously used instead of “discount rate.” Actually, the factors used in discounting are present worth factors.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.270 “Earnings-price ratio” defined.** *(NRS 360.090, 361.320)* “Earnings-price ratio” means the ratio of earnings per share available to common stockholders of a specific company for an accounting period to the market price per share of the common stock of that company. See NAC 361.358.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.272 “Economic life” defined.** *(NRS 360.090, 361.320)* “Economic life” means the useful life of a property in contrast to its physical life which could be greater.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.274 “Economic rent” defined.** *(NRS 360.090, 361.320)* “Economic rent” means the rent currently and typically found in the open market.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.276 “Effective rate of interest” defined.** *(NRS 360.090, 361.320)* “Effective rate of interest” means the total cost to a company for borrowing money divided by the face value of the money. The interest expense plus the cost of floating the debt or compensatory bank balance are included in calculating the total cost.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]
NAC 361.278 “Equity” defined. (NRS 360.090, 361.320) “Equity” means the owners’ interest in the business. In monetary terms, it is the amount of money the owners have invested in common and preferred stock plus earnings of the business that have not been paid out as dividends.
[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.280 “Expense” defined. (NRS 360.090, 361.320) “Expense” means the gross number of dollars paid for materials or services.
[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.282 “Fair market value” defined. (NRS 360.090, 361.320) “Fair market value” means the highest price estimated in terms of money which a property will bring if exposed for sale in the open market allowing a reasonable time to find a purchaser who buys with full knowledge of all the uses to which it is adapted and for which it is capable of being used.
[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.284 “Fair return” defined. (NRS 360.090, 361.320) “Fair return” means an amount of income authorized by a regulatory agency which is considered sufficient for a utility to attract necessary additional capital while at the same time rendering adequate service.
[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.285 “Final reconciliation” defined. (NRS 360.090, 361.320) “Final reconciliation” means the application of the process of evaluating alternative conclusions and selecting from the indications of value derived from each of the approaches used in the appraisal process to arrive at a final estimate of value.
(Added to NAC by Tax Comm’n, eff. 9-30-88)

NAC 361.286 “Fixed expenses” defined. (NRS 360.090, 361.320) “Fixed expenses” means those expenses of a business enterprise which do not vary in relation to changes in volume of output such as interest on borrowed funds, insurance or general overhead expenses.
[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.288 “Flow-through accounting” defined. (NRS 360.090, 361.320) “Flow-through accounting” means the practice of charging to the current period only those expenses incurred during the period. A common example is the lesser income tax expense in a given period, due to the use of accelerated depreciation methods or guideline lives in contrast to straight-line depreciation or normal service lives, which would benefit the consumer in the form of lower cost of service if prescribed by the regulatory agency. See NAC 361.342.
[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.290 “Form P report” defined. (NRS 360.090, 361.320) “Form P report” means the annual report of an operation filed by a common carrier pipeline with the Surface Transportation Board.
[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.292 “Form 2 report” defined. (NRS 360.090, 361.320) “Form 2 report” means the annual report of an operation filed by an interstate natural gas and electric transmission company with the Federal Power Commission.
[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)
NAC 361.296 “Forms R-1 and R-2” defined. (NRS 360.090, 361.320) “Forms R-1 and R-2” means the annual reports of business operation filed with the Surface Transportation Board by Class I railroads (operating revenues of $5,000,000 or more) and Class II railroads (operating revenues less than $5,000,000) respectively.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.298 “Fractional appraisal” defined. (NRS 360.090, 361.320) “Fractional appraisal” means the valuation of one or more component parts without reference to the value of the whole enterprise. The sum of two or more fractional appraisals is called a summation appraisal and does not always equal unit value.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.300 “Full cash value” defined. (NRS 360.090, 361.320) “Full cash value” means the amount at which the property would be appraised if taken in payment of a just debt due from a solvent debtor.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.302 “Functional depreciation” defined. (NRS 360.090, 361.320) “Functional depreciation” means the loss of service usefulness or obsolescence due to technological advances or social requirements.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.304 “Generally accepted accounting principles” defined. (NRS 360.090, 361.320) “Generally accepted accounting principles” means those procedures adopted and endorsed by the financial accounting standards board to which auditors certify when filing an audit report.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.306 “Gross addition” defined. (NRS 360.090, 361.320) “Gross addition” means new property added to an existing plant or an improvement in the form of a betterment added to existing property and is usually reported in a dollar amount.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.308 “Gross income” defined; synonymous with “gross earnings.” (NRS 360.090, 361.320) “Gross income” means the total amount of income received by a natural person before any deductions are taken. The term is synonymous with the term “gross earnings.”

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

NAC 361.310 “Historical cost” defined; synonymous with “original cost.” (NRS 360.090, 361.320) “Historical cost” means the first cost of a property item of a public utility regardless of the present owner or interim sales transactions. It usually refers, in the accounting of public utilities, to the cost of a property item when first devoted to public service. For other than the accounting of public utilities, the term means the cost to the owner at the time of acquisition. The term is synonymous with the term “original cost” in public utility accounting.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

NAC 361.312 “Imbedded debt cost” defined. (NRS 360.090, 361.320) “Imbedded debt cost” means the average rate of interest that a company pays for its long-term debt. Basically, it is the amount of the total interest paid on long-term debt during the year divided by the face value of the long-term debt outstanding at the end of the year.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]
**NAC 361.314** “Inch equivalent” defined. *(NRS 360.090, 361.320)* “Inch equivalent” means the miles of various sizes of a pipeline converted into an equivalent mileage of 1-inch pipeline. For example, 1 mile of 36-inch pipe is equivalent to 36 miles of 1-inch pipe.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.316** “Income” defined. *(NRS 360.090, 361.320)* “Income” means money or other benefits stemming from the ownership of property, generally received on a regular monthly or annual basis. The word “income” used alone has no specific appraisal significance, but must be modified to form terms such as gross income and net operating income. Revenue is the preferred measure for business and income is the preferred measure of the salaries of persons.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

**NAC 361.318** “Income approach to value” defined. *(NRS 360.090, 361.320)* “Income approach to value” means the method of appraisement that involves the analysis of the incomes and expenses of income-producing properties and the use of the capitalization of income to produce property value indicators.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.320** “Indicator of value” defined. *(NRS 360.090, 361.320)* “Indicator of value” means a conclusion of the worth, expressed in dollars, of a specifically identified item of property (be it a single parcel of land or piece of equipment or an extensive corporate conglomerate) based upon consideration of particular characteristics or attributes of that property. Among the most common indicators of value are those based upon cost, income and comparable sales.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.322** “Interest rate” defined. *(NRS 360.090, 361.320)* “Interest rate” means a promised, typically contractual annual percentage rate of interest paid on a debt such as a mortgage note or a contract. Interest is the cost of borrowing money.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.324** “Interperiod allocation” defined. *(NRS 360.090, 361.320)* “Interperiod allocation” means an assignment of expenses to a certain period rather than to the period in which the expenses occurred. Income tax expense is so handled in normalization accounting.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.326** “Investment tax credit” defined. *(NRS 360.090, 361.320)* “Investment tax credit” means a federal income tax incentive intended to encourage capital investment. It is a permanent forgiveness of income tax liability through the direct reduction of tax liability for the year in which it is utilized. The amount of tax credit has varied, but it is a percentage of the investment in the qualified plant, with limits for the amount of tax reduction including carry-back or carry-forward features. The investment tax credit was repealed for property placed in service after December 31, 1985.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

**NAC 361.328** “Inwood factor or method” defined. *(NRS 360.090, 361.320)* “Inwood factor or method” means a factor or method used to determine the present value of future earnings. Those earnings are capitalized by using the same risk rate for both the return on and the return of the investment.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

**NAC 361.330** “Liberalized depreciation” defined. *(NRS 360.090, 361.320)* “Liberalized depreciation” means the use of rates of depreciation on property for income tax purposes that amortizes the investment over a shorter time period than its actual useful life. See revenue proceedings 72-10 IRS.
NAC 361.332 “Load factor” defined. (NRS 360.090, 361.320) “Load factor” means the ratio of the average use, during a specified time interval, to the peak use during the same time interval. It may be calculated on a daily, weekly, monthly or an annual basis.

NAC 361.334 “Main track” defined. (NRS 360.090, 361.320) “Main track” means the lines or routes of a railroad, whether on the main line or a branch line, as distinguished from yard track, sidetrack or passing track.

NAC 361.336 “Market value” defined. (NRS 360.090, 361.320) “Market value” means the amount in dollars for which a specific item of property could be sold by a willing seller and be bought by a willing buyer, assuming an arm’s length transaction and reasonable exposure to the market.

NAC 361.338 “Net additions” defined. (NRS 360.090, 361.320) “Net additions” means the gross additions less the retirements and is usually reported in amounts of dollars.

NAC 361.340 “Net operating income” defined. (NRS 360.090, 361.320) “Net operating income” means the excess of the revenues of a business enterprise over the expenses of the enterprise, excluding the income from sources other than its regular activities, but before the deduction of debt interest or recapture of capital. In property tax appraisal, the net operating income is at a level that also includes the sum to be paid for property taxes.

NAC 361.342 “Normalization accounting” defined. (NRS 360.090, 361.320) “Normalization accounting” means the practice of charging to the current period those expenses related to the current period rather than to the period in which they are actually incurred. A common example is the computation and assignment of income tax expense to a period based on a straight-line depreciation method rather than on an accelerated depreciation method actually used. The income tax expense computation may or may not have included the additional variable of normal lives versus allowable guideline lives. See NAC 361.288.

NAC 361.344 “Obsolescence” defined. (NRS 360.090, 361.320) “Obsolescence” means the lessening of value due to causes other than physical causes and may be functional where circumstances internal to the property item render it less desirable or economic where circumstances external to the item and beyond the control of the owner render the property item less desirable.

NAC 361.346 “Operating expenses” defined. (NRS 360.090, 361.320) “Operating expenses” means the direct expenses incurred in conducting the ordinary major activities of an enterprise, usually excluding nonoperating expenses and income deductions.

NAC 361.348 “Operating revenue” defined; synonymous with “net revenue.” (NRS 360.090, 361.320) “Operating revenue” means the revenue from the operations of the primary business of an enterprise, such as the electric revenues of an electric utility, which is gross sales of goods and services,
less returns, allowances and cash discounts, together with gross amounts received from any other regular income source. The term is synonymous with the term “net revenue” from sales of services.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

NAC 361.350 “Original cost” defined. (NRS 360.090, 361.320) “Original cost” means the cost of a property item to the present owner. At times, it is used as an equivalent to the historical cost.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.352 “Possessory interest” defined. (NRS 360.090, 361.320) “Possessory interest” means a type of ownership or partial ownership of the total fee. In financial terminology it is the portion of the equity in a business enterprise which is expressed in terms of dollars invested. In valuation it is frequently encountered where government property is rented or leased to a taxable occupant.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

NAC 361.354 “Prepayments for gas” defined. (NRS 360.090, 361.320) “Prepayments for gas” means payments made for gas which will be delivered in less than 1 year.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.356 “Present worth” defined; synonymous with “present value.” (NRS 360.090, 361.320) “Present worth” means the value today of something to be received in the future. It is usually calculated by a discounting process that takes into consideration the time and interest concept of the worth of the money. The term is synonymous with the term “present value.”

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

NAC 361.358 “Price-earnings ratio” defined. (NRS 360.090, 361.320) “Price-earnings ratio” means the ratio of the market price per share of the common stock of a specific company to the earnings per share of common stock of that company during a 12-month period. Typically, the ratio is based upon the current market price and the most recent 12-month period for which the earnings are known.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.360 “Rate base” defined. (NRS 360.090, 361.320) “Rate base” means the amount in dollars established by a regulatory agency upon which a return is allowed.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.362 “Rate of capitalization” defined. (NRS 360.090, 361.320) “Rate of capitalization” means the ratio of income to value. Such a rate can vary widely in quality depending upon the elements that are included such as interest, recapture, ad valorem taxes and income taxes.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.364 “Rate of performance” defined. (NRS 360.090, 361.320) “Rate of performance” means the actual income earned compared to an investment in contrast to a rate of return allowed or permitted but not necessarily accomplished.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.366 “Rate of return” defined. (NRS 360.090, 361.320) “Rate of return” is a general term that means:

1. The yield to an investor variously on his net investment or on the property value; or
2. The ratio of either the net operating income or the before-tax cash flow to either the total property value or the initial investment or the average investment during a given period.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.368 “Recapture” defined. (NRS 360.090, 361.320) “Recapture” means the recovery of a capital investment. More specifically, it is the portion of the net operating income or the cash flow that
provides for the periodic repayment of invested capital. Recapture may also be achieved, wholly or in part, through the resale of the property. The words depreciation and amortization are sometimes used as synonyms for recapture. However, depreciation is also both an accounting term and a word that means a loss from original value and amortization is commonly used to signify debt retirement. Recapture does not have these multiple meanings and is more desirable for use in income appraisal.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

NAC 361.370 “Remaining economic life” defined. (NRS 360.090, 361.320) “Remaining economic life” means the difference between the economic life and the present effective age of an income producing property.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.372 “Replacement cost” defined. (NRS 360.090, 361.320) “Replacement cost” means the cost of acquiring or constructing, at current prices, a property which is the functional equivalent of an existing property.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.374 “Reproduction cost” defined. (NRS 360.090, 361.320) “Reproduction cost” means the cost of acquiring or constructing, at current prices, a property identical to an existing property.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.376 “Reserve life” defined. (NRS 360.090, 361.320) “Reserve life” means an estimated number of years that the gas reserves of a natural gas transmission company will last. For example, the remaining life of a natural gas transmission company would be the estimated number of years a company can deliver gas at a given annual volume of gas divided by the total gas reserves.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.378 “Retirement depreciation” defined. (NRS 360.090, 361.320) “Retirement depreciation” means a method of accounting for the total depreciation expense at the date of retirement rather than by systematic additions to a depreciation reserve during the life of the property.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.380 “Return on equity” defined. (NRS 360.090, 361.320) “Return on equity” means the ratio of earnings on the common equity divided by the book value of the common equity interests.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.382 “Revenue” defined. (NRS 360.090, 361.320) “Revenue” means the gross dollars received for materials furnished or services rendered. The term is usually used in conjunction with business sales as opposed to the earnings of a natural person.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

NAC 361.384 “Risk” defined. (NRS 360.090, 361.320) “Risk” means the degree of uncertainty regarding the receipt of future income, whether in the form of interest or of net operating income. The higher the risk, the greater the annual percentage rate of return demanded by investors. Interest on a government bond or on a bank deposit has a high degree of certainty of receipt and therefore offers a low rate of return compared to other investments. At the other extreme is the high risk equity portion of a commercial enterprise with a high debt equity ratio.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.386 “Sinking fund” defined. (NRS 360.090, 361.320) “Sinking fund” means the fund to which periodic cash deposits are made for ultimately repaying a debt or replacing an asset. Usually, a
sinking fund receives equal periodic deposits upon which interest is compounded at a stated rate so that the fund will accumulate to a predetermined amount at the end of a stated period.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.387 “Statistical median” defined. (NRS 360.090, 361.320) “Statistical median” means the representative intermediate value calculated for a distribution or range of data usually grouped in several intervals of equal value lying between the two extreme values.

(Added to NAC by Tax Comm’n, eff. 9-30-88)

NAC 361.388 “Straight-line depreciation” defined. (NRS 360.090, 361.320) “Straight-line depreciation” means the accounting practice of recording equal annual increments of depreciation over the estimated life of an asset. In an appraisal it means equal annual increments of loss in value.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

NAC 361.390 “Summation method of valuation” defined. (NRS 360.090, 361.320) “Summation method of valuation” means the combining of fractional valuations into one value such as the addition of the value of a house to the value of the lot to produce a total residential value.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.392 “System” defined. (NRS 360.090, 361.320) “System” means an integrated operation of units which may be related entities or may be property elements such as machinery, buildings, land and other property used in the performance of a service or the manufacture of a product.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.394 “Tariff” defined. (NRS 360.090, 361.320) “Tariff” means the compilation of the schedules of rates applicable to each of the products or services supplied to the public and the regulations governing other aspects of the sale.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.396 “Taxable value” defined. (NRS 360.090, 361.320) “Taxable value” means the value of a property determined by using the cost, income and market approaches as described in NAC 361.200 to 361.508, inclusive.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

NAC 361.398 “Times interest earned” defined. (NRS 360.090, 361.320) “Times interest earned” means the ratio of earnings before the interest expense to the interest expense. The factor is an element used in determining risk by the purchaser of debt issues of a company. Generally, the lower the factor the greater the risk. Also called interest coverage, it may be the ratio of earnings before interest and income taxes to interest expense.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]

NAC 361.400 “Uniform system of accounts” defined. (NRS 360.090, 361.320) “Uniform system of accounts” means the prescribed method of accounting adopted by a state regulatory agency, such as a public service commission, or by a federal regulatory agency such as the Department of Transportation, the Federal Communications Commission, the Federal Energy Regulatory Commission or the Surface Transportation Board.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]—(NAC A 9-30-88)

NAC 361.402 “Unitary method of valuation” defined. (NRS 360.090, 361.320) “Unitary method of valuation,” as used in the central assessment of utilities, is a method of valuation which recognizes that a utility is an integrated enterprise and that its market value is not a summation of the values of its various physical components but its value as a whole as a going concern.
NAC 361.404 “Variable expenses” defined. (NRS 360.090, 361.320) “Variable expenses” means those expenses of a business enterprise which vary with changes in the volume of output such as outlays for fuel to generate electric power.

NAC 361.406 “Yield to maturity” defined. (NRS 360.090, 361.320) “Yield to maturity” means the computation of the average rate of return on outstanding debt issues taking into consideration the current price, interest payments and capital gains or losses at the maturity of the issue.

NAC 361.408 Indicators of value: Cost approach; income approach; market or stock and debt approach; reconciliation. (NRS 360.090, 361.320)

1. The cost approach consists of that cost of all operating assets subject to the ad valorem property tax pursuant to NRS 361.315 and 361.320 that most closely reflects the taxable value of these operating assets.

2. For the income approach, the adjusted net operating income either after or before an allowance for depreciation and federal income tax will be capitalized (converted to value) through the use of an appropriate capitalization rate for the industry group. The income of the property to be capitalized will be determined as follows:
   (a) With regard to those industry groups in which annual earnings are reasonably stable, the most recent year’s earnings may be capitalized.
   (b) For those industry groups in which annual earnings vacillate frequently over a period of years, an average of past earnings may be used.

3. The market approach or stock and debt method of valuation is a technique that is applicable to valuing railroads and utilities, and it results initially in an enterprise value which encompasses the entire unit. The stock and debt indicator will be determined by multiplying either the average monthly, quarterly or annual high and low market price quotations of all the securities which are actively traded in the market place including common stock, preferred stock and long-term debt, by the number of shares outstanding at the end of the year. With regard to those securities which are not actively traded, computations of the present worth of the income flows may be made for the determination of their value. To this amount will be added short-term debt, together with other applicable adjustments. From this amount will be deducted the nonoperating and nonassessable assets for the indication of the value of those assets encompassed within NRS 361.315 and 361.320.

4. A review will be made of the one or more available indicators of value. These indicators of value will then be reconciled to derive the final estimate of value.

NAC 361.410 Use of unit rule of valuation. (NRS 360.090, 361.320) In the valuation of those properties which are listed in NRS 361.320, the unit rule of valuation will be used when considered applicable. The unit rule generally applies to companies which own or operate lines or roads which lie partly within and partly without Nevada. In these cases, the Department will only value and assess the property within the State. In determining the value of the portion within the State, the Department may take into consideration the value of the entire system, the mileage of the whole system and of the part within the State, together with such other information, facts and circumstances as will support a substantially just and correct determination.

[Tax Comm’n, Property Tax Reg. part No. 15, eff. 10-30-79]
NAC 361.411 Reports of construction work in progress. (NRS 360.090, 361.321) Construction work in progress must be reported to the Department to the extent to which it provides additional capacity even though part of the new construction replaces existing property.
(Added to NAC by Tax Comm’n, eff. 10-10-83)

Communications, Electric, Gas Transmission, Pipeline and Railroad Companies

NAC 361.421 Cost approach indicator of value: Determination. (NRS 360.090, 361.320) The cost approach consists of:

1. Determining the gross book cost for financial reporting purposes of all taxable operating property, including, but not limited to, all property relating to rail transportation, utility plant in service, plant held for future use, contributed plant, nuclear fuel, construction work in progress, experimental plant, acquisition adjustments, materials and supplies, plant and other property leased from others and common plant.
2. Deducting from the gross book cost the accrued book depreciation recorded for financial reporting purposes, which may include physical, functional and economic obsolescence. Additional obsolescence must be deducted when adequately quantified.
(Added to NAC by Tax Comm’n, eff. 9-30-88; A by R085-98, 11-23-98)

NAC 361.4215 Cost approach indicator of value: Optional cost information. (NRS 360.090, 361.320) The taxpayer may present and the Department shall consider, in addition to the information required by NAC 361.421, one or more of the following alternative cost indicators of value:

1. A calculation of the reproduction cost new less depreciation for all taxable operating property of the collective unit being assessed. The calculation must have been performed in accordance with generally accepted appraisal methodology.
2. A calculation of the replacement cost new less depreciation for all taxable operating property of the collective unit being assessed. The calculation must have been performed in accordance with generally accepted appraisal methodology.
3. Any other relevant and verifiable information, such as rate base for regulatory purposes.
(Added to NAC by Tax Comm’n by R085-98, eff. 11-23-98)

NAC 361.423 Income approach indicator of value: Formula for determination. (NRS 360.090, 361.320) The capitalized income approach consists of deducting from the normalized and annualized gross operating income any direct and indirect normalized and annualized operating expenses specifically related to the normalized and annualized gross operating income including any annualized book depreciation. Deferred income taxes will be treated as an operating expense. Normalized and annualized rental expense on operating property leased from others, less imputed depreciation, income taxes and other applicable expenses, will be disallowed as an operating expense.

2. The resulting adjusted net operating income will be capitalized (converted to value) using an appropriate capitalization rate for the industry group. The capitalization rate for the typical company will be used for the firms being appraised in each industry group. The market capitalization rate will be derived from calculations made for selected companies in each industry group.
3. The operating income to be capitalized into taxable value will be normalized and annualized based on the most recent year’s adjusted net operating income. When the most recent year’s net operating income is not a reasonable representation of a company’s net operating income, such as where a company’s net operating income tends to be cyclical, a 3- or 5-year average of adjusted net operating incomes will be normalized and annualized and may be used.
4. Construction work in progress is not a factor in applying the income approach to value.
5. Any normalization or annualization adjustments to a company’s net operating income must be based on known, measurable and experienced changes in a company’s operation or taxable property as of the current year’s reporting date.
NAC 361.425 Income approach indicator of value: Capitalization rate. (NRS 360.090, 361.320)
The capitalization rate will be established from a selected number of firms to derive the rate for the
typical company in each industry group when the information is available:

1. The band-of-investment method will be used in the compilation of the capitalization rate.
2. The band-of-investment method represents the cost of the money needed by the typical company
in each industry group to acquire its operating plant and carry on its operations. It is composed of two
factors:
   (a) The capitalization ratios of the typical company; and
   (b) The cost of the items which comprise the total capital structure of the typical company.
3. A “typical company” means a theoretical company which is representative of the firms within an
industry group. The selected firms in the industry group will be comparable in amount of revenues, bond
ratings, nature of operations and regulatory environment. Certain nonutility conglomerates which have
utility operations in Nevada will be studied in the light of other similar conglomerates. Conglomerates
will not be grouped with nonconglomerates where possible. The development of the typical company
will reflect input by the companies within the industry group which are centrally assessed.
4. The items which comprise the total capital structure of the typical company are those amounts as
recorded for financial reporting purposes that represent the sources of the money or capital funds made
available to acquire the taxable operating property of the industry group. For the purposes of this
subsection, “capital funds” means money obtained from:
   (a) Creditors through notes or bonds;
   (b) Stockholders through stocks, paid-in capital and undistributed retained earnings; and
   (c) Similar financial capital accounts, except not from the Federal Government through deferred
income taxes.
5. The total capital structure of the typical company will be derived through the use of a statistical
median from the selected sample of firm calculations.
6. The annual average of high-low monthly yields to maturity compiled by Moody’s Investors
Service (Public Utility and Transportation), or another accepted service approved by the Executive
Director of the Department, will be used for the assignment of a cost to the long-term bonded
indebtedness component of the total capital structure.
7. The assignment of cost to preferred stock will be determined in a manner consistent with
subsection 6.
8. The assignment of cost to that portion of the total capital structure which represents equity for the
typical company in each industry group will be determined in the following manner:
   (a) The Department shall develop an equity rate for each industry group based on one or more of the
following models:
      (1) Discounted cash-flow method.
      (2) Capital asset-pricing.
      (3) Risk premium analysis.
   (b) The Department shall also consider the results of cost of equity studies provided by members of
the industry group based on the models set forth in paragraph (a).
   (c) When considered applicable, the cost of equity capital established for the industry group may be
determined by using additional models, such as direct capitalization, accepted in the appraisal and
financial communities and approved by the Executive Director of the Department.
9. The capitalization rate of the typical company for the industry group will be calculated by using a weighted method (band-of-investment) which is the total capital structure percentage times the component rate percentage. The weighted values are then totaled and rounded to four decimal places to get the capitalization rate.

**EXAMPLE:**

<table>
<thead>
<tr>
<th>TYPICAL COMPANY</th>
<th>MEDIAN CAPITAL STRUCTURE</th>
<th>X RATE =</th>
<th>WEIGHTED RETURN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Equity</td>
<td>42.50%</td>
<td>11.20%</td>
<td>4.76000%</td>
</tr>
<tr>
<td>Preferred Equity</td>
<td>9.25%</td>
<td>9.35%</td>
<td>.86488%</td>
</tr>
<tr>
<td>Long-Term Debt</td>
<td>48.25%</td>
<td>9.45%</td>
<td>4.55963%</td>
</tr>
<tr>
<td>Capitalization Rate</td>
<td></td>
<td></td>
<td>10.1845%</td>
</tr>
<tr>
<td>for Industry Group</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. The determination of the income value indicator requires the capitalization of the adjusted net operating income at the current capitalization rate. Financial data for selected companies in each industry group, as presented in the latest annual reports by Moody’s Investors Service (Public Utility and Transportation), or another accepted service approved by the Executive Director of the Department, will be used in the compilation of the capitalization rate of the typical company.

11. An alternative to the capitalization rate method in subsections 1 to 9, inclusive, may be the use of a rate for the industry group as published by the Western States Association of Tax Administrators, or another recognized tax related organization approved by the Executive Director of the Department.

(Added to NAC by Tax Comm’n, eff. 9-30-88; A by R085-98, 11-23-98)

**NAC 361.427 Stock and debt approach indicator of value. (NRS 360.090, 361.320)**

1. The stock and debt approach proposes a value for the entire firm, but is generally recognized as a less applicable methodology for determining the value of taxable property.

2. The stock and debt indicator is determined by multiplying either the average monthly, quarterly or annual high and low market price quotations, when available, for all the securities which are actively traded in the market place, including common stock, preferred stock and long-term debt, by the number of shares outstanding at the end of the year. Computations of the present worth of income flows may be made to determine values for securities which are not actively traded.

3. The value of the stock of a holding company is apportioned among its operating companies according to the ratio of:

   (a) Each operating company’s property to the aggregate property of all of the operating companies, valued at historical cost and weighted at one-third; and

   (b) Each operating company’s net income before income taxes to the aggregate net income of all of the operating companies, weighted at two-thirds.

   For the industry group of rail transportation, the direct deduction method to eliminate nonoperating assets will be used when the information is available and considered applicable.

4. To this amount will be added items such as customer advances for construction which are nontaxable for federal income tax purposes, current liabilities less dividends declared, the present worth of leased property over the period of the lease together with any other items conforming to the theory that if a person were to purchase all the stock and assume all the outstanding liabilities of a company, he would have acquired all the assets which appear on the asset side of the balance sheet and, therefore, own the company.

5. From this amount will be deducted the market value of all exempt or nonoperating property, including, but not limited to, cash, accounts receivable, notes receivable, miscellaneous investments,
temporary investments, nonoperating properties and other current and accrued assets and properties not subject to the ad valorem property tax imposed by NRS 361.315 and 361.320.
(Added to NAC by Tax Comm’n, eff. 9-30-88; A by R085-98, 11-23-98)

**NAC 361.429 Reconciliation of indicators of value.** *(NRS 360.090, 361.320)*

1. Immediately related to the valuation process is the reconciliation of one or more indicators of value to reach the final estimate of value for the system.
2. For multiple departmental companies, when considered applicable, the utility analyst will either reconcile the indicators of value for allocation of the value of the system to the value to the various departments, or use the adopted Western States Association of Tax Administrators formulas, approved by the Executive Director of the Department, to allocate the Department and stock and debt values based on the cost and income data.
3. The utility analyst will reconcile in writing to the taxpayer the relative significance, applicability and defensibility of the indication of value derived from each approach to arrive at, in the utility analyst’s professional judgment, the appropriate final estimate of value for the system.
4. The utility analyst will reconcile, in writing to the taxpayer, the facts, trends and observations developed in the analysis and review the conclusion and the probable validity and reliability of the conclusion.
(Added to NAC by Tax Comm’n, eff. 9-30-88)

**NAC 361.431 Allocation of value of interstate and intercounty properties.** *(NRS 360.090, 361.320)*

1. Since the unit rule of valuation will be used for all interstate and intercounty properties, an allocation of those properties operating in Nevada will be made.
2. The allocation will:
   - (a) Total 100 percent for all states in which the company operates; and
   - (b) Reflect the quantity of property in each state, as well as the use or value of the property in each state.
3. Allocation factors will be those that are readily available rather than requiring some new or additional statistic and the factor will not be an allocation in and of itself.
4. The interstate allocation will be made in proportion to the contribution to the unit value made by the property in Nevada. The allocation will be a reflection of the property value. It is the value of the existing property which is being allocated, not merely the amount of the physical property.
5. Available quantity elements such as cost and economic or use elements such as revenue will be used in the determination of the allocation.
6. The interstate allocation formulas adopted by the Western States Association of Tax Administrators will be approved by the Executive Director of the Department and used when the information is available and considered applicable.
(Added to NAC by Tax Comm’n, eff. 9-30-88)

**NAC 361.433 Deductions from taxable value.** *(NRS 360.090, 361.320)*

1. The value and not the cost of any vehicles licensed in Nevada will be deducted from the taxable value of the property which was allocated to Nevada.
2. For telecommunications companies, property on lands ceded to the United States Government before 1936 will also be deducted. Cost less depreciation as reported by the company will be used.
3. The value and not the cost of certified pollution control equipment directly related to the operation of the firm will be deducted from the taxable value to the extent allowed pursuant to statute.
(Added to NAC by Tax Comm’n, eff. 9-30-88)
NAC 361.451 Applicability. (NRS 360.090, 361.320) Except as specifically provided in NAC 361.4685, the provisions of NAC 361.452 to 361.468, inclusive, do not apply to a taxpayer whose property is assessed pursuant to NAC 361.4685, 361.469 and 361.4695.

(Added to NAC by Tax Comm’n, eff. 10-10-83; A by R026-99, 1-27-2000)

NAC 361.452 Cost approach indicator of value. (NRS 360.090, 361.320) The cost approach consists of:

1. Determining the gross book cost for financial reporting purposes of all taxable operating property, including, without limitation, airframes, engines, propellers, radio equipment, miscellaneous flight equipment, spare parts and assemblies, leased aircraft, improvements to leased equipment, construction work in progress, ground property and equipment, land, expendable parts, materials and supplies, and leased property; and

2. Deducting from the gross book cost the accrued book depreciation recorded for financial reporting purposes, which may include, without limitation, physical, functional and economic obsolescence. Additional obsolescence must be deducted when adequately quantified.


NAC 361.454 Income approach indicator of value: Formula for determination. (NRS 360.090, 361.320)

1. The capitalized income approach consists of deducting from the normalized and annualized gross operating income any direct and indirect normalized and annualized operating expenses specifically related to the normalized and annualized gross operating income, including, without limitation, any annualized book depreciation. Deferred income taxes will be treated as an operating expense. Normalized and annualized rental expense on operating property leased from others, less imputed depreciation, income taxes and other applicable expenses, will be disallowed as an operating expense.

2. The resulting adjusted net operating income will be capitalized (converted to value) using an appropriate capitalization rate for the airline industry group. The capitalization rate for the typical company will be used for the carriers being appraised in each airline industry group. The market capitalization rate will be derived from calculations made for selected carriers in each airline industry group.

3. The operating income to be capitalized into taxable value will be normalized and annualized based on the most recent year’s adjusted net operating income. When the most recent year’s net operating income is typically not a reasonable representation of the net operating income of an airline, such as where the net operating income of the airline tends to be cyclical, a 3- or 5-year average of adjusted net operating incomes will be normalized and annualized and may be used.

4. The net operating income may be capitalized before deducting any book depreciation or income tax if the normalized and annualized net operating income results in a negative amount. If any book depreciation or income tax is added to the net operating income before the net operating income is capitalized, the capitalization rate must include a component for that book depreciation or income tax.

5. Any normalization or annualization adjustments to the net operating income of a carrier must be based on known, measurable and experienced changes in the operation or taxable property of the carrier as of the current year’s reporting date.


NAC 361.456 Income approach indicator of value: Capitalization rate. (NRS 360.090, 361.320)

The capitalization rate will be established from a selected number of carriers and determined in the following manner to arrive at the typical company in the airline industry group when the information is available:
1. The band-of-investment method will be used in the compilation of the capitalization rate.

2. The band-of-investment method represents the cost of the money needed by the typical company in the airline industry group to acquire its operating plant and carry on its operations. It is composed of two factors:
   (a) The capitalization ratios of the typical company; and
   (b) The cost of the items which comprise the total capital structure of the typical company.

3. A “typical company” means a theoretical company which is representative of the carriers within an airline industry group. These carriers will be comparable in amount of revenues, bond ratings and nature of operations. Certain nonairline conglomerates which have airline operations in this State will be studied in light of other similar conglomerates. Regular carriers will not be grouped with conglomerates where possible. Development of typical company factors will reflect input by the carriers within the airline industry group which are centrally assessed. As used in this subsection, “nature of operations” includes, without limitation, the size, route structure and fleet diversification of the air carrier.

4. The items which comprise the total capital structure of the typical company are those amounts as recorded for financial reporting purposes that represent the sources of the money or capital funds made available to acquire the taxable operating property of the airline industry group. As used in this subsection, “capital funds” means money obtained from:
   (a) Creditors through notes or bonds;
   (b) Stockholders through stocks, paid-in capital and undistributed retained earnings; and
   (c) Similar financial capital accounts except not from the Federal Government through deferred income taxes.

5. The capital structure of the typical company will be derived through the use of a statistical median from the calculations of the selected sample carriers.

6. In addition to the total capital structure of the typical company derived by the Department pursuant to subsection 4, the taxpayer may present and the Department shall consider the total capital structure of the typical company based upon the common equity, preferred equity and the long-term debt percentages as developed from market information for comparable carriers in the airline industry group. The total capital structure of the typical company must be derived from using market information from the selected sample of carrier calculations.

7. The assignment of cost to preferred stock will be determined in a manner consistent with subsection 6.

8. The assignment of cost to that portion of the total capital structure which represents equity for the typical company in each airline industry group will be determined in the following manner:
   (a) The Department shall develop an equity rate for each airline industry group based on one or more of the following models:
      (1) Discounted cash-flow method.
      (2) Capital asset-pricing.
      (3) Risk premium analysis.
   (b) The Department shall also consider the results of cost of equity studies provided by a carrier of the airline industry group based on the models set forth in paragraph (a).
   (c) When considered applicable, the cost of equity capital established for the airline industry group may be determined by using additional models, including, without limitation, direct capitalization, accepted in the appraisal and financial communities and approved by the Executive Director of the Department.

9. The capitalization rate of the typical company for the airline industry group will be calculated by using a weighted method (band-of-investment) which is the total capital structure percentage times the
component rate percentage. The weighted values are then totaled and rounded to four decimal places to get the capitalization rate.

EXAMPLE:

<table>
<thead>
<tr>
<th>TYPICAL COMPANY STRUCTURE</th>
<th>MEDIAN CAPITAL</th>
<th>X RATE =</th>
<th>WEIGHTED RETURN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Equity</td>
<td>42.50%</td>
<td>11.20%</td>
<td>4.76000%</td>
</tr>
<tr>
<td>Preferred Equity</td>
<td>9.25%</td>
<td>9.35%</td>
<td>.86488%</td>
</tr>
<tr>
<td>Long-Term Debt</td>
<td>48.25%</td>
<td>9.45%</td>
<td>4.55963%</td>
</tr>
<tr>
<td>Capitalization Rate</td>
<td></td>
<td></td>
<td>10.1845%</td>
</tr>
</tbody>
</table>

for Industry Group

10. The determination of the income value indicator requires the capitalization of the adjusted net operating income at the current capitalization rate. Financial data for selected carriers in each airline industry group as presented in the latest annual reports by Moody’s Investors Service (Public Utility and Transportation) or another accepted service, approved by the Executive Director of the Department, will be used in the compilation of the capitalization rate of the typical company.


NAC 361.460 Reconciliation of indicators of value. (NRS 360.090, 361.320)

1. Immediately related to the valuation process is the reconciliation of one or more indicators of value to reach the final estimate of value for the system.

2. The analyst will reconcile in writing to the taxpayer the relative significance, applicability and defensibility of the indication of value derived from each approach to arrive at, in the professional judgment of the analyst, the appropriate final estimate of system value for the air transport company.

3. The analyst will reconcile in writing to the taxpayer the facts, trends and observations determined in the analysis and review the conclusion and the probable validity and reliability of that conclusion.

[Tax Comm’n, Property Tax Reg. part No. 15D, eff. 10-30-79; A 10-15-81]—(NAC A 10-10-83; 9-30-88)

NAC 361.462 Deduction of depreciated cost of nonallocable flight equipment. (NRS 360.090, 361.320)

1. The depreciated cost of the nonallocable flight equipment will be deducted from the total depreciated cost of the flight equipment.

2. For the purposes of this section:

(a) “Flight equipment” includes, without limitation, airframes, engines, propellers, radio equipment, miscellaneous flight equipment, spare parts and assemblies, leased aircraft and improvements to leased equipment.

(b) “Nonallocable flight equipment” means only that property or equipment which is not attached or required to be aboard or part of an aircraft which is ready for flight.

3. Every item of property which is required to be aboard for the operation of the aircraft will be classified as allocable flight equipment.

4. The only instances when an aircraft will be classified as nonallocable are when:

(a) The carrier purchased an aircraft which was not delivered or was delivered too late to have participated in the creation of the allocation statistics; or

(b) An aircraft which is owned by the carrier was leased to and operated by another party.
5. The percentage of the total amount of tangible personal property of the carrier which the allocable flight equipment represents will be calculated and applied to the total estimate of value of the assessable property of the carrier.

[Tax Comm’n, Property Tax Reg. part No. 15D, eff. 10-30-79]

**NAC 361.464 Allocation of value of interstate companies.** (*NRS 360.090, 361.320*)

1. Since the unit rule of valuation will be used for the described properties, an allocation of those properties operating in Nevada will be made.

2. The allocation will:
   (a) Total 100 percent for all states in which a company operates; and
   (b) Reflect the quantity of property in each state, as well as the use or value of the property in each state.

3. Allocation factors will be those that are readily available rather than requiring some new or additional statistic, and a factor will not be an allocation itself.

4. The interstate allocation will be made in proportion to the contribution to the unit value made by the property in Nevada. Allocation will be made in the light of the property value. It is the value of the existing property which is being allocated, not merely the amount of the physical property.

5. Available quantity elements such as cost and economic or use elements such as revenue will be used in the determination of the allocation.

