CHAPTER 375A - TAX ON ESTATES

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IMPOSITION, PAYMENT AND COLLECTION OF TAX

General Provisions

NRS 375A.010 Definitions. As used in NRS 375A.010 to 375A.345, inclusive, unless the context otherwise requires, the words and terms defined in NRS 375A.015 to 375A.060, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1987, 2099)

NRS 375A.015 "Decedent" and "transferor" defined. "Decedent" or "transferor" means any person by or from whom a transfer is made, and includes any testator, intestate, grantor, bargainor, vendor, assignor, donor, joint tenant or insured.

(Added to NRS by 1987, 2099)

NRS 375A.025 "Federal credit" defined. "Federal credit" means the maximum amount of the credit against the federal estate tax for state death taxes allowed by 26 U.S.C. § 2011, in respect to a decedent's taxable estate.

(Added to NRS by 1987, 2100)

NRS 375A.030 "Gross estate" defined. "Gross estate" has the meaning ascribed to "gross estate" in 26 U.S.C. § 2031.

(Added to NRS by 1987, 2100)

NRS 375A.035 "Nonresident" and "nonresident decedent" defined. "Nonresident" or "nonresident decedent" means a decedent who was domiciled outside of Nevada at the time of his or her death.

(Added to NRS by 1987, 2100)

NRS 375A.040 "Personal representative" defined. "Personal representative" means the personal representative of the decedent or, if there is no personal representative appointed, qualified and acting within this state, any person who is in actual or constructive possession of any property included in the gross estate of the decedent.

(Added to NRS by 1987, 2100)

NRS 375A.045 "Resident" and "resident decedent" defined. "Resident" or "resident decedent" means a decedent who was domiciled in Nevada at the time of his or her death.

(Added to NRS by 1987, 2100)

NRS 375A.050 "Taxable estate" defined. "Taxable estate" means the "taxable estate" as defined in 26 U.S.C. § 2051.

(Added to NRS by 1987, 2100)

NRS 375A.055 "Transfer" defined. "Transfer" includes the passage of any property, or any interest therein or income therefrom, in possession or enjoyment, present or future, in trust or otherwise.

(Added to NRS by 1987, 2100)

NRS 375A.060 "Transferee" defined. "Transferee" means any person to whom a transfer is made, and includes any legatee, devisee, heir, next of kin, grantee, donee, vendee, assignee, successor, survivor or beneficiary.

(Added to NRS by 1987, 2100)

Imposition of Tax

NRS 375A.100 Amount of tax. A tax is hereby imposed on the transfer of the taxable estate of a:

1. Resident decedent in the amount of the maximum credit allowable against the federal estate tax for the payment of state death taxes on all:

(a) Real and tangible personal property of the decedent, or any interest therein, having a situs in this state at the time of death; and

(b) Intangible personal property of the decedent, or any interest therein, within or outside this state or otherwise subject to the jurisdiction of this state at the time of death.

2. Nonresident decedent in the amount of the maximum credit allowable against the federal estate tax for the payment of state death taxes on:

(a) All real and tangible personal property of the decedent, or any interest therein, having a situs in this state at the time of death; and

(b) If the decedent is a nonresident of the United States, all intangible personal property, or any interest therein, in this state at the time of death, including all stock of a corporation organized under the laws of Nevada or which has its principal place of business or does the major part of its business in Nevada or of a federal corporation or national bank which has its principal place of business or does the major part of its business in Nevada, except:

(1) Savings accounts in savings and loan associations or savings banks operating under the authority of the Division of Financial Institutions of the Department of Business and Industry or the Federal Home Loan Bank; and

(2) Bank deposits, unless those deposits are held and used in connection with a business conducted or operated, in whole or in part, in Nevada.

(Added to NRS by 1987, 27; A 1991, 152; 1993, 1578)

NRS 375A.105 Determination of federal credit attributable to property situated in Nevada. If a decedent leaves property having a situs in this state, and leaves other property having a situs in another state, the portion of the federal credit which is attributable to the property having a situs in Nevada must be determined in the following manner:

1. For the purpose of apportioning the federal credit, the gross value of the property must be that value finally determined for the purposes of the federal estate tax.