6. The following elements will be considered in the allocation of allocable flight equipment to Nevada and are assigned the following weight:
   (a) Air and ground time weighted to the original cost of allocable flight equipment, 50 percent;
   (b) Originating and terminating tonnage, 15 percent; and
   (c) Revenue ton miles flown, 35 percent.

[Tax Comm’n, Property Tax Reg. part No. 15D, eff. 10-30-79]

**NAC 361.466 Development, application of factor for property located in Nevada.** (*NRS 360.090, 361.320*)

1. The depreciated cost of the total tangible property of the carrier will be related to the estimate of value for the system for that same property in the form of a percentage. (This estimate of value will be determined by using the three approaches to value divided by the depreciated cost of the total tangible property.)

2. The factor so developed will be applied to that ground property having situs in Nevada.

[Tax Comm’n, Property Tax Reg. part No. 15D, eff. 10-30-79]

**NAC 361.468 Addition of property located in Nevada.** (*NRS 360.090, 361.320*) The adjusted estimate of value for the situs property in Nevada will be added to the flight equipment which was allocated to Nevada for the final estimate of value for Nevada.

[Tax Comm’n, Property Tax Reg. part No. 15D, eff. 10-30-79]

**Certain Air Transport Companies, Airline Industry Groups, and Unscheduled or Charter Air Carriers**

**NAC 361.4685 Applicability.** (*NRS 360.090, 361.320*)

1. The provisions of NAC 361.469 and 361.4695 apply to each air transport company or airline industry group, including, without limitation, regional airlines or unscheduled airlines, for which information is insufficient to complete a valuation pursuant to NAC 361.451 to 361.468, inclusive.

2. The property of an unscheduled or a charter air carrier which is not domiciled in Nevada may be valued pursuant to this section and NAC 361.469 and 361.4695 and placed on the unsecured tax roll.

(Added to NAC by Tax Comm’n, eff. 10-10-83; A by R026-99, 1-27-2000)

**NAC 361.469 Formula for assessment.** (*NRS 360.090, 361.320*)
1. All allocable flight equipment may be valued in accordance with the *Personal Property Manual* published by the Department and approved by the Commission pursuant to NAC 361.1365 for each fiscal year or in accordance with other books or manuals that provide guidance in establishing value approved by the Executive Director.

2. A portion of the value of the flight equipment will be allocated to Nevada based on an average of the data described in subsection 3 or described in NAC 361.464 when the information is available and considered applicable.

3. The weighted ground-time ratio, as indicated by flight schedules, plane hours, originating and terminating tonnage and revenue ton miles flown in Nevada, as a percentage of the system, will be used as the statistic for allocating value to Nevada.


**NAC 361.4695** Property located in Nevada. *(NRS 360.090, 361.320)* To the value of the flight equipment allocated to Nevada will be added the depreciated book cost of all ground property in Nevada, including, without limitation, buildings and improvements, furniture, fixtures, machinery, equipment and nonallocable flight equipment. The value of the property which is not represented by the depreciated book cost, including, without limitation, leased and rented property, may be added to determine the total value of the operation in this State.


**Private Car Line Companies**

**NAC 361.506** Formula for assessment. *(NRS 360.090, 361.320)* The value for private car line companies will be:

1. Six thousand dollars assessed valuation for each 219,000 miles traveled in Nevada for tank cars.
2. Seven thousand dollars assessed valuation for each 255,000 miles traveled in Nevada for refrigeration cars.
3. Six thousand dollars assessed valuation for each 255,000 miles traveled in Nevada by other types of cars, including, without limitation, stock, box, hopper and flat cars.

   [Tax Comm’n, Property Tax Reg. part No. 15I, eff. 10-30-79]—(NAC A 9-30-88)

**Municipal Electric Companies**

**NAC 361.508** Valuation. *(NRS 360.090, 361.320)* In the valuation of municipal utilities, the depreciated book cost of all operating facilities in Nevada subject to assessment pursuant to NRS 361.315 and 361.320 will be used.

   [Tax Comm’n, Property Tax Reg. part No. 15J, eff. 10-30-79]—(NAC A 10-10-83; 9-30-88)

**CERTIFICATION OF APPRAISERS**

**NAC 361.535** Definitions. *(NRS 360.090, 361.221)* As used in NAC 361.535 to 361.575, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361.537 to 361.553, inclusive, have the meanings ascribed to them in those sections.

   (Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

**NAC 361.537** “Appraiser” defined. *(NRS 360.090, 361.221)*

1. “Appraiser” means an employee of or an independent contractor with the State of Nevada or any of its political subdivisions who exercises judgment using his skills and knowledge of property appraisal to estimate the value of property for the purpose of taxation.
2. The term does not include a person who only collects data or manipulates computer programs to collect and organize data but does not render an estimate of the value of property.

   (Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)
NAC 361.539  “Appraiser’s certificate” defined.  (NRS 360.090, 361.221)  “Appraiser’s certificate” means a certificate issued by the Department that authorizes a person to perform the duties of an appraiser.  
(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.541  “Appraiser’s certificate examination” defined.  (NRS 360.090, 361.221)  “Appraiser’s certificate examination” means a comprehensive examination administered by the Department which covers the technical, legal and administrative aspects of the appraisal and assessment of property and which consists of a section that tests general knowledge and a section that tests specific knowledge.  
(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.543  “Approved education course” defined.  (NRS 360.090, 361.221)  “Approved education course” means a course of continuing education approved by the Department. The term includes, without limitation, classes, workshops and seminars.  
(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.545  “Board” defined.  (NRS 360.090, 361.221)  “Board” means the Appraiser’s Certification Board established by NRS 361.221.  
(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.547  “Contact hour” defined.  (NRS 360.090, 361.221, 361.223)  “Contact hour” means 1 hour of credit toward continuing education requirements awarded by the Department for attendance at or instruction of an approved education course.  
(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.549  “Independent contractor” defined.  (NRS 360.090, 361.221)  “Independent contractor” means a person who contracts with, but is not otherwise employed by, the State of Nevada or any of its political subdivisions to perform the duties of an appraiser.  
(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.551  “Personal property appraiser’s certificate” defined.  (NRS 360.090, 361.221)  “Personal property appraiser’s certificate” means an appraiser’s certificate that authorizes a person to perform the duties of an appraiser with respect to personal property only.  
(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.553  “Real property appraiser’s certificate” defined.  (NRS 360.090, 361.221)  “Real property appraiser’s certificate” means an appraiser’s certificate that authorizes a person to perform the duties of an appraiser with respect to real property only.  
(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.555  Temporary appraiser’s certificate.  (NRS 360.090, 361.221, 361.222)  
1. A person who is newly employed as an appraiser by the State of Nevada or any of its political subdivisions may apply to the Department for a temporary appraiser’s certificate.  
2. The application must satisfy the requirements of NRS 361.2224 and 361.2225, be on a form approved by the Department and include:  
(a) The name of the applicant;  
(b) The mailing address and telephone number of the place of employment of the applicant;  
(c) Verification of the employment of the applicant; and  
(d) Such other information as the Department may require.  
3. The Department will provide each applicant with a list of the dates on which and the locations at which the appraiser’s certificate examination will be offered.
4. The Department will issue a temporary appraiser’s certificate to a qualified applicant within 30 days after receiving the application. The certificate must include the name of the person to whom and the date on which it is issued, designate whether the holder is authorized to appraise real property or personal property, or both, and be signed by an authorized representative of the Department.

(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

**NAC 361.557 Appraiser’s certificate. (NRS 360.090, 361.221)**

1. A person who is employed as an appraiser by the State of Nevada or any of its political subdivisions may apply to the Department for an appraiser’s certificate.

2. The application must satisfy the requirements of NRS 361.2224 and 361.2225, be on a form approved by the Department and include:
   (a) The name of the applicant;
   (b) The mailing address and telephone number of the place of employment of the applicant;
   (c) Verification of the employment of the applicant; and
   (d) Such other information as the Department may require.

3. Except as otherwise provided in subsection 4, to be eligible for an appraiser’s certificate, the applicant must pass the appraiser’s certificate examination.

4. An applicant who submits proof satisfactory to the Department that he has earned a professional designation from any of the member organizations of the Appraisal Foundation is not required to take the section of the appraiser’s certificate examination that tests specific knowledge. Such professional designations include, without limitation:
   (a) Member, Appraisal Institute (MAI).
   (b) Certified Assessment Evaluator (CAE).
   (c) Senior Real Property Appraiser (SRPA).
   (d) Senior Real Estate Analyst (SREA).
   (e) Residential Member (RM).
   (f) Residential Evaluation Specialist (RES).
   (g) Senior Residential Appraiser (SRA).
   (h) Personal Property Specialist (PPS).

5. If an applicant, pursuant to subsection 4, submits proof of a professional designation that signifies specialization in the appraisal of real property or personal property, but not both, the Department, if it issues an appraiser’s certificate to the applicant, will issue a real property appraiser’s certificate or a personal property appraiser’s certificate, as applicable.

(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

**NAC 361.559 Independent contractor’s appraiser’s certificate: Generally. (NRS 360.090, 361.221)**

1. A person who wishes to perform the duties of an appraiser as an independent contractor with the State of Nevada or any of its political subdivisions may apply to the Department for an independent contractor’s appraiser’s certificate.

2. The application must satisfy the requirements of NRS 361.2224 and 361.2225, be on a form approved by the Department and include:
   (a) The name of the applicant;
   (b) The mailing address and telephone number of the applicant; and
   (c) Such other information as the Department may require.

3. In addition to the requirements of subsection 2, the applicant must provide the Department with the resume of the applicant which documents his education, his experience as an appraiser and any professional designations or certificates he holds, and which contains the names of at least two personal references. The Department may investigate the truthfulness of the information and representations set forth in the resume.

4. Except as otherwise provided in subsection 5, to be eligible for an independent contractor’s appraiser’s certificate, the applicant must pass the appraiser’s certificate examination.
5. An applicant who submits proof satisfactory to the Department that he has earned a professional designation from any of the member organizations of the Appraisal Foundation is not required to take the section of the appraiser’s certificate examination that tests specific knowledge. Such professional designations include, without limitation:
   (a) Member, Appraisal Institute (MAI).
   (b) Certified Assessment Evaluator (CAE).
   (c) Senior Real Property Appraiser (SRPA).
   (d) Senior Real Estate Analyst (SREA).
   (e) Residential Member (RM).
   (f) Residential Evaluation Specialist (RES).
   (g) Senior Residential Appraiser (SRA).
   (h) Personal Property Specialist (PPS).

6. If an applicant, pursuant to subsection 5, submits proof of a professional designation that signifies specialization in the appraisal of real property or personal property, but not both, the Department, if it issues an appraiser’s certificate to the applicant, will issue a real property appraiser’s certificate or a personal property appraiser’s certificate, as applicable.

(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.561 Independent contractor’s appraiser’s certificate: Renewal. (NRS 360.090, 361.221)

1. An independent contractor’s appraiser’s certificate must be renewed annually.

2. Except as otherwise provided in subsection 3, an application for renewal must be made in the same manner as, and is subject to the same requirements applicable to, an initial application as set forth in NAC 361.559.

3. The Department will waive the examination requirement for renewal if the applicant for renewal has satisfied the requirements for continuing education set forth in this chapter and NRS 361.223 and requests on the application for renewal that the examination requirement be waived.

4. Before an independent contractor’s appraiser’s certificate is renewed, the independent contractor must present proof satisfactory to the Department that he has contracted with the State of Nevada or any of its political subdivisions as an independent contractor within the immediately preceding 12 months, or that he has a reasonable expectation of so contracting within the next following 12 months.

(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.563 Appraiser’s certificate examination. (NRS 360.090, 361.221)

1. The Department will offer the appraiser’s certificate examination at least once each quarter. At least one administration of the examination each year must be at a location in northern Nevada, and at least one administration of the examination each year must be at a location in southern Nevada. A county assessor may submit to the Department a written request for an additional examination time and location. The Department will consider such a request if the budget of the Department is adequate to support the additional examination time and location.

2. The section of the appraiser’s certificate examination that tests general knowledge must, without limitation, test the knowledge and understanding of an applicant concerning:
   (a) Land description and land use classifications;
   (b) Principles and concepts of the appraisal of property;
   (c) Relevant statutes and regulations of this State; and
   (d) Principles of property tax administration.

3. The section of the appraiser’s certificate examination that tests specific knowledge must, without limitation, test the knowledge and understanding of an applicant concerning either:
   (a) Principles and concepts of the appraisal of real property, which must include, without limitation:
      (1) Land and land identification;
      (2) Approaches to estimating the value of real property;
      (3) Depreciation of real property; and
(4) Mass appraisal; or

(b) Principles and concepts of the appraisal of personal property, which must include, without limitation:

(1) Terminology;
(2) Approaches to estimating the value of personal property;
(3) Depreciation of personal property; and
(4) Analysis of financial data.

4. To pass the appraiser’s certificate examination, an applicant must receive a score of at least 70 percent on each section. The Department will mail to an applicant the results of his examination within 14 days after he completes the examination.

5. An applicant will be given credit for each section of the examination that he passes. If an applicant passes only one section of the examination, he may make a written request to the Department to retake the section that he did not pass.

6. An applicant who fails a section of the examination may request information from the Department concerning the general subject areas in that section which the applicant answered incorrectly. An applicant is not entitled to review his completed examination booklet or answer sheet after it is submitted for grading.

7. An applicant must direct any challenge to the content of the examination or to the validity and correctness of any question or answer to the Board. The challenge must be in writing and be postmarked not later than 10 calendar days after the receipt by the applicant of the results of the examination. The Board will not consider challenges containing mere statements of conclusion, belief or preference.

8. The Department, in consultation with the Board, may revise and update the examination at any time. The revising and updating of the examination may be performed by the personnel of the Department, or the Department may contract with a natural person or entity that specializes in the development of such examinations to revise and update the examination.

9. An applicant must submit to the Department a fee of $25 for each section of the examination that the applicant wishes to take or retake.

(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.565 Continuing education: Review and approval of courses; list of approved courses.  
(NRS 360.090, 361.221, 361.223)

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 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; 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 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.

(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.567  Continuing education: Credit; documentation; waiver of and failure to satisfy requirements. (NRS 360.090, 361.221, 361.223)

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 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 Department may award the person 8 contact hours for each day of the course.

   (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) 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 he would have been awarded had he 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 completed if the person provides evidence satisfactory to the Department of his 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) 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) 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) 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. 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 he has taken, and the total contact hours he 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 Department, in consultation with the Board, may consider granting a person full credit towards the annual training requirement of 36 contact hours set forth in NRS 361.223 for 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. To qualify for a waiver of the annual training requirement pursuant to paragraph (b) of subsection 2 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. 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 period thereafter, the excess contact hours will not be carried forward.

6. 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 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 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.

   (Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.569 Continuing education: Maintenance and availability of records. (NRS 360.090, 361.221, 361.223)

1. The Department will maintain current records of continuing education for each person employed as an appraiser by this State or a political subdivision of this State.

2. The Department will maintain for not less than 10 years records of continuing education for each independent contractor and each person formerly employed as an appraiser by this State or a political subdivision of this State.

3. The records of continuing education for each person are confidential and must not be made available to any person other than the staff of the Department, the members of the Board or the employer of the person to whom the records pertain, unless the person to whom the records pertain has provided prior written authorization to the Department.

4. A person may request in writing a copy of the transcript of his records of continuing education. The Department will provide such a transcript at no charge.

   (Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.571 Suspension and reinstatement of appraiser’s certificate. (NRS 360.090, 361.221, 361.2226, 361.224)

1. The Department may suspend the appraiser’s certificate of a person under any of the following circumstances:
   (a) Upon the recommendation of the Board if the person fails to satisfy the requirements for continuing education set forth in this chapter and NRS 361.223. The Department may, upon the recommendation of the Board, reinstate the appraiser’s certificate if the person subsequently satisfies the requirements for continuing education.
(b) Upon the recommendation of the Board if the person is an independent contractor and he fails to renew his appraiser’s certificate annually as required by this chapter. The Department may, upon the recommendation of the Board, reinstate the appraiser’s certificate if the person subsequently satisfies the requirements for renewing his appraiser’s certificate.

(c) In accordance with the provisions of subsection 1 of NRS 361.2226. The Department may reinstate the appraiser’s certificate in accordance with the provisions of subsection 2 of NRS 361.2226.

2. The Board may not recommend the suspension of an appraiser’s certificate except after a meeting noticed in accordance with NRS 241.034.

3. A person whose appraiser’s certificate is suspended by the Department shall not render an opinion concerning the value of property but may collect data for use by certified appraisers to establish value.

(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.573 Revocation and reinstatement of appraiser’s certificate; reapplication after revocation. (NRS 360.090, 361.221, 361.224)

1. The Department may, upon the recommendation of the Board, revoke the appraiser’s certificate of a person under any of the following circumstances:

(a) The person fails to satisfy the requirements for continuing education set forth in this chapter and NRS 361.223. The Department may, upon the recommendation of the Board, reinstate the appraiser’s certificate if the person subsequently satisfies the requirements for continuing education and passes the appraiser’s certificate examination.

(b) The person is an independent contractor and he fails to renew his appraiser’s certificate annually as required by this chapter. The Department may, upon the recommendation of the Board, reinstate the appraiser’s certificate if the person subsequently satisfies the requirements for renewing his appraiser’s certificate and passes the appraiser’s certificate examination.

(c) The person’s appraiser’s certificate has been suspended for a period of more than 1 year. The Department may, upon the recommendation of the Board, reinstate the appraiser’s certificate if the person passes the appraiser’s certificate examination.

(d) The person engages in unethical professional conduct, including, without limitation:

(1) Making oral or written public statements in the course of performing duties as an appraiser that are untrue or intended to mislead or deceive the public.

(2) Engaging in activities relating to the appraisal or assessment of property if the person has, or may reasonably be considered by the public as having, a conflict of interest with regard to that property.

(3) Accepting assignments relating to the appraisal or assessment of property which are contingent on or influenced by any condition that could impair the objectivity of the person.

(4) Failing to perform the duties of an appraiser in accordance with applicable statutes and regulations.

2. If the appraiser’s certificate of a person is revoked pursuant to paragraph (d) of subsection 1:

(a) The Department will not accept or review an application for an appraiser’s certificate from that person within 3 years after the date of the revocation.

(b) If the person files an application for an appraiser’s certificate after the expiration of the 3-year period, the applicant must:

(1) Provide the Department with the resume of the applicant which documents his education, his experience as an appraiser and any professional designations or certificates he holds, and which contains the names of at least two personal references. The Department may investigate the truthfulness of the information and representations set forth in the resume.

(2) Pass the appraiser’s certificate examination.

(c) The Board may recommend that the application for an appraiser’s certificate filed by the person pursuant to paragraph (b) be approved if the Board finds that the person has satisfied the requirements of paragraph (b) and that the person has not engaged in unethical professional conduct as described in paragraph (d) of subsection 1 at any time since the revocation of his appraiser’s certificate.
3. The Board may not recommend the revocation of an appraiser’s certificate except after a meeting noticed in accordance with NRS 241.034.

4. A person whose appraiser’s certificate is revoked by the Department shall not render an opinion concerning the value of property but may collect data for use by certified appraisers to establish value.

(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

NAC 361.575 Appeal of suspension or revocation of appraiser’s certificate. (NRS 360.090, 361.221) A decision of the Department to suspend or revoke an appraiser’s certificate may be appealed to the Commission pursuant to the provisions of NRS 360.245.

(Added to NAC by Tax Comm’n by R028-03, eff. 12-4-2003)

EQUALIZATION OF ASSESSMENTS AMONG THE SEVERAL COUNTIES

NAC 361.580 Ratio study. (NRS 360.090, 361.333) Classes of properties sampled by the Department in conducting a ratio study pursuant to NRS 361.333 will be established and divided as the Department deems appropriate or as required by state or federal law. In addition to the criteria which NRS 361.333 specifies to be included in a ratio study, the Department will include the coefficient of dispersion.

[Tax Comm’n, Property Tax Reg. No. 12, eff. 12-8-76 (see also 1-10-77); A 10-15-81]

COLLECTION OF TAXES

Collection on Certain Vehicles

NAC 361.585 Placement of stickers on mobile homes and campers. (NRS 360.090, 361.5643) The sticker required pursuant to NRS 361.5643 must be affixed to:

1. A mobile home in such a way that the sticker is clearly visible from the street. If a mobile home is assessed as real property, the county assessor is not required to issue a sticker for it.
2. A slide-in camper or a camper shell in such a way that the sticker is clearly visible from the rear of the vehicle.

[Tax Comm’n, Property Tax Reg. No. 4, eff. 10-15-81]—(NAC A 10-10-83)—(Substituted in revision for NAC 361.600)

Delinquent Payments

NAC 361.590 Waiver or reduction of penalty or interest. (NRS 360.090, 360.419) 1. The Department may waive or reduce the penalty or interest for a delinquent payment of property tax which is imposed pursuant to NRS 361.483 and 361.535 if it finds that the proximate cause of the delinquent payment was:

(a) Circumstances completely beyond the control of the taxpayer who was required to make the payment, or the agent of the taxpayer;
(b) Justifiable neglect or justifiable inadvertence, and that the taxpayer making the payment has no history of habitually delinquent payments; or
(c) For other good cause shown.

2. Any application for waiver or reduction of the penalty or interest for delinquent payment must be filed in writing under oath with the Department within 60 days after the date the tax is due setting forth the circumstances which caused the delinquent payment. The Department shall provide a copy of the application to the county tax receiver who may, within 15 days, submit relevant information regarding the application to the Department. The Department will provide notice to the tax receiver and the taxpayer, or the agent of the taxpayer, of its determination. The notice will specify any action that the Department has directed must be taken.

3. In determining whether or not the circumstances which caused the delinquent payment in any particular case were completely beyond the control of the taxpayer required to make the payment, or the agent of the taxpayer, the Department shall consider only evidence which shows that the delinquent
payment was proximately caused by fire, earthquake, flood or other acts of God, theft or similar causes not directly related to the actions of the taxpayer who was required to make the payment, or the agent of the taxpayer, whether intentional or not, and that the tax was paid as soon as reasonably possible thereafter. In these circumstances, all of the penalty or interest, or both, will be waived.

4. If the Department finds that the proximate cause of a delinquent payment was justifiable neglect or justifiable inadvertence, and that the tax was paid as soon as reasonably possible thereafter, the penalty or interest imposed for the delinquent payment will be reduced to a total of not more than 50 percent of the penalty or interest imposed.

5. In determining whether the proximate cause of the delinquent payment was for other good cause shown, the Department will require the taxpayer to submit, without limitation, evidence that the tax was paid as soon as reasonably possible and that the assessment of penalties and interest:
   (a) Constitutes an extreme financial hardship; or
   (b) Is extremely unfair or extremely inequitable under the circumstances.

6. As used in this section, “extreme financial hardship” means that the taxpayer who owes the tax has the present ability to pay the tax but payment of the penalties and interest will render the taxpayer insolvent.

(Added to NAC by Tax Comm’n, eff. 9-6-96)—(Substituted in revision for NAC 361.610)

PARTIAL ABATEMENT OF TAXES

General Abatement, Primary Residential Abatement and Residential Rental Abatement

NAC 361.601 Definitions. (NRS 360.090) As used in NAC 361.601 to 361.609, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361.6015 to 361.6045, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.6015 “Abatement percentage” defined. (NRS 360.090) “Abatement percentage” has the meaning ascribed to it in NRS 361.4711.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.602 “County tax receiver” defined. (NRS 360.090) “County tax receiver” means the county official who collects property taxes.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.6025 “General abatement” defined. (NRS 360.090) “General abatement” means a partial abatement of property taxes pursuant to NRS 361.4722.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.603 “Primary residence of the owner” defined. (NRS 360.090) “Primary residence of the owner” has the meaning ascribed to it in NRS 361.4723.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.6035 “Primary residential abatement” defined. (NRS 360.090) “Primary residential abatement” means a partial abatement of property taxes pursuant to NRS 361.4723.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.604 “Residential rental abatement” defined. (NRS 360.090) “Residential rental abatement” means a partial abatement of property taxes pursuant to NRS 361.4724.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.6045 “Single-family residence” defined. (NRS 360.090) “Single-family residence” has the meaning ascribed to it in NRS 361.4723.
NAC 361.605 General responsibilities of Department. (NRS 360.090, 361.4722)
1. The Department shall:
   (a) Determine the appropriate abatement percentage for the application of a general abatement in each county each year and provide that information to the appropriate county tax receiver.
   (b) Determine whether any property of an interstate or intercounty nature is:
       (1) Eligible for a general abatement; or
       (2) Ineligible for a general abatement,
       and calculate and apply the appropriate amount of any general abatement to which the property is determined to be eligible.
   (c) Determine whether any property valued pursuant to paragraph (b) of subsection 1 of NRS 362.100 is:
       (1) Eligible for a general abatement; or
       (2) Ineligible for a general abatement.
       and provide that information to the county assessor of the county in which the property is located.
2. If the Department determines that:
   (a) Any property of an interstate or intercounty nature has been erroneously designated as eligible for a general abatement, the Department may appropriately revise that designation and transmit an appropriately revised tax bill to the taxpayer.
   (b) Any property valued pursuant to paragraph (b) of subsection 1 of NRS 362.100 has been erroneously designated as eligible for a general abatement, the Department may appropriately revise that designation and the county tax receiver may transmit an appropriately revised tax bill to the taxpayer.
       If a change in the designation of any property pursuant to this subsection results in an increase in the liability of the taxpayer for property taxes, the Department shall inform the taxpayer of the change in the designation of the property and the reasons for that change.
(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.6055 General responsibilities of county assessors and county tax receivers. (NRS 360.090, 361.4722, 361.4723, 361.4724)
1. A county assessor shall:
   (a) Receive claims for primary residential abatements and residential rental abatements and identify each parcel or other taxable unit of property for which such a claim is received; and
   (b) Before delivering the tax roll to the county tax receiver each year, determine whether each parcel or other taxable unit of property designated on the tax roll is:
       (1) Eligible for a primary residential abatement;
       (2) Eligible for a residential rental abatement;
       (3) Eligible for a general abatement; or
       (4) Ineligible for any of those partial abatements of property taxes.
2. A county assessor:
   (a) Except as otherwise provided in NRS 361.773, may correct the tax roll not later than June 30 of each year to indicate that a parcel or other taxable unit of property is eligible for a primary residential abatement, a residential rental abatement or a general abatement for that year.
   (b) Shall notify the county tax receiver of each claim for a primary residential abatement or residential rental abatement for the current year which the county assessor receives after the tax roll has been delivered to the county tax receiver. The county tax receiver shall process such a claim for a primary residential abatement in accordance with NRS 361.773.
3. A county tax receiver shall calculate and apply the appropriate amount of any:
   (a) Primary residential abatement or residential rental abatement to which a parcel or other taxable unit of property is determined to be eligible; and
(b) General abatement, in accordance with the applicable abatement percentage provided by the Department pursuant to NAC 361.605, to which a parcel or other taxable unit of property is determined to be eligible.

4. If a county assessor or county tax receiver determines that a parcel or other taxable unit of property has been erroneously designated as eligible for a primary residential abatement, a residential rental abatement or a general abatement, the county assessor may appropriately revise that designation and the county tax receiver may transmit an appropriately revised tax bill to the taxpayer. If a change in the designation of any property pursuant to this subsection results in an increase in the liability of the taxpayer for property taxes, the county assessor shall inform the taxpayer of the change in the designation of the property and the reasons for that change.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.606 Claim for primary residential abatement: Form and contents; execution; action by county assessor; change in ownership or occupation of property. (NRS 360.090, 361.4722, 361.4723)

1. A claim for a primary residential abatement must be:
   (a) Submitted on a form provided by the county assessor of the county in which the property is located; and
   (b) Signed by:
       (1) Any owner of record of the property;
       (2) Any person of lawful age who is authorized by an executed power of attorney to sign the claim on behalf of an owner of record of the property;
       (3) The legal guardian or conservator of an owner of record of the property; or
       (4) The executor or administrator of the estate of an owner of record of the property.

2. The form for claiming a primary residential abatement may require the claimant to state that:
   (a) The claimant is the owner of the property;
   (b) The property is a single-family residence;
   (c) The property is the primary residence of the owner of the property, exclusive of any other residence in Nevada;
   (d) The property is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the property and members of the family of the owner of the property;
   (e) The claimant agrees to notify the county assessor if the property is no longer used as:
       (1) A single-family residence; or
       (2) The primary residence of the owner of the property, exclusive of any other residence in Nevada; and
   (f) The claim is affirmed and certified by the owner of the property under any penalties provided by law.

3. The county assessor shall:
   (a) If the county assessor determines it to be necessary, verify whether the property is eligible for a primary residential abatement.
   (b) If the county assessor determines that the property is not eligible for a primary residential abatement, determine whether the property is eligible for a general abatement.

4. A claim for a primary residential abatement may be amended to reflect changes in the ownership or occupation of the property. If such a change occurs after July 1, the change must not be indicated on either the secured or unsecured tax roll, as applicable, until the next fiscal year.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.6065 Eligibility of certain property for primary residential abatement; treatment of certain property used for multiple purposes. (NRS 360.090, 361.4722, 361.4723, 361.4724)

1. For the purpose of determining the eligibility of property for a primary residential abatement:
(a) A single-family residence which is the primary residence of the owner shall be deemed to include any buildings or other structures that are appurtenant to that residence, including, without limitation, a detached garage, if the building or other structure:

1. Is of a type which is typically associated with a single-family residence;
2. Exists for the use, enjoyment and benefit of the occupants of the residence;
3. Is not used in furtherance of any business, except for the operation of a home business as provided in paragraph (a) of subsection 5 of NRS 361.4723; and
4. Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.

(b) If a single-family residence which is the primary residence of the owner, including all appurtenant buildings and other structures described in paragraph (a), is located on:

1. More than one parcel of property; or
2. One or more parcels of property otherwise used for agricultural purposes,

that residence may be treated as a separate taxable unit.

2. If a taxable unit of real property contains both:
   (a) A single-family residence which is the primary residence of the owner; and
   (b) Other property used for agricultural, commercial or other purposes,

the county assessor may determine the separate portions of that taxable unit which are respectively described in paragraphs (a) and (b), and apply to each such portion any appropriate partial abatement from property taxes.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.607 Residential rental abatement: Duties of Department, county assessor and owner of property; filing of claim and affidavit; eligibility of property. (NRS 360.090, 361.4724)

1. A county assessor shall annually mail to the owner of each residential rental dwelling in the county a written notice of the right to claim a residential rental abatement.

2. A claim for a residential rental abatement must be:
   (a) Filed annually with the county assessor of the county in which the property is located not later than June 15 of each year; and
   (b) Accompanied by an affidavit which states:
      1. That the amount of rent collected from each of the tenants of the property is equal to or less than the applicable fair market rent published by the United States Department of Housing and Urban Development. For the purpose of determining the applicable fair market rent, a studio apartment must be considered to be a single room.
      2. The greatest amount of rent charged a tenant of the property for the period from April 1 of the year immediately preceding the lien date for the current year until March 31 of the current year.

3. The Department shall annually notify each county assessor of:
   (a) The amounts of the applicable fair market rents for the current year, as published for March 31 of that year by the Department of Housing and Urban Development, excluding the amounts of utility allowances.
   (b) The amounts of applicable utility allowances, based upon the information reported by the appropriate Nevada regional housing authority to the Department of Housing and Urban Development.

4. For the purpose of determining the eligibility of property for a residential rental abatement, the county assessor shall compare:
   (a) The greatest amount of rent charged a tenant of the property for the period from April 1 of the year immediately preceding the lien date for the current year until March 31 of the current year, excluding any amount paid for utilities; and
   (b) The amount of the applicable fair market rent for the current year, as provided by the Department pursuant to subsection 3, excluding the amount of the applicable utility allowance. For the purposes of this section, the county assessor shall use as the applicable utility allowance:
(1) The typical utility allowance for the pertinent category of property, as provided by the Department pursuant to subsection 3; or
(2) A utility allowance calculated by the county assessor for the specific property from the information reported by the appropriate Nevada regional housing authority to the Department of Housing and Urban Development.

5. A residential rental dwelling is not eligible for a residential rental abatement if the rent received for any rental unit of the property for the period from April 1 of the year immediately preceding the lien date for the current year until March 31 of the current year, excluding any amount included in the rent for the payment of utilities, exceeds the amount of the applicable fair market rent for the current year, excluding the amount of the applicable utility allowance.

6. The owner of any property for which a claim for a residential rental abatement is filed:
   (a) Has the burden of proving that the property is not transient lodging; and
   (b) Must:
      (1) Provide to the county assessor such information as the county assessor requires to determine the eligibility of the property for a residential rental abatement and to ascertain the continuing eligibility of the property for a residential rental abatement; and
      (2) Maintain accurate records in support of that information and allow the county assessor to audit those records at any time.

7. For the purposes of this section and NRS 361.4724, the Commission interprets the term:
   (a) “Residential rental dwelling” to mean a residential dwelling:
      (1) For which consideration is paid for its temporary use and occupancy; or
      (2) Which is occupied by a member of the family of the owner of the dwelling for no consideration.
   (b) “Transient lodging” to:
      (1) Mean, except as otherwise provided in subparagraph (2), any facility or structure, or any portion thereof, which is occupied or intended or designed for occupancy and which is held out for use by transient guests who pay rent for the temporary privilege of dwelling, lodging or sleeping therein.
      (2) Exclude any:
         (I) Hospital, sanitarium, medical clinic, convalescent home, nursing home, home for aged persons, foster home or similar facility operated for the care or treatment of human beings;
         (II) Asylum, jail, prison, orphanage or other facility in which human beings are detained and housed under legal restraint; or
         (III) Housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees of the institution.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

NAC 361.6075 General abatement: Taxable unit of centrally assessed property; ineligible property of interstate or intercounty company. (NRS 360.090, 361.4722)

1. For the purposes of NRS 361.4722, the value of any centrally assessed property which is allocated and apportioned to a taxing district shall be deemed to constitute a taxable unit of real or personal property in that taxing district.

2. Property of an interstate or intercounty company valued pursuant to NRS 361.320 which is not eligible for a general abatement for the current year includes, without limitation:
   (a) That portion of the unit valuation of such property for which there was no allocation or apportionment within Nevada for the immediately preceding year;
   (b) New property placed on the unsecured tax roll and classified as construction work in progress; and
(c) That portion of the unit valuation of such property for which there is an increase in the cost indicator of value from the immediately preceding year, unless it has already been reported to the Department as construction work in progress and the taxpayer certifies that the pertinent capital expenditures will be reported as part of construction work in progress before being transferred to the accounting records of the company for plant in service.

3. For the purposes of this section, “construction work in progress” has the meaning ascribed to it in \textbf{NAC 361.258}. 

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

\textbf{NAC 361.608} Calculation of amount of abatement: Applicable amount of tax levy for immediately preceding year and current year. (NRS 360.090, 361.4722, 361.4723, 361.4724) For the purpose of calculating the amount of any general abatement, primary residential abatement or residential rental abatement for the current year, the amount of the tax levy that would have resulted for the immediately preceding year without the application of any other tax abatements or exemptions must be compared to the tax levy that would result for the current year without the application of any other tax abatements or exemptions.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

\textbf{NAC 361.6085} Calculation of amount of abatement: Property which escaped taxation; effect of adjustment to valuation of property to correct certain errors. (NRS 360.090, 361.4722, 361.4723, 361.4724) For the purposes of NRS 361.4722, 361.4723 and 361.4724:

1. If any property is found pursuant to NRS 361.325, 361.767 or 361.769 to have partially or entirely escaped taxation for a fiscal year:
   (a) The property shall be deemed to be property for which no assessed valuation was separately established for the fiscal year immediately preceding that fiscal year; and
   (b) Any general abatement, primary residential abatement or residential rental abatement for which the property is eligible for each fiscal year following the fiscal year for which the property escaped taxation must be calculated as if the property had been on the tax roll for the fiscal year for which the property escaped taxation.

2. If the valuation of any property is adjusted pursuant to NRS 361.765 or 361.768 to correct a clerical, typographical, mathematical or factual error, any general abatement, primary residential abatement or residential rental abatement for which the property is eligible for each fiscal year following the fiscal year for which that correction of the valuation of the property is made must be calculated and, if necessary, adjusted in conformity with the correct valuation of the property.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

\textbf{NAC 361.609} Summary reports of property taxes billed on behalf of each taxing entity. (NRS 360.090) A county tax receiver shall, not later than:

1. September 1 of each year, submit to the Department and each taxing entity a summary report of the total amount of property taxes billed on behalf of each taxing entity for the current tax year for property on the secured tax roll. The report must separately state for each taxing entity:
   (a) The total number of parcels or other taxable units of property for which the property taxes were billed;
   (b) The total assessed value of the property for which the property taxes were billed;
   (c) The total amount of the property taxes that would have been billed if not for the application of any general abatement, primary residential abatement or residential rental abatement;
   (d) The total amount of any reduction in billable property taxes as a result of the application of any general abatement, primary residential abatement or residential rental abatement;
   (e) The total amount of any reduction in billable property taxes as a result of the application of any exemptions from taxation other than a general abatement, a primary residential abatement or a residential rental abatement;
   (f) The total amount of any taxes billed pursuant to NRS 361.4725;
(g) The total amount of any taxes exempted from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724; and

(h) The total amount of property taxes actually billed.

2. June 1 of each year, submit to the Department and each taxing entity a summary report of the total amount of property taxes billed on behalf of each taxing entity for the current tax year for property on the unsecured tax roll. The report must separately state for each taxing entity:

(a) The total assessed value of the property for which the property taxes were billed;

(b) The total amount of the property taxes that would have been billed if not for the application of any general abatement, primary residential abatement or residential rental abatement;

(c) The total amount of any reduction in billable property taxes as a result of the application of any general abatement, primary residential abatement or residential rental abatement;

(d) The total amount of any reduction in billable property taxes as a result of the application of any exemptions from taxation other than a general abatement, a primary residential abatement or a residential rental abatement;

(e) The total amount of any taxes billed pursuant to NRS 361.4725;

(f) The total amount of any taxes exempted from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724; and

(g) The total amount of property taxes actually billed.

(Added to NAC by Tax Comm’n by R011-06, eff. 5-4-2006)

Abatement for Remainder Parcels

NAC 361.61002 Definitions. (NRS 360.090, 361.4722) As used in NAC 361.61002 to 361.61038, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361.61004 to 361.6103, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61004 “Abatement percentage” defined. (NRS 360.090, 361.4722) “Abatement percentage” means the percentage determined pursuant to paragraph (b) of subsection 2 of NRS 361.4722.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61006 “Agricultural use” defined. (NRS 360.090, 361.4722) “Agricultural use” has the meaning ascribed to it in NRS 361A.030.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61008 “Commercial or industrial use” defined. (NRS 360.090, 361.4722) “Commercial or industrial use” means any use:

1. Conducted primarily for profit, except for any agricultural use, open-space use, residential use, institutional use, recreational use or use as vacant land held for development; and

2. Any other use that does not constitute any agricultural use, open-space use, residential use, institutional use, recreational use or use as vacant land held for development.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.6101 “Current year” defined. (NRS 360.090, 361.4722) “Current year” means the fiscal year for which a determination of the application of the partial abatement of taxes for any new parcel is being made.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61012 “Institutional use” defined. (NRS 360.090, 361.4722) “Institutional use” means any civic, charitable or religious use, including, without limitation, use as a church, cemetery or hospital.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)
NAC 361.61014 “New parcel” defined. (NRS 360.090, 361.4722) “New parcel” means a parcel for which a new or different assessor parcel number has been assigned from the prior year as a result of the division of any previously existing parcel or parcels, the combination of any previously existing parcels, or any change in the configuration of any parcels or of lot size or lot boundaries, by means of a parcel map, subdivision map, certificate of land division, long-term lease, action of any governmental entity or any other means.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61016 “New parcel for development” defined. (NRS 360.090, 361.4722) “New parcel for development” means each new parcel which is not eligible for the partial abatement in the current year.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61018 “Open-space use” defined. (NRS 360.090, 361.4722) “Open-space use” has the meaning ascribed to it in NRS 361A.050.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.6102 “Partial abatement” defined. (NRS 360.090, 361.4722) “Partial abatement” means the partial abatement of taxes provided pursuant to subsection 2 of NRS 361.4722.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61022 “Prior year” defined. (NRS 360.090, 361.4722) “Prior year” means the fiscal year immediately preceding the current year.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61024 “Recreational use” defined. (NRS 360.090, 361.4722) “Recreational use” means any active or passive recreational use, including, without limitation, use as a trail, park, community garden, playground or athletic field.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61026 “Remainder parcel” defined. (NRS 360.090, 361.4722) “Remainder parcel” means each new parcel which is eligible for the partial abatement in the current year.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61028 “Residential use” defined. (NRS 360.090, 361.4722) “Residential use” means use as a dwelling or for personal, family or household purposes, whether rented to particular persons or not, including, without limitation, use as a single-family detached housing unit, townhouse, condominium unit, mobile home or multifamily unit. The term includes the use of lots in a residential subdivision for which a final map has been recorded and on which residential improvements will be constructed, but does not include the use of parcels which are not yet divided into individual residential lots by the filing of a final map.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.6103 “Vacant land held for development” defined. (NRS 360.090, 361.4722) “Vacant land held for development” means land which is held for investment or future development and has not previously been held for residential use, commercial or industrial use, institutional use or recreational use.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61032 Scope and purpose. (NRS 360.090, 361.4722) The provisions of NAC 361.61002 to 361.61038, inclusive, set forth the methodology that must be followed to carry out the provisions of
subsection 2 of NRS 361.4722 in evaluating each new parcel for the purposes of applying the partial abatement of taxes provided by that subsection.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

**NAC 361.61034 New parcels: Evaluation; determination of change in use; effect of determination. (NRS 360.090, 361.4722)**

1. Each new parcel must be separately evaluated to determine whether there has been any change in the use of the property that comprises the parcel.
2. A determination that there is a change in the use of the property must be based on a finding that:
   (a) The property was being used as vacant land held for development as of the commencement of the prior year and:
      (1) As the result of the recording of a subdivision map creating individual lots for residential development, the property is held for residential use as of the commencement of the current year; or
      (2) As the result of new construction on the parcel sufficient to allow for an identification of the use of the property, the property is in agricultural use, open-space use, residential use, commercial or industrial use, institutional use or recreational use as of the commencement of the current year; or
   (b) The use of the property as of the commencement of the current year for agricultural use, open-space use, residential use, commercial or industrial use, institutional use or recreational use is different from the use of the property as of the commencement of the prior year.
3. If the use of the property:
   (a) Has not changed, the parcel is a remainder parcel.
   (b) Has changed, the parcel is a new parcel for development.
4. As used in this section, “use of the property” means the principal use of the property for one of the following purposes:
   (a) Agricultural use;
   (b) Open-space use;
   (c) Residential use;
   (d) Commercial or industrial use;
   (e) Institutional use;
   (f) Recreational use; or
   (g) Use as vacant land held for development.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

**NAC 361.61036 Calculation of amount of abatement and maximum amount of property taxes. (NRS 360.090, 361.4722)**

1. The partial abatement for a remainder parcel must be calculated as follows:
   (a) Determine the amount of net property taxes attributable to the land area of and any improvements to the remainder parcel for the prior year as provided in NAC 361.61038.
   (b) Multiply the net property taxes determined in accordance with subsection 1 by the abatement percentage applicable to the remainder parcel for the current year.
   (c) Add the amounts determined pursuant to paragraphs (a) and (b). If the sum is:
      (1) Less than the amount of taxes that would have been assessed on the remainder parcel for the current year without the abatement, the difference constitutes the amount of the partial abatement for the remainder parcel for the current year.
      (2) Greater than or equal to the amount of taxes that would have been assessed on the remainder parcel for the current year without the abatement, then there is no partial abatement for the remainder parcel for the current year.
2. The maximum amount of property taxes which may be levied on a remainder parcel for the current year must be calculated as follows:
   (a) Determine the amount of property taxes to be added to the tax roll in the current year attributable to:
(1) An incremental change in land value resulting from a change in the actual or authorized use of the remainder parcel; or

(2) A new improvement to the remainder parcel, that would not have been included in the calculation of the assessed value of the remainder parcel for the prior year had a separate valuation for the remainder parcel been established in the prior year.

(b) Add the amounts determined pursuant to paragraph (a) and paragraphs (a) and (b) of subsection 1 to determine that maximum amount.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

NAC 361.61038 Determination of amount of net property taxes attributable to remainder parcel for prior year; appeal of determination. (NRS 360.090, 361.4722, 361.4734)

1. Except as otherwise provided in subsection 2, the amount of net property taxes attributable to the land area of and any improvements to a remainder parcel for the prior year must be determined as follows:

(a) Identify each of the parcels which contained the land area of the remainder parcel in the prior year.

(b) Determine the pro rata percentage that the remainder parcel’s land and improvements contributed to the assessed value of each of the parcels identified in paragraph (a) for the prior year.

(c) Multiply the percentage determined in paragraph (b) for each of the parcels identified in paragraph (a) by the total amount of taxes levied, or which would have been levied but for any exemptions from taxation, in the prior year on that parcel.

(d) The amount of net property taxes attributable to the remainder parcel for the prior year is the sum of the products determined pursuant to paragraph (c) for each of the parcels identified in paragraph (a).

2. The owner of a remainder parcel may appeal to the Nevada Tax Commission pursuant to NRS 361.4734 and any regulations adopted to carry out that section to show that the method prescribed in subsection 1 produces an inequitable result. Pursuant to such an appeal, the Nevada Tax Commission may use an alternative method that provides an equitable result.

3. As used in this section, “total amount of taxes levied” means the lower of the total amount of property taxes assessed to a parcel or the total amount of property taxes assessed as the result of a final decision on an appeal, less the amount of any partial abatement of property taxes applied to that parcel pursuant to NRS 361.4722, 361.4723 or 361.4724.

(Added to NAC by Tax Comm’n by R001-07, eff. 3-23-2007)

Appeal of Determination of Applicability of Certain Abatements

NAC 361.6105 Definitions. (NRS 360.090, 361.4734) As used in NAC 361.6105 to 361.61074, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361.61052 to 361.61062, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

NAC 361.61052 “Contact person” defined. (NRS 360.090, 361.4734) “Contact person” means a person designated by a party to receive communications concerning a proceeding before a hearing officer.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

NAC 361.61054 “Hearing officer” defined. (NRS 360.090, 361.4734) “Hearing officer” has the meaning ascribed to it in NAC 360.035.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

NAC 361.61056 “Intervener” defined. (NRS 360.090, 361.4734) “Intervener” has the meaning ascribed to it in NAC 360.065.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)
NAC 361.61058 “Party” defined. (NRS 360.090, 361.4734) “Party” means a person, government, governmental agency or political subdivision of a government entitled to appear in a proceeding of the Commission. The term includes an intervener.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

NAC 361.6106 “Petitioner” defined. (NRS 360.090, 361.4734) “Petitioner” has the meaning ascribed to it in NAC 360.065.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

NAC 361.61062 “Staff” defined. (NRS 360.090, 361.4734) “Staff” has the meaning ascribed to it in NAC 360.040.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

NAC 361.61064 Notice of appeal of determination of county assessor or Department. (NRS 360.090, 361.4734)

1. A petitioner who wishes to appeal a determination of a county assessor described in paragraph (a) of subsection 1 of NRS 361.4734 or a determination of the Department described in paragraph (b) of subsection 1 of NRS 361.4734 must file a written notice of appeal with the Commission on a form provided by the Department within the period prescribed in subsection 2 of NRS 361.4734.

2. In addition to the information required by subsection 4 of NAC 360.045, the notice of appeal must include:
   (a) The name and mailing address of the petitioner and his contact person, if any;
   (b) The telephone number for daytime business hours and facsimile number of the petitioner and his contact person, if any;
   (c) The electronic mail address, if available, of the petitioner and his contact person, if any;
   (d) The tax year being appealed;
   (e) A description of the property and the assessor’s parcel number or the identifying number of the property that is the subject of the appeal;
   (f) A copy of the decision of the county assessor or the Department for the tax year in question on the property that is the subject of the appeal; and
   (g) A statement of the relief requested.

3. Not later than 10 business days after receiving the notice of appeal of a determination issued pursuant to paragraph (a) of subsection 1 of NRS 361.4734, the Department shall provide a copy of the notice of appeal to the county assessor.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

NAC 361.61066 Hearing before hearing officer; findings and conclusions of hearing officer. (NRS 360.090, 361.4734)

1. After receipt of a notice of appeal filed in compliance with subsection 2 of NRS 361.4734 and NAC 361.61064, the Commission will assign a hearing officer to hear the appeal.

2. The hearing officer shall conduct the hearing in the manner prescribed in NAC 360.100 to 360.155, inclusive.

3. Notice of the hearing must be provided in the manner prescribed in NAC 360.095.

4. A person who wishes to intervene in a hearing must comply with the provisions set forth in NAC 360.070.

5. At any evidentiary hearing, the petitioner and the county assessor or the Department may exercise the rights set forth in NAC 360.080.

6. Appearances and representation of the parties must be made in the manner prescribed in NAC 360.085.

7. After the close of the evidentiary hearing, the hearing officer shall file with the Commission within 60 calendar days a proposed order that sets forth the findings and conclusions of the hearing.
officer and the reasons and bases for those findings and conclusions. The proposed order must be served on each party.

8. The findings of fact and conclusions of law made by a hearing officer are not required to be included in a stipulated agreement.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

NAC 361.61068 Proposed order of hearing officer: Written objection; reply to objection; action by Commission. (NRS 360.090, 361.4734)

1. Except as otherwise provided in this subsection, a party may file a written objection to the proposed order with the Commission within 20 calendar days after receipt of the proposed order. The written objection must state with particularity the issues presented, the points of law or fact which are relied on and the relief requested. The Commission may allow a party, upon good cause shown, to file a written objection with the Commission more than 20 days after receipt of a proposed order.

2. A party who files a written objection shall serve a copy of its objection on all parties.

3. Except as otherwise provided in this subsection, a party may reply to the written objection within 15 days after receipt of the written objection. A reply must be served on all parties. The Executive Director may grant an extension of time for the responding party to reply upon good cause shown.

4. If no party files a written objection with the Commission pursuant to subsection 1, the Commission will place the proposed order on the appropriate agenda for its next scheduled meeting for action by the Commission.

5. If a party files a written objection to the proposed order with the Commission within 20 days after receipt of the proposed order or if the Commission chooses to take any action concerning the review of the proposed order, other than to remand the proposed order to the hearing officer for clarification of the order, the Commission will hold a hearing on the proposed order. The Commission will provide to the parties at least 15 days’ notice of the hearing, unless the parties waive the notice in writing or on the record before the Commission.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

NAC 361.6107 Hearing before Commission: Order of argument. (NRS 360.090, 361.4734) In a hearing held before the Commission pursuant to NAC 361.61068, the order in which argument will ordinarily be received from the parties is:

1. Orientation by staff;
2. Argument by the petitioner;
3. Argument by interveners;
4. Argument by any other party; and
5. Rebuttal by the petitioner.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

NAC 361.61072 Hearing before Commission: Basis on record before hearing officer; determination that record is inadequate. (NRS 360.090, 361.4734) The hearing held before the Commission pursuant to NAC 361.61068 must be based on the record made before the hearing officer. If the Commission determines the record is inadequate, the Commission may remand the matter to the hearing officer for further proceedings or open the record and hear new evidence.

(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

NAC 361.61074 Hearing before Commission: Action by Commission; issuance of written order. (NRS 360.090, 361.4734)

1. After the close of oral argument, the Commission shall:
   (a) Make a final order that adopts, reverses or modifies, in whole or in part, the proposed order of the hearing officer; or
   (b) Remand the matter to the hearing officer for further proceedings.
2. The Executive Director shall issue the written order on behalf of the Commission within 60 calendar days after a final order is made or a matter is remanded pursuant to subsection 1.
(Added to NAC by Tax Comm’n by R011-07, eff. 10-31-2007)

Regulations of Committee on Local Government Finance

NAC 361.611 Calculation of deductions from amounts taxing entities otherwise entitled to receive. (NRS 361.473, 361.4731, 361.4733)
1. For the purpose of calculating any amount required to be deducted pursuant to subsection 4 of NRS 361.4722, subsection 3 of NRS 361.4723 or subsection 3 of NRS 361.4724 for a fiscal year from the amount any taxing entity would otherwise be entitled to receive from the ad valorem taxation of a parcel or other taxable unit of property, the entity-adjusted parcel tax rate of each taxing entity must be used to determine:
   (a) The rate of ad valorem taxes levied in the county on that property by or on behalf of each taxing entity for that fiscal year; and
   (b) The combined rate of all ad valorem taxes levied in the county on that property by or on behalf of all taxing entities for that fiscal year.
2. For the purpose of making the calculations required for each parcel or other taxable unit of property pursuant to NRS 361.473 or 361.4731, the entity-adjusted parcel tax rate of each taxing entity must be used to determine:
   (a) The ad valorem tax rate of each taxing entity applicable to that property for the immediately preceding fiscal year; and
   (b) The combined overlapping tax rate applicable to that property for the immediately preceding fiscal year.
3. For the purposes of this section, the “entity-adjusted parcel tax rate” of a taxing entity means the rate of ad valorem taxes imposed by or on behalf of that taxing entity upon a parcel or other taxable unit of property for a fiscal year, as calculated by:
   (a) Multiplying the actual rate of ad valorem taxes levied by or on behalf of that taxing entity for that fiscal year by the assessed value of that property for that fiscal year;
   (b) Subtracting from the amount determined pursuant to paragraph (a) any amount deducted for that fiscal year pursuant to subsection 3 of NRS 361.473 or paragraph (a) of subsection 3 of NRS 361.4731 from the amount that taxing entity would otherwise be entitled to receive from the ad valorem taxation of that property; and
   (c) Dividing the amount determined pursuant to paragraph (b) by the assessed value of that property for that fiscal year to determine that entity-adjusted parcel tax rate.
(Added to NAC by Com. on Local Gov’t Finance by R044-06, eff. 5-4-2006)

NAC 361.613 Annexation of real property to taxing entity. (NRS 361.4732, 361.4733) For the purpose of carrying out the provisions of NRS 361.4732, the annexation of a parcel or other taxable unit of real property to a taxing entity includes:
1. The inclusion of the property within the boundaries of an existing taxing entity as a result of a change in the boundaries of that taxing entity;
2. The inclusion of the property within the boundaries of a new taxing entity; and
3. The assumption by a taxing entity of the functions of another taxing entity that:
   (a) Was entitled to levy or require the levy on its behalf of any ad valorem taxes on the property during the immediately preceding fiscal year; and
   (b) Has been dissolved.
(Added to NAC by Com. on Local Gov’t Finance by R044-06, eff. 5-4-2006)
Abatement for Certain Energy Efficient Structures

NAC 361.617 Definitions. (NRS 361.0775) As used in NAC 361.617 to 361.620, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361.6175, 361.618 and 361.6185 have the meanings ascribed to them in those sections.

(Added to NAC by Comm’n on Econ. Development by R220-05, eff. 9-18-2006)

NAC 361.6175 “Commission” defined. (NRS 361.0775) “Commission” means the Commission on Economic Development.

(Added to NAC by Comm’n on Econ. Development by R220-05, eff. 9-18-2006)

NAC 361.618 “LEED” defined. (NRS 361.0775) “LEED” means Leadership in Energy and Environmental Design.

(Added to NAC by Comm’n on Econ. Development by R220-05, eff. 9-18-2006)

NAC 361.6185 “LEED Green Building Rating System” defined; availability of copies. (NRS 361.0775)

1. “LEED Green Building Rating System” means those portions of the Leadership in Energy and Environmental Design Green Building Rating System developed by the U.S. Green Building Council that are adopted by the Director of the Office of Energy or otherwise deemed to be appropriate for use in this State pursuant to NRS 701.217 and the regulations adopted pursuant thereto.


(Added to NAC by Comm’n on Econ. Development by R220-05, eff. 9-18-2006)

NAC 361.619 Application to Commission; ineligible structures. (NRS 361.0775)

1. A person may apply to the Commission for a partial abatement of the taxes on real property payable each year pursuant to chapter 361 of NRS for property which has a building or other structure that:

(a) Is not a public building or structure; and
(b) Is not a single-family house, multifamily structure with three stories or fewer above grade, or a mobile or manufactured home.

2. The application must be made on a form prescribed by the Executive Director of the Commission.

3. The application:

(a) Must include a letter of verification from the Director of the Office of Energy which states that the real property for which the abatement is sought has a building or other structure that meets or exceeds the certification requirements for the abatement as set forth in NRS 361.0775 and NAC 361.620 and which sets forth the number of LEED points earned;

(b) Must specify the desired term and amount of the abatement in accordance with the table set forth in NAC 361.620; and

(c) If the real property for which the abatement is sought is located in a redevelopment area created pursuant to chapter 279 of NRS, must include proof that the application has been submitted to the redevelopment agency or legislative body with jurisdiction over the redevelopment area.

(Added to NAC by Comm’n on Econ. Development by R220-05, eff. 9-18-2006)

NAC 361.6195 Consideration of application at meeting of Commission; notice of meeting. (NRS 361.0775)

1. The Commission will consider an application for the partial abatement of property taxes:

(a) At the next regularly scheduled meeting of the Commission following receipt of the application if the application is received by the Commission at least 15 working days before the meeting; or
(b) At the next regularly scheduled meeting of the Commission following the meeting described in paragraph (a) in all other cases.

2. The Commission will, not less than 10 working days before a meeting at which it will consider an application for the partial abatement of property taxes, provide written notice of the date, time and location of the meeting to each local government and redevelopment agency within whose jurisdiction the real property that is the subject of the application is located.

(Added to NAC by Comm’n on Econ. Development by R220-05, eff. 9-18-2006)

**NAC 361.620 Grant of abatement by Commission. (NRS 361.0775)**

1. Except as otherwise provided in subsection 2, if the Commission determines that the application satisfies all requirements of NAC 361.617 to 361.620, inclusive, the Commission will grant a partial abatement of the taxes on real property payable each year pursuant to chapter 361 of NRS in accordance with the following table:

<table>
<thead>
<tr>
<th>LEED Level</th>
<th>LEED-NC Points</th>
<th>LEED-EB Points</th>
<th>Term of Abatement</th>
<th>Amount of Abatement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silver</td>
<td>33 to 36</td>
<td>40 to 45</td>
<td>10 years</td>
<td>35 to 42 percent</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5 to 7 years</td>
<td>50 percent</td>
</tr>
<tr>
<td></td>
<td>37 or 38</td>
<td>46 or 47</td>
<td>10 years</td>
<td>43 to 48 percent</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8 or 9 years</td>
<td>50 percent</td>
</tr>
<tr>
<td>Gold</td>
<td>39 or more</td>
<td>48 or more</td>
<td>10 years</td>
<td>49 or 50 percent</td>
</tr>
</tbody>
</table>

2. The Commission will reduce the partial abatement of real property taxes authorized by subsection 1 to the extent necessary to ensure that:

(a) If the real property for which the partial abatement is sought is located in a redevelopment area created pursuant to chapter 279 of NRS, the partial abatement authorized by subsection 1 together with any partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 does not exceed 82 percent of the assessed value of the property; and

(b) The partial abatement authorized by subsection 1 does not result in the inability of a local government to pay debt service on any obligation or of a redevelopment agency created pursuant to chapter 279 of NRS to pay any outstanding indebtedness.

3. If the Commission grants a partial abatement of real property taxes, the abatement applies beginning July 1 of the next following fiscal year, unless the applicant and the governing body of the local government whose tax revenue will be affected by the abatement agree upon a different date and the governing body provides written authorization for the different date.

4. Upon granting a partial abatement of real property taxes, the Commission will issue a certificate of eligibility for the abatement that sets forth all parcel numbers of the affected property and the percentage of the taxes on real property payable each year pursuant to chapter 361 of NRS and duration for which the abatement is granted.

5. As used in this section, unless the context otherwise requires:

(a) “LEED-EB” means the LEED Green Building Rating System for Existing Buildings, Upgrades, Operations and Maintenance; and

(b) “LEED-NC” means the LEED Green Building Rating System for New Construction & Major Renovations.

(Added to NAC by Comm’n on Econ. Development by R220-05, eff. 9-18-2006)

**EQUALIZATION BY COUNTY BOARD OF EQUALIZATION**

**NAC 361.622 Scope; power of county boards to adopt additional requirements. (NRS 361.340)**
1. **NAC 361.622** to **361.645**, inclusive, are the minimum requirements governing procedures before each county board of equalization and elected officers serving that board.

2. With the prior approval of the State Board of Equalization, each county board of equalization may:
   (a) Require petitioners to attach additional information to the petition form; and
   (b) Adopt more detailed rules of procedure.

   [St. Bd. of Equalization, Intro. to Reg. No. 2, eff. 12-29-75; A 1-1-77; A and renumbered as Intro. to Reg. No. 1, 10-14-77; + Intro. to Reg. No. 3, eff. 12-29-75; A and renumbered as Intro. to Reg. No. 2, 10-14-77]—(NAC A 1-6-84)

**NAC 361.623 List of members of additional panel. (NRS 361.340)** If an additional panel is added to a county board of equalization, the county clerk shall send to the Secretary of the State Board of Equalization a list of the names and addresses of the members and the chairman of the panel. The list must be sent by January 25.

(Added to NAC by St. Bd. of Equalization, eff. 1-6-84)

**NAC 361.624 Duty to equalize within geographic vicinity, whole county; limitation on adjustment of result of cyclic reappraisal. (NRS 361.340)** The county board of equalization shall seek to equalize taxable valuation within the geographic vicinity of the subject property, as well as the whole county. Unequal valuations resulting solely from the effect of cyclic reappraisal authorized by law does not justify an adjustment to a valuation.

[St. Bd. of Equalization, Reg. No. 2 part § 9, eff. 12-29-75; A and renumbered as Reg. No. 2 part § 10, 1-1-77; A and renumbered as Reg. No. 1 part § 10, 10-14-77]

**NAC 361.626 Duties of county clerk. (NRS 361.335, 361.340)**

1. Each county clerk shall:
   (a) In addition to giving notice as required by chapters 241 and 361 of NRS, post a notice for each meeting of the county board of equalization at the meeting room and the clerk’s office.
   (b) Publish a notice in a newspaper of general circulation in the county at least 5 days before the first meeting by using a display advertisement which is no smaller than 2 by 4 inches and includes the deadline for filing petitions.

2. The county clerk or his representative shall attend all meetings of each panel of the county board of equalization.

[St. Bd. of Equalization, Reg. No. 2 part § 1, eff. 12-29-75; A 1-1-77; renumbered as Reg. No. 1 part § 1, 10-14-77; Reg. No. 2 part § 2, eff. 12-29-75; A and renumbered as Reg. No. 1 part § 2, 10-14-77; + Reg. No. 3 §§ 1 & 2, eff. 12-29-75; A 1-1-77; A and renumbered as Reg. No. 2 §§ 1 & 2, 10-14-77]—(NAC A 1-6-84)

**NAC 361.627 Consideration of complaints. (NRS 361.340, 361.375)**

1. A county board of equalization shall hear each complaint properly brought before it and make an independent determination of the valuation of the property assessed. The State Board of Equalization will remand to a county board any complaint which was denied because it was too complex or based on a method of appraisal required by law or for which evidence of taxable value was not reviewed.

2. A county board shall give each petitioner sufficient time to submit his evidence. No complaint may be denied solely on the basis of insufficient time in which to hear the evidence.

(Added to NAC by St. Bd. of Equalization, eff. 1-6-84)

**NAC 361.628 Summary of appraisal data. (NRS 361.340)** Each county assessor shall prepare and submit to the county board of equalization a summary of appraisal data for each property which is the subject of a complaint alleging that taxable value is in excess of full cash value. The summary must:

1. Include the method used to value the property and the sales price of comparable property which supports the valuation; and
2. Be accompanied by a map of the area showing the location of the property and all comparable property.

[St. Bd. of Equalization, Reg. No. 2 § 7, eff. 12-2-75; A and renumbered as Reg. No. 2 § 8, 1-1-77; renumbered as Reg. No. 1 § 8, 10-14-77]—(NAC A 1-6-84)

**NAC 361.630 Order of appearances; testimony to be under oath. (NRS 361.340)**

1. Unless modified by the county board of equalization, the order of appearances must be as follows:
   (a) Assessing authority’s briefing-orientation;
   (b) Petitioner’s presentation;
   (c) Assessing authority’s presentation; and
   (d) Petitioner’s rebuttal.

2. All persons shall testify under oath.

[St. Bd. of Equalization, Reg. No. 2 § 5, eff. 12-29-75; A and renumbered as Reg. No. 1 § 5, 10-14-77; Reg. No. 2 § 6, eff. 12-29-75; renumbered as Reg. No. 2 § 7, 1-1-77; renumbered as Reg. No. 1 § 7, 10-14-77]

**NAC 361.631 Evidence of market value. (NRS 361.340)** At a hearing before a county board of equalization, the following information may be submitted as evidence of the market value of the property:

1. The amount derived from the capitalization of fair economic income;
2. The full cash value of the land plus the depreciated replacement cost of any improvements; and
3. Prices paid in market transactions for comparable property.

(Added to NAC by St. Bd. of Equalization, eff. 1-6-84)

**NAC 361.632 Consolidation of cases. (NRS 361.340)**

1. A county board of equalization may consolidate for hearing at one time and place all cases raising similar questions of law or fact.
2. All petitioners must be afforded the opportunity to be heard and may raise issues of law or fact which are different from those issues raised in the consolidated hearing.

[St. Bd. of Equalization, Reg. No. 2 § 6, eff. 1177; renumbered as Reg. No. 1 § 6, 10-14-77]

**NAC 361.634 Notices. (NRS 361.340)** The county clerk shall maintain adequate proof of mailing or personal delivery of all letters or notices scheduling appearances before the county board of equalization. The proof may be a certificate of mailing or other reliable evidence. The letter or notice must advise the petitioner he is to pay for a court reporter and transcript if a transcript is desired and that one copy of the transcript must be provided to the county and one provided to the State Board of Equalization. A courtesy copy of such letters or notices must be delivered to the county assessor.

[St. Bd. of Equalization, Reg. No. 3 part §§ 3 & 4, eff. 12-29-75; A and renumbered as Reg. No. 3 § 3, 1-1-77; renumbered as Reg. No. 2 § 3, 10-14-77]

**NAC 361.638 Exhibits; minutes; petition forms. (NRS 361.340, 361.365)** Each county clerk shall:

1. Mark, record and file all exhibits submitted to the county board of equalization. A list of exhibits must be included on each petition at the place designated therefor.
2. Prepare complete minutes of each hearing, including any action taken by the board and the specific reasons for that action.
3. Complete each petition form to reflect the action taken by the board and the specific reasons for that action.
4. Submit petitions, exhibits, minutes, certificates of mailing and other material deemed pertinent by the county board of equalization to the Secretary of the State Board of Equalization no later than the fourth Monday in February.

[St. Bd. of Equalization, Reg. No. 3 §§ 5-7 & 9, eff. 12-29-75; A and renumbered as Reg. No. 3 §§ 4-6 & 8, 1-1-77; renumbered as Reg. No. 2 §§ 4-6 & 8, 10-14-77]—(NAC A 1-6-84)
NAC 361.640 Notice of action. (NRS 361.340) Each county board of equalization shall notify:
1. All petitioners of its actions; and
2. Any other property owner whose property values were affected.

NAC 361.6405 Determination of percentage of obsolescence. (NRS 361.340, 361.375) The State Board of Equalization will or a county board of equalization shall, in fixing a percentage of obsolescence to be deducted from the taxable value of any improvements subject to its jurisdiction, consider the total value of land and improvements to determine whether taxable value exceeds full cash value.

NAC 361.641 Deduction of percentage of obsolescence when taxable value exceeds cash value, (NRS 361.340, 361.375) If it is determined that the computed total taxable value of any property exceeds its full cash value, the State Board of Equalization will or a county board of equalization shall instruct the county assessor to annually deduct the percentage of obsolescence fixed by the board from the computed total taxable value of the improvements until the property is physically reappraised.

NAC 361.643 Record to support reduction of assessed valuation. (NRS 361.340, 361.360, 361.375)
1. If a county board of equalization reduces the assessed valuation of any property, the record of the case must contain the reasons for the reduction including, when applicable:
   (a) An incorrect measurement of square footage.
   (b) The reduction of the valuation of that class of property.
   (c) A deduction for depreciation or obsolescence.
   (d) Evidence of comparative sales or fair economic income which proves that the taxable value of the property exceeded its full cash value.
2. If the State Board of Equalization determines that the record of any case on appeal from a county board of equalization is inadequate, the Board will remand the case to the county board before October 1. If the county board holds a hearing anew on the complaint, it must be held and a decision must be rendered within 30 days after the remand.

NAC 361.645 Appeal of decision to State Board of Equalization: Record of proceedings before county board. (NRS 361.340)
1. Within 15 calendar days after a county clerk receives notice from the State Board of Equalization that an appeal of a decision of the county board of equalization has been docketed for a hearing at the State Board, the county clerk shall:
   (a) Prepare a record of the proceedings before the county board in the decision on appeal, including a general index in a format prescribed by the State Board of Equalization. The index must clearly identify each exhibit, paper, report or other documentary, audio or video evidence included in the record.
   (b) Certify the record as complete except as shortened pursuant to subsection 3.
   (c) Transmit the certified record to the State Board of Equalization.
   (d) Serve a copy of the general index on each party to the appeal.
2. If a petitioner has delivered a certified transcript of the hearing before the county board to the county clerk pursuant to NRS 361.365, the clerk shall include a copy of the transcript in the record. The transcript delivered to the clerk must be prepared by a certified court reporter.
3. Except as otherwise provided in this subsection, the record submitted to the State Board of Equalization must be complete. The record may be shortened:
   (a) By written stipulation of all parties to the appeal; and
   (b) By the omission of duplicate copies of any exhibit, paper, report or other documentary evidence submitted at the hearing before the county board. The clerk shall include original documents rather than copies of all documentary evidence, if possible.
   (Added to NAC by St. Bd. of Equalization by R029-05, eff. 6-28-2006)

EQUALIZATION BY STATE BOARD OF EQUALIZATION

General Provisions

NAC 361.682 Scope; construction; deviation. (NRS 361.375)
1. The provisions of NAC 361.682 to 361.753, inclusive:
   (a) Govern the practice and procedure in contested cases before the State Board.
   (b) Will be liberally construed to secure the just, speedy and economical determination of all issues presented to the State Board.
2. In special cases, where good cause appears, not contrary to statute, deviation from these rules, if stipulated to by all parties of record, will be permitted.
   [St. Bd. of Equalization, Practice Rules 1, 3 & 4, eff. 10-14-77]—(NAC A by R018-97, 12-19-97; R029-05, 6-28-2006)

NAC 361.684 Definitions. (NRS 361.375) As used in NAC 361.682 to 361.753, inclusive, unless the context otherwise requires:
1. “Assessor’s parcel number” means the number assigned by a county assessor to each piece of real property separately owned as it appears on the county assessment roll.
2. “Authorized agent” means a person who is authorized by a party to represent him in a proceeding before the State Board. The term includes an attorney.
3. “Business entity” includes a corporation, a limited partnership or a limited-liability company.
4. “Conclusion of law” means a determination of the law applicable to a finding of fact.
5. “Contact person” means a person designated by a party to receive communications concerning a proceeding before the State Board.
6. “County board” means a county board of equalization.
7. “Day” means a calendar day.
8. “Direct appeal” means an appeal from an assessment by a county assessor, the Department or the Commission directly to the State Board without appearing before or requesting relief from a county board. The term includes an appeal authorized in NRS 361.360, 361.403, 361.769, 361A.273 or 362.135.
9. “Finding of fact” means a brief statement of the determination of issues of fact supported by evidence in the record or matters officially noticed.
10. “Identifying number” means the number assigned to each piece of personal property separately owned as represented by the county assessment rolls.
11. “Party” means a person, government, governmental agency or political subdivision of a government entitled to appear in a proceeding of the State Board. The term includes an intervenor.
12. “Secretary” means the Secretary of the State Board who is the Executive Director of the Department.
13. “Staff” means the staff of the Department. The term includes the Attorney General and his duly appointed deputies when acting as legal advisers to the Department pursuant to NRS 228.110.
14. “State Board” means the State Board of Equalization.
   [St. Bd. of Equalization, Practice Rules 5, 12 & 13, eff. 10-14-77]—(NAC A by R018-97, 12-19-97; R029-05, 6-28-2006)

NAC 361.686 Meetings: Notice; telephone conference; conduct. (NRS 361.375, 361.380)
1. The State Board will post notices for each meeting at the Carson City, Reno, Las Vegas and Elko offices of the Department 3 working days in advance of the meeting.

2. The State Board may conduct a meeting or any part thereof by means of a telephone conference call so long as it complies with the applicable provisions of chapter 241 of NRS.

3. A person appearing in a proceeding shall conform to the recognized standards of ethical and courteous conduct.

[St. Bd. of Equalization, Practice Rules 17 & 28, eff. 10-14-77]—(NAC A by R029-05, 6-28-2006)

NAC 361.688 Communications. (NRS 361.375)
1. Informal communications must be addressed or delivered to the Secretary.
2. Informal communications from the staff or State Board must be signed by the responsible staff or member of the State Board.
3. Each communication must be limited to one subject and contain the name and address of the communicant and the appropriate assessor’s parcel number or legal description of any property pertaining to the subject of the communication.

[St. Bd. of Equalization, Practice Rules 14 & 16, eff. 10-14-77]—(NAC A by R029-05, 6-28-2006)

Parties to Proceedings

NAC 361.690 Classification of parties. (NRS 361.375)
1. “Intervener” means a person, government, governmental agency or political subdivision of a government, other than an original party to a proceeding, who has been granted leave to intervene in a proceeding pursuant to NAC 361.692.
2. “Petitioner” means a party who initiates or commences an administrative proceeding before the State Board pursuant to the provisions of chapter 361 of NRS.
3. “Respondent” means a party who responds to an administrative proceeding initiated or commenced by a petitioner.

[St. Bd. of Equalization, Practice Rules 8-10, eff. 10-14-77]—(NAC A by R018-97, 12-19-97; R029-05, 6-28-2006)

NAC 361.692 Interveners. (NRS 361.375)
1. A person, government, governmental agency or political subdivision of a government, other than an original party to any proceeding, who is directly and substantially affected by the proceeding must secure an order from the Secretary or the State Board granting leave to intervene before being allowed to participate. For the purposes of review by a court or an appeal, leave to intervene in any matter or proceeding is not a finding or determination of the Secretary or the State Board that the party will or may be a party aggrieved by any ruling, order or decision.
2. A petition for leave to intervene must be in writing and clearly identify the proceeding in which intervention is sought. The petition must include all the information required of a petition for a direct appeal pursuant to NAC 361.7012 and contain a clear and concise statement of the direct and substantial interest of the intervener in the proceeding, stating the manner in which the intervener will be affected by the proceeding and outlining the matters relied upon by him as a basis for the petition for leave to intervene. If affirmative relief is sought, the petition must contain a clear and concise statement of the relief sought and the basis for that relief, together with a statement as to the nature and quantity of evidence the intervener will present if his petition is granted.
3. A petition for leave to intervene must be filed with the Secretary and served on each party of record not less than 15 days before the date set for the commencement of the hearing.
4. If a petition for leave to intervene shows a direct and substantial interest in the subject matter of the proceeding or any part of the proceeding and does not unduly broaden the issues, the Secretary or the State Board may grant leave to intervene or otherwise appear and participate in the proceeding with respect to the matters set forth in the petition, subject to any reasonable conditions that may be prescribed.
5. If it appears during the course of a proceeding that an intervener has no direct or substantial interest in the proceeding, and that the public interest does not require his participation in the proceeding, the State Board may dismiss him from the proceeding.

[St. Bd. of Equalization, Practice Rules 43-46, eff. 10-14-77]—(NAC A by R018-97, 12-19-97; R029-05, 6-28-2006)

NAC 361.698 Qualifications of attorneys. (NRS 361.375, 361.385) If a party chooses to be represented by an attorney, the attorney must be one who is admitted to practice and in good standing before the highest court of any state of the United States.

[St. Bd. of Equalization, Practice Rule 27, eff. 10-14-77]

NAC 361.700 Limitations on representation of parties and appearance as expert witness by former employees of Department or Attorney General. (NRS 361.375, 361.385)

1. No former employee of the Department or member of the Attorney General’s staff may, at any time after severing his employment with the Department or the Attorney General, appear, except with the written permission of the State Board, in a representative capacity on behalf of other parties in a proceeding in which he previously took an active part as a representative of the State Board or Department.

2. No former employee of the Department may at any time after severing his employment with the Department, appear, except with the written permission of the State Board, as an expert witness on behalf of other parties in a proceeding in which he previously took an active part in the investigation or preparation as a representative of the Department.

[St. Bd. of Equalization, Practice Rules 29 & 30, eff. 10-14-77]—(NAC A by R029-05, 6-28-2006)

Hearings

NAC 361.701 Petition for appeal of final decision of county board. (NRS 361.375)

1. A person entitled to appeal the final decision of a county board to the State Board pursuant to NRS 361.360 must file a petition requesting the State Board to hear his appeal.

2. The petition must be on the form prescribed by the State Board and must include:
   (a) The name and mailing address of the petitioner and his contact person, if any;
   (b) The telephone number for daytime business hours and facsimile number, if available, of the petitioner and his contact person, if any;
   (c) The electronic mail address, if available, of the petitioner and his contact person, if any;
   (d) The tax years being appealed;
   (e) The assessor’s parcel number or identifying number of the property on which the petitioner is appealing the valuation;
   (f) The name of the county board, the hearing or case number, and the date the case was heard by the county board;
   (g) The name and mailing address of the respondent if the petition is filed by the county assessor or the Department;
   (h) The taxable value established by the county assessor as set forth on the secured or unsecured tax roll and the current taxable value determined by the county board, if different, on which the assessment of the property is based;
   (i) A statement that the petitioner has read the petition and believes the contents to be true, followed by the person’s signature, or the signature of the authorized agent, if any; and
   (j) A brief statement of the relief sought or the specific taxable value sought for each component of the parcel such as land, improvements or personal property.

3. The State Board will provide a form of the petition to each county assessor and county clerk. The State Board will, and the county assessor and county clerk shall, make available a copy of the form to any person.

(Added to NAC by St. Bd. of Equalization by R029-05, eff. 6-28-2006)
NAC 361.7012 Petition for direct appeal to State Board. (NRS 361.375)

1. A person entitled to file a direct appeal must file a petition with the State Board requesting the State Board to hear his appeal.

2. The petition must be on the form prescribed by the State Board and must include:
   (a) The name and mailing address of the petitioner and his contact person, if any;
   (b) The telephone number for daytime business hours and facsimile number, if available, of the petitioner and his contact person, if any;
   (c) The electronic mail address, if available, of the petitioner and his contact person, if any;
   (d) The tax years being appealed;
   (e) The assessor’s parcel number or other identifying number of the property being appealed;
   (f) The roll value established by the county assessor or the Department, as applicable;
   (g) The name and mailing address of the respondent if the petition is filed by a county assessor or the Department; and
   (h) A statement that the petitioner has read the petition and believes the contents to be true, followed by the person’s signature, or the signature of the authorized agent, if any.

3. The State Board will annually provide a form of the petition to the Department, and each county assessor, who shall provide a copy of the form to any person upon request.