2. The federal credit must be multiplied by the percentage which the gross value of property having a situs in Nevada bears to the gross value of the entire estate subject to federal estate tax.

3. The product determined pursuant to subsection 2 must be the portion of the federal credit which is attributable to property having a situs in Nevada.

(Added to NRS by 1987, 2100)

Payments and Determinations

NRS 375A.150 Return: Personal representative required to file; time for filing; regulations.

1. The personal representative of every estate subject to the tax imposed by NRS 375A.100 who is required to file a federal estate tax return shall file with the Department on or before the federal estate tax return is required to be filed, any documentation concerning the amount due which is required by the Department.

2. The Department shall adopt regulations to require sufficient documentation of the amount due pursuant to this chapter.

(Added to NRS by 1987, 2100)

NRS 375A.155 Return: Extension of time for filing. If the personal representative has obtained an extension of time for filing the federal estate tax return, the filing required by NRS 375A.150 must be similarly extended until the end of the period granted in the extension of time for the federal estate tax return. A true copy of the federal extension must be filed with the Department.

(Added to NRS by 1987, 2101)

NRS 375A.160 Filing of amended return; additional tax. If the personal representative files an amended federal estate tax return, he or she shall immediately file with the Department an amended return with a true copy of the amended federal estate tax return. If the personal representative is required to pay an additional tax under NRS 375A.100 pursuant to the amended return, he or she shall pay that additional tax, together with any interest as provided in NRS 375A.205, at the same time the amended return is filed.

(Added to NRS by 1987, 2101)

NRS 375A.165 Determination of federal estate tax due: Personal representative to give notice of determination; additional tax. Upon final determination of the federal estate tax due, the personal representative shall, within 60 days after that determination, give written notice of it to the Department. If any additional tax is due under NRS 375A.100 by reason of this determination, the personal representative shall pay the tax, together with interest as provided in NRS 375A.205, at the same time he or she files the notice.

(Added to NRS by 1987, 2101)

NRS 375A.170 Penalty for failure to file timely return. If the return provided for in NRS 375A.150 is not filed within the time specified in that section or the extension specified in NRS 375A.155, then the personal representative shall pay, except as otherwise provided in NRS 360.232 and 360.320, and in addition to the interest provided in NRS 375A.205, a penalty equal to 5 percent of the tax due, as finally determined, for each month or portion of a month during which that failure to file continues, not exceeding 25 percent in the aggregate, unless it is shown that there was reasonable cause for the failure to file. If a similar penalty for failure to file timely the federal estate tax return is waived, that waiver shall be deemed to constitute reasonable cause for purposes of this section.

(Added to NRS by 1987, 2101; A 1999, 2500)

NRS 375A.175 Determination of tax upon failure to file return or upon filing of false or fraudulent return. In the case of a false or fraudulent return or failure to file a return, the Department may determine the tax at any time.

(Added to NRS by 1987, 2101)

NRS 375A.180 Determination of deficiency: Generally.

1. In a case not involving a false or fraudulent return or failure to file a return, if the Department determines at any time after the tax is due, but not later than 4 years after the return is filed unless a longer period is provided by federal law, that the tax disclosed in any return required to be filed by NRS 375A.015 to 375A.345, inclusive, is less than the tax disclosed by its examination, a deficiency must be determined.

That determination may also be made within such time after the expiration of the period as may be agreed upon in writing between the Department and the personal representative.

2. For purposes of this section, a return filed before the last day prescribed by law for filing that return must be considered as filed on that last day.

(Added to NRS by 1987, 2101; A 1991, 1408)

NRS 375A.185 Determination of deficiency: Correction of erroneous determination. If a deficiency has been determined in an erroneous amount, the Department may, within 3 years after the erroneous determination was made, set aside the determination or issue an amended determination in the correct amount.

(Added to NRS by 1987, 2101)

NRS 375A.190 Determination of deficiency: Notice of determination. The Department shall give notice of the deficiency determined, together with any penalty for failure to file a return, by personal service or by mail to the person filing the return at the address stated in the return, or, if no return is filed, to the person liable for the tax. Copies of the notice of deficiency may in the same manner be given to such other persons as the Department deems advisable.

(Added to NRS by 1987, 2102)

NRS 375A.195 Determination of deficiency: Appeal; action for modification of tax. If it is claimed that a deficiency has been determined in an erroneous amount, any person who is liable for the tax may appeal the determination to the Nevada Tax Commission pursuant to NRS 360.245. If the person who is liable for the tax is aggrieved by the decision of the Commission on appeal, the person may, within 3 years after the determination was made, bring an action against the State of Nevada in the district court having jurisdiction over the estate to have the tax modified in whole or in part.

(Added to NRS by 1987, 2102; A 1999, 2500)

NRS 375A.200 Liability for tax; time for payment. The tax imposed by NRS 375A.100:

1. Must be paid by the personal representative to the extent of assets subject to his or her control. Liability for payment of the tax continues until the tax is paid.

2. Is due on the date of the decedent's death.

3. Is delinquent at the expiration of 9 months from the date on which it becomes due, if not paid within that time.

(Added to NRS by 1987, 2102)

NRS 375A.205 Interest on delinquent payments.

1. The tax imposed by NRS 375A.100 does not bear interest if it is paid before the date on which it otherwise becomes delinquent. Except as otherwise provided in NRS 360.232 and 360.320, if the tax is paid after that date, the tax bears interest at the rate set by the Executive Director, from the date it became delinquent until it is paid.

2. The Executive Director shall set and maintain the rate of interest for late payments at the highest rate permissible pursuant to Section 4 of Article 10 of the Nevada Constitution.

(Added to NRS by 1987, 2102; A 1999, 2501)

NRS 375A.210 Payment to be applied to interest, penalty and tax. Every payment received by the Department on the tax imposed by NRS 375A.100 must be applied:

1. To any interest due on the tax;

2. To any penalty; and

3. If there is any balance, to the tax itself,

➥ in that order.

(Added to NRS by 1987, 2102)

NRS 375A.215 Bond for payment of tax.

1. If any personal representative fails to pay any tax imposed by NRS 375A.100 for which he or she is liable before the date the tax becomes delinquent, he or she must, on motion of the Department, be required by the district court having jurisdiction over the estate to execute a bond to the State of Nevada in an amount equal to twice the amount of the tax, with such sureties as the court may approve, conditioned for the payment of the tax, plus interest on the tax at the rate of interest set by the Executive Director pursuant to

NRS 375A.205 commencing on the date the tax became delinquent, unless otherwise provided in NRS 360.232 or 360.320. The bond must be executed within a certain time to be fixed by the court and specified in the bond.

2. The bond must be filed in the office of the clerk of the court, and a certified copy must be immediately transmitted to the Department.

3. If the bond is not filed within 20 days after the date of the filing of the order requiring it, the letters of the personal representative affected must be revoked upon motion of the Department.

(Added to NRS by 1987, 2102; A 1999, 2501)

NRS 375A.220 Refund of overpayment.

1. Whenever the Department determines that an overpayment of the tax due under NRS 375A.100 has been made, the person making payment is entitled to a refund of the amount erroneously paid on presentation of proof satisfactory to the Department that the person is entitled to a refund.

2. An application for the refund must be made to the Department within 1 year after the date the federal estate tax has been finally determined.

3. On proof satisfactory to the Department that the applicant is entitled to a refund, the Department shall refund that amount plus interest as provided by NRS 375A.225.

4. The amount of the refund must be paid from the Estate Tax Account in the State General Fund.

(Added to NRS by 1987, 2103)

NRS 375A.225 Interest on overpayment. Interest must be paid upon any overpayment of the tax due under NRS 375A.100 at the rate of interest set by the Executive Director pursuant to NRS 375A.205. Except as otherwise provided in NRS 360.320, the interest must be allowed from the date on which payment of the tax would have become delinquent, if not paid, or the date of actual payment, whichever is later, to a date preceding the date of the refund by not more than 30 days, as determined by the Department.

(Added to NRS by 1987, 2103; A 1999, 2501)

Collection of Tax

NRS 375A.300 Action to enforce claim for tax. The State may enforce its claim for any tax imposed by NRS 375A.100 and enforce the lien of the tax by a civil action in any court of competent jurisdiction against any person liable for the tax or against any property subject to the lien.