4. In addition to the information required pursuant to subsection 2, a petitioner must submit:
   (a) A statement reciting the facts, reasons and statutory basis relied upon to support the claim that the State Board should order a change in the taxable value or classification of the subject property;
   (b) All evidence upon which the petition is based and which supports the claims therein;
   (c) A copy of the final tax assessment notice for the year in question on the property that is the subject of the appeal; and
   (d) A statement of the relief sought.

   This information must be submitted on the date of filing of the petition, if available, and if not available on the date of filing, not later than 15 days before the date established for the hearing.

5. If the appeal is from a valuation established pursuant to NRS 361.320 or 361.325, the petition must be filed not later than January 15 of the year immediately following the year in which the valuation was made.

(Added to NAC by St. Bd. of Equalization by R029-05, eff. 6-28-2006)

NAC 361.7014 Action upon receipt of petition; case file. (NRS 361.375)

1. The State Board will acknowledge the receipt of each petition in writing.

2. The Secretary shall examine each petition upon receipt.

3. If the Secretary’s examination reveals that:
   (a) The petition is untimely filed; or
   (b) It appears that the State Board lacks jurisdiction to hear the appeal,

   the Secretary shall recommend to the State Board that it order the appeal to be dismissed. The recommended order must be placed on the consent agenda of the next meeting of the State Board for which public notice pursuant to NRS 241.020 has not yet been given, and the Secretary shall notify the petitioner, or his authorized agent, of the time and place of the meeting at which the recommended order will be considered.

4. If the Secretary’s examination reveals that:
   (a) The petition is timely filed;
   (b) The appeal appears to be within the jurisdiction of the State Board; and
   (c) The petition satisfies the applicable requirements of NAC 361.701 or 361.7012,

   the Secretary shall assign a case number to the appeal, place the appeal on the State Board’s hearing docket and notify the petitioner and respondent that the case has been docketed for a hearing.

5. The Secretary shall, for each docketed case:
   (a) Establish a case file;
(b) As each petition, exhibit, report, paper, pleading or other documentary evidence is received, mark it with the case number and place it in the case file; and

c) If the appeal is from the final decision of a county board, notify the county clerk that the case has been docketed for a hearing and request the transmission of a certified copy of the record as set forth in NAC 361.645.

(Added to NAC by St. Bd. of Equalization by R029-05, eff. 6-28-2006)

NAC 361.7016 Consolidation of cases. (NRS 361.375)

1. If two or more docketed cases present substantially the same issues of fact, law or valuation, the State Board may, on its own motion or upon the request of a party, consolidate the cases for purposes of a hearing or written decision.

2. The State Board may move to consolidate cases at any time. A request for consolidation from a party must be filed with the State Board and served on all other parties not later than 30 days before the date established for the hearing.

3. A party who objects to the proposed consolidation of his case may request that his case be heard separately. The State Board will not proceed with a consolidated hearing until after it has ruled on the request for a separate hearing.

(Added to NAC by St. Bd. of Equalization by R029-05, eff. 6-28-2006)

NAC 361.7018 Notice of representation by authorized agent. (NRS 361.375)

1. A petitioner who desires to be represented by an authorized agent must notify the State Board in writing. The notice may be filed with the State Board at any time before the commencement of the hearing. The State Board will accept a notice filed by facsimile transmission, but the original document must be filed with the State Board before the commencement of the hearing.

2. Except as otherwise provided in this section, the written notification must be on the form prescribed by the State Board. The notice must include:

   (a) The date the authorization statement is executed;

   (b) The specific parcels or assessments covered by the authorization or a statement that the agent is authorized to represent the petitioner on all parcels and assessments located in Nevada or in a specific county in Nevada;

   (c) A statement to the effect that the agent is authorized to sign and file petitions in the specific calendar year in which the petition is filed and that the agent is authorized to represent the petitioner in all related hearings and matters; and

   (d) Contact information, including the telephone number and address of the petitioner.

3. The notification must be signed by:

   (a) The petitioner or, if the petitioner is a business entity, by an officer or authorized employee of the business entity; and

   (b) The authorized agent.

4. If an authorized agent required to comply with NRS 361.362 to represent a petitioner before a county board wishes to represent the petitioner in an appeal to the State Board, the State Board will accept a copy of the written notice of authority filed with the county board as the notice required pursuant to this section so long as the other requirements of this section are met.

(Added to NAC by St. Bd. of Equalization by R029-05, eff. 6-28-2006)

NAC 361.702 Notice of hearing; duties of county assessor or his representative. (NRS 361.375)

1. The State Board will give reasonable notice of any hearing held before it to each party or the authorized agent of a party at the address of each of those persons as those addresses appear in the records of the Department.

2. The State Board will notify the appropriate county assessor of a hearing relating to any property in his county or which may have a direct effect upon his county. The county assessor or his representative shall:

   (a) Attend any hearing specified in this subsection, unless otherwise directed by the State Board; and
Make any presentation prescribed by the State Board.

[St. Bd. of Equalization, Practice Rules 19-21, eff. 10-14-77]—(NAC A 1-6-84; R018-97, 12-19-97; R029-05, 6-28-2006)

**NAC 361.703 Briefs, memoranda and other written explanations. (NRS 361.375)**

1. The State Board may, at any time, require a party to submit a brief, memorandum or other written explanation. The State Board will prescribe:
   
   (a) The time for filing;
   (b) The number of copies that must be filed with the State Board; and
   (c) The parties that must be served, if any.

2. If the State Board does not require submission of a brief, memorandum or other written explanation, a party may submit such a written explanation on his own initiative. Unless the State Board otherwise directs, the written explanation must be filed with the State Board and served on the other parties at least 20 days before the date established for the hearing.

3. A party may respond in writing to a brief, memorandum or other written explanation filed by another party. Unless the State Board otherwise directs, the written explanation must be filed with the State Board and served on the other parties not later than 10 days before the date established for the hearing.

4. A party served with a response to a brief, memorandum or other written explanation may reply in writing. Unless the State Board otherwise directs, the written explanation must be filed with the State Board and served on the other parties not later than 3 days after service of the response.

5. A party must not include in or attach to his brief, memorandum or other written explanation an exhibit, paper, report or other documentary evidence that is included in the record submitted to the State Board.

6. A brief, memorandum or other written explanation filed with the State Board pursuant to this section may be filed electronically, but the State Board may require a party to file the original document.

7. Unless otherwise provided by the State Board, the Secretary may perform any administrative function of the State Board set forth in this section.

(Added to NAC by St. Bd. of Equalization by R029-05, eff. 6-28-2006)

**NAC 361.705 Motions by parties; action by State Board on its own motion. (NRS 361.375)**

1. A party may make a motion orally during a hearing or in writing.

2. A motion must state with particularity the relief or order sought and identify the reason or authority pursuant to which the motion is made.

3. A written motion must be filed with the State Board and served on all parties not later than 20 days before the date established for the hearing.

4. A party against whom a motion is directed may respond to the motion:
   
   (a) Orally, if the motion is made during the hearing; or
   (b) In writing, if the motion is made before the hearing. A written response must be filed with the State Board and served on all parties within 10 days after service of the motion.

5. A party who has made a motion in writing and been served with a written response may, within 7 days after service of the response, reply to the response in a writing filed with the State Board and served on all parties.

6. The State Board may, for good cause, take action on its own motion. Unless its motion is made orally during the hearing, the State Board will serve each party with notice of its intent to take action and the reasons therefore. A party who receives the State Board’s notice of intent and wishes to object to it must file his objection in writing with the State Board within 10 days after service of the notice. The State Board’s notice of intent must advise a party of his right to file a written objection.

(Added to NAC by St. Bd. of Equalization by R029-05, eff. 6-28-2006)

**NAC 361.706 Continuances. (NRS 361.375)**

1. The State Board may, upon good cause shown, grant a continuance:
(a) To defer a hearing to another day or time; or
(b) To extend the time for a pleading, motion or other document to be filed or served.

2. Unless otherwise provided by the State Board, the Secretary may perform any function of the State Board set forth in this section.

[St. Bd. of Equalization, Practice Rule 37, eff. 10-14-77]—(NAC A by R018-97, 12-19-97; R029-05, 6-28-2006)

**NAC 361.708 Appearance of parties; failure to appear. (NRS 361.375)**
1. A party may appear in person or by his authorized agent.
2. If the property the valuation of which is the subject of a hearing is owned by more than one person, the appearance of any owner or the person who filed the petition shall be deemed the appearance of the party.
3. If a party is a business entity, it may appear by any officer or employee or by an authorized agent.
4. At the time and place set for the hearing, if a party fails to appear, the State Board may:
   (a) Proceed with the hearing;
   (b) Dismiss the proceeding with or without prejudice; or
   (c) Recess the hearing for a period to be set by the State Board to enable the party to attend.

[St. Bd. of Equalization, Practice Rule 31, eff. 10-14-77]—(NAC A by R018-97, 12-19-97; R029-05, 6-28-2006)

**NAC 361.712 Subpoenas. (NRS 360.240, 361.375)**
1. Subject to the restrictions imposed by NRS 360.240, the Secretary may, on his own initiative or at the request of a party, issue a subpoena requiring the attendance of a witness for the purpose of taking the testimony of the witness orally before the State Board or compelling the production of books, papers or other documents.
2. A petitioner or respondent desiring a subpoena must submit an application in writing to the Secretary stating the reasons why the subpoena is requested. If the application is for a subpoena for the production of books, papers or other documents, the application must identify, as clearly as may be, the books, papers or other documents desired.
3. The application must be filed with the Secretary and served on all parties at least 20 days before the date established for the hearing.
4. The Secretary, not later than 5 days after he receives an application for a subpoena, shall:
   (a) Grant the application and issue the subpoena;
   (b) Modify the application and issue the subpoena; or
   (c) Deny the application.
5. The person to whom the subpoena is directed may request in writing that the Secretary modify or quash the subpoena. The Secretary shall grant this request if he determines that the subpoena is unreasonable or oppressive.
6. If the Secretary issues a subpoena at the request of a party, the party must arrange for service of the subpoena and bear the expense of such service.
7. If the Secretary denies the request of a party for a subpoena, the party may appeal the denial to the State Board.

[St. Bd. of Equalization, Practice Rule 23, eff. 12-9-77]—(NAC A by R029-05, 6-28-2006)

**NAC 361.714 Testimony must be under oath. (NRS 361.375)**
1. Oral evidence will be taken only upon oath or affirmation administered by:
   (a) The Secretary;
   (b) A member of the State Board; or
   (c) A member of the staff who has been designated for that purpose by the State Board.
2. Before testifying, each person must swear or affirm that the testimony he is about to give will be the truth, the whole truth and nothing but the truth.
NAC 361.720 Official notice of State Board. (NRS 361.375) The State Board may take official notice of the following matters:

1. Rules, regulations, official reports, decisions and orders of the Commission, the State Board or any agency of the State.
2. Matters of common knowledge and technical or scientific facts of established character.
3. Official documents, if pertinent, when properly introduced into the record of formal proceedings by reference if proper and definite reference to the document is made by the party offering it and it is published and generally circulated so that all of the parties of interest at the hearing have an opportunity to examine it and present rebuttal evidence.
4. Matters which may be judicially noticed by the courts of the State.

NAC 361.721 Format, execution and contents of documents. (NRS 361.375) All petitions, pleadings, briefs, correspondence, notices and other written documents filed with the State Board must be on white paper that is 8 1/2 by 11 inches in size and must be legibly written, printed or typewritten on one side of the paper only. Each document must be signed by the party, or authorized agent of the party, submitting it and must include the current mailing address and telephone number of the submitter. Documents submitted after the assignment of a case number pursuant to NAC 361.7014 must include the case number assigned.

NAC 361.723 Filing and receipt of documents; admission of late document into evidence. (NRS 361.375) 1. Any petition, pleading, brief, correspondence, notice or other written document required or authorized to be filed with the State Board may be filed in person or by facsimile machine, United States mail or third-party delivery service.
2. A document filed in person or by facsimile machine must be received by the State Board not later than 5 p.m. on the last day for filing the document set forth in the applicable statute or regulation. The State Board will stamp each document filed with the date and time it is received. A document is presumed to have been received at the date and time shown on the stamp.
3. Except as otherwise provided in this subsection, a document filed by mail or third-party delivery service is timely filed if it is deposited with the post office or delivery service, correctly addressed, postage prepaid and postmarked not later than the last day for filing the document set forth in the applicable statute or regulation. A postmark provided by a postage meter does not establish that a document is timely filed.
4. If the last day set forth in a statute or regulation for the performance of an act falls on a Saturday, Sunday or legal holiday, the act is timely if it is performed on the next business day. For the purposes of this section, the performance of an act includes, without limitation, filing a document with the State Board and serving a document on a party.
5. The State Board will not admit into evidence a document that is not timely filed as set forth in this section except upon a motion for its admission pursuant to NAC 361.705.

NAC 361.724 Service of documents; certificate of service. (NRS 361.375) 1. A document that is required to be served on another party may be served on the party or authorized agent of the party.
2. A document that is required to be served on a party may be served in person or by regular mail.
3. If service is made by mail, the document must be deposited in the post office, properly addressed to the person being served, with postage prepaid, not later than the date set forth in the applicable regulation or order of the State Board.

4. With all documents required to be served, an acknowledgment of service or substantially the following certificate must be included:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to .........................) (by mailing a copy thereof, properly addressed, with postage prepaid to .........................).

Dated at this .............. day of the month of ........... of the year ........

...................................

Signature

[St. Bd. of Equalization, Practice Rule 15, eff. 10-14-77]—(NAC A by R029-05, 6-28-2006)

NAC 361.726 Additional information and appraisal. (NRS 361.375) The State Board will order any additional information it deems necessary to determine the correct taxable value of any property under consideration and, if necessary, order the Department’s appraisers to view or appraise the property and to prepare for the State Board an estimate of its value or other relevant testimony and evidence.

[St. Bd. of Equalization, Practice Rule 35, eff. 10-14-77]—(NAC A 1-6-84; R029-05, 6-28-2006)

NAC 361.729 Testimony before State Board: Authority to testify; person who unlawfully acts as appraiser of real estate. (NRS 361.375)

1. Any person may testify before the State Board on behalf of a party.

2. If a person testifying before the State Board represents to the State Board that he is an appraiser of real estate but has not obtained a certificate, license or permit required by chapter 645C of NRS, the State Board will, unless the circumstances of the case otherwise require, give his testimony the same weight given to the testimony of a person who is not an appraiser.

3. If a person specified in subsection 2 receives or expects to receive any form of compensation for an analysis, opinion or conclusion concerning the nature, quality, value or use of property the value of which is before the State Board, the State Board will inform the person that:

   (a) It is unlawful to act or assume to act as an appraiser of real estate in this State without first obtaining the appropriate certificate, license or permit pursuant to chapter 645C of NRS; and

   (b) The State Board may notify the Real Estate Division of the Department of Business and Industry of his conduct.

4. Upon informing a person pursuant to subsection 3, the State Board may notify the Real Estate Division of the Department of Business and Industry of the conduct specified in that subsection.

(Added to NAC by St. Bd. of Equalization by R018-97, eff. 12-19-97; A by R029-05, 6-28-2006)

NAC 361.731 Transcripts. (NRS 361.375) If a party wishes to obtain a transcript of any hearing conducted before the State Board, the party must:

1. Provide a reporter, if a reporter is not provided by the State Board for the hearing;

2. Pay for the transcript or obtain a copy from the reporter provided by the State Board at the party’s expense; and

3. Provide a copy of the transcript to the Secretary, if requested.

(Added to NAC by St. Bd. of Equalization by R018-97, eff. 12-19-97; A by R029-05, 6-28-2006)
NAC 361.733 Direct appeal: Rights of petitioner, respondent and staff. (NRS 361.375) During any hearing of a direct appeal, the petitioner, respondent and staff, through the presiding member of the State Board, may:
1. Call and examine witnesses concerning any matter relevant to the issues of the case.
2. Introduce exhibits relevant to the issues of the case.
3. Direct any question to an opposing witness that the State Board determines is relevant to the issues of the case.
4. Impeach any witness, regardless of which party first called him to testify.
5. Offer rebuttal evidence.
6. Call any person who, because of his relationship to any other party, may be an adverse witness and examine him as an adverse witness.

[St. Bd. of Equalization, Practice Rule 26, eff. 10-14-77]—(NAC A by R018-97, 12-19-97; R029-05, 6-28-2006)

NAC 361.735 Direct appeal: Burden of proof; receipt of evidence. (NRS 361.375) In any hearing of a direct appeal:
1. The petitioner has the burden of proof.
2. Evidence will ordinarily be received from the parties in the following order:
   (a) A brief orientation by the county assessor or his staff;
   (b) The petitioner;
   (c) The respondent;
   (d) Interveners;
   (e) Rebuttal by the petitioner; and
   (f) Rebuttal by the respondent.
3. The Secretary or a person he has designated shall mark, record and file all exhibits submitted at the hearing.

[St. Bd. of Equalization, Practice Rules 33 & 36, eff. 10-14-77]—(NAC A 1-6-84; R018-97, 12-19-97; R029-05, 6-28-2006)

NAC 361.737 Direct appeal: Rules of evidence; depositions; exchange of names of witnesses and copies of evidence. (NRS 361.375) In any hearing of a direct appeal:
1. The hearing will not be conducted according to the technical rules of evidence and procedure as practiced in civil actions. Except as otherwise provided in NAC 361.745 or by a specific statute, any relevant evidence may be admitted, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs, regardless of whether the evidence is subject to objection in civil actions.
2. Hearsay evidence, as that term is used in civil actions, may be admitted to supplement or explain other evidence, but it is not sufficient by itself to support findings of fact unless it is admissible over objection in civil actions.
3. The rules of privilege will be applied as they are applied in civil actions.
4. Irrelevant, cumulative and unduly repetitious evidence is not admissible, nor is incompetent evidence, as that term is used in civil trials, with the exception of hearsay evidence as provided in subsection 2.
5. The parties or their counsel may, by written stipulation, agree that certain specified evidence may be admitted, regardless of whether the evidence is otherwise subject to objection.
6. The State Board may:
   (a) Cause the depositions of witnesses to be taken in the manner prescribed by law and the rules of the court for depositions in civil actions.
   (b) Upon the motion of a party or the person from whom the deposition is sought, and upon a showing of good cause, prohibit, restrict or modify the scope of the deposition.

¬ Unless the State Board otherwise directs, all depositions conducted pursuant to this section must be completed not later than 10 days before the date established for the hearing. A party may file a motion
with the State Board asking that depositions be completed earlier or later. The State Board will grant such a motion on a showing of good cause.

7. A party that objects to the admission or exclusion of any piece of evidence must, at the time he makes his objection, briefly state the grounds on which he objects.

8. If the State Board sustains an objection to the admission of certain evidence, the party offering the evidence may make an offer of proof for the record. An offer of proof must consist of a statement of the substance of the evidence to which objection has been sustained. An offer of proof must be included in the record.

9. The failure of a party to enter a timely objection to the admission or exclusion of a piece of evidence constitutes a waiver of his right to object.

10. Not later than 10 days before the date established for the hearing, a party shall provide all other parties with:
(a) The names of each witness that the party expects to call to offer testimony at the hearing.
(b) A copy of each exhibit, paper or other documentary evidence that the party expects to introduce at the hearing.

[St. Bd. of Equalization, Practice Rules 32 & 39, eff. 10-14-77]—(NAC A by R018-97, 12-19-97; R029-05, 6-28-2006)

NAC 361.739 Appeal of decision of county board: Introduction of new evidence. (NRS 361.360, 361.375, 361.400)

1. In a hearing of an appeal of a decision of a county board, a party that wishes to introduce evidence that was not submitted to the county board in the first instance must:
(a) Satisfy the State Board that the new evidence could not, by due diligence, have been discovered or secured before the final adjournment of the county board; and
(b) Submit the evidence in writing to the State Board and all parties of record not less than 7 business days before the hearing on the matter.

2. For the purposes of this section:
(a) A new summary or extract prepared from evidence that was submitted to a county board in the first instance is not new evidence.
(b) The State Board interprets “days” as used in NRS 361.360 to mean calendar days.

(Added to NAC by St. Bd. of Equalization by R018-97, eff. 12-19-97; A by R029-05, 6-28-2006)

NAC 361.741 Appeal of decision of county board: Burden of proof; order and length of presentations. (NRS 361.375)

In a hearing concerning an appeal from a decision of a county board:
1. The petitioner has the burden of proof.

2. The order and length of presentations will ordinarily be:
(a) A brief orientation by the county assessor or his staff;
(b) A presentation of not more than 15 minutes by the petitioner;
(c) A presentation of not more than 15 minutes by the respondent; and
(d) A rebuttal of not more than 5 minutes by the petitioner.

3. If the State Board allows a party, pursuant to NRS 361.360 and 361.400 and NAC 361.739, to present new evidence, the State Board will extend the length of the party’s presentation by the time required to present the evidence and, in the case of new testimony, for the State Board to question the witness.

(Added to NAC by St. Bd. of Equalization by R018-97, eff. 12-19-97; A by R029-05, 6-28-2006)

NAC 361.745 Direct appeal: Consideration of issues, contentions and evidence outside scope of petition. (NRS 361.375)

1. Except as otherwise provided in this section, in a direct appeal, the State Board will limit its consideration to the issues and contentions set forth in the petition for a hearing before the State Board.

2. Issues, contentions and evidence beyond the scope of the petition may be considered by the State Board if:
(a) New issues, contentions and evidence are discovered which could not by due diligence have been
discovered and presented in the petition; and
(b) The issues, contentions and evidence are set forth in an addendum to the petition.
3. The addendum to the petition must be submitted in writing to the State Board and each party not
less than 15 days before the hearing of the appeal. The addendum must include:
(a) A statement reciting the facts, reasons and statutory basis relied upon to support each claim raised
in the addendum;
(b) All evidence upon which the addendum to the petition is based and which supports the claims
therein; and
(c) A statement of the relief sought.
4. Each party is entitled to respond to any such issue, contention or evidence:
(a) In a brief, memorandum or other written document as set forth in NAC 361.703; and
(b) Orally, at the hearing.

[St. Bd. of Equalization, Practice Rule 34, eff. 10-14-77]—(NAC A by R018-97, 12-19-97; R029-05,
6-28-2006)

NAC 361.747 Submission of case for decision; decision of State Board; correction of clerical
mistake in record. (NRS 361.375)
1. After the hearing of a contested case, and the receipt by the State Board of all posthearing briefs
or the expiration of the time prescribed by the State Board for submitting such briefs, if any, the case
shall stand submitted for decision.
2. In reaching its decision in a contested case, the State Board:
(a) Will make an independent valuation of the property that is the subject of the appeal. This
valuation may be different from any valuation proposed by a party to the appeal.
(b) May sustain, reverse or modify, in whole or in part, any decision appealed to it.
(c) If the appeal is brought pursuant to subsection 1 of NRS 361.360, may determine the question of
whether real or personal property is exempt from taxation pursuant to any provision of NRS 361.045 to
361.187, inclusive.
3. The staff shall prepare the State Board’s final decision on the issues presented in the hearing
pursuant to the direction and with the approval of the State Board. The draft of each decision must be
approved by the Chairman of the State Board before being issued.
4. The State Board’s final decision in a contested case will be written and will include separate
findings of fact and conclusions of law based upon substantial evidence or matters officially noticed.
After a case stands submitted for decision, the State Board may request proposed findings of fact and
conclusions of law from a party.
5. The Department shall serve a copy of the State Board’s decision upon each party of record, any
representative of a party of record and each member of the State Board, in person or by certified mail,
within 60 days after the date of the decision.
6. Except as otherwise provided in this subsection, a clerical mistake in a decision, order or any other
part of the record of the State Board may be corrected by the staff on its own initiative or on the motion
of a party. If the record of the State Board is before a court pursuant to NRS 361.410 to 361.435,
inclusive, a clerical mistake may be corrected only as directed by the court.

[St. Bd. of Equalization, Practice Rules 41, 42 & part Practice Rule 50, eff. 10-14-77]—(NAC A 1-6-
84; R029-05, 6-28-2006)

NAC 361.7475 Petition for reconsideration: Filing and contents; answer; grant or denial. (NRS
361.375, 361.420)
1. A party who believes that a decision or order of the State Board, or any portion thereof, is:
(a) Unlawful;
(b) Unreasonable; or
(c) Based on findings of fact or conclusions of law that are erroneous,
may file a petition for reconsideration. The petition must be filed with the State Board and served on all parties within 15 days after the date of service of the decision or order.

2. A petition for reconsideration must:
   (a) Identify with precision each portion of the decision or order that the party alleges is unlawful, unreasonable or erroneous.
   (b) Cite with specificity those portions of the record, the statutes or regulations that support the allegations in the petition. The petition must not include additional evidence or request the submission or taking of new evidence.

3. A party may submit an answer in opposition to a petition for reconsideration. The answer must be filed with the State Board and served on all other parties within 5 days after the date of service of the petition for reconsideration. The answer must be limited to the issues raised in the petition for reconsideration.

4. The State Board will grant or deny, in whole or in part, a timely filed petition for reconsideration within 60 days after the date of service of the final decision. If the State Board takes no action within the 60 days, the petition shall be deemed to be denied.

5. Unless otherwise provided by the State Board, the filing of a petition for reconsideration or the granting of such a petition by the State Board does not excuse compliance with or suspend the effectiveness of the challenged decision or order.

6. If the State Board grants a petition for reconsideration, it will reexamine the decision or order and the record with regard to the issues on which it granted reconsideration. After this reexamination, the State Board will issue a modified final order or reaffirm its original order.

7. A modified final decision or order incorporates all portions of the original decision or order not modified. A modified final decision or order, or the original decision or order if reaffirmed, is the final decision of the State Board.

8. For the purposes of NRS 361.420, the date of the issuance of the decision of the State Board denying relief is:
   (a) If the State Board grants a petition for reconsideration, the date the State Board issues its modified final decision or order or reaffirms its original decision or order; or
   (b) If the State Board denies a petition for reconsideration, the date the petition is denied or deemed to be denied.

(Added to NAC by St. Bd. of Equalization by R029-05, eff. 6-28-2006)

NAC 361.748 Action for redress from finding of State Board. (NRS 361.375) A person who commences an action pursuant to NRS 361.410 to 361.435, inclusive, for redress from a finding of the State Board shall serve a copy of the summons, complaint or petition on the Department.

(Added to NAC by St. Bd. of Equalization by R029-05, eff. 6-28-2006)

Advisory Opinions

NAC 361.749 Petitions: Authority; form and contents. (NRS 361.375)
1. Any person may petition for an advisory opinion concerning matters within the jurisdiction of the Department or State Board.
2. All petitions must be in writing, be addressed to the Secretary and set forth at least the following:
   (a) A statement that an advisory opinion is requested;
   (b) A succinct statement of all the facts and circumstances necessary to dispose of the petition;
   (c) A clear, simple statement of the issue or question to be resolved;
   (d) A statement of all statutes, rules, agency decisions or other authorities which the petitioner believes may be relevant in disposing of the petition; and
   (e) A statement with supporting arguments and authorities of the petitioner’s opinion of a proper disposition of the petition.

[St. Bd. of Equalization, Practice Rule 48, eff. 10-14-77]—(NAC A by R029-05, 6-28-2006)
NAC 361.751 Jurisdiction. ([NRS 361.375](#)) Since the State Board’s jurisdiction is limited to the equalization of the assessed valuation of property, the Secretary may respond to any request for an advisory opinion as being directed to the Commission.

[St. Bd. of Equalization, part Practice Rule 49, eff. 10-14-77]—(NAC A 1-6-84; R029-05, 6-28-2006)

**NAC 361.753 Opinions: Form; contents; issuance; delivery; appeals. ([NRS 361.375](#))**

1. Advisory opinions must:
   (a) Be written;
   (b) Include a statement of facts, question, analysis and opinion;
   (c) Be issued by the Secretary within 45 days after filing of the petition unless the Secretary, in writing, orders an extension of time up to a maximum of 60 days after filing; and
   (d) Be delivered to the petitioner in person or by certified mail.

2. Advisory opinions of the Secretary are appealable to the State Board in the same manner as any other valuation decision.

[St. Bd. of Equalization, part Practice Rules 49 & 50, eff. 10-14-77]—(NAC A by R029-05, 6-28-2006)

**POSTPONEMENT OF PAYMENT OF TAX**

NAC 361.851 Claim: Filing; form; contents; accompanying documentation. ([NRS 361.7374, 361.738](#))

1. The owner of a single-family residence who wishes to file a claim to postpone the payment of the property taxes accrued against his residence must file the claim with the county treasurer of the county in which the residence is located not later than 10 days after the date on which the last installment of those taxes is due for the current fiscal year. A claim:
   (a) Must be filed for each fiscal year in which property taxes to be postponed are accrued.
   (b) May not be filed for more than 3 consecutive fiscal years.

2. A claim may not include a request to postpone the payment of any fees, special assessments, delinquent taxes, interest or other charges included on the tax bill for the residence.

3. A claim must be filed on a form that has been approved by the Commission.

4. A claim must contain:
   (a) The name, mailing address and daytime telephone number of the claimant.
   (b) The names and mailing addresses of all other owners of the residence.
   (c) The names and ages of all other members of the claimant’s household and the relationship of each member to the claimant.
   (d) The street address of the residence and the parcel number or identification number assigned to the residence by the county assessor of the county in which the residence is located.
   (e) The length of time the claimant has occupied the residence.
   (f) The current assessed value of the residence.
   (g) A list of any other real property in this State owned by the claimant and a list of any other real property in this State owned by any other owner of the residence. Each list must include, without limitation:
      (1) The county in which the real property is located;
      (2) The street address of the real property;
      (3) The parcel number or identification number assigned to the real property by the county assessor of the county in which the property is located; and
      (4) The current assessed value of the real property.
   (h) A statement indicating whether or not the claimant or any other owner of the residence is the subject of any proceeding for bankruptcy and, if so, the name and social security number used to identify that owner for the proceeding.
   (i) A statement indicating that the residence is occupied by the claimant.
(j) A statement indicating whether or not the claimant or any other owner of the residence owes delinquent property taxes on the residence for a year other than the year in which the claim is filed.

(k) A description of the circumstances that were beyond the control of the claimant and caused the claimant to suffer severe economic hardship.

(l) The total annual income of the members of the claimant’s household.

(m) The length of time the claimant expects the severe economic hardship to continue.

(n) A statement indicating whether or not the property taxes are paid by a mortgage company.

5. Except as otherwise provided in NAC 361.853 to 361.871, inclusive, a claim must be accompanied by:

(a) A copy of the tax bill for the residence.

(b) A copy of the federal individual income tax return for the preceding taxable year for each owner of the residence and each member of the household. If an owner or member of the household did not file a federal individual income tax return, the claim must be accompanied by a copy of the most recent “Form W-2” received by the owner or member of the household from each of his employers and a copy of each “Form 1099” and each “Schedule K-1” received by the owner or member of the household in the taxable year in which the “Form W-2” was received. The county treasurer with whom the claim is filed may request a copy of any other supporting forms or schedules that are filed with the tax returns and are required to determine whether the claimant is eligible to postpone the payment of the property taxes.

(c) Evidence which indicates that the claimant has occupied the residence for the 6 months immediately preceding the filing of the claim. A driver’s license is not sufficient evidence of occupancy. Such evidence:

(1) May include copies of utility bills for each month of the immediately preceding 6-month period.

(2) Must include the name of the claimant or another owner of the residence, the address of the residence and a date that can be used to determine whether the residence has been occupied by the claimant for the 6 months immediately preceding the filing of the claim.

(d) Documentation that describes the circumstances causing the severe economic hardship suffered by the claimant. Such documentation may include, without limitation, a statement from an attending physician describing the nature of an illness or injury and the estimated time needed for recovery or a letter indicating that the claimant’s employment has been terminated.

6. The information required to be submitted with a claim pursuant to paragraphs (b) and (d) of subsection 5 shall be deemed to be confidential information for the purposes of NRS 361.7384.

(Added to NAC by Dep’t of Taxation by R225-03, eff. 2-18-2004)

NAC 361.853 Claim: Action by county treasurer. (NRS 361.7374, 361.7382)

1. Upon the receipt of a claim for the postponement of the payment of property tax, a county treasurer shall verify:

(a) The last known owner of record of the single-family residence for which the claim is made, by inspecting public records containing such information.

(b) The parcel number or identification number assigned to the residence by the county assessor of the county in which the residence is located, the land use and total assessed value of the residence, and whether the residence is on the secured or unsecured tax roll, by inspecting the records of the county assessor.

(c) Whether the claimant or any other owner of the residence is the subject of any proceeding in bankruptcy, by inspecting the records of the United States Bankruptcy Courts located in this State.

(d) Whether the claimant or any other owner of the residence owes delinquent property taxes on the residence for a year other than the year in which the claim is filed.

(e) The total assessed value of any other real property in this State owned by the claimant and the total assessed value of any other real property in this State owned by any other owner of the residence.

2. Based upon the information verified pursuant to subsection 1, the county treasurer shall determine whether:
(a) The assessed value of the residence exceeds $175,000.

(b) The claimant or any other owner of the residence owns any other real property in this State that has an assessed value of more than $30,000. For this purpose, the claimant or other owner may own multiple parcels of real property in this State so long as the total assessed value of all of his parcels, excluding the single-family residence that is the subject of the claim, does not exceed $30,000.

(c) The residence has been occupied by the claimant for the 6 months immediately preceding the filing of the claim.

(d) The claimant or any other owner of the residence is the subject of any proceeding in bankruptcy.

(e) Delinquent property taxes are owed on the residence for a year other than the year in which the claim is filed, including taxes owed because of any changes made to the boundary of the parcel or to the parcel map.

(f) The total annual income of the members of the claimant’s household is at or below the federally designated level signifying poverty. This determination must be based on income received for the 365 days immediately preceding the filing of the claim.

(g) There is sufficient evidence to indicate that the claimant suffered a severe economic hardship that was caused by circumstances beyond his control.

3. The county treasurer shall deny the claim if he determines that the claimant does not comply with the requirements for eligibility set forth in NRS 361.7376.

4. If the county treasurer does not receive sufficient information to determine whether the claimant is eligible to postpone the payment of the property taxes accrued against the residence, the county treasurer shall:

   (a) Deny the claim until such time as the claimant provides sufficient information that indicates he is eligible to postpone the payment of those taxes; and

   (b) Include in the notice of his decision a description of the additional information that is needed to approve the claim.

5. If the county treasurer denies a claim pursuant to subsection 4, the claimant may request the county treasurer to reconsider his determination by submitting the additional information that is needed to approve the claim not later than May 30 of the current fiscal year.

(Added to NAC by Dep’t of Taxation by R225-03, eff. 2-18-2004)

NAC 361.855 Determination of eligible amount of income. (NRS 361.7374, 361.7382)

1. The Department will annually provide to the county treasurers of this State the amount of income for the current fiscal year that is at or below the federally designated level signifying poverty, based on the guidelines established in the Federal Register by the United States Department of Health and Human Services pursuant to 42 U.S.C. § 9902(2).

2. Each county treasurer shall use the amount of income provided by the Department pursuant to subsection 1 to determine whether a claimant is eligible to postpone the payment of the property taxes accrued against his single-family residence.

(Added to NAC by Dep’t of Taxation by R225-03, eff. 2-18-2004)

NAC 361.857 Approval of claim for taxes accrued against mobile or manufactured home. (NRS 361.7374) A county treasurer may approve a claim to postpone the property taxes accrued against a mobile home or manufactured home if:

1. That home is a single-family residence as defined in NRS 361.7372; and

2. The claimant is otherwise eligible to postpone the payment of those taxes.

(Added to NAC by Dep’t of Taxation by R225-03, eff. 2-18-2004)

NAC 361.859 Approval of claim for taxes accrued against single-family residence owned by trust. (NRS 361.7374) A county treasurer may approve a claim to postpone the payment of the property taxes accrued against a single-family residence that is owned by a trust if:

1. The claimant or any other owner of the residence is one of the trustors;
2. The claim is accompanied by a certificate of trust which indicates that the claimant or another owner of the residence is a trustor; and
3. The claimant is otherwise eligible to postpone the payment of those taxes.
(Added to NAC by Dep’t of Taxation by R225-03, eff. 2-18-2004)

NAC 361.861 Determination of amount for and period of postponement. (NRS 361.7374, 361.7382)
1. If a county treasurer approves a claim to postpone the payment of property taxes accrued against a single-family residence, he shall determine the amount of property tax that will be postponed and the period for which the property tax will be postponed based on the information contained in the claim.
2. If the claimant is in arrears in the payment of any installment of the property taxes due for the current fiscal year, the county treasurer may postpone the payment of the taxes for the entire fiscal year or for any portion of that year.
3. The period for which property tax accrued in a fiscal year will be postponed may not exceed 1 year.
(Added to NAC by Dep’t of Taxation by R225-03, eff. 2-18-2004)

NAC 361.863 Certificate of eligibility: Form; exclusion of certain information. (NRS 361.7374, 361.7386)
1. The form for a certificate of eligibility prescribed by the Department will be:
   (a) Submitted to the Commission for its approval.
   (b) Designed to comply with the recording requirements of the county recorders in this State.
2. Except as otherwise provided in NRS 361.7386, information that is contained in or that accompanies a claim to postpone the payment of property taxes accrued against a single-family residence may not be included in a certificate of eligibility.
(Added to NAC by Dep’t of Taxation by R225-03, eff. 2-18-2004)

NAC 361.865 Certificate of eligibility: Effects of recordation and filing. (NRS 361.7374, 361.7386)
1. The recordation of a copy of a certificate of eligibility pursuant to NRS 361.7386 does not:
   (a) Confer upon the claimant a right to a refund of property taxes already paid.
   (b) Waive the duties of the county treasurer of the county in which the single-family residence is located to:
      (1) Mail a notice of delinquency as required by NRS 361.5648; or
      (2) Issue a trustee’s certificate as required by NRS 361.570.
   (c) Change the date upon which the property taxes become delinquent or the period of redemption set forth in NRS 361.570.
2. If a certificate of eligibility is filed, the county treasurer of the county in which the single-family residence is located may postpone the publication of the notice of delinquency required by NRS 361.565 during the period for which the payment of the property tax will be postponed. If the publication of the notice of delinquency is postponed, the county treasurer shall not charge the claimant with the cost of publication until such notice is published.
3. If the property taxes for a single-family residence for which a certificate of eligibility is recorded are paid by a mortgage company, the claimant is responsible for making arrangements with the mortgage company for the postponement of the payment of the taxes and for any adjustments that may be needed to an impound account for the payment of the taxes.
(Added to NAC by Dep’t of Taxation by R225-03, eff. 2-18-2004)

NAC 361.867 Statement of amount postponed: Contents. (NRS 361.7374, 361.7392) A statement of the total amount of property tax postponed that is provided pursuant to NRS 361.7392 must include:
1. The total amount of taxes owed as of the date of the statement. This amount must include penalties incurred for the current fiscal year and before the period of postponement becomes effective.
2. The total amount of interest accrued as of the date of the statement.
(Added to NAC by Dep’t of Taxation by R225-03, eff. 2-18-2004)

NAC 361.869 Application of payments made before amounts become due. (NRS 361.7374, 361.7394) If a claimant makes payments on the amount of property tax postponed before they become due and payable, the county treasurer of the county in which the single-family residence is located shall apply those payments to the taxes that have been postponed for the longest time.
(Added to NAC by Dep’t of Taxation by R225-03, eff. 2-18-2004)

NAC 361.871 Fraudulent claims. (NRS 361.7374) If a county treasurer determines that any person has willfully made a materially false statement or used any other fraudulent device to secure for himself or any other person the postponed payment of property tax pursuant to the provisions of NRS 361.736 to 361.7384, inclusive, the county treasurer shall refer the claim to the district attorney for prosecution.
(Added to NAC by Dep’t of Taxation by R225-03, eff. 2-18-2004)

ALLODIAL TITLE

General Provisions

NAC 361.900 Definitions. (NRS 361.920) As used in NAC 361.900 to 361.958, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361.902 to 361.914, inclusive, have the meanings ascribed to them in those sections.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.902 “Certificate” defined. (NRS 361.920) “Certificate” means a certificate of alodial title issued by the State Treasurer, which is evidence that the titleholder has qualified for alodial title.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.904 “Installment agreement” defined. (NRS 361.920) “Installment agreement” means a contract:
1. Pursuant to which a titleholder establishes alodial title by the payment of all required installment payments; and
2. Which consists of the provisions of an application for alodial title and an agreement and schedule for installment payments provided by the State Treasurer.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.906 “Owns” defined. (NRS 361.920) “Owns” means that title is held by a natural person as his sole property, or by more than one natural person as joint tenants or tenants in common.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.908 “Program” defined. (NRS 361.920) “Program” means the program for alodial title established pursuant to NRS 361.900 to 361.920, inclusive, and NAC 361.900 to 361.958, inclusive.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.910 “Property tax” defined. (NRS 361.920) “Property tax” means the combined ad valorem taxes levied by all governmental entities on a single-family dwelling, its appurtenances and the land on which it is located. The term does not include the tax levied upon the net proceeds of minerals, which is determined pursuant to NRS 362.140.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.912 “Single-family dwelling” defined. (NRS 361.920) “Single-family dwelling” means a single-family residence which is used as the primary living quarters of a titleholder and which is not used for a commercial purpose.
NAC 361.914 “Titleholder” defined. (NRS 361.920) “Titleholder” means a natural person who holds title to, owns and occupies a single-family dwelling, its appurtenances and the land on which it is located free and clear of all encumbrances, except any unpaid assessment for a public improvement. The term does not include a corporation or other business entity, or a trust.