(Added to NRS by 1987, 2103)

NRS 375A.305 Tax becomes lien on estate of decedent; personal liability for failure to pay tax; attachment and expiration of lien.

1. The tax imposed by NRS 375A.100 becomes a lien upon the gross estate of the decedent on the date of death and remains as such until the tax, interest and penalties owed to the State are paid or the lien is otherwise discharged.

2. If the tax is not paid when due, the person who had possession of the property of the gross estate on the date of death of the decedent is personally liable for the tax. If the person who is liable for the tax transfers property of the gross estate to a bona fide purchaser or holder of a security interest, the lien imposed by subsection 1 attaches at the moment of the transfer to all of the property of the person who is liable for the tax including property the person acquires after the transfer, except the property which is transferred to a bona fide purchaser or a holder of a security interest. The lien does not attach to any property transferred to a bona fide purchaser or a holder of a security interest but it attaches to the consideration received for the property by the person who is liable for the tax.

3. If the lien is not extinguished or otherwise released or discharged, it expires 10 years after the date a determination of deficiency is issued if, within that period, no notice of the lien has been recorded or filed as provided in NRS 360.450.

4. Except as otherwise provided in this section, the provisions of NRS 360.420 to 360.560, inclusive, apply to the lien.

(Added to NRS by 1987, 2103; A 1989, 1500)

NRS 375A.310 Warrant for enforcement of lien; levy and sale. At any time within 10 years after a person is delinquent in the payment of any tax, interest or penalty, or within 10 years after the last recording or filing of a notice of a lien for taxes, the Department may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the State. The warrant must be directed to any sheriff and has the same effect as a writ of execution. The warrant must be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and sale pursuant to a writ of execution.

(Added to NRS by 1987, 2104)

NRS 375A.315 Fees, commissions and expenses for enforcement of lien.

1. The Department may pay or advance to the sheriff the same fees, commissions and expenses for his or her services as are provided by law for similar services pursuant to a writ of execution. The Department, and not the court, shall approve the fees for publication in a newspaper.

2. The fees, commissions and expenses are obligations of the person required to pay the tax, interest or penalty and may be collected from that person by virtue of the warrant or in any manner provided for the collection of the tax.

(Added to NRS by 1987, 2104)

NRS 375A.320 Writ of execution for enforcement of judgment.

1. At any time after a tax imposed by NRS 375A.100 is delinquent, the Department may have a writ of execution issued for the enforcement of any judgment rendered in respect to the tax.

2. The writ must be executed against any property of the person liable for payment of the tax, or against any property subject to the lien for the tax.

3. The Department must not be charged a fee for the issuance of execution of the writ.

(Added to NRS by 1987, 2104)

NRS 375A.325 Time for commencement of proceedings for collection. Proceedings for the collection of any tax imposed by NRS 375A.100 may be commenced at any time after the tax is due and within 10 years after the time a determination of deficiency is issued.

(Added to NRS by 1987, 2104; A 1995, 1090)

NRS 375A.330 Certificate of Department prima facie evidence in proceeding for collection. In any proceeding for the enforcement of the tax imposed by NRS 375A.100, a certificate by the Department showing the amount due is prima facie evidence of:

1. The imposition of the tax;

2. The fact that it is due; and

3. Compliance by the Department with all the provisions of this chapter in relation to the computation and determination of the tax.

(Added to NRS by 1987, 2104)

NRS 375A.335 Action to prevent or enjoin collection of tax barred. No injunction or other legal or equitable process must issue in any suit, action or proceeding in any court against this state or any officer of this state to prevent or enjoin the collection of any tax imposed by NRS 375A.100.

(Added to NRS by 1987, 2104)

NRS 375A.340 Suits for collection in other states authorized; suits for collection by officials of other states authorized. The Department may bring suits in the courts of other states to collect taxes payable under this chapter. An official of another state which extends a like comity to this state may sue for the collection of similar taxes in the courts of this state. A certificate by the secretary of state of another state, under the great seal of that state, that an official thereof has authority to collect its estate or other transfer taxes is conclusive evidence of the authority of that official in any suit for the collection of those taxes in any court of this state.

(Added to NRS by 1987, 2104)

NRS 375A.345 Remedies of State cumulative; no election of remedies. The remedies of the State for the enforcement of the tax imposed by NRS 375A.100 are cumulative, and no action taken by the Department or any other state officer or agency constitutes an election by the State or any of its officers to pursue any remedy to the exclusion of any other remedy for which provision is made.

(Added to NRS by 1987, 2105)

INTERSTATE COMPROMISE OF DEATH TAXES (UNIFORM ACT)

NRS 375A.400 Short title. NRS 375A.400 to 375A.420, inclusive, may be cited as the Uniform Act on Interstate Compromise of Death Taxes.

(Added to NRS by 1987, 2105)

NRS 375A.405 "State" defined. As used in NRS 375A.400 to 375A.420, inclusive, unless the context otherwise requires, "state" means any state, territory or possession of the United States, and the District of Columbia.

(Added to NRS by 1987, 2105)

NRS 375A.410 Compromise of tax with personal representative where residency of decedent in dispute. The Department may compromise with the personal representative the tax, including any interest and penalty thereon, payable on the estate of any decedent who it is claimed was not a resident of this state at the time of his or her death.

(Added to NRS by 1987, 2105)

NRS 375A.415 Interstate agreement of compromise authorized; contents and filing of agreement; time for payment of tax after filing. If the Department claims that a decedent was domiciled in this state at the time of his or her death and the taxing authorities of another state or states make a like claim on behalf of their state or states, the Department may enter into a written agreement of compromise with the other taxing authorities and the executor or administrator that a certain sum will be accepted in full satisfaction of any and all death taxes imposed by this state, including any interest to the date of filing the agreement. The agreement must also fix the amount to be accepted by the other states in full satisfaction of death taxes. The executor or administrator is hereby authorized to make that agreement. Either the Department or the executor or administrator shall file the agreement, or a duplicate, with the Department. The tax shall be deemed conclusively fixed as provided in the agreement. Unless the tax is paid within 90 days after filing the agreement, interest accrues upon the amount fixed in the agreement but the time between the decedent's death and the filing must not be included in computing the interest.

(Added to NRS by 1987, 2105)

NRS 375A.420 Interpretation of provisions. NRS 375A.400 to 375A.420, inclusive, must be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact them.

(Added to NRS by 1987, 2105)

INTERSTATE ARBITRATION OF DEATH TAXES (UNIFORM ACT)

NRS 375A.450 Short title. NRS 375A.450 to 375A.510, inclusive, may be cited as the Uniform Act on Interstate Arbitration of Death Taxes.

(Added to NRS by 1987, 2105)

NRS 375A.455 Definitions. As used in NRS 375A.450 to 375A.510, inclusive, unless the context otherwise requires:

1. "Board" means the board of arbitrators selected pursuant to NRS 375A.460.
2. "State" means any state, territory or possession of the United States, and the District of Columbia.

(Added to NRS by 1987, 2105)

NRS 375A.460 Interstate agreement for submission of controversy to board of arbitrators authorized where domicile of decedent in dispute; selection of board. If the Department claims that a decedent was domiciled in this state at the time of his or her death and the taxing authorities of another state or states make a like claim on behalf of their state or states, the Department may enter into a written agreement with the other taxing authorities and with the executor or administrator to submit the controversy to the decision of a board consisting of one or any uneven number of arbitrators. The executor or administrator is hereby authorized to make the agreement. The parties to the agreement shall select the arbitrator or arbitrators.

(Added to NRS by 1987, 2105)

NRS 375A.465 Hearings of board. The board shall hold hearings at such times and places as it may determine, upon reasonable notice to the parties to the agreement, all of whom are entitled to be heard, to present evidence and to examine and cross-examine witnesses.

(Added to NRS by 1987, 2106)

NRS 375A.470 Powers of board relating to hearings. The board may administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of books, papers and documents and issue commissions to take testimony. Subpoenas may be signed by any member of the board. In case of failure to obey a subpoena, any judge of a court of record of this state, upon application by the board, may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt.

(Added to NRS by 1987, 2106)

NRS 375A.475 Determination of domicile of decedent. The board shall, by majority vote, determine the domicile of the decedent at the time of his or her death. This determination is final for purposes of imposing and collecting death taxes but for no other purpose.