NAC 361.920 Purpose; requirements for participation. (NRS 361.920)
1. The program for allodial title allows qualified titleholders to pay their property taxes for a period equal to the life expectancy of the youngest titleholder of the property on which a single-family dwelling is located. A titleholder:
   (a) Must occupy the single-family dwelling as his primary residence; and
   (b) Is ineligible to hold allodial title on more than one single-family dwelling at the same time.
2. The program will provide for the payment of property taxes for holders of certificates of allodial title. The State Treasurer, on behalf of the titleholders of a specific parcel of property, will make payment of future property taxes for that property once the titleholders have been issued a certificate and so long as the titleholders are qualified for allodial title.
3. The program will not provide for the payment of any special assessment, service charge or fee that is included on a property tax bill.
4. The program applies and is restricted to the surface rights of residential property, and does not include the mineral rights of property. The program is intended to protect families from losing family homes, not mining businesses, because of tax liens.
5. The State Treasurer will avoid, to the extent possible, the unequal collection of property taxes by properly determining the cost of a certificate.

Certificate

NAC 361.926 Denial of application for failure to provide requested information. (NRS 361.900, 361.920) The State Treasurer may deny an application if a titleholder fails to provide to the State Treasurer any information requested by the State Treasurer relating to the application or an installment agreement within a reasonable period prescribed by the State Treasurer. The titleholder is not prohibited from submitting another application in the future.

NAC 361.928 Consequences of fraudulent misrepresentation or omission of information relating to application or installment agreement. (NRS 361.900, 361.920)
1. If the State Treasurer determines that a titleholder has fraudulently misrepresented or omitted any information relating to an application or installment agreement, the State Treasurer may deny the application, cancel the installment agreement or revoke the certificate.
2. If the State Treasurer cancels the installment agreement, the State Treasurer will so notify the titleholder and:
   (a) Prepare a refund in the manner and subject to the provisions set forth in NRS 361.900 for a refund upon the rescission of an installment agreement; and
   (b) Remit the refund to the titleholder within 90 days.
3. If the State Treasurer revokes the certificate, the State Treasurer will so notify the titleholder and:
   (a) Prepare a refund in the manner and subject to the provisions set forth in NRS 361.915 for a refund upon the relinquishment of allodial title; and
   (b) Remit the refund to the titleholder within 90 days.

(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)
NAC 361.930 Cost: Determination; actuarial calculations; credit for certain property tax payments. (NRS 361.900, 361.920)
1. The State Treasurer will determine the cost of a certificate in accordance with the provisions of NRS 361.900.
2. An actuarial calculation will be used to project the life expectancy of the titleholders of the property, the income that will be earned on the money in the Allodial Title Trust Fund, and changes in the assessed valuation of the property, including, without limitation, the results of inflation and changes in taxable value resulting from the construction, remodeling or rebuilding of improvements.
3. If the titleholder has made any property tax payments that cover a period after the effective date of the certificate, the titleholder will be provided credit for those property tax payments against the cost of the certificate.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.932 Cost: Payment options. (NRS 361.900, 361.920) The cost of the certificate may be paid by the titleholder:
1. In one lump sum; or
2. In annual installments over a period not to exceed 10 years.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.934 Payment in lump sum. (NRS 361.900, 361.920) If a titleholder chooses to pay in a lump sum:
1. He shall remit payment within 90 days after the State Treasurer provides notice of the amount of the lump sum. If the lump sum is not received by the State Treasurer within that period, the State Treasurer will recalculate the cost of the certificate.
2. He will have the option of signing an agreement that the lump-sum cost may be recalculated if improvements are made which increase the taxable value of the property at least 20 percent over the taxable value of the property at the time the lump-sum cost was determined. If the titleholder signs such an agreement, the State Treasurer will reduce the lump-sum cost.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.936 Payment in annual installments: Installment agreement. (NRS 361.900, 361.920) If a titleholder chooses to pay in annual installments:
1. He must enter into an installment agreement with the State of Nevada.
2. The installment agreement must contain a provision that the State Treasurer will adjust the final installment payment to reflect any increase or decrease in the assessed valuation of the property since the date of the application in accordance with subsection 8 of NRS 361.900.
3. The State Treasurer may:
   (a) Calculate varying annual installments so that the final installment payment will not be extraordinarily high.
   (b) Estimate a projected rate of change in the assessed valuation of the property so that each annual installment will include a portion of the change and the final installment will not include the entire amount of the change.
4. During the period of the installment agreement, the titleholder remains liable for payment of his property taxes until the final payment pursuant to the installment agreement has been paid and the titleholder has been issued a certificate.
5. The titleholder may prepay the annual installments without penalty.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.938 Payment in annual installments: Remittance of payments; default. (NRS 361.900, 361.920)
1. If a titleholder chooses to pay in annual installments, the titleholder shall remit payments pursuant to the installment agreement on the dates and in the amounts set forth in the schedule for participation and payment provided to the titleholder by the State Treasurer.

2. If a titleholder fails to remit a payment required by the installment agreement within 30 days after the due date, the titleholder shall be deemed to be in default of the installment agreement.

3. If a titleholder is deemed to be in default, the State Treasurer will so notify the titleholder and:
   (a) Prepare a refund in the manner and subject to the provisions set forth in NRS 361.900 for a refund upon the rescission of an installment agreement; and
   (b) Remit the refund to the titleholder within 90 days.

4. A titleholder who is deemed to be in default may reapply for allodial title in the future in accordance with NRS 361.900 and NAC 361.900 to 361.958, inclusive.
   (Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.940 Notification of State Treasurer by holder of certificate if certain changes relating to property occur. (NRS 361.915, 361.920)

1. A titleholder of property for which a certificate has been issued shall notify the State Treasurer within 60 days after:
   (a) The titleholder sells or transfers the property;
   (b) The titleholder rents or leases the property;
   (c) The titleholder converts the residence, appurtenances or land to use by or as a commercial business;
   (d) The titleholder moves or otherwise fails to live in the residence;
   (e) The titleholder encumbers or applies for a mortgage or loan, using the property as collateral;
   (f) A titleholder is added to or deleted from the deed for the property; or
   (g) A titleholder of the property dies.

2. Upon receipt of notification pursuant to subsection 1, the State Treasurer will conduct a review to determine if the titleholder qualifies to continue the allodial title on the property and, if so, whether a recalculation of the cost of the certificate is necessary.
   (Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.942 Recalculation of cost upon addition or deletion of allodial titleholder involving transfer of interest to person other than joint tenant. (NRS 361.915, 361.920) Upon the addition or deletion of an allodial titleholder that involves a transfer of interest to a person other than a joint tenant, the State Treasurer will recalculate the cost of the certificate using revised actuarial assumptions reflecting the transfer. The actuarial calculation will be performed in the same manner as the original actuarial calculation, using the new data supplied by the titleholder and county assessor.
   (Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.944 Recalculation of cost upon addition or deletion of allodial titleholder to reflect change in titleholders and taxable value. (NRS 361.915, 361.920)

1. The addition or deletion of an allodial titleholder may require a recalculation by the State Treasurer of the cost of the certificate to reflect the actuarial assumptions of the life expectancy of the allodial titleholders and the taxable value of the specific property.

2. Upon receipt of an application to add or delete an allodial titleholder, the county treasurer shall notify the State Treasurer, who will recalculate the actuarial assumptions based on the change in titleholders and change in taxable value.

3. The State Treasurer will determine if any additional amount needs to be paid for the cost of the certificate for that property and notify the titleholders and the county treasurer.

4. A recalculation may not be needed if a deletion occurs solely through the death of a titleholder without transfer of the decedent’s interest to another person, including, without limitation, the death of a joint tenant with survivorship rights.
   (Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)
NAC 361.946 Relinquishment; refund. (NRS 361.915, 361.920)
1. If the titleholder relinquishes the certificate, or the State Treasurer determines the titleholder no longer qualifies, the State Treasurer will prepare a refund in accordance with NRS 361.915.
2. A refund must be requested in writing from the State Treasurer, who will process the request within 90 days after receiving the request.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.948 Transference to heir. (NRS 361.910, 361.920)
1. The certificate may be transferred to the heir of an allodial titleholder in accordance with NRS 361.910.
2. The State Treasurer will review the information set forth in the application and determine if any additional information is needed to process the transfer of the allodial title to the heir.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

Annual Statement

NAC 361.950 Provision by State Treasurer to designee. (NRS 361.920) Each application for allodial title must list the first titleholder as the designee. The State Treasurer will provide the designee with an annual statement listing:
1. The proper share of income earned on the account of the titleholder in the Allodial Title Trust Fund, with any appropriate adjustments thereto; and
2. The amount of tax actually paid each year with respect to the property, and other information relating to the program.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

Allodial Title Trust Fund

NAC 361.956 Efficient and secure maintenance; limitation on use of money for investment and administrative expenses. (NRS 361.920)
1. The State Treasurer will ensure that the Allodial Title Trust Fund is efficiently and securely maintained.
2. Not more than 2 percent of the money in the Allodial Title Trust Fund will be used by the State Treasurer to cover investment and administrative expenses, which will be deducted annually.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)

NAC 361.958 Recommended consultation with tax professional concerning income tax liability and deductions relating to Fund. (NRS 361.920) The State Treasurer recommends that an allodial titleholder consult with a tax professional concerning:
1. The income tax liability of the titleholder with regard to the income and interest earned on the money in the Allodial Title Trust Fund attributable to the money paid into the Allodial Title Trust Fund by the titleholder; and
2. Whether and to what extent the property taxes paid by the State Treasurer from the Allodial Title Trust Fund with respect to the property of the titleholder are deductible by the titleholder.
(Added to NAC by St. Treasurer by R088-01, eff. 10-22-2001)
NAC 361A.010 Definitions. (NRS 360.090, 360.250) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 361A.010 to 361A.065, inclusive, have the meanings ascribed to them in those sections.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.015 “Animal unit” defined. (NRS 360.090, 360.250) “Animal unit” has the meaning ascribed to it in paragraph (b) of subsection 1 of NRS 361.325.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.020 “Animal unit month” defined. (NRS 360.090, 360.250) “Animal unit month” has the meaning ascribed to it in paragraph (b) of subsection 1 of NRS 361.325.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.025 “Assessing authority” defined. (NRS 360.090, 360.250) “Assessing authority” means:
1. The county assessor if the property to be considered is 20 acres or more; or
2. The Department if the property to be considered is less than 20 acres.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.030 “Business venture for profit” defined. (NRS 360.090, 360.250) “Business venture for profit” means an agricultural pursuit engaged in by an operator for a reasonable profit or at least upon the expectation of a reasonable profit consistent with the productive capability of the land unit.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.040 “Converted to a higher use” defined. (NRS 360.090, 360.250) “Converted to a higher use” has the meaning ascribed to it in NRS 361A.031.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.045 “Crop” defined. (NRS 360.090, 360.250) “Crop” means any agricultural product, including, without limitation, alfalfa, barley, certified seed, Christmas trees, garlic, grass hay, nursery stock, oats, onions, pasturage, sod and wheat, that is grown in soil or any other medium.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.050 “Department” defined. (NRS 360.090, 360.250) “Department” means the Department of Taxation.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.055 “Livestock” defined. (NRS 360.090, 360.250) “Livestock” means domestic animals, including, without limitation, cattle, sheep, goats, swine, poultry, fish and equine animals, used for food, fiber, breeding, draft or profit.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.060 “Operator” defined. (NRS 360.090, 360.250) “Operator” means a person who engages in an agricultural pursuit as a business venture for profit. The operator may be either the owner or occupant of the agricultural real property.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)
NAC 361A.065 “Poultry” defined. (NRS 360.090, 360.250) “Poultry” means domestic and game birds produced for meat, eggs or other poultry products, including, without limitation, chickens, turkeys, ducks, geese, peafowl, ostriches, pheasants, quail and chukar.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

AGRICULTURAL PROPERTY

Assessment

NAC 361A.110 Application: Date; form. (NRS 360.090, 360.250, 361A.110) An owner of property who wishes to qualify the property for the agricultural use assessment pursuant to NRS 361A.110 must apply to the assessing authority on or before the date required by NRS 361A.110. The application must be on a form approved by the Commission.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.120 Application: Contents. (NRS 360.090, 360.250, 361A.110)
1. An application for agricultural use assessment filed pursuant to NRS 361A.110 must contain:
   (a) The names, addresses and telephone numbers of the owner or his representative and, if applicable, the lessee;
   (b) A description of the uses to which the land is put, including residential use and other higher uses if applicable;
   (c) A description of the type of agricultural operation;
   (d) The size of the land devoted to agricultural use;
   (e) A description of any noncontiguous parcels which may qualify for agricultural use;
   (f) The number of years which the land has been devoted exclusively to agricultural use;
   (g) The gross income received from agricultural pursuits during the immediately preceding calendar year; and
   (h) Expenses and net income attributable to the agricultural pursuit.
2. As used in this section, “noncontiguous parcels” means parcels of land with no common boundary and completely detached from one another, including, without limitation, two portions of land connected only by a point, such as when the northeast corner of a parcel connects at the point of the southwest corner of another parcel.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.130 Application: Additional documentation. (NRS 360.090, 360.250, 361A.110, 361A.120) Additional documentation may be requested by the assessing authority relating to a determination of agricultural pursuit or conducting a business venture for profit, including, without limitation, leases, receipts or rent paid, account balance sheets, profit and loss statements, audited financial statements and federal income tax returns. Such additional documentation must accompany the application but does not need to be recorded.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.140 Application for property containing less than 20 acres: Forwarding to Department for review. (NRS 360.090, 360.250, 361A.110) If a county assessor receives an application for agricultural use assessment for property containing less than 20 acres, the county assessor shall forward the application within 10 days after the date on which he receives the application to the Department for review and qualification of property as agricultural real property.
(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.150 Determination of whether activities qualify as agricultural pursuits. (NRS 360.090, 360.250, 361A.120)
1. The assessing authority must determine from field inspection and other available information whether the activities conducted on the property qualify as agricultural pursuits.
2. In addition to the agricultural pursuits described in NRS 361A.030, including, raising crops, livestock, poultry, fur-bearing animals and bees, and dairying, the following activities qualify as an agricultural pursuit provided that the pursuit conducted is in accordance with generally accepted agricultural practices:
   (a) Aquatic agriculture, including, without limitation, hydroponic gardens;
   (b) Intensively produced fruits and vegetables, including, without limitation, fruits and vegetables produced in greenhouses; and
   (c) Experimental crop production.

3. Notwithstanding any specific statutory provision to the contrary, the following types of activities which may appear to be agricultural in nature do not by themselves qualify as an agricultural pursuit, including, without limitation:
   (a) Grazing on land by any animal kept as a hobby;
   (b) Harvesting shrubs or seeds that grow wild on the land; and
   (c) Hunting or harvesting game animals or birds.

   Such an activity may qualify as an agricultural pursuit if the activity is accompanied by other agricultural activities which would generate an expectation of profit consistent with the land.

4. In determining whether an activity qualifies as an agricultural pursuit, the assessing authority shall consider whether the activity occurs after the agricultural product has been raised and harvested or whether the activity is a process or step necessary and incident to the preparation and storage of products raised on the property. Processing activities, including, without limitation, pasteurizing and bottling milk, cheese making, honey or candy manufacturing, and slaughtering, dressing and packing meat, do not qualify for the agricultural use assessment.

5. As used in this section:
   (a) “Aquatic agriculture” means the propagation, cultivation and harvesting of plants or animals indigenous to water in a controlled or selected aquatic environment for the commercial production of food.
   (b) “Fur-bearing animals” means fur-bearing mammals, including, without limitation, mink, ermine, otter, chinchilla and fox.
   (c) “Greenhouse” means a fully or partially enclosed structure that is used for the propagation, cultivation or protection of food or fiber. The term includes weather shelters and hot or cold frames.

(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.160 Determination of whether operator is engaged in business venture for profit. (NRS 360.090, 360.250, 361A.120)

1. Upon a determination that an activity on the land qualifies as an agricultural pursuit, the assessing authority must then determine whether the operator is engaged in the agricultural pursuit as a business venture for profit. When determining whether an operator is engaged in a business venture for profit, reasonable profit and the expectation of a reasonable profit are not affected by any independent intervening causes of production failure or nonproductive use that are beyond the control of the operator, including, without limitation, land idle under government programs. Property not otherwise fulfilling the requirements to be considered as land on which an agricultural pursuit is conducted may still qualify as such if there are extenuating circumstances, including, without limitation, use of the land for an orchard or other perennial crops with a long maturation period that have not yet matured.

2. To qualify as a business venture for profit, an agricultural pursuit must raise the expectation of profit consistent with:
   (a) The size of the property used in the operation;
   (b) The capacity of the property, including, without limitation, suitability, terrain, availability of water, soil capabilities, type of vegetation grown, growing season, animal unit months, animal units and animal unit equivalents;
   (c) The viability of the property, including, without limitation, the cost and availability of water, soil capacities, market proximity, fencing and suitability of the property for other uses; and
(d) Any other factors or criteria that the assessing authority deems appropriate under the circumstances.

3. In making a determination about whether the operator is engaged in a business venture for profit, especially in cases where the size of the land appears to be too small to sustain a monetary profit from agricultural pursuits, the assessing authority may consider whether a reasonable effort has been made to care for the land sufficiently and adequately, as evaluated in time, labor, equipment, management and capital consistent with accepted agricultural practices for the type of agricultural operation involved.

4. Gross income derived from nonagricultural uses of the land must not be included in the requirements for the total minimum gross income, including, without limitation:
   (a) Leasing of the land for billboards;
   (b) Leasing of the land for roadside produce stands;
   (c) Leasing of the land for hunting;
   (d) Income derived from the mineral estate, whether severed or not;
   (e) Income from the extraction of sand and gravel or other operations relating to products from the earth;
   (f) Interest income from a loan or investment, royalties or dividends; and
   (g) Transfer or sale of property rights such as conservation easements or severed mineral rights.

5. As used in this section, “animal unit equivalent” means the equivalent to the animal unit for various kinds and sizes of animals.

(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.170 Categorization and valuation of land devoted to agriculture. (NRS 360.090, 360.250, 361A.130, 361A.140) Land devoted to agriculture must be categorized and valued pursuant to the classifications in the Agricultural Instructions Bulletin that is annually prepared by the Commission in accordance with NRS 361A.140.

(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

NAC 361A.180 Annual study of value of lands designated for agricultural use. (NRS 360.090, 360.250, 361A.140)

1. On or before the first Monday in October of each year, the Department shall conduct a study of the value of lands designated for agricultural use and present the study for approval by the Commission. The Commission will incorporate the results of the study so approved into the bulletin prepared pursuant to NRS 361A.140 for use by county assessors.

2. The study conducted by the Department must, in accordance with NRS 361.325, be based on the productivity of the land. Productive capability of land may be determined by the classification of land and application of a capitalized earnings approach as follows:
   (a) For cultivated and native meadow or wild hay lands:
      (1) Agricultural income for lands designated as cultivated may be projected by developing estimates of gross income based on average commodity prices. Sources of commodity prices of agricultural products which the Department may use include, without limitation, the Nevada Agricultural Statistics Service and a survey of growers and local buyers.
      (2) A net operating income must be determined by subtracting an estimated allocation for expenses from the gross income. Expenses for lands must be appropriate to the type of land being valued and may include the typical costs for water and the maintenance of irrigation systems, and loss in production due to necessary management practices, such as loss in production during the seed year or the first year of the hay stand. The expenses subtracted from the gross income results in a net operating income.
      (3) A 5-year weighted average of net operating income may be capitalized into an indication of the value of the land per acre by multiplying the yield per acre, measured in tons per acre, by the net income per ton and then dividing the result by the capitalization rate. The result must be multiplied by the level of assessment to obtain an assessed value per acre.
   (b) For pasture and grazing lands:
Agricultural income for lands designated as pasture may be projected by developing estimates of gross income based on the carrying capacity of the land as measured by rentals per animal unit months per acre. Sources of rental prices for pasture and grazing lands which the Department may use include, without limitation, the Nevada Agricultural Statistics Service and a survey of growers and local buyers.

A net operating income must be determined by subtracting an estimated allocation for expenses from the gross rent per animal unit month. Expenses for lands must be appropriate to the type of land being valued and may include typical miscellaneous costs, including costs for management, insurance, stock water and maintenance of fences. The expenses subtracted from the gross income results in a net operating income to land.

A 5-year weighted average of net operating income must be capitalized into an indication of land value per acre by multiplying the net income per acre and then dividing the result by the capitalization rate. The result must be multiplied by the level of assessment to obtain an assessed value per acre.

As used in this section, “carrying capacity” means the measure of the capacity of grazing land to provide adequate forage to sustain livestock for a given period.

Conversion to Higher Use

NAC 361A.210 “Physical alteration” interpreted. (NRS 360.090, 360.250, 361A.031) The Commission will interpret the term “physical alteration,” as used in NRS 361A.031, to mean the application of man-made changes, including, without limitation, changes in the contour of the land, removal of native plant life, diversion of water channels and building site improvements intended to enable the land to be used for purposes other than agricultural uses.

NAC 361A.220 Determination of whether final map or parcel map creates parcels not intended for agricultural use. (NRS 360.090, 360.250) If a final map or parcel map has been recorded, the county assessor must determine whether the map creates one or more parcels not intended for agricultural use. In making such a determination, the county assessor must consider:

1. The size of the parcel or parcels being created;
2. The capacity of the property, including, without limitation, suitability, terrain, availability of water, soil capabilities, type of vegetation grown, growing season, animal unit months and animal units;
3. The viability of the property, including, without limitation, cost and availability of water, soil capacities, market proximity, fencing and suitability of the property for other uses; and
4. Any other factors or criteria that the assessing authority deems appropriate under the circumstances.

NAC 361A.230 Conversion of property by county assessor. (NRS 360.090, 360.250) If the county assessor finds that a property has been converted to a higher use or otherwise becomes aware that such a conversion has taken place, the county assessor must convert the property, or that portion of the property no longer qualifying as agricultural property, to a higher use.

NAC 361A.240 Calculation of deferred tax when property is converted. (NRS 360.090, 360.250, 361A.155, 361A.280) To calculate the amount of deferred tax that must be assessed when property is converted to a higher use:

1. The county assessor must determine what the taxable value of the property would have been pursuant to the provisions of this chapter and NRS 361.227 for the fiscal year in which the conversion
took place and for the 6 previous fiscal years. The value of the land must be established based on the taxable value of comparable property for the 6 previous fiscal years.

2. Using the taxable value so derived, the amount of taxes for each fiscal year in which taxes would have been due and payable must then be calculated. The tax rate to be applied to the assessed value must be the rate used in the year for which the taxable value is established.

3. The amount of taxes paid or payable based on the agricultural use assessment must then be subtracted from the amount of taxes calculated pursuant to subsection 2. The resulting difference is the amount of deferred tax which must be added on the next property tax statement pursuant to NRS 361A.280 if the deferred tax has not already been paid.

(Added to NAC by Tax Comm’n by R030-03, eff. 12-4-2003)

GOLF COURSES

NAC 361A.310 Definitions. (NRS 360.090, 360.250, 361A.225) As used in NAC 361A.310 to 361A.440, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361A.320 to 361A.370, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.320 “Converted to a higher use” defined. (NRS 360.090, 360.250, 361A.225) “Converted to a higher use” has the meaning ascribed to it in NRS 361A.031.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.330 “Golf course” defined. (NRS 360.090, 360.250, 361A.225) “Golf course” has the meaning ascribed to it in NRS 361A.0315.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.340 “Golf course land” defined. (NRS 360.090, 360.250, 361A.225) “Golf course land” means the land underlying:

1. A golf course;
2. Any related improvements used in connection with that golf course; and
3. Any appurtenant areas that are necessary for the use of any property described in subsection 1 or 2.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.350 “Golfing improvements” defined. (NRS 360.090, 360.250, 361A.225) “Golfing improvements” means any improvements to land which are typical and necessary for the use of the property as a golf course, including, without limitation, tees, fairways, bunkers, greens, trees, turf, irrigation, lakes, lake liners, bridges, practice ranges, cart paths, trails and service roads.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.360 “Marshall and Swift” defined. (NRS 360.090, 360.250, 361A.225) “Marshall and Swift” means the applicable manual published or furnished by the Marshall and Swift Publication Company, as that manual existed on October 1 of the year immediately preceding the current assessment year.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.370 “Related improvements” defined. (NRS 360.090, 360.250, 361A.225) “Related improvements” means any improvements to land, other than golfing improvements, which are used in connection with a golf course, including, without limitation, clubhouses, pro shops, restaurants, parking lots, swimming pools, tennis courts, maintenance buildings and areas, and nurseries.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)
NAC 361A.380  Applicability. (NRS 360.090, 360.250, 361A.225, 361A.280) The provisions of NAC 361A.310 to 361A.440, inclusive, apply to the determination by a county assessor of the taxable value of real property used as a golf course for the purposes of chapter 361A of NRS.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.390  Golf course land: Determination of taxable value for open-space use. (NRS 360.090, 360.250, 361A.225) A county assessor shall:

1. Determine the value of the golf course land in the same manner as the county assessor would determine the taxable value of the land for purposes other than open-space use;

2. Multiply the amount of acreage of the golf course land by the product obtained by multiplying $2,860 by 1 plus the percentage change in the Consumer Price Index (All Items) for July 1 immediately preceding the date of valuation as compared to July 1, 2004; and

3. If the value calculated pursuant to subsection 1 is:
   (a) Greater than or equal to the value calculated pursuant to subsection 2, use the value calculated pursuant to subsection 2 as the taxable value for open-space use of the golf course land; or
   (b) Less than the value calculated pursuant to subsection 2, use the product obtained by multiplying the value calculated pursuant to subsection 1 by an open-space discount factor of 0.74 as the taxable value for open-space use of the golf course land.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.400  Golfing improvements: Determination of taxable value for open-space use. (NRS 360.090, 360.250, 361A.225) A county assessor shall:

1. Determine the replacement cost of the golfing improvements as provided in NAC 361A.410;

2. Subtract from the amount determined pursuant to subsection 1 an amount for the depreciation of the golfing improvements, calculated at 1.5 percent of the amount determined pursuant to subsection 1 for each year of the adjusted actual age of the golfing improvements, up to a maximum of 50 years; and

3. Multiply the remainder determined pursuant to subsection 2 by a factor for the obsolescence of the golfing improvements, calculated as provided in NAC 361A.420.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.410  Golfing improvements: Determination of replacement cost. (NRS 360.090, 360.250, 361A.225)

1. For the purposes of subsection 1 of NAC 361A.400, a county assessor shall determine the replacement cost of the golfing improvements for a golf course in accordance with the provisions of this section.

2. Except as otherwise provided in subsection 3, the class of a golf course must be determined by the sum of the number of points assigned to the golf course in accordance with the following criteria:
   (a) A golf course must be assigned the number of points which is most nearly equal to the amount calculated by:
      (1) Dividing the number 18 by the number of holes on the golf course; and
      (2) Multiplying the figure obtained pursuant to subparagraph (1) by the total acreage of the golf course land.
   (b) If the slope rating of a golf course, as designated by the United States Golf Association, exceeds 94, the golf course must be assigned the number of points which is equal to the amount calculated by subtracting 94 from that slope rating and multiplying the remainder by 5.
   (c) If the total yardage of a golf course exceeds 5,000 yards, as determined from the tee which is farthest from each hole, the golf course must be assigned the number of points which is most nearly equal to the amount calculated by subtracting 5,000 from that total yardage and multiplying the remainder by 0.05.
   (d) If par for a golf course:
      (1) Is 72 or more, the golf course must be assigned 80 points;
      (2) Is 71, the golf course must be assigned 60 points;
(3) Is 70, the golf course must be assigned 40 points;
(4) Is 60 or more but less than 70, the golf course must be assigned 30 points; or
(5) Is less than 60, the golf course must be assigned 20 points.

(e) If a golf course has:
   (1) Above-average water features, except as otherwise provided in subparagraph (2), the golf course must be assigned 10 points; or
   (2) Extensive and elaborate water features which come into play on a majority of the holes, the golf course must be assigned 30 points.

(f) If a golf course has:
   (1) Above-average landscaping, except as otherwise provided in subparagraph (2), the golf course must be assigned 10 points; or
   (2) Extensive and elaborate landscaping, including many large, transplanted trees, the golf course must be assigned 30 points.

(g) If the total number of points assigned to a golf course pursuant to paragraphs (a) to (f), inclusive:
   (1) Does not exceed 300, the golf course must be designated as a class I course;
   (2) Is greater than 300 and does not exceed 450, the golf course must be designated as a class II course;
   (3) Is greater than 450 and does not exceed 540, the golf course must be designated as a class III course;
   (4) Is greater than 540 and does not exceed 610, the golf course must be designated as a class IV standard course;
   (5) Is greater than 610 and does not exceed 650, the golf course must be designated as a class IV good championship course; or
   (6) Is greater than 650, the golf course must be designated as a class IV excellent championship course.

3. If any information necessary to determine the class of a golf course pursuant to subsection 2 is unavailable, a county assessor shall use his best judgment to determine the class of the golf course.

4. A county assessor shall assign a cost per hole to a golf course which, except as otherwise provided in this subsection, must be within the cost range per hole for the class of the golf course, as specified in the recreational facilities section for golf courses in Marshall and Swift. The county assessor may assign a cost per hole which exceeds the maximum amount of that cost range only by:
   (a) A maximum amount of 3 percent, as appropriate, to account for any excessive grading required for the golf course land; and
   (b) The appropriate recreational facilities multiplier and local cost multiplier, as specified in Marshall and Swift.

5. The replacement cost of the golfing improvements must be calculated by:
   (a) Multiplying the appropriate cost per hole, as determined pursuant to subsection 4 for the class of the golf course, by the number of holes on the golf course; and
   (b) Adding the amount of any additional unit costs for bridges, man-made water features and special drainage requirements, as specified in Marshall and Swift, to the amount determined pursuant to paragraph (a).

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.420 Golfing improvements: Calculation of factor for obsolescence. (NRS 360.090, 360.250, 361A.225) For the purposes of subsection 3 of NAC 361A.400, a county assessor shall:
1. Determine the number of rounds of golf played on a golf course during the 12-month period ending on June 30 immediately preceding the date of valuation;
2. Determine the number of rounds of golf played on that golf course during the busiest month of that period;
3. Multiply the number determined pursuant to subsection 2 by 12;

265
4. Divide the number determined pursuant to subsection 1 by the number determined pursuant to subsection 3; and
5. Apply the figure determined pursuant to subsection 4 as the factor for the obsolescence of the golfing improvements.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.430 Determination of taxable value of real property used as golf course and related improvements and personal property. (NRS 360.090, 360.250, 361A.225) A county assessor shall:
1. Except as otherwise provided in subsection 3:
   (a) Determine the taxable value for open-space use of real property used as a golf course by adding the amounts determined pursuant to subsection 3 of NAC 361A.390 and subsection 3 of NAC 361A.400;
   (b) Determine the taxable value of any related improvements used in connection with that golf course in the same manner as the county assessor would determine the value of similar improvements that are not used in connection with a golf course; and
   (c) Determine the taxable value of any personal property used in connection with that golf course in the same manner as the county assessor would determine the value of similar property that is not used in connection with a golf course;
2. Add the amounts determined pursuant to subsection 1; and
3. If the sum determined pursuant to subsection 2 exceeds the full cash value of the golf course and any related improvements and personal property used in connection with that golf course, when valued as a single unit, reduce the total taxable value of the golf course and any related improvements and personal property used in connection with that golf course to that full cash value.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

NAC 361A.440 Calculation of deferred tax due when property is converted to higher use. (NRS 360.090, 360.250, 361A.225, 361A.280) If a golf course or any portion thereof is converted to a higher use, the county assessor shall calculate the deferred tax due on the real property converted to a higher use on the basis of the difference between:
1. The taxable value of that property for each pertinent fiscal year as determined in accordance with NAC 361A.390 to 361A.430, inclusive; and
2. The taxable value of that property for each pertinent fiscal year as determined by adding:
   (a) The applicable amount determined pursuant to subsection 1 of NAC 361A.390; and
   (b) The applicable product determined pursuant to subsection 3 of NAC 361A.400,
   except that for the purposes of this subsection, the taxable value of that property must not exceed its full cash value.

(Added to NAC by Tax Comm’n by R010-07, eff. 10-31-2007)

CHAPTER 362 - TAXES ON PATENTED MINES AND PROCEEDS OF MINERALS

GENERAL PROVISIONS

NAC 362.005 “Department” defined. (NRS 360.090) As used in this chapter, unless the context otherwise requires, “Department” means the Department of Taxation.

(Added to NAC by Tax Comm’n by R048-01, eff. 11-1-2001)

PROCEEDS OF MINERALS

General Provisions

NAC 362.010 Determination of gross value of mineral products. (NRS 360.090, 362.120)
1. For the purposes of assessment and taxation of the net proceeds of minerals pursuant to chapter 362 of NRS, the gross value of mineral products must be determined in accordance with the provisions of this section.

2. In those cases where a mineral product is sold by the producer in an arms-length transaction in free market competition, the gross value of the product is an amount equal to the proceeds of the sale of the product. This subsection applies to sales realized on all minerals produced from mining, including, without limitation, reduction, beneficiation or any treatment used by the producer within or outside this State to obtain a mineral product which is commercially marketable.

3. In those cases where a product is exchanged for anything or service or removed from the State in a form ready for use or sale, but not used or sold during the period covered by the statement required by NRS 362.110 to be filed, the gross value of the product is:

   (a) For sales of minerals that do not involve derivative financial transactions, the price stated in the contract or other document of sale if one is in existence; or

   (b) If minerals are transferred in kind or used to support derivative financial transactions, the closing spot price on the date of the taxable event. The spot price for precious metals will be determined by the Department by using a recognized national or international publication of prices such as the London PM fix. If no organized commodity exchange exists for a particular mineral product, the price will be the realized sales price of the mineral product.

4. In those cases where the mineral product is used by the producer or disposed of by him in any kind of transaction which is not at arms-length, including, without limitation, such transactions with associated or affiliated companies, the gross value of the mineral product so used or disposed of will be determined by the Department by utilizing information supplied by the producer under this subsection and from such other appropriate sources as the Department deems necessary. The mineral producer shall supply the Department with the following information for each reporting period:

   (a) The producer’s profit and loss statements;

   (b) The proportionate profit reports and the calculations used to prepare them;

   (c) The allocation of income by states;

   (d) The amount used to calculate the percentage of depletion allowances; or

   (e) The monthly average price of the product for the months in which it was used in a manufacturing process or to provide a service.

5. Any information submitted pursuant to paragraphs (a) to (d), inclusive, of subsection 4 must be the same as submitted to the Internal Revenue Service.

6. The producer has the burden of proof in any determination under this section of the gross value of mineral products used or disposed of by him.

7. As used in this section:

   (a) “Derivative financial transaction” means a financial transaction which uses:

       (1) A financial instrument that has no intrinsic value, but which derives its value from a contract to deliver minerals in the future at a specific price; or

       (2) An option that gives a party to the transaction the opportunity to buy minerals from or sell minerals to the other party to the transaction at a prearranged price.

   (b) “Spot price” means the price established for physical delivery of a mineral by an organized commodity exchange on the date of the taxable event.

   (c) “Transferred in kind” means a transaction in which a mineral product is delivered instead of cash to complete the transaction.

[NAC A 5-3-84; R048-01, 11-1-2001]

NAC 362.020 Separate report of royalties. (NRS 360.090, 362.110) All royalties received by a lessor must be reported separately from other receipts.

[Tax Comm’n, Mine Proceeds Reg. No. 21, eff. 6-28-65; A and renumbered as Reg. No. 6, 1-22-79]
NAC 362.030 Annual statement of gross yield and claimed net proceeds: Form and contents. (NRS 360.090, 362.110)

1. All information in the statement which is required by NRS 362.110 to be filed must be submitted on forms supplied by the Department or in a manner which is acceptable to the Department.

2. The following property must be reported:
   (a) Leasehold improvements and buildings that are owned and maintained by the operator of the mine for use as housing for employees;
   (b) Fixed machinery and equipment;
   (c) Mobile machinery and equipment; and
   (d) Automobiles and light service vehicles such as pickups and panel trucks.

3. Each cost submitted for depreciation must be the complete cost to the taxpayer, and must include all delivery, taxes and installation charges.

4. Each asset must be listed on a table which sets forth:
   (a) A clear identification of the asset;
   (b) The cost of the construction or acquisition of the asset and the date on which the construction of the asset was completed or the asset was acquired;
   (c) The depreciation class, such as buildings, fixed equipment, mobile machinery and equipment, or automobile and light service vehicles;
   (d) The total amount of depreciation granted; and
   (e) The amount claimed for the present tax period.

An integrated processing assembly which consists of components of individual manufacture, and which is installed as a unit, may be reported as a unit. The report must describe the function of the unit and list its principal components in detail.

[Tax Comm’n, Mine Proceeds Reg. No. 3 § 1, eff. 8-6-80]—(NAC A by R048-01, 11-1-2001)

NAC 362.040 Deductions: Depreciation of capitalized costs. (NRS 360.090, 362.120)

1. Except as otherwise provided by NAC 362.100 to 362.160, inclusive, leasehold improvements and buildings must be depreciated over a 20-year period using the straight-line method.

2. Except as otherwise provided by NAC 362.100 to 362.160, inclusive, fixed machinery and equipment must be depreciated over a 20-year period using the straight-line method.

3. Mobile machinery and equipment must be depreciated over a 10-year period using the straight-line method.

4. Automobiles and light service vehicles must be depreciated over a 5-year period using the straight-line method.

5. Except as otherwise provided by NAC 362.100 to 362.160, inclusive, an integrated processing assembly must be depreciated over a 20-year period using the straight-line method. Subsequent additions to the unit must also be reported and be depreciated over a 20-year period using the straight-line method.

6. If any property is disposed of before the end of the depreciation period, the remaining amount of allowable depreciation, if the property had remained in use, may be reported in total as an additional expense of depreciation for the reporting period. The amount of depreciation must be reduced by the amount of any consideration received for the property from sale, insurance recovery, trade-in or any other reimbursement, but not below zero.

7. A mining operator may petition the Nevada Tax Commission for reconsideration of the allowable depreciation of property. The Commission may adjust the allowable depreciation if the petitioner presents satisfactory evidence that the expected life of the property is longer than that which is provided for in this section. If the Commission finds that the petitioner has presented satisfactory evidence that the expected life of the property is shorter than that which is provided for in this section, the petitioner must comply with the provisions of NAC 362.100 to 362.160, inclusive, to apply for permission to depreciate the property in the accelerated manner prescribed by NAC 362.140.