(Added to NRS by 1987, 2106)

NRS 375A.480 Board to act by majority vote. Except as provided in NRS 375A.470 in respect of the issuance of subpoenas, all questions arising in the course of the proceeding must be determined by majority vote of the board.

(Added to NRS by 1987, 2106)

NRS 375A.485 Determination, record and agreement to be filed with taxing authorities. The Department, the board or the executor or administrator shall file the determination of the board as to domicile, the record of the board's proceedings and the agreement or a duplicate of the agreement entered into pursuant to NRS 375A.460, with the authority having jurisdiction to determine the death taxes in the state determined to be the domicile, and shall file copies of all of those documents with the authorities that would have been empowered to determine the death taxes in each of the other states involved.

(Added to NRS by 1987, 2106)

NRS 375A.490 Interest for nonpayment of taxes. If it is determined by the board that the decedent died domiciled in this state, interest, if otherwise imposed by law, for nonpayment of death taxes between the date of the agreement and of filing of the determination of the board as to domicile, must not exceed 12 percent per annum.

(Added to NRS by 1987, 2106)

NRS 375A.495 Compromise by parties to agreement not precluded. The provisions of NRS 375A.450 to 375A.510, inclusive, do not prevent a written compromise at any time, if otherwise lawful, by all parties to the agreement made pursuant to NRS 375A.460, fixing the amounts to be accepted by this and any other state involved in full satisfaction of death taxes.

(Added to NRS by 1987, 2106)

NRS 375A.500 Compensation and expenses of board. The compensation and expenses of the members of the board and its employees may be agreed upon among those members and the executor or administrator, and if they cannot agree shall be fixed by the probate court of the state determined by the board to be the domicile of the decedent. The amounts so agreed upon or fixed shall be deemed an expense of administration and are payable by the executor or administrator.

(Added to NRS by 1987, 2106)

NRS 375A.505 Reciprocal application. NRS 375A.450 to 375A.510, inclusive, apply only to cases in which each of the states involved has a law identical with or substantially similar to NRS 375A.450 to 375A.510, inclusive.

(Added to NRS by 1987, 2107)

NRS 375A.510 Interpretation of provisions. NRS 375A.450 to 375A.510, inclusive, must be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact them.

(Added to NRS by 1987, 2107)

DETERMINATION OF DOMICILE BY ARBITRATION: ALTERNATIVE METHOD

NRS 375A.600 Definitions. As used in NRS 375A.600 to 375A.690, inclusive, unless the context otherwise requires, the words and terms defined in NRS 375A.605 to 375A.630, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1987, 2107)

NRS 375A.605 "Board" defined. "Board" means a board of arbitration appointed pursuant to NRS 375A.650.

(Added to NRS by 1987, 2107)

NRS 375A.610 "Death tax" defined. "Death tax" means any tax levied by a state on account of the transfer or shifting of economic benefits in property at death, or in contemplation thereof, or intended to take effect in possession or enjoyment at or after death, whether denominated an "inheritance tax," "transfer tax," "succession tax," "estate tax," "death duty," "death dues" or otherwise.

(Added to NRS by 1987, 2107)

NRS 375A.615 "Executor" defined. "Executor" means an executor of the will or administrator of the estate of the decedent, but does not include an ancillary administrator or administrator with the will annexed if an executor named in the will has been appointed and has qualified in another state.

(Added to NRS by 1987, 2107)

NRS 375A.620 "Interested person" defined. "Interested person" means any person who may be entitled to receive, or who has received, any property or interest which may be required to be considered in computing the death tax of any state involved.

(Added to NRS by 1987, 2107)

NRS 375A.625 "State" defined. "State" means any state, territory or possession of the United States, or the District of Columbia.

(Added to NRS by 1987, 2107)

NRS 375A.630 "Taxing official" defined. "Taxing official" means the Department or the designated taxing authority of a reciprocal state.

(Added to NRS by 1987, 2107)

NRS 375A.635 Election to invoke provisions; notice of election; effect of executor's rejection or failure to reject election.

1. If this state and one or more other states each claims that it was the domicile of a decedent at his or her death, at any time before the commencement of legal action for determination of domicile within this state or within 60 days thereafter, any executor, or the taxing official of any such state, may elect to invoke the provisions of NRS 375A.600 to 375A.690, inclusive. The executor or taxing official shall send a notice of that election by registered mail, return receipt requested, to the taxing official of each such state and to each executor, ancillary administrator and interested person.

2. Within 40 days after the receipt of the notice of election, any executor may reject that election by sending a notice, by registered mail, return receipt requested, to all persons originally required to be sent a notice of election. When an election has been rejected by an executor, no further proceedings must be had under NRS 375A.600 to 375A.690, inclusive. If the election is not rejected within the 40-day period, the dispute as to death taxes must be determined solely as provided in NRS 375A.600 to 375A.690, inclusive. No other proceedings to determine or assess those death taxes must thereafter be maintained in any court of this state or any other state.

(Added to NRS by 1987, 2107)

NRS 375A.640 Agreement of compromise authorized. If an election is made and not rejected, the Department may enter into a written agreement with the other taxing officials involved and with the executors to accept a certain sum in full payment of any death taxes, together with interest and penalties, that may be due this state. This agreement must fix the amount to be paid the other states involved in the dispute.

(Added to NRS by 1987, 2108)

NRS 375A.645 Domicile to be determined pursuant to provisions in absence of agreement. If it appears that an agreement cannot be reached, as provided in NRS 375A.640, or if 1 year has elapsed from the date of the election without an agreement having been reached, the domicile of the decedent at the time of his or her death must be determined solely for the purposes of death taxes as provided in NRS 375A.600 to 375A.690, inclusive.

(Added to NRS by 1987, 2108)

NRS 375A.650 Board of arbitration to be appointed. If only this state and one other state are involved, the Department and the taxing official of the other state shall each appoint a member of a board of arbitration, and these members shall appoint the third member of the board. If this state and more than one other state are involved, the taxing officials thereof shall agree upon the authorities charged with the duty of administering the laws relating to death taxes in three states not involved in the dispute and each of these authorities shall appoint a member of the board of arbitration. The board shall select one of its members as chair.

(Added to NRS by 1987, 2108)

NRS 375A.655 Hearings of board. The board shall hold hearings at such places as are deemed necessary, upon reasonable notice to the executors, ancillary administrators, all other interested persons and the taxing officials of the states involved, all of whom are entitled to be heard.

(Added to NRS by 1987, 2108)

NRS 375A.660 Powers of board relating to hearings. The board may administer oaths, take testimony, subpoena witnesses and require their attendance, require the production of books, papers and documents and issue commissions to take testimony. Subpoenas may be issued by any member of the board. Failure to obey a subpoena may be punished by any court of record in the same manner as if the subpoena had been issued by that court.

(Added to NRS by 1987, 2108)

NRS 375A.665 Rules of evidence applicable. Whenever practicable the board shall apply the rules of evidence then prevailing in the federal courts under the Federal Rules of Evidence.

(Added to NRS by 1987, 2108)

NRS 375A.670 Determination of domicile; failure to render determination. The board shall determine the domicile of the decedent at the time of his or her death. This determination is final and conclusive and binds this state, and all of its judicial and administrative officials on all questions concerning the domicile of the decedent for the purpose of death taxes. If the board does not render a determination within 1 year from the time that it is fully constituted, all authority of the board ceases and the bar to court proceedings set forth in NRS 375A.635 no longer exists.

(Added to NRS by 1987, 2108)

NRS 375A.675 Compensation and expenses of board. The reasonable compensation and expenses of the members of the board and its employees must be agreed upon among those members, the taxing officials involved and the executors. If an agreement cannot be reached, compensation and expenses must be determined by those taxing officials or, if they cannot agree, by the appropriate probate court of the state determined to be the domicile. That amount must be borne by the estate and shall be deemed an expense of administration.

(Added to NRS by 1987, 2108)

NRS 375A.680 Determination and record to be filed with taxing authorities. The determination of the board and the record of its proceedings must be filed with the authority having jurisdiction to assess the death tax in the state determined to be the domicile of the decedent and with the authorities which would have had jurisdiction to assess the death tax in each of the other states involved if the decedent had been found to be domiciled therein.