[Tax Comm’n, Mine Proceeds Reg. No. 3 § 2, eff. 8-6-80]—(NAC A 9-13-91; R161-05, 2-23-2006)
NAC 362.050 Deductions: Operating costs. ([NRS 360.090](https://legislation.nv.gov/Legislation/ViewBillText?LegNum=360&BillNum=0090), [362.120](https://legislation.nv.gov/Legislation/ViewBillText?LegNum=362&BillNum=0120))

1. In computing the costs enumerated in subsection 3 of [NRS 362.120](https://legislation.nv.gov/Legislation/ViewBillText?LegNum=362&BillNum=0120), the following specific items are deductible except as limited by subsection 6 of [NRS 362.120](https://legislation.nv.gov/Legislation/ViewBillText?LegNum=362&BillNum=0120):
   (a) The cost of renting equipment, if the amount paid as rental is commercially reasonable in the circumstances;
   (b) The cost of contracting for all or part of the mine’s operations, if the contract price is commercially reasonable in the circumstances;
   (c) The cost of services which a Nevada mine receives under contract from its corporate office or the office of a related corporation, if:
      (1) The cost is commercially reasonable in the circumstances; and
      (2) The cost is separately stated in a manner consistent with good accounting practices;
   (d) The reasonable cost of management provided to a joint venture by a member, if the fees relate directly to operation of the mine;
   (e) The sales and use taxes expended for tangible goods or taxable services to the extent that the cost of such goods or services is an allowable operating cost;
   (f) The direct cost of housing for employees that is owned and maintained by the operator of the mine, including, without limitation, any losses to the housing that are incurred by the operator of the mine, but as reduced by any payments received for rental of the property;
   (g) If the taxpayer has a policy which prohibits the personal use of a vehicle by an employee, the cost of vehicle allowances to the extent that the vehicle is actively engaged in the business of the mine;
   (h) The cost of transportation services provided by a third party or the owner of the mine for employees to get to and from a point of extraction or reduction of the mine; and
   (i) The cost of compensation for employees. As used in this paragraph, “compensation” means wages, salaries, paid vacation leave, paid sick leave, performance-related bonuses, contributions to and administrative costs of qualified pension and retirement plans, 401k and similar deferred benefit plans, dental insurance, medical insurance, accidental death and dismemberment insurance, Medicare contributions, social security payments, medical clinic and hospital expenses, state and federal unemployment compensation contributions or payments, workers’ compensation insurance, and postemployment training expenses for training conducted in compliance with the Mine Safety and Health Administration and the Division of Industrial Relations of the Department of Business and Industry or their successor organizations.

2. In computing the costs enumerated in subsection 3 of [NRS 362.120](https://legislation.nv.gov/Legislation/ViewBillText?LegNum=362&BillNum=0120), the following specific items are not deductible:
   (a) Cost or expenses which are capitalized;
   (b) Gifts, grants and donations;
   (c) Costs of public relations and influencing or seeking to influence governmental activities;
   (d) Costs of exploration and development related to ore bodies outside the geographic area which can economically provide a source of raw materials to the plant located at the mine;
   (e) Federal income taxes, all property taxes, the business license tax imposed pursuant to chapter 364A of NRS, the tax on net proceeds of minerals and, except as otherwise provided in paragraph (e) of subsection 1, any other tax that an operator of a mine is required to pay to the Federal Government, this State or any other state, or a political subdivision thereof;
   (f) Costs associated with providing health clubs for employees;
   (g) Except as otherwise provided in paragraph (f) of subsection 1 of this section and paragraph (a) of subsection 2 of NAC 362.030, costs incurred for preemployment activities, including, without limitation, reimbursement for expenses for housing, moving and relocation;
   (h) Except as otherwise provided in paragraph (i) of subsection 1, costs associated with union trust funds;
   (i) Costs associated with providing day care facilities for the children of employees;
   (j) General liability insurance; and
   (k) Excess policies of general liability insurance.
3. If a cost is partially deductible and partially nondeductible, the deductible portion must be allowed. In determining the portion of such costs which is allowable as a deduction, a reasonable allocation must be made based upon available information.

[Tax Comm’n, Mine Proceeds Reg. Nos. 1-7, 9-14, 19, 20 & 25, eff. 6-28-65; A and renumbered as Reg. No. 2, 1-22-79]—(NAC A 5-3-84; R048-01, 11-1-2001; R161-05, 2-23-2006)

**NAC 362.060 Deductions: Electric power. (NRS 360.090, 362.120)**

1. The installation of power and light lines is a capital charge, while the upkeep and purchase costs of electric power are operating costs.

2. When electric power is generated and distributed to various departments, the upkeep of the power plant must be written off, and the distribution of the power is an operating cost. New engines, boilers and similar equipment are chargeable to a capital account.

[Tax Comm’n, Mine Proceeds Reg. No. 8, eff. 6-8-65; A and renumbered as Reg. No. 4, 1-22-79]—(NAC A by R048-01, 11-1-2001)

**NAC 362.070 Deductions: Loading and transportation costs. (NRS 360.090, 362.120)** The actual cost of transporting the product of the mine to the place of reduction, refining and sale, is affected directly by both demurrage charged and dispatch earned credits. These charges and credits become a part of the cost of loading and unloading ore. Additional assessments for demurrage penalties incurred for any cause increases the cost of loading and transportation; dispatch earned credit paid for efficiency in loading or unloading vessels or other transport equipment directly reduces the cost of transportation. The actual cost of loading is the gross cost less any dispatch earned credits plus any demurrage.

[Tax Comm’n, Mine Proceeds Reg. No. 26, eff. 4-24-69; renumbered as Reg. No. 15, 11-9-78; A and renumbered as Reg. No. 5, 1-22-79]

**NAC 362.081 Date of receipt of material mailed to Commission. (NRS 360.090, 362.110)**

1. An annual statement which is required to be filed pursuant to NRS 362.110 and which is transmitted through the United States mail shall be deemed to have been received on the date shown by the post office cancellation mark stamped on the envelope containing it, or on the date it was mailed if proof satisfactory to the Commission establishes that the document or remittance was timely deposited in the United States mail, postage prepaid, and properly addressed to the Commission.

2. A receipt for material sent by certified or registered mail, if different than the post office cancellation mark, will prevail if the date on the receipt is earlier than the cancellation date.

3. A record authenticated by the post office that the cancellation date on certain batches of mail was erroneous is proof satisfactory to the Commission that the mailing was made on a date other than the post office cancellation date.

4. If it is known that the postal service was inoperative at a certain time due to strikes, riots, warfare, acts of God or other reasons, the Commission will consider the circumstances and, if there is other evidence of timely mailing, will accept the evidence and deem the return or payment timely.

5. Under no circumstances will:

   (a) The cancellation date affixed by a postage meter in the possession of the taxpayer or other person; or

   (b) Statements by the taxpayer or his employees,

be considered sufficient to refute the post office cancellation date as the date of mailing.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

**NAC 362.083 Annual statement of gross yield and claimed net proceeds: Failure to include all applicable information, documentation, reports and statements. (NRS 360.090, 362.110)** If a taxpayer submits an annual statement which is required to be filed pursuant to NRS 362.110 and which does not include all applicable information, documentation, reports and statements, the Department may require the taxpayer to resubmit the annual statement with all applicable information, documentation, reports and statements within 10 days after receiving notice from the Department. If all applicable
information, documentation, reports and statements are not included with the statement upon the resubmission of the statement, the Department may consider the taxpayer to have failed to file the statement.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.085 Annual statement of gross yield and claimed net proceeds: Penalty for failure to file. (NRS 360.090, 362.230) If a taxpayer fails to file the statement required by NRS 362.110, the Department shall impose a penalty pursuant to NRS 362.230 in the following amounts:
1. For net proceeds or royalties not exceeding $5,000, the penalty is 10 percent of the net proceeds or royalties or $100, whichever is less.
2. For net proceeds or royalties greater than $5,000 but not exceeding $10,000, the penalty is $500.
3. For net proceeds or royalties greater than $10,000 but not exceeding $50,000, the penalty is $1,000.
4. For net proceeds or royalties greater than $50,000 but not exceeding $100,000, the penalty is $2,500.
5. For net proceeds or royalties of more than $100,000, the penalty is $5,000.

(Added to NAC by Tax Comm’n, eff. 9-6-96; A by R161-05, 2-23-2006)

NAC 362.087 Annual statement of gross yield and claimed net proceeds: Documentation of proper filing and waiver of penalty for failure to file. (NRS 360.090, 362.110, 362.230) If the Department does not receive an annual statement which is required to be filed pursuant to NRS 362.110 and alleges that the taxpayer has not filed the statement, the taxpayer may submit documentation which establishes that the statement was properly filed. If the Department subsequently determines the annual statement was filed properly, the Department shall waive the penalty for the failure to file a statement which is imposed pursuant to NAC 362.085.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.090 Report of amount of net proceeds of minerals taxes plus pro rata penalties and interest; distribution. (NRS 360.090, 362.170) 1. The Department shall report to the State Controller pursuant to NRS 362.170 on or before May 25 the amount of any net proceeds of minerals taxes plus pro rata penalties and interest collected for distribution to each county.
2. The Department shall distribute penalties and interest pursuant to NRS 362.170 in the same manner and percentage as computed for the net proceeds of minerals tax for each county.

(Added to NAC by Tax Comm’n, eff. 9-6-96; A by R048-01, 11-1-2001)

Accelerated Depreciation of Capitalized Costs

NAC 362.100 Eligibility of mining operator for accelerated depreciation. (NRS 360.090, 362.120) 1. A mining operator may petition the Nevada Tax Commission for permission to depreciate leasehold improvements, buildings, fixed machinery and fixed equipment in the accelerated manner prescribed in NAC 362.140 if the mining operator has:
   (a) Complied with all applicable provisions of chapter 519A of NRS and the regulations adopted pursuant thereto;
   (b) Agreed in writing to extend the time allowed for the Department to file a certificate of delinquency pursuant to NRS 360.420 to the date on which the Department completes a final audit; and
   (c) Given public notice that the mining operation will close within 36 months after the date on which the petition is filed with the Commission.
2. The public notice must set forth one or more reasons for the closure and the date on which the closure is expected. The notice must be delivered personally or sent by certified mail to the county
commissioners of the county in which the mining operation is located and to the Budget Division of the Department of Administration and:

(a) If the mining company is publicly held, appear in the annual reports which the company is required to provide to the Securities and Exchange Commission and which it provides to its stockholders; or

(b) If the mining company is not publicly held, be sent to all creditors whose money financed the assets for which the company is seeking permission to use the accelerated depreciation method.

(Added to NAC by Tax Comm’n, eff. 9-13-91)

NAC 362.110 Filing of petition and accompanying documents. (NRS 360.090, 362.120) A petition to depreciate leasehold improvements, buildings, fixed machinery and fixed equipment in the accelerated manner prescribed in NAC 362.140 must:

1. Be filed with and approved by the Nevada Tax Commission before the date on which the mining operator is required to file the annual statement required by NRS 362.110.

2. Be accompanied by a copy of each public notice which was sent pursuant to NAC 362.100.

3. Be accompanied by a copy of the plan for reclamation filed with the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

4. If the mining operator filed a plan of operation with the Division of Environmental Protection of the State Department of Conservation and Natural Resources, be accompanied by the plan.

5. Be accompanied by:
   (a) A notarized statement which is signed by an officer of the company; or
   (b) A copy of the plan for productive use of the land after the mining has stopped, setting forth the proposed disposition of the leasehold improvements, buildings, fixed machinery and fixed equipment.

(Added to NAC by Tax Comm’n, eff. 9-13-91)

NAC 362.120 Temporary closure not acceptable justification for allowance of petition. (NRS 360.090, 362.120) The Nevada Tax Commission will not accept closure of a mining operation because of a temporary change in economic conditions or any other closure of a mining operation which the Commission determines to be temporary as the justification for allowing a petition to depreciate leasehold improvements, buildings, fixed machinery and fixed equipment in the accelerated manner prescribed in NAC 362.140.

(Added to NAC by Tax Comm’n, eff. 9-13-91)

NAC 362.130 Permission to depreciate assets granted to specific company only. (NRS 360.090, 362.120) Permission to depreciate assets in the accelerated manner prescribed in NAC 362.140 must be granted to a specific mining company and does not follow any transfer of the assets. For the purposes of this section, a subsidiary or affiliate of a mining company is a separate company.

(Added to NAC by Tax Comm’n, eff. 9-13-91)

NAC 362.140 Manner of depreciation. (NRS 360.090, 362.120)

1. If the Nevada Tax Commission grants a petition, the leasehold improvements, buildings, fixed machinery and fixed equipment must be depreciated at the following rates:

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>30</td>
</tr>
<tr>
<td>4</td>
<td>40</td>
</tr>
</tbody>
</table>

2. The amount of the remaining depreciation allowed for the asset, less any salvage value not previously subtracted, must be multiplied annually by the allowed percentage beginning on the date on
which the first annual statement required by NRS 362.110 is filed after the date on which the petition is granted. The percentage which must be used for the first year of accelerated depreciation is 10 percent whether or not the remaining useful life of the asset is 36 months. If the mining operator acquires leasehold improvements, buildings, fixed machinery or fixed equipment after the petition is granted, such assets must be depreciated in the same manner as the existing assets using 10 percent for the first year of depreciation.

3. The salvage value of an asset must be calculated on the basis of the projected value of the asset at the time of the anticipated disposition. If excess depreciation is taken because a mining operator underestimated the salvage value of an asset, penalties and interest pursuant to NRS 360.417 must be applied to any underpayment of tax resulting therefrom.

4. The mining operator shall credit the decrease in tax liability resulting from the accelerated depreciation against the estimates or final taxes due pursuant to NRS 362.115.

(Added to NAC by Tax Comm’n, eff. 9-13-91)

NAC 362.150 Annual audits by Department; requirement of surety. (NRS 360.090, 362.120)
1. The Department may conduct annual audits of any mining operation that is allowed to depreciate its assets in the accelerated manner prescribed in NAC 362.140.
2. If the Department determines that it is possible that the mining operator will continue to process, sell or stockpile the mined product for longer than the agreed time, the Department shall require the mining operator to file a surety with the Department. The surety must be:
   (a) Executed by the mining operator as principal and by a corporation qualified under the laws of this State as surety;
   (b) Payable to the State of Nevada;
   (c) A bond, letter of credit or any other form of security authorized by NRS 100.065; and
   (d) Conditioned upon the punctual payment of all taxes on the net proceeds of mines, including all penalties and interest.
3. The total amount of the surety must not be less than the amount the Department determines to be the potential liability for taxes, penalties and interest at the time that the mining operation could continue beyond the date of closure specified in the notice required by NAC 362.100. The mining operator shall file the surety within 30 days after the Department notifies him of such a duty.

(Added to NAC by Tax Comm’n, eff. 9-13-91)

NAC 362.160 Duties of operator who fails to cease or reopens operation. (NRS 360.090, 362.120) If a mining operator who has been allowed to depreciate assets using the accelerated method fails to cease operations on the date of closure specified in the notice required by NAC 362.100 or at any time reopens the mining operation, he shall:
1. Notify the Department in writing within 30 days after the date agreed upon or the reopening of operations;
2. Pay to the Department within 30 days after demand the difference between the net proceeds taxes using the straight-line method of depreciation over a 20-year period and the amount paid using the accelerated method for any year in which the accelerated method was used; and
3. Pay to the Department within 30 days after demand penalties and interest pursuant to NRS 360.417.

(Added to NAC by Tax Comm’n, eff. 9-13-91)

Deductions for Reclamation Costs

NAC 362.200 Definitions. (NRS 360.090, 362.120) As used in NAC 362.200 to 362.330, inclusive, unless the context otherwise requires, the words and terms defined in NAC 362.210 to 362.290, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)
NAC 362.210 “Closure of a mine” defined. (NRS 360.090, 362.120) “Closure of a mine” means the time at which:
1. The revegetation, treatment and rehabilitation of the site of the mine have been completed;
2. Any excess chemical solutions have been eliminated from the site of the mine, to the extent practicable;
3. The maximum degree of passive management has been implemented at the site of the mine in which a method of treatment is applied through the use of any naturally occurring chemical or biological processes to remove any metals or acidity from any waters of the mine which have been contaminated to cleanse the waters from such contamination; and
4. A monitoring program has been implemented to monitor the site of the mine after the production of the mine has been completed.
(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.220 “Commission” defined. (NRS 360.090, 362.120) “Commission” means the Nevada Tax Commission.
(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.230 “Developmental work” defined. (NRS 360.090, 362.120) “Developmental work” means any activity performed on the property of a mine which outlines the location of the ore of the mine and prepares the ore for production, including, without limitation, drilling, rock work and construction of support systems to increase the ore reserves of the mine.
(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.240 “Qualified reclamation costs” defined. (NRS 360.090, 362.120) “Qualified reclamation costs” means an amount equal to 90 percent of the reclamation costs.
(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.250 “Reclamation” defined. (NRS 360.090, 362.120) “Reclamation” means actions performed during or after a mining operation or developmental work which are consistent with the provisions of NRS concerning mines and minerals, and any regulations adopted pursuant thereto, and which are identified in a reclamation plan to shape, stabilize, revegetate or otherwise treat the land in order to return it to a safe, stable condition consistent with the establishment of a productive postmining use of the land and the abandonment of a facility in a manner which ensures the public safety, as well as the encouragement of techniques which minimize the adverse visual effects. The term does not include any action performed after the closure of a mine.
(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.260 “Reclamation costs” defined. (NRS 360.090, 362.120) “Reclamation costs” means the costs of performing reclamation over the life of the mine which are set forth in the reclamation plan. The term excludes costs for the following:
1. Any costs of administration that may be required by a state or federal agency which regulates the reclamation of the mine, including, without limitation, costs related to:
   (a) Plans for engineering, design or construction;
   (b) Contingency allowances;
   (c) Profits of contractors;
   (d) Liability insurance;
   (e) Payment and performance of bonds; and
   (f) Any other direct or indirect costs for the administration of contracts with the state or federal agency.
2. Any costs that may be required after the closure of the mine, including, without limitation, costs that may be required to:
   (a) Maintain, monitor or evaluate the site of the mine;
(b) Monitor the quality of surface water and groundwater and the impacts of the mine on the environment which receives surface water or groundwater;
(c) Stabilize and control the erosion of structures that will remain on the site; and
(d) Maintain land use and aesthetics of the site.
3. Any costs that may be necessary to ameliorate any social and economic impacts which result from a decline in the economic potential of an area affected by the mine or the burden on future generations to maintain the site of the mine.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.270 “Reclamation plan” defined. (NRS 360.090, 362.120) “Reclamation plan” means a plan for reclamation, and any amendments or modifications thereto, which is approved by:
1. The Division of Environmental Protection of the State Department of Conservation and Natural Resources pursuant to chapter 519A of NRS for a mining operation or developmental work which is conducted on land administered by this State;
2. The Bureau of Land Management of the Department of the Interior pursuant to 43 C.F.R. Part 3800 for a mining operation or developmental work which is conducted on land administered by a federal agency; or
3. Any other state or federal agency pursuant to any state or federal law which:
   (a) Imposes a duty to reclaim the land disturbed by a mining operation or developmental work; or
   (b) Requires a permit to engage in a mining operation or developmental work which is substantially similar to the requirements for a permit set forth in chapter 519A of NRS and any regulations adopted pursuant thereto.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.280 “Reporting period” defined. (NRS 360.090, 362.120) “Reporting period” means the calendar year for which the statement required by NRS 362.110 is filed.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.290 “Taxpayer” defined. (NRS 360.090, 362.120) “Taxpayer” means a person who is required by the Department to pay a tax on the net proceeds of any mineral extracted in this State pursuant to chapter 362 of NRS.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.300 “Actual cost of extracting the mineral” interpreted. (NRS 360.090, 362.120) For the purposes of paragraph (a) of subsection 3 of NRS 362.120, the Commission interprets deductions from net proceeds of extracted minerals for the “actual cost of extracting the mineral” by a taxpayer to include:
1. If the taxpayer reports deductions according to an accrual method of accounting, a deduction for qualified reclamation costs which are incurred during the reporting period and which must be calculated pursuant to subsection 1 of NAC 362.310.
2. If the taxpayer reports deductions according to a cash method of accounting, a deduction for any money paid during the reporting period for reclamation performed by the taxpayer.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.310 Amount of deduction. (NRS 360.090, 362.120)
1. A taxpayer who reports a deduction pursuant to subsection 1 of NAC 362.300 according to an accrual method of accounting may claim a deduction for qualified reclamation costs which are incurred during the reporting period in an amount equal to the amount calculated by:
   (a) If the taxpayer has not performed concurrent reclamation during the reporting period:
      (1) Dividing the number of units of production from the mine which were sold during the reporting period by the total number of units of production which are determined by the operator of the mine at the beginning of the reporting period to be available to be recovered for the reporting period;
(2) Subtracting the cumulative amount of any deductions for reclamation performed by the taxpayer in the previous reporting periods from the qualified reclamation costs; and

(3) Multiplying the amount calculated pursuant to subparagraph (1) by the amount calculated pursuant to subparagraph (2).

(b) If the taxpayer has performed concurrent reclamation during the reporting period:

(1) Dividing the number of units of production from the mine which were sold during the reporting period by the total number of units of production which are determined by the operator of the mine at the beginning of the reporting period to be available to be recovered for the reporting period;

(2) Subtracting the cumulative amount of any money paid for concurrent reclamation during the previous reporting periods from the qualified reclamation costs;

(3) Subtracting the cumulative amount of any deductions for reclamation performed by the taxpayer in the previous reporting periods, minus the cumulative amount of any money paid for concurrent reclamation during the previous reporting periods, from the amount calculated pursuant to subparagraph (2);

(4) Multiplying the amount calculated pursuant to subparagraph (1) by the amount calculated pursuant to subparagraph (3); and

(5) Subtracting the amount of any money paid for concurrent reclamation during the current reporting period from the amount calculated pursuant to subparagraph (3).

2. A taxpayer who reports a deduction pursuant to subsection 2 of NAC 362.300 according to a cash method of accounting may claim a deduction for any money paid during the reporting period for reclamation performed by the taxpayer.

3. As used in this section, “concurrent reclamation” means reclamation that is performed by the taxpayer during the reporting period for which the taxpayer is calculating his deduction according to an accrual method of accounting for qualified reclamation costs which are incurred during the reporting period.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.320 Change in method of accounting. (NRS 360.090, 362.120)

1. A taxpayer who has reported deductions for reclamation costs or qualified reclamation costs according to an accrual method of accounting in a reporting period may not change his method of accounting to a cash method of accounting in a subsequent reporting period.

2. Except as otherwise provided in this subsection, a taxpayer who has reported deductions for reclamation costs or qualified reclamation costs according to a cash method of accounting in a reporting period may not change his method of accounting to an accrual method of accounting in a subsequent reporting period unless the Department, upon written application of the taxpayer, approves a change in the method of accounting. If the taxpayer demonstrates to the Department that a proposed change in the method of accounting will not result in the double counting of any deductions for reclamation costs or qualified reclamation costs for that reporting period, the Department may approve the change in the method of accounting.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)

NAC 362.330 Deductions following sale of mine. (NRS 360.090, 362.120) Except as otherwise provided in this section, if a taxpayer sells the assets of a mine before closure of the mine, the buyer must report any deductions for reclamation costs or qualified reclamation costs according to the same method of accounting used by the seller, unless the Department, upon written application of the taxpayer, approves a change in the method of accounting. If the buyer demonstrates to the Department that a proposed change in the method of accounting will not result in a deduction for qualified reclamation costs or reclamation costs which have been previously deducted by the seller, the Department may approve the change in the method of accounting.

(Added to NAC by Tax Comm’n by R161-05, eff. 2-23-2006)
Geothermal Resources

NAC 362.350 Definitions. (NRS 360.090, 362.120) As used in NAC 362.350 to 362.370, inclusive, unless the context otherwise requires, the words and terms defined in NAC 362.352 to 362.366, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Tax Comm’n by R012-07, eff. 10-31-2007)

NAC 362.352 “Field” defined. (NRS 360.090, 362.120) “Field” means the area of operations from which a geothermal resource is extracted and transported before any further beneficiation of the geothermal resource occurs.

(Added to NAC by Tax Comm’n by R012-07, eff. 10-31-2007)

NAC 362.354 “Mining function” defined. (NRS 360.090, 362.120) “Mining function” means any activity relating to the extraction of a geothermal resource, including, but not limited to, any drilling, pumping, reinjection, roadwork or transportation of the geothermal resource, if the activity occurs before any further processing of the geothermal resource by a system for gathering the geothermal resource.

(Added to NAC by Tax Comm’n by R012-07, eff. 10-31-2007)

NAC 362.356 “Plant” defined. (NRS 360.090, 362.120) “Plant” means any facility at which the processing of a geothermal resource occurs, including, without limitation, a plant for generating power.

(Added to NAC by Tax Comm’n by R012-07, eff. 10-31-2007)

NAC 362.358 “Processing” defined. (NRS 360.090, 362.120) “Processing” means any activity that occurs beyond the inlet of a plant that:

1. Changes the physical or chemical characteristics of the production stream of a geothermal resource; or
2. Enhances the marketability of the production stream or the value of any separate component of the production stream.

The term includes, without limitation, any beneficiation, compression, flashing, separation or stabilization that occurs within the plant, other than any reinjection, regulation of wellhead pressure, changing of pressures or temperatures in a reservoir or any other compression that occurs during the production of the geothermal resource.

(Added to NAC by Tax Comm’n by R012-07, eff. 10-31-2007)

NAC 362.360 “Processing allowance” defined. (NRS 360.090, 362.120) “Processing allowance” means any cost associated with converting a geothermal resource into any electricity, heat or other by-product. The term includes, without limitation, any cost associated with an activity occurring after the completion of all mining functions but before the processed product is transported to a market for the product.

(Added to NAC by Tax Comm’n by R012-07, eff. 10-31-2007)

NAC 362.362 “Repowering” defined. (NRS 360.090, 362.120) “Repowering” means to:

1. Remove any inefficient, obsolete or aging equipment that is used in the production stream of a geothermal resource; and
2. Replace that equipment with any new technology or equipment that increases or may increase the efficiency of the processing of the geothermal resource.

(Added to NAC by Tax Comm’n by R012-07, eff. 10-31-2007)

NAC 362.364 “Transaction” defined. (NRS 360.090, 362.120) “Transaction” means a bona fide transaction conducted at arms length involving a geothermal resource at the wellhead.

(Added to NAC by Tax Comm’n by R012-07, eff. 10-31-2007)
NAC 362.366 “Transportation allowance” defined. (NRS 360.090, 362.120) “Transportation allowance” means any cost incurred for the movement of a geothermal resource that is converted to any electricity, heat or other by-product, if the movement of the geothermal resource is performed by the operator and occurs after the geothermal resource is processed.

(Added to NAC by Tax Comm’n by R012-07, eff. 10-31-2007)

NAC 362.368 Determination of gross yield. (NRS 360.090, 362.120)

1. To assess and tax the net proceeds of an operating facility which extracts geothermal resources, the gross yield of the geothermal resources must be determined pursuant to this section.

2. If the transaction involves the direct, arms-length sale of the geothermal resource, the gross yield of the geothermal resource equals the proceeds of the sale of the geothermal resource.

3. If the transaction involves the indirect sale of the geothermal resource, the gross yield of the geothermal resource is the total revenue received from the sale of any electricity, heat or other by-product of the geothermal resource that is agreed upon by the parties to the sale, less any processing allowance or transportation allowance. If the selling price includes any costs for processing or transportation, the person extracting the geothermal resource shall report those costs on a form prescribed by the Department. The Department shall consider those costs in determining the gross yield of the geothermal resource.

4. In the case of an indirect sale of a geothermal resource that is used to produce electricity, all energy, capacity and other payments received, if any, must be included in the gross yield of the geothermal resource.

5. If the costs associated with the processing allowance or transportation allowance are included in a bona fide arms-length contract, the costs shall be deemed to be an appropriate deduction from the selling price. Such costs may include the negotiated costs for the operation, maintenance and replacement of the plant which are paid by the operator of the field, reduced by any negotiated costs for the operation, maintenance and replacement of the field which are paid by the operator of the plant. The negotiated costs must be set forth in a written contract or other document specified by the Department and may include, but are not limited to:
   (a) A negotiated sharing by percentage of the operating and maintenance costs of the field and the plant; or
   (b) A negotiated agreement that the operator of the field will pay for necessary improvement to the plant.

6. If the costs associated with the processing allowance or transportation allowance are not included in a bona fide arms-length contract, the Department must consider the following:
   (a) The annual total cost of operating and maintaining the plant, transmission line and any other facility or equipment used to transport the geothermal product after all mining functions and processing are complete, including, but not limited to, any reasonable and prudent costs incurred for direct wages, benefits, workers’ compensation, supplies, materials and charges for overhead, general liability insurance incurred because of the plant and transmission line and costs for obtaining and maintaining any permit for a site, permit relating to air quality or any other permit or license required to operate the plant or transmission line. The transportation allowance for a transmission line is allowed only in direct proportion to the relationship of the field operator’s investment to the total cost of the transmission line.
   (b) Except as otherwise provided in NAC 362.100 to 362.160, inclusive, the depreciation of the capital investment in the plant and transmission line using the straight-line method over the useful life of the asset established in accordance with the Personal Property Manual.
   (c) Any charges for wheeling electricity or for loss of power in the transmission line.
   (d) Amortization of each long-term contract to purchase power using the straight-line method over the stated life of the contract. Any amount amortized pursuant to this paragraph must not exceed 60 percent of the original book value of the plant and transmission line.
   (e) An allowance for return on the investment in the plant and transmission line, calculated by multiplying the cost of acquiring the plant and transmission line, as recorded in the books and records of
the operator, by the overall rate of return on capital. The overall rate of return on capital must be based on the appropriate electric industry cost of capital study conducted by the Department pursuant to NAC 361.408 and 361.425.

7. For the purpose of paragraph (e) of subsection 6:
(a) If an agreement for the purchase of power is in effect, the Department may grant an allowance for a return on the investment for a period that is equal to the remaining term of the agreement or 15 years, whichever is less. If such an agreement is not in effect, the Department may grant the allowance for a period that is equal to the remaining useful life of the plant and transmission line or 15 years, whichever is less.

(b) If the plant or transmission line is repowered or a reinvestment in the plant or transmission line occurs, the taxpayer may apply to the Department for an extension of the allowance specified in paragraph (a). The Department may grant an extension pursuant to this paragraph for a period that is equal to the remaining life of the assets purchased for the repowering or reinvestment or 15 years, whichever is less. The remaining life of those assets must reasonably reflect the useful life of those assets established in accordance with the Personal Property Manual.

(c) To calculate the allowance specified in paragraph (a), the Department may require the taxpayer to submit any additional information specified by the Department, including, without limitation:
(1) A statement setting forth the amount of any recapitalization or repowering of the plant or transmission line;
(2) A statement setting forth the established life of the assets purchased; or
(3) An audit of the books and records of the taxpayer.

(d) If the Department grants an extension pursuant to paragraph (b), the amount of the return on the investment must not exceed the amount of the recapitalization or repowering of the plant or transmission line.

8. As used in this section, “Personal Property Manual” has the meaning ascribed to it in NAC 361.1361.

(Added to NAC by Tax Comm’n, eff. 10-9-87; A 9-13-91; R012-07, 10-31-2007)—(Substituted in revision for NAC 362.015)

NAC 362.370 Calculation of net proceeds. (NRS 360.090, 362.120) The net proceeds of a geothermal resource must be calculated using the gross yield of the geothermal resource, as determined pursuant to NRS 362.120 and NAC 362.368, less the amount of any deduction that is available pursuant to NRS 362.120 and this chapter.

(Added to NAC by Tax Comm’n by R012-07, eff. 10-31-2007)

PATENTED MINES

NAC 362.410 Assessment; removal from secured roll for miscellaneous property. (NRS 360.090, 362.030, 362.095)
1. A patented mine which is used for a purpose related to mining or agriculture must be assessed:
(a) At 35 percent of the taxable value of a site of comparable size and similar terrain and location which is used for purposes other than mining; or
(b) At $500,
whichever is greater.

2. Any portion of a patented mine which is used for a purpose unrelated to mining or agriculture and taxed as other property is taxed must be removed from the secured roll of miscellaneous property and added to the secured roll of real property.

(Added to NAC by Tax Comm’n, eff. 1-8-86; A 6-23-86)
CHAPTER 701A - ENERGY-RELATED TAX INCENTIVES

GREEN BUILDINGS: ELIGIBILITY FOR PARTIAL ABATEMENT OF PROPERTY TAXES

NAC 701A.010 Definitions. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007) As used in NAC 701A.010 to 701A.290, inclusive, unless the context otherwise requires, the words and terms defined in NAC 701A.020 to 701A.190, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.020 “Applicable LEED standard” defined. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007) “Applicable LEED standard” means the version of the LEED standard in effect at the time an applicant registers a project with the U.S. Green Building Council.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.030 “Building or other structure” defined. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007) “Building or other structure” means an improvement on real property that is being considered for or has been granted certification by the U.S. Green Building Council.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.040 “Construction contract” defined. (§ 15.5 of ch. 539, Stats. 2007) “Construction contract” means a contract between an owner of real property or an affiliate or subsidiary of the owner, and a contractor or construction manager which:

1. Defines their respective roles and responsibilities for the construction of a project on the property;
2. Establishes the scope of work, the amount of money to be paid to the contractor or construction manager and the allowable time for the duration of the contract; and
3. Describes the terms and conditions of a construction project.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.050 “Director” defined. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007) “Director” means the Director of the Office of Energy within the Office of the Governor.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.060 “Funding” defined. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007) “Funding” includes, without limitation, equity, any form of indebtedness, any grant, any gift or anything else of value.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)


(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)


(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.090 “LEED-CS” defined. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007) “LEED-CS” means the LEED Green Building Rating System for Core and Shell Development.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)


(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)


(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.130 “LEED standard” defined. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007) “LEED standard” means all versions of a specific rating system within the LEED Green Building Rating System, including, without limitation, LEED-NC, LEED-EB and LEED-CS.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.140 “Local government approval” defined. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007) “Local government approval” means any document which, in the judgment of the Director, demonstrates that the local government in which a construction project is located has granted approval to begin construction of the building or other structure that is the subject of an application for a partial tax abatement.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.150 “Partial tax abatement” defined. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007) “Partial tax abatement” means a partial abatement from the taxes imposed on real property by chapter 361 of NRS.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.160 “Pre-2007 applicant” defined. (§ 15.5 of ch. 539, Stats. 2007) “Pre-2007 applicant” means an applicant for a partial tax abatement for a construction project that includes a building or other structure:

1. Which is constructed pursuant to a preconstruction or construction contract executed on or before December 31, 2005;

2. Which is part of a construction project for which the Office of Energy Project Registration Form was filed with and received by the Office of Energy pursuant to the provisions of former NAC 701.480; and

3. For which an opinion letter was issued by the Department of Taxation before February 1, 2007, stating that the project will qualify for a partial sales and use tax exemption under Assembly Bill No. 3 (Special Session 2005) if certain conditions are met.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.170 “Pre-2007 Green Building Rating System” defined. (§ 15.5 of ch. 539, Stats. 2007) “Pre-2007 Green Building Rating System” means the LEED Green Building Rating System adopted by the Director pursuant to the provisions of former NRS 701.217, as that rating system existed before June 15, 2007, including the provisions of the regulations that are repealed by section 31 of this regulation.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

REVISER’S NOTE.
The regulation of the Director of the Office of Energy filed with the Secretary of State on December 4, 2007 (LCB File No. R116-07), the source of this section, contains the following provision not included in NAC:

“Sec. 31. LCB File No. R025-06, which was codified as NAC 701.400, 701.410, 701.420, 701.430, 701.440, 701.450, 701.460, 701.470, 701.480 and 701.490, LCB File No. R170-06 and LCB File No. T006-06 are hereby repealed.”
NAC 701A.180 “Preconstruction contract” defined. (§ 15.5 of ch. 539, Stats. 2007)
“Preconstruction contract” means a written and executed agreement that:
1. Precedes the construction of or the execution of a construction contract for a project for which a partial tax abatement is sought;
2. Clearly indicates a commitment to construct the project; and
3. Is entered into to provide at least one of the following services relating to the construction project:
   (a) Project financing;
   (b) Engineering;
   (c) Design;
   (d) Architecture;
   (e) Labor; or
   (f) Subcontracting.
(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.190 “Significant change in the scope of the project” defined. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007) “Significant change in the scope of the project” means:
1. A change by more than 10 percent in the gross square footage of any building or other structure for which a partial tax abatement is sought;
2. A change in the level of LEED certification being sought if the change will affect the amount of the partial tax abatement being sought; or
3. Any other change, including, without limitation, any change in the square footage or estimated costs of any building or other structure for which a partial tax abatement is sought, which will change the amount of the partial tax abatement being sought by more than 10 percent, except that changes resulting from increases in square footage, costs or any other factor affecting the amount of the partial tax abatement relating to the project as represented in the application therefor, including any amendments or disputed claims with a contractor or supplier relating to those costs, will not be considered a significant change in the scope of the project until they are reasonably final and known to the owner.
(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.200 LEED Green Building Rating System: Adoption of certain portions by reference; review and effect of new or updated standards. (NRS 701A.100, 701A.110, § 15.5 of ch. 539, Stats. 2007)
1. The LEED Green Building Rating System is adopted for use in this State with regard to certain buildings or other structures for the purposes of determining eligibility for partial tax abatements.
2. Except as otherwise provided in this subsection and NAC 701A.210:
   (a) The Director hereby adopts by reference all versions of the following LEED standards:
      (1) LEED-NC;
      (2) LEED-EB; and
      (3) LEED-CS.
   (b) If the U.S. Green Building Council adopts a new or updated version of a LEED standard after December 4, 2007, the Director will determine whether the new or updated version is appropriate for use in this State and, if the Director determines that the new or updated version:
      (1) Is appropriate for use in this State:
         (I) The new or updated version becomes effective on such a date as may be determined by the Director; and
         (II) The Director will post a notice of approval, a copy of the new or updated version and the effective date thereof at the State Library and Archives and the Office of Energy, and on the Internet website of the Office of Energy; or
(2) Is not appropriate for use in this State, the version of the LEED standard that was most recently adopted by the Director or determined to be appropriate for use in this State pursuant to this subsection continues to be effective.

3. The Director will review, evaluate and consider new and updated versions of LEED standards at least once each year.

4. A copy of the LEED Green Building Rating System is available free of charge on the Internet website of the U.S. Green Building Council.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.210 Exclusions from and modifications to LEED Green Building Rating System; use of independent third-party commissioning firm by applicant for partial tax abatement. (NRS 701A.100, 701A.110, § 15.5 of ch. 539, Stats. 2007)

1. In accordance with the provisions of NRS 701A.100, the LEED Green Building Rating System adopted by the Director pursuant to NAC 701A.200:

(a) Does not include any LEED standard:

(1) That has not been included in the LEED Green Building Rating System for at least 2 years at the time the applicant provides proof to the Director pursuant to NAC 701A.240 and 701A.250 that the building or other structure meets the equivalent of the silver level or higher of the LEED Green Building Rating System adopted by the Director; or

(2) For homes.

(b) Shall be deemed to require a building or other structure to obtain:

(1) At least 3 points for energy conservation under the LEED Green Building Rating System Energy and Atmosphere Credit 1 (Optimize Energy Performance), to meet the equivalent of the silver level;

(2) At least 5 points for energy conservation under the LEED Green Building Rating System Energy and Atmosphere Credit 1 (Optimize Energy Performance), to meet the equivalent of the gold level; and

(3) At least 8 points for energy conservation under the LEED Green Building Rating System Energy and Atmosphere Credit 1 (Optimize Energy Performance), to meet the equivalent of the platinum level.

2. An applicant for a partial tax abatement must utilize an independent third-party commissioning firm to facilitate the fundamental building systems commissioning or existing building commissioning, as applicable, required by the LEED Green Building Rating System Energy and Atmosphere Prerequisite 1.

3. As used in this section, “home” has the meaning ascribed to it in NRS 701A.100.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.220 Application for partial tax abatement; notification by Director. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007)

1. A person who, with respect to a construction project involving a building or other structure, wishes to apply to the Director pursuant to this chapter and NRS 701A.110 for a partial tax abatement must, if the certification of the building or other structure:

(a) Will be based on LEED-NC or LEED-CS, submit an application to the Office of Energy on a form prescribed by the Director within 120 days after receiving local government approval of the construction project; or

(b) Will not be based on LEED-NC or LEED-CS, submit an application to the Office of Energy on a form prescribed by the Director within 120 days after registering the project with the U.S. Green Building Council.

2. The application must include:

(a) The name, address and telephone number of the applicant;

(b) The name and address of the owner of the affected real property, if the applicant is not the owner;

(c) The address of the real property;
(d) The address of the board of county commissioners of the county in which the real property is located;

(e) If the real property is located in a city, the name and address of the city manager and the address of the city council, if any, of that city;

(f) Any project title associated with the development or modification of the real property;

(g) For each building or other structure included within the construction project:
   (1) The estimated gross square footage and number of floors of the building or other structure;
   (2) The proposed use of the building or other structure;
   (3) The estimated cost of the design and construction or retrofit, and maintenance and operation, of the building or other structure;
   (4) The actual or estimated date of the start of the construction or retrofit;
   (5) The expected date of occupancy of the building or other structure;
   (6) If applicable, a copy of each executed preconstruction or construction contract the applicant is relying upon to qualify as a pre-2007 applicant;

   (7) Proof that the building or other structure has been registered with the U.S. Green Building Council;

   (8) The applicable LEED standard on which the certification of the building or other structure will be based;

   (9) A statement containing the level and number of points of the applicable LEED standard at which the applicant expects the building or other structure to be certified, in the form of a checklist identifying the specific LEED credits that the project team intends to achieve;

   (10) A statement whether any funding for the acquisition, design or construction of the building or other structure, and associated land, is being provided by a governmental entity in this State;

   (11) A list of all sources of funding for the acquisition, design or construction of the building or other structure, and associated land, provided by a governmental entity in this State; and

   (12) A statement whether the building or other structure is receiving or is expected to receive any other abatement or exemption pursuant to NRS 361.045 to 361.159, inclusive, or chapter 701A of NRS from the taxes imposed on real property by chapter 361 of NRS;

   (h) The name and contact information of the LEED accredited professional assigned to the design team for the project or other person designated as the contact person on the application;

   (i) A statement whether the building or other structure, or any part thereof, is or is expected in the future to be exempt from the taxes imposed on real property by chapter 361 of NRS pursuant to any provision of law other than NRS 361.045 to 361.159, inclusive, or chapter 701A of NRS;

   (j) A list of any improvements in the project that are not expected to be considered for LEED certification;

   (k) If the project is registered with the U.S. Green Building Council in a campus or multibuilding setting, a list of the buildings or other structures on the affected real property and the construction phases of each building or other structure;

   (l) A copy of the local government approval of the construction project; and

   (m) Any other information requested by the Director.

3. Upon receipt of all information required by this section, the Director will:

   (a) Notify the applicant in writing acknowledging that the application has been received; and

   (b) In accordance with the provisions of NRS 701A.110, forward a copy of the application and the written notification provided to the applicant to the:

   (1) Chief of the Budget Division of the Department of Administration;

   (2) Department of Taxation;

   (3) County assessor;

   (4) County treasurer;

   (5) Board of county commissioners;

   (6) City manager and city council, if any; and

   (7) Commission on Economic Development.
4. The applicant must:
   (a) Identify any information included in the application which the applicant considers to be confidential; and
   (b) Promptly amend the application if there is a significant change in the scope of the project.
5. The Director will not accept an application pursuant to this section for a building or other structure that on the date the application is registered has been issued a certificate of occupancy and has been certified by the U.S. Green Building Council.
   (Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.230 Amendment of application after significant change in scope of project. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007)
1. If an application for a partial tax abatement is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the applicant must amend the application to include the change within 60 days after the occurrence of the change. If the applicant fails to amend the application in a timely manner, the Director may, without limitation:
   (a) Allow a partial tax abatement of those portions of the project that were part of the original application, including timely amendments; or
   (b) For good cause shown, extend the time within which to amend the application.
2. Upon receipt of an amendment to an application for a partial tax abatement, the Director will forward a copy of the amendment to the:
   (a) Chief of the Budget Division of the Department of Administration;
   (b) Department of Taxation;
   (c) County assessor;
   (d) County treasurer;
   (e) Board of county commissioners;
   (f) City manager and city council, if any; and
   (g) Commission on Economic Development.
   (Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.240 Submission of required proof or application for extension; issuance and contents of certificate of eligibility or certificate of ineligibility; effective date of abatement. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007)
1. Within 48 months after an application for a partial tax abatement is submitted to the Director pursuant to NAC 701A.220, or within such time as the Director, for good cause shown, extends the deadline, the applicant must submit to the Director:
   (a) Proof that the building or other structure meets the equivalent of the silver level or higher of the LEED Green Building Rating System adopted by the Director; or
   (b) An application to extend the period for providing such proof.
2. If an applicant has not submitted the proof or an application for extension required by subsection 1, the Director will consider the application abandoned and notify the:
   (a) Applicant;
   (b) Chief of the Budget Division of the Department of Administration;
   (c) Department of Taxation;
   (d) County assessor;
   (e) County treasurer;
   (f) Board of county commissioners;
   (g) City manager and city council, if any; and
   (h) Commission on Economic Development.
3. If the Director, after reviewing the proof submitted by the applicant pursuant to subsection 1, concludes that the building or other structure is eligible for a partial tax abatement, the Director will, not
later than 120 days after receiving that proof, issue a certificate of eligibility for the abatement and provide a copy to the:

(a) Applicant;
(b) Chief of the Budget Division of the Department of Administration;
(c) Department of Taxation;
(d) County assessor;
(e) County treasurer;
(f) Board of county commissioners;
(g) City manager and city council, if any; and
(h) Commission on Economic Development.

4. The certificate of eligibility will include the duration and annual percentage of the partial tax abatement as provided in NAC 701A.280 and subsection 4 of NRS 701A.110, and identify each building or other structure to which the abatement should be applied. The Director may indicate that the abatement should be applied to an ancillary structure if the ancillary structure was specified in the application. The Director will include as part of the certificate of eligibility his findings of fact, conclusions of law and order explaining the reasons for issuing the certificate.

5. If the Director, after reviewing the proof submitted by the applicant pursuant to subsection 1, concludes that the building or other structure is not eligible for a partial tax abatement, the Director will, not later than 120 days after receiving that proof, issue a certificate of ineligibility for the abatement and provide a copy to the:

(a) Applicant;
(b) Chief of the Budget Division of the Department of Administration;
(c) Department of Taxation;
(d) County assessor;
(e) County treasurer;
(f) Board of county commissioners;
(g) City manager and city council, if any; and
(h) Commission on Economic Development.

The Director will include as part of the certificate of ineligibility his findings of fact, conclusions of law and order explaining the reasons for issuing the certificate of ineligibility.

6. If a certificate of eligibility is issued:

(a) On or after July 1 and on or before March 31 of a fiscal year, the abatement becomes effective on July 1 of the immediately following fiscal year. The Director will not issue a certificate of eligibility on or before March 31 of a fiscal year with respect to an application that is not submitted to the Director on or before February 1 of that fiscal year.

(b) On or after April 1 and on or before June 30 of a fiscal year, the abatement becomes effective on July 1 of the fiscal year next following the immediately following fiscal year.

7. A certificate of eligibility or a certificate of ineligibility issued pursuant to this section is a final order of the Director for purposes of judicial review.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.250 Required proof that building meets equivalent of silver level or higher of LEED Green Building Rating System; additional required documentation. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007)

1. Except as otherwise provided in subsection 2, the Director will accept as proof that a building or other structure for which a partial tax abatement is sought meets the equivalent of the silver level or higher of the LEED Green Building Rating System adopted by the Director:

(a) An original or certified copy of a letter from the U.S. Green Building Council informing the applicant that the building or other structure meets the LEED silver level or higher;

(b) Official documentation issued by the U.S. Green Building Council setting forth the number of LEED points obtained by the building or other structure; or
(c) Any other information acceptable to the Director that, in the judgment of the Director, evidences compliance with the requirements of the LEED Green Building Rating System adopted by the Director.

2. In addition to the documentation required by subsection 1, the proof submitted pursuant to this section must include:

(a) A statement whether any funding for the acquisition, design or construction of the building or other structure, and associated land, is being provided by a governmental entity in this State;

(b) A statement whether the building or other structure is receiving or is expected to receive any other abatement or exemption pursuant to NRS 361.045 to 361.159, inclusive, or chapter 701A of NRS from the taxes imposed on real property by chapter 361 of NRS;

(c) A statement whether the building or other structure, or any part thereof, is or is expected in the future to be exempt from the taxes imposed on real property by chapter 361 of NRS pursuant to any provision of law other than NRS 361.045 to 361.159, inclusive, or chapter 701A of NRS;

(d) An overall project narrative;

(e) The documentation submitted to the U.S. Green Building Council to obtain points for water efficiency under the LEED Green Building Rating System;

(f) For pre-2007 applicants:

(1) The documentation submitted to the U.S. Green Building Council to comply with the LEED Green Building Rating System Energy and Atmosphere Prerequisite 2 (Minimum Energy Performance); or

(2) Any documentation that, in the judgment of the Director, demonstrates the energy efficiencies achieved through compliance with the LEED Green Building Rating System Energy and Atmosphere Prerequisite 2 (Minimum Energy Performance); and

(g) For applicants other than pre-2007 applicants:

(1) The documentation submitted to the U.S. Green Building Council to obtain points under the LEED Green Building Rating System Energy and Atmosphere Credit 1 (Optimize Energy Performance), including, without limitation, any pertinent information regarding general building energy model, energy performance, building energy performance baseline, baseline and proposed design input parameters, baseline performance, performance rating, percentage improvement and points achieved; or

(2) Any documentation that, in the judgment of the Director, demonstrates the energy efficiencies achieved through compliance with the LEED Green Building Rating System Energy and Atmosphere Credit 1 (Optimize Energy Performance).

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)
(b) Must submit to the Director as prescribed in subsection 3:

(1) Documentation of energy performance which indicates the pertinent ENERGY STAR rating or equivalent ENERGY STAR rating, annual energy reduction, annual summer peak demand reduction and, if the applicant for that certificate of eligibility:

(I) Qualified as a pre-2007 applicant, compliance with the requirements for the LEED Green Building Rating System Energy and Atmosphere Prerequisite 2 (Minimum Energy Performance); or

(II) Did not qualify as a pre-2007 applicant, compliance with the requirements for the LEED Green Building Rating System Energy and Atmosphere Credit 1 (Optimize Energy Performance);

(2) A summary of the annual utility bills, including the amount of cost and usage, for each type of energy used by the building or other structure;

(3) A summary of the annual water bills, including the amount of cost and usage, for the building or other structure; and

(4) Any documentation that, in the judgment of the Director, demonstrates compliance with the LEED Green Building Rating System; and

(c) Must submit to the Director as prescribed in subsection 3 written recertification from a third-party commissioning firm stating that the energy systems of the building or other structure are still operating in general compliance with the original project requirements, with particular focus and emphasis on certifying that the energy conservation measures upon which the original certificate of eligibility was based are still being achieved. The third-party commissioning firm providing the recertification letter should typically be the same firm that provided the original fundamental building systems commissioning or existing building commissioning services on the project.

3. The documentation required by:

(a) Paragraph (b) of subsection 2 must be submitted on or before March 15 of the third and each subsequent year after the certificate of eligibility was issued.

(b) Paragraph (c) of subsection 2 must be submitted within 60 days after the end of the:

(1) Third year after the certificate of eligibility was issued if the duration of the partial tax abatement is 5 or 6 years;

(2) Third and fifth years after the certificate of eligibility was issued if the duration of the partial tax abatement is 7 or 8 years; and

(3) Third, fifth and seventh years after the certificate of eligibility was issued if the duration of the partial tax abatement is 9 or 10 years.

4. Upon determining that the parcel on which the building or other structure is located is receiving another abatement or exemption pursuant to NRS 361.045 to 361.159, inclusive, or chapter 701A of NRS from the taxes imposed on real property by chapter 361 of NRS, the Director will notify the owner of the building or other structure and the Department of Taxation in writing that the certificate of eligibility relating to the building or other structure has been suspended, and indicate the term of the suspension.

5. Upon determining that the building or other structure may have ceased to qualify for the level of certification for which the partial tax abatement was issued, or that the owner of the building or other structure may have failed to comply with any conditions imposed by the Director in issuing the partial tax abatement, the Director will notify the owner of the building or other structure of the findings of the Director and provide the owner a reasonable opportunity to cure any noncompliance issues included in the findings. If the owner fails to cure the noncompliance issues within the time or in accordance with the terms provided by the Director, the Director will issue a certificate of termination or reduction of eligibility, including his findings of fact, conclusions of law and order, which declares that the building or other structure has ceased to meet the standard upon which the certificate of eligibility was based, specifies the areas of noncompliance, and terminates the partial tax abatement or reduces the partial tax abatement to the level of certification for which the building or other structure qualifies. The Director will provide a copy of the certificate of termination or reduction of eligibility to the:

(a) Owner of the building or other structure;

(b) Chief of the Budget Division of the Department of Administration;
(c) Department of Taxation;
(d) County assessor;
(e) County treasurer;
(f) Board of county commissioners;
(g) City manager and city council, if any; and
(h) Commission on Economic Development.

6. A certificate of termination or reduction of eligibility issued pursuant to this section is a final order of the Director for purposes of judicial review.

7. For the purposes of this section:
   (a) On or before the date of submission to the Director of proof that a building or other structure meets the equivalent of the silver level or higher of the LEED Green Building Rating System adopted by the Director, the applicant for a partial tax abatement shall designate a tax abatement coordinator for the building or other structure, and submit the name and address of the tax abatement coordinator to the Director; and
   (b) Within 60 days after:
      (1) The sale or other transfer of ownership of the building or other structure during the term of the partial tax abatement, the purchaser or other transferee shall designate a tax abatement coordinator for the building or other structure, and submit the name and address of the tax abatement coordinator to the Director; and
      (2) The designation of any successor tax abatement coordinator for the building or other structure during the term of the partial tax abatement, the successor shall submit his name and address to the Director.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.270 Building included in construction project registered with Office of Energy before June 15, 2007: Submission and processing of application for partial tax abatement; provisions applicable to pre-2007 applicant. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007)

1. The owner of a building or other structure included in a construction project which was registered with the Office of Energy before June 15, 2007, for a partial tax abatement may submit an application to the Director pursuant to NAC 701A.220 upon providing proof to the Director that the owner qualifies as a pre-2007 applicant. Upon determining that the owner qualifies as a pre-2007 applicant, the Director will expedite the processing of the application and apply all the provisions of NAC 701A.010 to 701A.290, inclusive, except that:
   (a) The owner is not required to submit the application within 120 days after receiving local government approval of the construction project or registering the project with the U.S. Green Building Council;
   (b) The Director will base his determination of eligibility on the Pre-2007 Green Building Rating System;
   (c) Any partial tax abatement will be:
      (1) Based on the provisions of section 15.5 of chapter 539, Statutes of Nevada 2007; and
      (2) Limited to any building or other structure that, in the judgment of the Director, is reasonably related to any preconstruction or construction contracts submitted as proof that the owner qualifies as a pre-2007 applicant; and
   (d) For the purposes of NAC 701A.010 to 701A.290, inclusive, “funding” shall be deemed to mean any cash or cash equivalent, including any loan or bond, except a private activity bond.

2. The owner of a building or other structure included in a construction project which was registered with the Office of Energy before June 15, 2007, for a partial tax abatement that does not qualify as a pre-2007 applicant may submit an application to the Director pursuant to NAC 701A.220. The Director will expedite the processing of the application.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)
NAC 701A.280 Duration of partial tax abatement based upon number of points awarded for energy conservation by U.S. Green Building Council. (NRS 701A.110) If the Director issues a certificate of eligibility pursuant to NAC 701A.240 for a building or other structure that meets the equivalent of the silver level or higher of the LEED Green Building Rating System adopted by the Director, the Director will set the duration of the partial tax abatement for the building or other structure, based upon the number of points awarded by the U.S. Green Building Council for energy conservation under the LEED Green Building Rating System Energy and Atmosphere Credit 1 (Optimize Energy Performance), as provided in the following table:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Silver</td>
<td>No abatement for 5 years</td>
<td>25 percent abatement for 5 years</td>
<td>25 percent abatement for 6 years</td>
<td>25 percent abatement for 7 years</td>
<td>25 percent abatement for 8 years</td>
<td>25 percent abatement for 9 years</td>
<td>25 percent abatement for 10 years</td>
</tr>
<tr>
<td>Gold</td>
<td>No abatement for 5 years</td>
<td>25 percent abatement for 5 years</td>
<td>25 percent abatement for 6 years</td>
<td>30 percent abatement for 7 years</td>
<td>30 percent abatement for 8 years</td>
<td>30 percent abatement for 9 years</td>
<td>30 percent abatement for 10 years</td>
</tr>
<tr>
<td>Platinum</td>
<td>No abatement for 5 years</td>
<td>25 percent abatement for 5 years</td>
<td>25 percent abatement for 6 years</td>
<td>30 percent abatement for 7 years</td>
<td>30 percent abatement for 8 years</td>
<td>30 percent abatement for 9 years</td>
<td>35 percent abatement for 10 years</td>
</tr>
</tbody>
</table>

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

NAC 701A.290 Waiver of requirements by Director. (NRS 701A.110, § 15.5 of ch. 539, Stats. 2007) The Director may waive one or more of the requirements of NAC 701A.010 to 701A.290, inclusive, applicable to an applicant for a partial tax abatement if:

1. The applicant would have been able to comply with the requirement on or after June 15, 2007, if the form for application pursuant to NAC 701A.010 to 701A.290, inclusive, had been available and the provisions of NAC 701A.010 to 701A.290, inclusive, had been effective on that date; and

2. In the judgment of the Director, the failure to waive the requirement would produce an unjust result.

(Added to NAC by Office of Energy by R116-07, eff. 12-4-2007)

GREEN BUILDINGS: LOCAL ADMINISTRATION OF PARTIAL TAX ABATEMENT

NAC 701A.300 Definitions. (NRS 360.090, 701A.110) As used in NAC 701A.300 to 701A.370, inclusive, unless the context otherwise requires, the words and terms defined in NRS 701A.110 and NAC 701A.310 to 701A.350, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Tax Comm’n by R003-08, eff. 6-17-2008)

NAC 701A.310 “Department” defined. (NRS 360.090, 701A.110) “Department” means the Department of Taxation.

(Added to NAC by Tax Comm’n by R003-08, eff. 6-17-2008)

NAC 701A.320 “Eligible building or other structure” defined. (NRS 360.090, 701A.110) “Eligible building or other structure” means a building or other structure which the Director determines to be eligible for the LEED abatement.

(Added to NAC by Tax Comm’n by R003-08, eff. 6-17-2008)

NAC 701A.330 “LEED abatement” defined. (NRS 360.090, 701A.110) “LEED abatement” means the partial abatement of certain property taxes authorized by NRS 701A.110.

(Added to NAC by Tax Comm’n by R003-08, eff. 6-17-2008)
NAC 701A.340 “LEED abatement percentage” defined. (NRS 360.090, 701A.110) “LEED abatement percentage” means the applicable percentage determined pursuant to paragraph (a) of subsection 4 of NRS 701A.110 for any eligible building or other structure.
(Added to NAC by Tax Comm’n by R003-08, eff. 6-17-2008)

NAC 701A.350 “Net taxable value” defined. (NRS 360.090, 701A.110) “Net taxable value” means the taxable value of any property after deducting the taxable value of any portion of the property that is receiving any exemption from the taxable value otherwise determined pursuant to chapter 361 of NRS.
(Added to NAC by Tax Comm’n by R003-08, eff. 6-17-2008)

NAC 701A.360 Duties of county tax receiver regarding property that includes eligible building or other structure. (NRS 360.090, 701A.110)
1. Upon receiving a certificate of eligibility for the LEED abatement from the Director, a county tax receiver shall, with regard to the pertinent parcel or other taxable unit of property that includes an eligible building or other structure:
   a. Obtain from the county assessor or the Department, as applicable, the following information:
      1. The net taxable value of all the land and of each improvement on the land that comprises the property;
      2. The LEED abatement percentage certified by the Director for each eligible building or other structure; and
      3. The percentage of the net taxable value of each eligible building or other structure which is subject to the LEED abatement.
   b. Calculate the percentage of the total net taxable value of the property attributable to:
      1. Each eligible building or other structure;
      2. Each building or other structure which is not eligible for the LEED abatement; and
      3. The land that comprises the property.
   c. Calculate the weighted LEED abatement percentage for each eligible building or other structure by:
      1. Multiplying the percentage of the total net taxable value of the property attributable to the building or other structure, as determined pursuant to subparagraph (1) of paragraph (b), by the LEED abatement percentage certified for the building or other structure by the Director; and
      2. Multiplying the result determined pursuant to subparagraph (1) by the percentage of the net taxable value of the building or other structure which is subject to the LEED abatement, as indicated pursuant to subparagraph (3) of paragraph (a).
   d. Calculate the weighted average LEED abatement percentage for the property by adding all the weighted LEED abatement percentages determined for the property pursuant to paragraph (c).
   e. Calculate the applicable LEED abatement and net tax due for each category of taxing entity listed on the tax bill for the property, other than any category of taxing entity on behalf of which any taxes imposed for public education are being billed, as follows:
      1. The applicable LEED abatement must be determined by multiplying the weighted average LEED abatement percentage for the property determined pursuant to paragraph (d) by the total amount of tax due to the taxing entity after the application of any partial abatement of taxes required by NRS 361.4722 or 361.4724; and
      2. The net tax due must be determined by subtracting the applicable LEED abatement determined pursuant to subparagraph (1) from the total amount of tax due to the taxing entity after the application of any partial abatement of taxes required by NRS 361.4722 or 361.4724.
   f. Calculate:
      1. The total LEED abatement for the property by adding all the sums determined for the property pursuant to subparagraph (1) of paragraph (e); and
(2) The total net tax due for the property by adding all the sums determined for the property pursuant to subparagraph (2) of paragraph (e).

(g) Allocate the total LEED abatement for the property among the eligible buildings and other structures by:

(1) Dividing the weighted LEED abatement percentage for each eligible building or other structure determined pursuant to paragraph (c) by the weighted average LEED abatement percentage for the property determined pursuant to paragraph (d); and

(2) Multiplying the result determined pursuant to subparagraph (1) by the total LEED abatement for the property determined pursuant to subparagraph (1) of paragraph (f).

The sum of all the amounts allocated pursuant to this paragraph must equal the total LEED abatement for the property determined pursuant to subparagraph (1) of paragraph (f).

2. A county tax receiver may use a worksheet provided by the Department to facilitate the calculations required by this section.

3. For the purposes of this section:

(a) The LEED abatement applies to:

(I) Zero percent of the net taxable value of any land; and

(II) Zero percent of the net taxable value of any building or other structure that is not eligible for the LEED abatement.

(b) The LEED abatement percentage for any land and for any building or other structure that is not eligible for the LEED abatement is zero percent.

(c) The weighted LEED abatement percentage for any land and for any building or other structure that is not eligible for the LEED abatement is zero percent.

(Added to NAC by Tax Comm’n by R003-08, eff. 6-17-2008)

**NAC 701A.370 Reports by county tax receiver.** (NRS 360.090, 701A.110) A county tax receiver shall, not later than:

1. June 1 of each year, submit to the Department and each taxing entity a summary report of the total amount of property taxes subject to the LEED abatement which are billed on behalf of each taxing entity for the current tax year for property on the unsecured tax roll. The report must separately state for each taxing entity:

(a) The total number of parcels or other taxable units of property subject to the LEED abatement for which the property taxes were billed;

(b) The total amount of the property taxes that would have been billed if not for the application of the LEED abatement;

(c) The total amount of any reduction in billable property taxes as a result of the application of the LEED abatement; and

(d) The total amount of property taxes actually billed.

2. September 1 of each year, submit to the Department and each taxing entity a summary report of the total amount of property taxes subject to the LEED abatement which are billed on behalf of each taxing entity for the current tax year for property on the secured tax roll. The report must separately state for each taxing entity:

(a) The total number of parcels or other taxable units of property subject to the LEED abatement for which the property taxes were billed;

(b) The total amount of the property taxes that would have been billed if not for the application of the LEED abatement;

(c) The total amount of any reduction in billable property taxes as a result of the application of the LEED abatement; and

(d) The total amount of property taxes actually billed.

(Added to NAC by Tax Comm’n by R003-08, eff. 6-17-2008)
A REGULATION relating to taxation; revising the provisions governing the determination by county assessors of the taxable value of real property; and providing other matters properly relating thereto.

Section 1. Chapter 361 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. “Base lot method” means a method of appraising land pursuant to which:

1. The parcel or other area of land being appraised is compared to a base lot consisting of a parcel or hypothetical area of land having common or typical characteristics and a known value; and

2. Any differences between the parcel or other area of land being appraised and the base lot with respect to location, size, shape, topography and similar factors are analyzed by the appraiser, to estimate the value of the land being appraised.

Sec. 3. “Comparative unit method” means a method of appraising land pursuant to which an average or typical value is estimated for each stratum of land, using square feet, front feet, acres, buildable units or other similar units of comparison.

Sec. 4. “Mass appraisal technique” means a procedure for the valuation of a group of properties as of a given date, in accordance with the provisions of sections 8, 9 and 10 of this regulation, using either a base lot method or comparative unit method.

Sec. 5. “Regression analysis” means a statistical technique used to analyze data to predict the value of one variable from the known values of other variables.

Sec. 6. “Single property technique” means a procedure for the valuation of a single parcel or other area of land as of a given date, in accordance with the provisions of NAC 361.118 and sections 9 and 10 of this regulation.

Sec. 7. 1. If sufficient sales of comparable properties which were vacant at the time of sale are available, a county assessor shall determine the full cash value of land by applying the sales comparison approach using:

(a) A mass appraisal technique in accordance with the provisions of sections 8, 9 and 10 of this regulation; or
(b) A single property technique in accordance with the provisions of NAC 361.118 and sections 9 and 10 of this regulation.

2. If insufficient sales of comparable properties which were vacant at the time of sale are available to carry out subsection 1, a county assessor shall determine the full cash value of land as provided in NAC 361.119.

Sec. 8. A county assessor shall apply the sales comparison approach using a mass appraisal technique as follows:

1. The county assessor shall stratify the properties being appraised into groups based upon location, zoning, use or other relevant characteristics. Sufficient strata must be established to ensure that all types of property subject to appraisal are appropriately represented.

2. After stratification pursuant to subsection 1, the county assessor shall, using an appropriate technique such as, without limitation, regression analysis, sales-resales analysis or paired sales analysis:

   (a) For each stratum:

      (1) Analyze sales of comparable land; and

      (2) Make adjustments to the sales prices as necessary to eliminate any nonrealty components of value and any differences resulting from the real property rights conveyed, financing terms, conditions of sale, market conditions, location, physical characteristics, size, zoning, use, governmental restrictions, sales concessions and expenditures made after sales that influence sales prices; and

   (b) Determine an appropriate base lot or comparative unit value to be used as a benchmark for valuing the properties in each stratum and, if appropriate, market adjustments to the base lot or comparative unit value for differences in physical characteristics, size, zoning, use, view, governmental restrictions and other attributes that affect value. The adjustments:

      (1) Must be mathematical changes made to the base lot or comparative unit values to account for differences in the elements of comparison between the base lot or comparative unit and the subject property;

      (2) May be made only to the base lot or comparative unit value in order to reflect the value of the subject property; and

      (3) May be made by adding or subtracting lump-sum dollar values, or by applying positive or negative percentage differentials, to the base lot or comparative unit values.

Sec. 9. For the purposes of carrying out the provisions of NAC 361.118 or section 8 of this regulation:

1. If the subject property is improved land, the comparable properties must have a use that is consistent with that of the improved land.

2. The elements of comparison used and adjustments made by the county assessor must be identifiable and supported by verifiable market data.
3. If it is necessary to make an adjustment to recognize the view influence or any other property attribute associated with the subject property, the county assessor shall:

(a) Make a physical determination of the view influence from the land of each respective view parcel. The county assessor shall make the view influence determination from any area on the parcel that is capable of development. This would exclude legally required setbacks or portions of the parcel subject to applicable land use restrictions or applicable deed restrictions that prohibit development.

(b) Upon the written request of the owner, provide to the owner as soon as practicable, but not later than 15 days after receiving the request, current market evidence for each adjustment for the view influence or other property attribute. In a county whose population is 40,000 or more, “current market evidence” as used in this paragraph means sales data concerning sales of improved or unimproved parcels that occurred during the 36-month period immediately preceding July 1 of the year before the lien date, unless the Commission has approved the petition of the county assessor to consider sales that occurred before that 36-month period.

(c) Upon the written request of the owner, provide to the owner as soon as practicable, but not later than 15 days after receiving the request, a comprehensive written analysis describing any mass appraisal or single property technique used, written in such a manner that the taxpayer can determine whether the value of the parcel has been appropriately adjusted by the county assessor. For an appraisal made using a:

(1) Single property technique, the written analysis must describe each adjustment, whether attributable to view influence or another property attribute, and how each adjustment was made.

(2) Mass appraisal technique, the written analysis must describe the stratum in which the parcel was included, the comparable sales and any adjustments thereto used to develop a base lot or comparative unit value for the stratum, and any adjustments made to the base lot or comparative unit value to determine the value of the property.

(d) Consider whether an adjustment is necessary because of impairments caused by obstructions or aesthetic criteria, including, without limitation, tree growth, utility lines, water tanks or the presence of other improvements.

Sec. 10. For the purposes of carrying out the provisions of NAC 361.118 or section 8 of this regulation:

1. In determining whether the sales price of each comparable property is representative of the full cash value of the subject property, the county assessor must acquire sufficient sales data concerning the comparable property. The sales data may include, without limitation:

(a) The total amount paid for the property and the terms of sale;
(b) The names and contact information of the buyer and seller;
(c) The relationship of the buyer and seller;
(d) The legal description, address and parcel identifier of the property;
(e) Information concerning the type of transfer that is sufficient to enable the county assessor to determine whether the transfer was at arm’s length;
(f) The length of time the property was on the market;
(g) The extent of the interest transferred to the buyer;
(h) The nature of nonrealty items; and
2. The county assessor may determine the accuracy of the sales data acquired pursuant to subsection 1 by:

(a) Contacting the buyer, seller, title company or any other knowledgeable participant in the transaction;
(b) Using sales questionnaires;
(c) Conducting personal interviews; or
(d) Reviewing declarations of value.

The county assessor shall disclose to each person he contacts for information pursuant to this subsection that the information provided by the person will only be used to establish value for the purposes of property taxation.

3. The following types of sales may provide unreliable information regarding full cash value and require additional verification to determine whether the sale represents full cash value:

(a) Sales involving governmental agencies and public utilities;
(b) Sales involving charitable, religious or educational institutions;
(c) Sales involving financial institutions;
(d) Sales between relatives or corporate affiliates;
(e) Sales of convenience, including, without limitation, a sale intended to correct a flaw in title;
(f) Sales settling an estate;
(g) Forced sales, including, without limitation, a sale resulting from a judicial order; and
(h) Sales involving doubtful title.

4. The county assessor may sort sales and other market data into homogeneous groups to reflect different market influences and variations in zoning, other land-use controls and probable use, and to ensure that land values will reflect market data for parcels with similar or competitive uses in the same area.

Sec. 11. NAC 361.106 is hereby amended to read as follows:

361.106 As used in NAC 361.106 to 361.1315, inclusive, and sections 2 to 10, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in NAC 361.107 to 361.117, inclusive, and sections 2 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.

Sec. 12. NAC 361.118 is hereby amended to read as follows:

361.118 [1. Except as otherwise provided in NAC 361.119, a] A county assessor shall determine the full cash value of land by applying the sales comparison approach using a single property technique as follows:

[(a)] 1. The county assessor shall adjust the sales prices or unit values of comparable properties as necessary to eliminate differences between the comparable properties and the subject property that affect value. The adjustments:

[(+) (a)] Must be mathematical changes made to the sales prices or unit values of the comparable properties to account for differences in elements of comparison between the comparable properties and the subject property;
May be made only to the comparable properties, and not to the subject property; and

May be made by adding or subtracting lump-sum dollar values, or by applying positive or negative percentage differentials, to the sales prices or unit values of the comparable properties.

The elements of comparison between the comparable properties and the subject property that may be used by the county assessor include, without limitation, the real property rights conveyed, financing terms, conditions of sale, market conditions, location, physical characteristics, size, zoning or use, governmental restrictions and nonrealty components of value.

If the subject property is improved land, the comparable properties must have a use that is consistent with that of the improved land.

The elements of comparison used and adjustments made by the county assessor must be identifiable and supported by verifiable market data.

After adjusting the comparable properties for differences that affect value, the county assessor shall analyze the range of adjusted sales prices of the comparable properties to arrive at an estimate of value for the subject property.

If it is necessary to make an adjustment to recognize the view influence or any other property attribute associated with the subject property, the county assessor shall:

1. Make a physical determination of the view influence from the land of each respective view parcel. The county assessor shall make the view influence determination from any area on the parcel that is capable of development. This would exclude legally required setbacks or portions of the parcel subject to

2. Upon the request of the owner, provide to the owner as soon as practicable, but not later than 15 days after receiving the request, current market evidence for each adjustment for the view influence or other property attribute. In a county whose population is 40,000 or more, “current market evidence” as used in this subparagraph means sales data concerning sales of improved or unimproved parcels that occurred during the 36-month period immediately preceding July 1 of the year before the lien date, unless the Commission has approved the petition of the county assessor to consider sales that occurred before that 36-month period. (3) Upon the request of the owner, provide to the owner as soon as practicable, but not later than 15 days after receiving the request, a comprehensive written analysis describing the adjustment, whether attributable to the view influence or other property attribute, so that the taxpayer can determine whether the value of the parcel has been appropriately adjusted by the county assessor.

4. Consider whether an adjustment is necessary because of impairments caused by obstructions or aesthetic criteria, including, without limitation, tree growth, utility lines, water tanks or the presence of other improvements.

In determining whether the sales price of each comparable property is representative of the full cash value of the subject property, the county assessor must acquire sufficient sales data concerning the comparable property. The sales data may include, without limitation:

(a) The total amount paid for the property and the terms of sale;

(b) The names and contact information of the buyer and seller;

(c) The relationship of the buyer and seller;
(d) The legal description, address and parcel identifier of the property;

(e) Information concerning the type of transfer that is sufficient to enable the county assessor to determine whether the transfer was at arm’s length;

(f) The length of time the property was on the market;

(g) The extent of the interest transferred to the buyer;

(h) The nature of nonreality items; and

(i) The date of the transfer.

3. The county assessor may determine the accuracy of the sales data acquired pursuant to subsection 2 by:

(a) Contacting the buyer, seller, title company or any other knowledgeable participant in the transaction;

(b) Using sales questionnaires;

(c) Conducting personal interviews; or

(d) Reviewing declarations of value.

¬The county assessor shall disclose to each person he contacts for information pursuant to this subsection that the information provided by the person will only be used to establish value for the purposes of property taxation.

4. The following types of sales may provide unreliable information regarding full cash value and require additional verification to determine whether the sale represents full cash value:

(a) Sales involving governmental agencies and public utilities;

(b) Sales involving charitable, religious or educational institutions;

© Sales involving financial institutions;

(d) Sales between relatives or corporate affiliates;

(e) Sales of convenience, including, without limitation, a sale intended to correct a flaw in title;

(f) Sales settling an estate;

(g) Forced sales, including, without limitation, a sale resulting from judicial order; and (h) Sales involving doubtful title.

5. The county assessor may sort sales and other market data into homogeneous groups to reflect different market influences and variations in zoning, other land-use controls and probable use, and to ensure that land values will reflect market data for parcels with similar or competitive uses in the same area.

Sec. 13. NAC 361.119 is hereby amended to read as follows:
361.119 1. If [the] a county assessor is not able to use the sales comparison approach for [vacant] land pursuant to NAC 361.118 or section 8 of this regulation because sufficient sales of comparable properties which were vacant [land] at the time of sale are not available, the county assessor [may determine valuation] shall determine the full cash value of land through any of the following methods [:], either in combination with available land sales or as the sole method of valuation:

(a) Abstraction method;
(b) Land residual technique;
(c) Capitalization of ground rents;
(d) Cost of development method; [and]
(e) Allocation method, if the properties are substantially similar [.]; and
(f) Regression analysis.

2. The use of sales of comparable improved properties pursuant to subsection 1 is subject to the provisions of NAC 361.118 or section 8 of this regulation, as applicable, sections 9 and 10 of this regulation and the following:

(a) Sales of comparable improved properties must be adjusted to remove the full contributory value of all items attributable to the [improvement of vacant land,] improvements, including, without limitation, [improvements,] direct and indirect costs, soft costs, entrepreneurial profit, and personal property and other nonrealty components of value. The costs may be reported in a lump-sum basis per unit.

(b) The complete obsolescence of an improvement for purposes of analyzing the sales price of a comparable improved property is best determined when the improvement is demolished or removed, but may be considered when:

(1) Sufficient evidence demonstrates an intention to demolish or remove the improvement, which evidence may include, without limitation, evidence that:

(I) A permit has been issued for the demolition of the improvement;

(II) A disclosure concerning the demolition or removal of the improvement has been filed with the Securities and Exchange Commission;

(III) An order has been issued for the condemnation of the improvement; or (IV) Construction and development financing has been obtained with respect to the comparable property which establishes that the demolition or removal of the improvement is intended; and (2) No occupancy or no use is established before the completion of the demolition or removal of the improvement.

(c) Sales of comparable improved properties may be used in determining valuation regardless of whether the complete obsolescence of an improvement may be determined or considered pursuant to paragraph (b).

Sec. 14. NAC 361.122 is hereby amended to read as follows:

361.122 [1.] If improved land is being put to a use [not] that is:

1. Consistent with the zoning of the land or with the general use of land in the surrounding area, the value of the land must be established by comparing it to a stratum or market area with similar zoning and location in accordance with NAC 361.118 or section 8 of this regulation or, if appropriate, NAC 361.119; or

2. Not consistent with the zoning of the land or with the general use of land in the surrounding area [., the]:
(a) The value of the improved land must be established, in accordance with NAC 361.118 or section 8 of this regulation or, if appropriate, NAC 361.119, by considering the value of land comparing it to a stratum or market area that:

[(a) (1) Is most comparable to the improved land;]
[(b) (2) Has the same or a similar use; and]
[(c) (3) Is affected by the same or similar restrictions.]

[2.] (b) The area of land to be valued according to the use of the improvements is the area actually covered by the improvement, plus the surrounding area necessary to the use of the improvement. Any additional land must be valued as if vacant in accordance with NAC 361.118 or section 8 of this regulation or, if appropriate, NAC 361.119.

Sec. 15. NAC 361.127 is hereby amended to read as follows:

361.127 1. If the use or quality of an existing improvement is changed by a replacement, the county assessor shall revalue the improvement according to the new use or quality as of the time the replacement occurs.

2. Each county assessor who determines the percentage of the replacement made to an improvement:

(a) May use the “Breakdown of Base Cost by Percentage,” as published in the manuals of the Marshall and Swift Publication Company as they existed on October 1 of the year preceding the current assessment year, if the Executive Director approves it for use by county assessors in determining the value of improvements, or other breakdowns of improvement costs adopted or approved annually by the Nevada Tax Commission.

(b) Must consider the total replacements made to an improvement which have been accumulated since its construction or the last computation of replacement if one has been made.

3. As used in this section, the term “replacement” includes items of remodeling or renovation which extend the useful life of an improvement, other than those items excluded by the provisions of NRS 361.229.

[4. The Executive Director shall review the “Breakdown of Base Cost by Percentage” as soon as practicable after each manual is published to determine its suitability for use by county assessors. If he finds the manual to be suitable, the Executive Director shall approve its use and notify each county assessor of that approval.]

Sec. 16. NAC 361.128 is hereby amended to read as follows:

361.128 1. The cost of replacement of an improvement must include all costs for labor, materials, supervision, contractor’s profit and overhead, architect’s plans and specifications, sales taxes and insurance.

2. In determining the costs of an improvement, the county assessor shall:

(a) For rural buildings, use the standards in the manual entitled Rural Building Costs adopted by the Commission.

(b) For other improvements, use the standards in the cost manuals, including modifiers of local costs, published through or furnished by the Marshall and Swift Publication Company, as they existed on October 1 of the year preceding the closure of the roll for the appropriate assessment year, if the Executive Director approves it for use by county assessors in determining the costs of improvements. A computer program for determining cost furnished by the Marshall and Swift Publication Company may also be used. Other computer programs for determining cost which
are based on costs published by the Marshall and Swift Publication Company may be used with the prior approval of the Executive Director.

3. If the manuals described in subsection 2 do not apply to improvements of a particular occupancy or construction type, the county assessor may apply to the Executive Director for permission to use alternative recognized cost manuals, cost determinations or subscription services. If the Executive Director finds that the manuals described in subsection 2 do not apply to such improvements and that the alternative recognized cost manuals, cost determinations or subscription services are suitable, the Executive Director shall, within 30 days after receiving an application pursuant to this subsection, approve the use of the alternative recognized cost manuals, cost determinations or subscription services and notify each county assessor of that approval. The Executive Director shall submit to the Commission annually a list of the alternative recognized cost manuals, cost determinations and subscription services that the Executive Director has approved for use.

4. The Executive Director shall review the standards and modifiers published or furnished by the Marshall and Swift Publication Company as soon as practicable after they become available, to determine their suitability for use by county assessors. If he finds it to be suitable, the Executive Director shall approve the use of the standard or modifier and notify each county assessor of that approval.

Sec. 17. NAC 361.130 is hereby amended to read as follows:

361.130 1. The taxable value of a mobile home or manufactured home which constitutes real property is the cost of replacement of the mobile home or manufactured home less depreciation and obsolescence.

2. In determining the taxable value of a mobile home or manufactured home which constitutes personal property, each county assessor shall, if the mobile home or manufactured home was sold as new:

   (a) Before July 1, 1982, value it at its retail selling price when sold to the original owner less depreciation at 5 percent per year, to a maximum depreciated value of 20 percent of its original retail selling price.

   (b) On or after July 1, 1982, value it at replacement cost, when new, less depreciation. Replacement cost when new is the retail selling price to the original owner adjusted by factors reflected in the annual Personal Property Manual.

   Depreciation must be calculated pursuant to the schedule located in the annual Personal Property Manual. Additional depreciation and obsolescence may be calculated separately.

3. The retail selling price of a mobile home or manufactured home includes all charges for transportation, installation, accessories, profit and overhead.

4. If the owner of a mobile home or manufactured home which has been converted to real property wishes to convert the mobile home or manufactured home back to personal property, the county assessor shall provide the owner with a form for an affidavit of conversion which has been approved by the Commission and which must be recorded in the county recorder’s office pursuant to NRS 361.2445 before the mobile home or manufactured home may be removed from the tax rolls. The affidavit of conversion may include information concerning the cost of acquisition of the mobile home or manufactured home. All signatures required pursuant to NRS 361.2445 to effectuate the conversion must be notarized.

301
5. The county assessor shall value the mobile home or manufactured home as personal property upon satisfaction of all the requirements set forth in NRS 361.2445 if the mobile home or manufactured home remains within the jurisdiction of the county assessor.

6. If a mobile home or manufactured home which has been converted to real property is completely destroyed and removed from real property, the county assessor shall remove the mobile home or manufactured home from the tax roll.

Sec. 18. NAC 361.131 is hereby amended to read as follows:

361.131 If the initially determined taxable value for any real property is found to exceed the full cash value of the property, the person determining taxable value shall examine the taxable value determined for the land, and if the land is properly valued, he shall appropriately reduce the taxable values determined for the improvements [If any further reduction is needed,] and, if appropriate, the value of the land [may also be reduced.] and any pertinent personal property.

ADOPTED REGULATION OF THE
NEVADA TAX COMMISSION

LCB File No. R183-07

Effective August 26, 2008

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

AUTHORITY: §§1-6, NRS 360.090, 360.250 and 361.233. A REGULATION relating to the taxation of real property; providing a methodology for the assessment and valuation of the real property within a common-interest community; and providing other matters properly relating thereto.

Section 1. Chapter 361 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. As used in sections 2 to 5, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in NRS 361.233 have the meanings ascribed to them in that section.

Sec. 3. The provisions of sections 2 to 5, inclusive, of this regulation apply to the assessment and valuation of the real property within a common-interest community.

Sec. 4. 1. A county assessor shall:

(a) Determine the taxable value of each community unit of a common-interest community separately and assess the tax thereon to the current owner of the community unit; and

(b) Determine the taxable value of the common elements of a common-interest community separately and assess the tax thereon to the current owners of the community units of the common-interest community as provided in section 5 of this regulation.
2. If a parcel includes both a community unit and any portion of the common elements of a common-interest community, a county assessor shall:

(a) Determine the taxable value of any improvements and land that comprise that community unit separately and assess the tax thereon to the current owner of the community unit; and

(b) Determine the taxable value of any improvements and land that comprise that portion of the common elements of the common-interest community and assess the tax thereon to the current owners of the community units of the common-interest community as provided in section 5 of this regulation.

3. For the purposes of:

(a) Paragraph (a) of subsection 1, the taxable value of the common elements of a common-interest community must not enhance or be reflected in the taxable value of a community unit of that common-interest community; and

(b) Paragraph (a) of subsection 2, the taxable value of any improvements and land that comprise the common elements of a common-interest community must not enhance or be reflected in the taxable value of any improvements and land that comprise a community unit of that common-interest community.

Sec. 5. 1. Except as otherwise provided in subsection 3 of section 4 of this regulation, a county assessor shall include in the valuation of each community unit of a common interest community an amount calculated by multiplying the taxable value of all the common elements of the common-interest community by a fraction, the numerator of which is 1 and the denominator of which is:

(a) Except as otherwise provided in paragraph (b), the total number of community units in the common-interest community; or

(b) If the common-interest community is still under development, the total number of community units planned to be constructed in the common-interest community, regardless of whether each community unit has yet been identified by a separate assessor’s parcel number.

2. If a county assessor is unable to determine from public records the information necessary to carry out the provisions of subsection 1, the county assessor shall submit to the owners of the common elements of the common-interest community a written request for such information as the county assessor determines to be necessary to carry out those provisions. Such information may include, without limitation:

(a) The total number of community units constructed or planned to be constructed in the common-interest community;

(b) The assessor’s parcel number or other identifying information for each community unit in the common-interest community; and © The assessor’s parcel number or other identifying information for each portion of the common elements of the common-interest community.

3. If the owners of the common elements of a common-interest community fail to provide the information requested pursuant to subsection 2 within 60 days after receiving that request, the county assessor shall allocate the taxable value of the common elements of the common-interest community to the community units of the common-interest community based on any information available to the county assessor.
4. The Department shall provide a standard form for requesting and providing information pursuant to this section.

Sec. 6. NAC 361.010 is hereby amended to read as follows:

361.010 As used in NAC 361.010 to 361.61038, inclusive, and sections 2 to 5, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in NAC 361.012 to 361.018, inclusive, have the meanings ascribed to them in those sections.

ADOPTED REGULATION OF THE
COMMITTEE ON LOCAL GOVERNMENT FINANCE

LCB File No. R022-08

Effective on April 17, 2008, for the purposes of budgeting and making any calculations required for planning and budgeting for the fiscal year beginning on July 1, 2008; and on July 1, 2008, for all other purposes

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

AUTHORITY: §§1-21, NRS 361.4733.

A REGULATION relating to property taxes; providing a methodology for the allocation of any reduction in revenue resulting from certain partial abatements of taxes imposed on property located in a redevelopment area or tax increment area; and providing other matters properly relating thereto.

Section 1. Chapter 361 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this regulation.

Sec. 2. As used in sections 2 to 20, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 15, inclusive, of this regulation have the meanings ascribed to them in those sections.

Sec. 3. “Combined overlapping adjusted tax rate” means the sum of all the entityadjusted parcel tax rates of all the taxing entities that levy an ad valorem tax on a parcel or other taxable unit of property.

Sec. 4. “Debt tax rate” means the rate of ad valorem taxes levied by or on behalf of a taxing entity in a fiscal year for the payment of the bonded indebtedness of that taxing entity, as included in the combined tax rate certified by the Commission for that fiscal year in accordance with NRS 361.4547.

Sec. 5. “Entity-adjusted parcel tax rate” has the meaning ascribed to it in NAC 361.611.

Sec. 6. “Entity-adjusted parcel tax rate increase” means:

1. Except as otherwise provided in subsection 2, the remainder obtained by subtracting the entity-adjusted parcel tax rate of a taxing entity applicable to a parcel or other taxable unit of
property for the immediately preceding fiscal year from the entity-adjusted parcel tax rate of that
taxing entity applicable to that property for the current fiscal year; or

2. If the remainder determined pursuant to subsection 1 is a negative number, zero.

Sec. 7. “Entity parcel tax rate increase” means:

1. Except as otherwise provided in subsection 2, the remainder obtained by subtracting the
   entity-adjusted parcel tax rate of a taxing entity applicable to a parcel or other taxable unit of
   property for the immediately preceding fiscal year from the rate of ad valorem taxes imposed by or on
   behalf of that taxing entity on that property for the current fiscal year; or

2. If the remainder determined pursuant to subsection 1 is a negative number, zero.

Sec. 8. “Entity percentage allowed parcel tax rate increase” means:

1. Except as otherwise provided in subsection 2, the percentage obtained by dividing the entity-
   adjusted parcel tax rate of a taxing entity applicable to a parcel or other taxable unit of property by
   the entity parcel tax rate increase of that taxing entity applicable to that property; or

2. If the entity parcel tax rate increase of a taxing entity applicable to a parcel or other taxable
   unit of property is zero, 100 percent.

Sec. 9. “Parcel effective assessed value” means the amount calculated by dividing the dollar amount
of ad valorem taxes levied on a parcel or other taxable unit of property, after taking into account any
applicable partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, by the
combined overlapping adjusted tax rate applicable to that property.

Sec. 10. “Parcel effective incremental value” means:

1. Except as otherwise provided in subsection 2, the remainder obtained by subtracting the parcel
   share of base value of a parcel or other taxable unit of property from the parcel effective assessed
   value of that property; or

2. If the remainder determined pursuant to subsection 1 is a negative number, zero.

Sec. 11. “Parcel share of base value” means, for a parcel or other taxable unit of property located in a:

1. Redevelopment area, the product obtained by multiplying the base value of the taxable
   property in the redevelopment area, as determined in accordance with the provisions of paragraph (a)
   of subsection 1 of NRS 279.676, by the quotient obtained by dividing the parcel effective assessed
   value of that parcel or other taxable unit of property by the sum of the parcel effective assessed values
   of all the parcels and other taxable units of property in that redevelopment area.

2. Tax increment area, the product obtained by multiplying the base value of the taxable property
   in the tax increment area, as determined in accordance with the provisions of paragraph (a) of
   subsection 1 of NRS 278C.250, by the quotient obtained by dividing the parcel effective assessed value
   of that parcel or other taxable unit of property by the sum of the parcel effective assessed values of all
   the parcels and other taxable units of property in that tax increment area.

Sec. 12. “Property” means property located in a redevelopment area or tax increment area.
Sec. 13. “Redevelopment area” means a redevelopment area, as defined in NRS 279.410, regarding which any taxes levied on property in that area are distributed as provided in NRS 279.676.

Sec. 14. “Tax increment area” means a tax increment area, as defined in NRS 278C.130, regarding which any taxes levied on property in that area are distributed as provided in NRS 278C.250.

Sec. 15. “Taxing entity” has the meaning ascribed to it in NRS 361.4721. Sec. 16. 1. Except as otherwise provided in sections 2 to 20, inclusive, of this regulation, each calculation required pursuant to those provisions must be:

(a) Calculated separately for each parcel or other taxable unit of property; and

(b) Recalculated for each fiscal year.

2. For the purposes of sections 2 to 20, inclusive, of this regulation, the entity-adjusted parcel tax rate applicable to a parcel or other taxable unit of property must be calculated in the same manner as if the property was not located in a redevelopment area or tax increment area.

Sec. 17. The ad valorem taxes collected on a parcel or other taxable unit of property for which the parcel effective incremental value is zero must be distributed in the same manner as if the property was not located in a redevelopment area or tax increment area.

Sec. 18. 1. Except as otherwise provided in subsection 2 of NRS 279.676 and section 20 of this regulation, the ad valorem taxes collected on a parcel or other taxable unit of property which is located in a redevelopment area and for which the parcel effective incremental value is greater than zero must be distributed as follows:

(a) The amount of taxes determined by multiplying the parcel share of base value by the combined overlapping adjusted tax rate applicable to that property must be distributed to the entities entitled to receive those taxes pursuant to paragraph (a) of subsection 1 NRS 279.676 in proportion to their respective entity adjusted parcel tax rates;

(b) The amount of taxes determined by multiplying the combined overlapping post-1996 adjusted parcel tax rate by the parcel effective incremental value applicable to that property must be distributed to the entities described in paragraphs (c) and (d) of subsection 1 of NRS 279.676 in proportion to their respective post-1996 adjusted parcel tax rates; and (c). After deducting the amount of taxes required to be distributed pursuant to paragraphs (a) and (b), any remaining amount must be distributed to the redevelopment agency as provided in paragraph (b) of subsection 1 of NRS 279.676.

2. For the purposes of this section:

(a) “Combined overlapping post-1996 adjusted parcel tax rate” means the sum of all the post-1996 adjusted parcel tax rates of all the taxing entities that levy an ad valorem tax on a parcel or other taxable unit of property.

(b) “Post-1996 adjusted parcel tax rate” means:

(1) For the fiscal year beginning on July 1, 2004, the post-1996 debt tax rate of a taxing entity applicable to a parcel or other taxable unit of property for that fiscal year; and

(2) For each subsequent fiscal year, the sum obtained by adding:
(I) The post-1996 adjusted parcel tax rate of a taxing entity applicable to a parcel or other taxable unit of property for the immediately preceding fiscal year; and

(II) The product obtained by multiplying the post-1996 parcel tax rate increase of that taxing entity applicable to that property for the current fiscal year by the entity percentage allowed parcel tax rate increase of that taxing entity applicable to that property. © “Post-1996 debt tax rate” means the portion of the debt tax rate of a taxing entity which is levied to pay any bonded indebtedness approved by the voters of the taxing entity on or after November 5, 1996, as described in paragraph © of subsection 1 of NRS 279.676. The post-1996 debt tax rate of a taxing entity for a fiscal year must be determined by multiplying the debt tax rate of that taxing entity for that fiscal year by a fraction, the numerator of which is the total amount of principal and interest coming due in that fiscal year on all the bonded indebtedness of that taxing entity which was approved by the voters of that taxing entity on or after November 5, 1996, and is to be paid with ad valorem taxes, and the denominator of which is the total amount of principal and interest coming due in that fiscal year on all the bonded indebtedness of that taxing entity for which the debt tax rate is being levied. For the purposes of this paragraph, the amount of principal and interest on the bonded indebtedness of a taxing entity coming due in a fiscal year for which the debt tax rate is being levied, and the amount of such indebtedness coming due in a fiscal year to be paid with ad valorem taxes approved by the voters of that taxing entity on or after November 5, 1996, must be determined by reference to the approved final budget of that taxing entity which was used by the Commission to certify the combined tax rate in accordance with NRS 361.4547, and must not be adjusted thereafter despite the occurrence of any event that changes the amount of bonded indebtedness of the taxing entity coming due in that fiscal year to be paid with ad valorem taxes.

(d) “Post-1996 parcel tax rate increase” means the remainder obtained by subtracting the post-1996 adjusted parcel tax rate of a taxing entity applicable to a parcel or other taxable unit of property for the immediately preceding fiscal year from the post-1996 tax rate of that taxing entity applicable to that property for the current fiscal year.

(e) “Post-1996 tax rate” means the portion of the rate of ad valorem taxes of a taxing entity which is equal to the sum obtained by adding the post-1996 debt tax rate of that taxing entity to the rate of ad valorem taxes of that taxing entity attributable to a new or increased tax rate which is approved by the voters of that taxing entity on or after November 5, 1996, as described in paragraph (d) of subsection 1 of NRS 279.676.

(f) “Property” means property located in a redevelopment area.

Sec. 19. 1. Except as otherwise provided in subsection 2, section 20 of this regulation and subsections 2 and 3 of NRS 278C.250, the ad valorem taxes collected on a parcel or other taxable unit of property which is located in a tax increment area and for which the parcel effective incremental value is greater than zero must be distributed as follows:

(a) The amount of taxes determined by multiplying the parcel share of base value by the combined overlapping adjusted tax rate applicable to that property must be distributed to the entities entitled to receive those taxes pursuant to paragraph (a) of subsection 1 of NRS 278C.250 in proportion to their respective entity-adjusted parcel tax rates;
(b) The amount of taxes determined by multiplying the combined overlapping debt and override adjusted parcel tax rate by the parcel effective incremental value applicable to that property must be distributed to the entities described in paragraphs (a), (b) and (c) of subsection 4 of NRS 278C.250 in proportion to their respective debt and override adjusted parcel tax rates;

(c) The amount of taxes determined by multiplying the tax rate specified in subsection 1 of NRS 387.195 by the parcel effective incremental value applicable to that property must be distributed as provided in paragraph (d) of subsection 4 of NRS 278C.250;

(d) After deducting the amount of taxes required to be distributed pursuant to paragraphs (a), (b) and (c), any remaining amount which does not exceed the combined total amount required for annual debt service on any bonds that have been issued by the entity that created that tax increment area and regarding which any revenues of that tax increment area have been pledged, must be distributed to that entity as provided in paragraphs (b) and (c) of subsection 1 of NRS 278C.250; and

(e) After deducting the amount of taxes required to be distributed pursuant to paragraphs (a) to (d), inclusive, any remaining amount must be distributed:

(1) Except as otherwise provided in subparagraph (2), to the taxing entities that impose a nonschool, nondebt and nonoverride adjusted parcel tax rate in proportion to their respective nonschool, nondebt and nonoverride adjusted parcel tax rates as provided in paragraph (d) of subsection 1 of NRS 278C.250; or

(2) If the taxes are collected on property located in a tax increment area created pursuant to NRS 278C.155, to the entity that created the tax increment area. 2. Paragraph © of subsection 1 does not apply to any taxes levied on property located in a tax increment area created pursuant to NRS 278C.155.

3. For the purposes of this section:

(a) “Combined overlapping debt and override adjusted parcel tax rate” means the sum of all the debt and override adjusted parcel tax rates of all the taxing entities that levy an ad valorem tax on a parcel or other taxable unit of property.

(b) “Debt and override adjusted parcel tax rate” means:

(1) For the fiscal year beginning on July 1, 2004, the debt and override tax rate of a taxing entity applicable to a parcel or other taxable unit of property for that fiscal year; and (2) For each subsequent fiscal year, the sum obtained by adding:

(I) The debt and override adjusted parcel tax rate of a taxing entity applicable to a parcel or other taxable unit of property for the immediately preceding fiscal year; and

(II) The product obtained by multiplying the debt and override parcel tax rate increase of that taxing entity applicable to that property for the current fiscal year by the entity percentage allowed parcel tax rate increase of that taxing entity applicable to that property.

(c) “Debt and override parcel tax rate increase” means the remainder obtained by subtracting the debt and override adjusted parcel tax rate of a taxing entity applicable to a parcel or other
taxable unit of property for the immediately preceding fiscal year from the debt and override tax rate of that taxing entity applicable to that property for the current fiscal year.

(d) “Debt and override tax rate” means the portion of the rate of ad valorem taxes of a taxing entity which is equal to the sum obtained by adding:

(1) The debt tax rate of that taxing entity which is levied to pay any bonded indebtedness approved by a majority of the registered voters within the area of that taxing entity voting upon the question;

(2) The portion of the rate of ad valorem taxes of that taxing entity attributable to any increase in that rate since the creation of the tax increment area which was approved by a majority of the registered voters within the area of that taxing entity voting upon the question; and

(3) The portion of the rate of ad valorem taxes of that taxing entity which is levied pursuant to NRS 387.3285 or 387.3287, and which was approved by a majority of the registered voters within the area of that taxing entity voting upon the question, as respectively described in paragraphs (a), (b) and (c) of subsection 4 of NRS 278C.250.

(e) “Nonschool, nondebt and nonoverride adjusted parcel tax rate” means the remainder obtained by subtracting from the entity-adjusted parcel tax rate of a taxing entity applicable to a parcel or other taxable unit of property:

(1) If included in that entity-adjusted parcel tax rate, the tax rate mandated by subsection 1 of NRS 387.195; and (2) The debt and override adjusted parcel tax rate of that taxing entity applicable to that property.

(f) “Property” means property located in a tax increment area.

Sec. 20. The provisions of sections 18 and 19 of this regulation must not be applied in any manner that:

1. Would provide for the abatement of any increase in ad valorem taxes which, in accordance with NRS 361.4726, subsection 3 of NRS 361.4727 or NRS 361.4728, is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724; or

2. Would not allocate the revenue from any increase in ad valorem taxes described in subsection 1 to the taxing entity who levies that increase or on behalf of whom that increase is levied.

Sec. 21. This regulation becomes effective:

1. On April 17, 2008, for the purposes of budgeting and making any calculations required for planning and budgeting for the fiscal year beginning on July 1, 2008; and

2. On July 1, 2008, for all other purposes.
ADOPTED REGULATION OF THE
COMMITTEE ON LOCAL GOVERNMENT FINANCE

LCB File No. R023-08

Effective April 17, 2008

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

AUTHORITY: §§1-11, NRS 361.4733.

A REGULATION relating to property taxes; providing a methodology for the allocation of any reduction in tax revenue resulting from certain partial abatements of taxes imposed on property located outside of any redevelopment area or tax increment area; and providing other matters properly relating thereto.

Section 1. Chapter 361 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. As used in sections 2 to 10, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this regulation have the meanings ascribed to them in those sections.

Sec. 3. “Combined overlapping adjusted tax rate” means the sum of all the entity-adjusted parcel tax rates of all the taxing entities that levy an ad valorem tax on a parcel or other taxable unit of property.

Sec. 4. “Combined overlapping tax rate” has the meaning ascribed to it in NRS 361.4715.

Sec. 5. “Entity-adjusted parcel tax rate” has the meaning ascribed to it in NAC 361.611.

Sec. 6. “Entity parcel tax rate increase” means:

1. Except as otherwise provided in subsection 2, the remainder obtained by subtracting the entity-adjusted parcel tax rate of a taxing entity applicable to a parcel or other taxable unit of property for the immediately preceding fiscal year from the rate of ad valorem taxes imposed by or on behalf of that taxing entity on that parcel or other taxable unit of property for the current fiscal year; or

2. If the remainder determined pursuant to subsection 1 is a negative number, zero.

Sec. 7. “Redevelopment area” means a redevelopment area, as defined in NRS 279.410, regarding which any taxes levied on property in that area are distributed as provided in NRS 279.676.

Sec. 8. “Tax increment area” means a tax increment area, as defined in NRS 278C.130, regarding which any taxes levied on property in that area are distributed as provided in NRS 278C.250.

Sec. 9. “Taxing entity” has the meaning ascribed to it in NRS 361.4721.

Sec. 10. 1. Except as otherwise provided in subsection 2 or required to carry out the provisions of NRS 361.4732:
(a) On or before August 1 of each fiscal year, the tax receiver of each county shall determine for each parcel or other taxable unit of property located in that county, other than any property to which paragraph (b) applies, for which the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping adjusted tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(1) The amount of any partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(2) The product of the assessed value of the property for the current fiscal year and the difference between:

   (I) The combined overlapping tax rate applicable to the property for the current fiscal year; and

   (II) The combined overlapping adjusted tax rate applicable to the property for the immediately preceding fiscal year.

(b) On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323 and for which the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping adjusted tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(1) The amount of any partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

(2) The product of the assessed value of the property for the current fiscal year and the difference between:

   (I) The combined overlapping tax rate applicable to the property for the current fiscal year; and

   (II) The combined overlapping adjusted tax rate applicable to the property for the immediately preceding fiscal year.

(c) That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is determined pursuant to paragraph (a) or (b) must be deducted from the amount of ad valorem taxes that would otherwise be distributed to the taxing entities whose entity parcel tax rate increase is greater than zero in proportion to their respective entity parcel tax rate increases.

(d) Each calculation required pursuant to this section must be:

(1) Calculated separately for each parcel or other taxable unit of property; and

(2) Recalculated for each fiscal year.

2. The provisions of this section must not be applied in any manner that:

(a) Would provide for the abatement of any increase in ad valorem taxes which, in accordance with NRS 361.4726, subsection 3 of NRS 361.4727 or NRS 361.4728, is exempt from each
partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724; or

(b) Would not allocate the revenue from any increase in ad valorem taxes described in paragraph (a) to the taxing entity who levies that increase or on behalf of whom that increase is levied.

3. As used in this section, “property” means property which is located outside of any redevelopment area or tax increment area.

Sec. 11. NAC 361.611 is hereby amended to read as follows:

361.611 1. For the purpose of calculating any amount required to be deducted pursuant to subsection 4 of NRS 361.4722, subsection 3 of NRS 361.4723 or subsection 3 of NRS 361.4724 for a fiscal year from the amount any taxing entity would otherwise be entitled to receive from the ad valorem taxation of a parcel or other taxable unit of property, the entity-adjusted parcel tax rate of each taxing entity must be used to determine:

(a) The rate of ad valorem taxes levied in the county on that property by or on behalf of each taxing entity for that fiscal year; and
(b) The combined rate of all ad valorem taxes levied in the county on that property by or on behalf of all taxing entities for that fiscal year.

2. For the purpose of making the calculations required for each parcel or other taxable unit of property pursuant to NRS 361.473 or 361.4731, the entity-adjusted parcel tax rate of each taxing entity must be used to determine:

(a) The ad valorem tax rate of each taxing entity applicable to that property for the immediately preceding fiscal year; and (b) The combined overlapping tax rate applicable to that property for the immediately preceding fiscal year.

3. For the purposes of this section, the “entity-adjusted parcel tax rate” of a taxing entity means the rate of ad valorem taxes imposed by or on behalf of that taxing entity upon a parcel or other taxable unit of property for a fiscal year, as calculated by:

(a) Multiplying the actual rate of ad valorem taxes levied by or on behalf of that taxing entity for that fiscal year by the assessed value of that property for that fiscal year;

(b) Subtracting from the amount determined pursuant to paragraph (a) any amount deducted for that fiscal year pursuant to [subsection 3 of NRS 361.473 or paragraph (a) of subsection 3 of NRS 361.4731] paragraph (c) of subsection 1 of section 10 of this regulation from the amount that taxing entity would otherwise be entitled to receive from the ad valorem taxation of that property; and

(c) Dividing the amount determined pursuant to paragraph (b) by the assessed value of that property for that fiscal year to determine that entity-adjusted parcel tax rate.
EXPLANATION – Matter in italics is new; matter in brackets [omitted material] is material to be omitted.

AUTHORITY: §§1-21, NRS 360.090, 361.4722, 361.4723 and 361.4724. A REGULATION relating to taxation; providing for the administration of an exclusion from certain partial abatements of property taxes for an improvement to or change in the actual or authorized use of property; and providing other matters properly relating thereto.

Section 1. Chapter 361 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this regulation.

Sec. 2. As used in sections 2 to 20, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this regulation have the meanings ascribed to them in those sections.

Sec. 3. “Agricultural use” has the meaning ascribed to it in NRS 361A.030.

Sec. 4. “Commercial use” means the current employment of property for any use other than agricultural use, industrial use, institutional use, mining use, multifamily residential use, open-space use, recreational use, single-family residential use or use as vacant land.

Sec. 5. “Industrial use” means the current employment of property for the purpose of:

1. Manufacturing, assembly, processing, fabricating, machining or warehousing; or

2. Extracting sand and gravel, unless the net proceeds thereof are subject to taxation pursuant to chapter 362 of NRS.

Sec. 6. “Institutional use” has the meaning ascribed to it in NAC 361.61012.

Sec. 7. “Mining use” means the current employment of property for the development or extraction of any mineral on or beneath the surface of land, including metal ores, oil, gas and other hydrocarbons, and geothermal resources.

Sec. 8. “Multifamily residential use” means the current employment of property for any residential purpose other than single-family residential use.

Sec. 9. “On-site improvement” means a physical change to the land area of any property which makes the site ready for its intended use or development, such as grading or landscaping or the addition of fencing, curbing, paving or walkways. The term does not include:

1. Any off-site improvements, including, but not limited to, sewer or drainage lines, utility hookups, sidewalks or roads which are not located on the property; or

2. Any change in the intensity of use of the property.

Sec. 10. “Open-space use” has the meaning ascribed to it in NRS 361A.050.
Sec. 11. “Partial abatement” means a partial abatement of taxes provided pursuant to NRS 361.4722, 361.4723 or 361.4724.

Sec. 12. “Recreational use” has the meaning ascribed to it in NAC 361.61024.

Sec. 13. “Single-family residential use” means the current employment of property as a single-family residence, as that term is defined in NRS 361.4723.

Sec. 14. “Vacant land” means any land other than land on which there is an improvement sufficient to allow the identification of or establish actual use.

Sec. 15. The provisions of sections 2 to 20, inclusive, of this regulation:

1. Except as otherwise provided in subsection 2, set forth the methodology required to carry out the provisions of NRS 361.4722, 361.4723 and 361.4724 in determining the amount of any property taxes to be excluded from each partial abatement and added to the tax roll for the current fiscal year attributable to any incremental increase in the assessed value of any property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property.

2. Do not apply to any property of an interstate or intercounty nature regarding which the Commission establishes the valuation thereof for assessment purposes pursuant to subsection 1 of NRS 361.320 or NRS 361.321.

Sec. 16. Any determination by a county assessor or the Department, as applicable, that there is any improvement to the subject property must be based on a finding that:

1. There is an appurtenance erected upon or affixed to the land, including any on-site improvement, in the current fiscal year that did not exist in the immediately preceding fiscal year; or

2. The subject property consists in whole or in part of a community unit in a common interest community and there is:

   (a) A common element in that common-interest community; or

   (b) An appurtenance erected upon or affixed to a common element in that common interest community, including any on-site improvement, that did not exist in the immediately preceding fiscal year.

Sec. 17. 1. Any determination by a county assessor or the Department, as applicable, that there is any change in the actual use of the subject property must be based on a finding that, upon the commencement of the immediately preceding fiscal year:

   (a) The property was vacant land and, as the result of new construction on the property sufficient to allow for an identification of the use of the property, the primary use of the property upon the commencement of the current fiscal year is agricultural use, commercial use, industrial use, institutional use, mining use, multifamily residential use, open-space use, recreational use or single-family residential use;

   (b) The primary use of the property as vacant land, agricultural use, commercial use, industrial use, institutional use, mining use, multifamily residential use, open-space use, recreational use or single-family residential use is different from the primary use of the property as vacant land, agricultural use, commercial use, industrial use, institutional use,
mining use, multifamily residential use, open-space use, recreational use or single-family residential use upon the commencement of the current fiscal year; or

(c) The property was assessed and taxed as part of a qualified subdivision but is no longer part of that qualified subdivision upon the commencement of the current fiscal year. The amount of any partial abatement that applies to the property must be calculated as if the property had not been assessed and taxed as part of a qualified subdivision during the immediately preceding or any other prior fiscal year. As used in this paragraph, “qualified subdivision” has the meaning ascribed to it in NAC 361.117.

2. If any improvements from which the actual use of the subject property was determined for the purposes of subparagraph (2) of paragraph (a) of subsection 1 of NRS 361.227 are destroyed or otherwise removed from the property, the county assessor or the Department, as applicable, shall consider whether the actual use of the property, as determined from the destroyed or removed improvements, still exists for the current fiscal year.

3. If the subject property has more than one use, the county assessor may determine a single use for each individual portion of the property that is being used for only one use for the purpose of determining whether there is any change in the actual use of that portion of the property.

Sec. 18. 1. Any determination by a county assessor or the Department, as applicable, that there is any change in the authorized use of the subject property must be based on a finding that:

(a) Between the commencement of the immediately preceding fiscal year and the commencement of the current fiscal year, there has been a change in the legal or governmental restrictions on the use of the property;

(b) The change in the legal or governmental restrictions on the use of the property allows the property to be put to a use that was not an allowed use upon the commencement of the immediately preceding fiscal year; and

(c) Either:

(1) The property was vacant land upon the commencement of both the immediately preceding fiscal year and the current fiscal year; or

(2) All the improvements to the property were removed from the property before the commencement of the current fiscal year. No finding may be made pursuant to this subparagraph if the taxpayer shows to the satisfaction of the county assessor or the Department, as applicable, that a reasonably diligent effort is being made to build new improvements to the property that would provide for the same use of the property as was authorized when the former improvements were removed.

2. If a combination of applications or approvals is required for any changes in the legal or governmental restrictions on the use of the subject property, no finding may be made pursuant to subsection 1 until all such applications and approvals have been obtained. 3. For the purposes of each partial abatement, no change in the authorized use of any property may be determined to occur as a result of any change by a governmental entity in:

(a) The categorization or classification of the zoning designation for the property if there is no change in the allowed use of the property; or

(b) Any procedure to apply for an authorized use of the property.
Sec. 19. 1. If a county assessor or the Department, as applicable, does not make a determination in compliance with the provisions of section 16, 17 or 18 of this regulation that there has been any improvement to or change in the actual or authorized use of the subject property, no amount of property taxes may be added to the tax roll for the current fiscal year attributable to any incremental increase in the assessed value of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property.

2. If a county assessor or the Department, as applicable, makes a determination in compliance with the provisions of section 16, 17 or 18 of this regulation that there has been any improvement to or change in the actual or authorized use of the subject property, the county assessor or the Department, as applicable, in cooperation with the county treasurer, must:

   (a) Make a current year calculation for the property as provided in subsection 3;

   (b) Make a base year calculation for the property as provided in subsection 4; and

   (c) Apply the amount determined pursuant to subsection 3 or 4, whichever is less, as the amount of property taxes to be added to the tax roll for the current fiscal year attributable to any incremental increase in the assessed value of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property.

3. A current year calculation for the subject property must be made as follows:

   (a) Determine the taxable value of the property in accordance with the provisions of NRS 362.095, paragraph (b) of subsection 1 of NRS 362.100 and NAC 361.106 to 361.139, inclusive, as applicable, for the current fiscal year based on any improvement to or change in the actual or authorized use of the property from the immediately preceding fiscal year.

   (b) Determine the taxable value of the property in accordance with the provisions of NRS 362.095, paragraph (b) of subsection 1 of NRS 362.100 and NAC 361.106 to 361.139, inclusive, as applicable, for the current fiscal year as if there had not been any improvement to or change in the actual or authorized use of the property from the immediately preceding fiscal year.

   (c) Subtract the amount determined pursuant to paragraph (b) from the amount determined pursuant to paragraph (a). If the remainder is:

      (1) Zero or a negative number, the amount determined pursuant to this subsection shall be deemed to be zero.

      (2) A positive number:

         (I) Convert that amount into an assessed value by multiplying that amount by 0.35; and

         (II) Multiply that assessed value by the applicable rate of property taxes.

4. A base year calculation for the subject property must be made as follows:

   (a) Determine the taxable value for the current fiscal year of any new improvements made on the land of the subject property, as determined for that fiscal year pursuant to section 16 of
this regulation, in accordance with the provisions of paragraph (b) of subsection 1 of NRS 361.227.

(b) Determine the full cash value of the land of the subject property in accordance with the provisions of paragraph (a) of subsection 1 of NRS 361.227, NRS 362.095 and paragraph (b) of subsection 1 of NRS 362.100, as applicable, for the base year as if any improvement to or change in the actual or authorized use of the property, as determined for the current fiscal year pursuant to sections 16, 17 and 18 of this regulation, had occurred before the base year.

(c) Determine the full cash value of the land of the subject property in accordance with the provisions of paragraph (a) of subsection 1 of NRS 361.227, NRS 362.095 and paragraph (b) of subsection 1 of NRS 362.100, as applicable, for the base year without considering any improvement to or change in the actual or authorized use of the property determined for the current fiscal year pursuant to sections 16, 17 and 18 of this regulation.

(d) Subtract the amount determined pursuant to paragraph (c) from the amount determined pursuant to paragraph (b). If the remainder is:

(1) Zero or a negative number, the amount determined pursuant to this paragraph shall be deemed to be zero.

(2) A positive number, successively increase that number in a compound manner by the abatement percentage applicable to the property for each fiscal year after the base year to and including the current fiscal year.

(e) Add the amounts determined pursuant to paragraphs (a) and (d).

(f) Convert the amount determined pursuant to paragraph (e) into an assessed value by multiplying that amount by 0.35.

(g) Multiply the assessed value determined pursuant to paragraph (f) by the applicable rate of property taxes.

5. In carrying out the provisions of this section, a county assessor and the Department, as applicable, shall ensure that the amount of any property taxes excluded from any partial abatement and added to the tax roll for the current fiscal year attributable to any incremental increase in the assessed value of any property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property:

(a) Is due solely to an incremental increase in the assessed value of the property which is directly attributable to the improvement to or change in the actual or authorized use of the property;

(b) Is not due to any increase in the assessed value of the property as a result of any other cause, including, but not limited to, a general appreciation in the market value of property in the area; and

(c) Is assessed only to the specific property for which the assessed valuation has increased as a result of any improvement to or change in the actual or authorized use of that property.

6. As used in this section:
(a) “Abatement percentage” means, with regard to any property for which the owner thereof is entitled to a partial abatement from taxation pursuant to:

(1) NRS 361.4723 or 361.4724, 3 percent;

(2) Subsection 1 of NRS 361.4722, the percentage determined pursuant to paragraph (b) of that subsection; or

(3) Subsection 2 of NRS 361.4722, the percentage determined pursuant to paragraph (b) of that subsection.

(b) “Base year” means the fiscal year beginning on July 1, 2004, or the fiscal year in which a new parcel first appears on the tax roll, whichever occurs last.

(c) “New parcel” has the meaning ascribed to it in NAC 361.61014.

Sec. 20. A county assessor shall include with each notice of assessed valuation or amended notice of assessed valuation provided to a taxpayer or an owner of property pursuant to NRS 361.300 a statement of whether any determination has been made that will result in the exclusion of any taxes from any partial abatement that applies to the subject property attributable to any incremental increase in the assessed value of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property. If the statement indicates that such a determination has been made, the statement must:

1. Set forth that determination;

2. Specify the amount of that incremental increase in the assessed value of the property; and 3. Describe the manner in which detailed instructions may be obtained for appealing the matter to the county board of equalization or the Commission.

Sec. 21. NAC 361.010 is hereby amended to read as follows:

361.010 As used in NAC 361.010 to 361.61038, inclusive, and sections 2 to 20, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in NAC 361.012 to 361.018, inclusive, have the meanings ascribed to them in those sections.