(Added to NRS by 1987, 2109)

NRS 375A.685 Compromise of tax with executor and taxing officials. Notwithstanding the commencement of a legal action for determination of domicile within this state or the commencement of an arbitration proceeding, the Department may in any case enter into a written agreement with the other taxing officials involved and with the executors to accept a certain sum in full payment of any death tax, together with interest and penalties, that may be due this state at any time before that proceeding is concluded. The agreement shall be deemed to fix the amount to be paid the other states involved in the dispute. Upon the filing of the agreement with the Department, an assessment must be made as provided in that agreement. The assessment finally and conclusively fixes the amount of death tax due this state. If the aggregate amount payable under the agreement or under an agreement made in accordance with the provisions of NRS 375A.640 to the states involved is less than the minimum credit allowable to the estate against the federal estate tax, the executor shall also pay to this state the same percentage of the difference between that aggregate amount and the amount of the credit as the amount payable to this state under the agreement bears to the aggregate amount.

(Added to NRS by 1987, 2109)

NRS 375A.690 Interest and penalty for nonpayment of tax. Except as otherwise provided in NRS 360.232 and 360.320, if the board determines that a decedent dies domiciled in this state, the total amount of interest and penalties for nonpayment of the tax, between the date of the election and the final determination of the board, must not exceed an amount determined by applying the rate of interest set by the Executive Director pursuant to NRS 375A.205 to the amount of the taxes due.

(Added to NRS by 1987, 2109; A 1989, 594; 1999, 2501)

DISTRIBUTION OF PROCEEDS

NRS 375A.700 Deposit of proceeds.

1. The Department shall deposit all payments received pursuant to NRS 375A.100 in the State Treasury:

(a) For credit to the Estate Tax Account in the State General Fund, an amount determined by the Department as necessary to pay the costs of administration of this chapter and to refund any overpayments of tax.

(b) For credit to the Estate Tax Account in the Endowment Fund of the Nevada System of Higher Education, 50 percent of the remainder after deducting the amount pursuant to paragraph (a).

(c) For credit to the Fund for School Improvement created pursuant to NRS 387.1249, 50 percent of the remainder after deducting the amount pursuant to paragraph (a).

2. The interest earned on the money in the Estate Tax Account must be credited to the Account.

(Added to NRS by 1987, 27; A 1987, 2112; 1989, 2107; 1993, 397; 1997, 124; 1999, 2838; 2005, 365)

NRS 375A.705 Money received by Nevada System of Higher Education: Separate accounting; investment; expenditure.

1. All money received by the Board of Regents of the University of Nevada pursuant to paragraph (b) of subsection 1 of NRS 375A.700 must be accounted for separately in the Endowment Fund of the Nevada System of Higher Education.

2. The money in the Estate Tax Account must be invested pursuant to the same investment policies as the other money in the Endowment Fund is invested. All interest and income earned on the money in the Account must be credited to the Account.

3. The Board of Regents of the University of Nevada may, upon approval by the Legislature when in regular session or by the Interim Finance Committee when the Legislature is not in regular session, expend any money in the Estate Tax Account.

(Added to NRS by 1987, 2110; A 1993, 398; 2003, 2621; 2005, 365)

NRS 375A.710 Committee on the Estate Tax Account for the Endowment of the Nevada System of Higher Education: Creation; composition; terms of members; duties.

1. There is hereby created the Committee on the Estate Tax Account for the Endowment of the Nevada System of Higher Education, composed of:

(a) Two members of the Board of Regents of the University of Nevada, appointed by the Chair of the Board with the approval of the other members.

(b) Two members who are administrators of the Nevada System of Higher Education, appointed by the Chancellor of the Nevada System of Higher Education.

(c) Two members who are members of the faculty of the Nevada System of Higher Education, appointed by the faculty.

(d) One member who is a student, appointed by the student governments of the Nevada System of Higher Education.

2. If any authority having the power to appoint a member of the Committee ceases to exist, the Governor shall exercise that power in a manner consistent with the intent of this section.

3. The member of the Committee who is appointed pursuant to paragraph (d) of subsection 1 shall serve a term of 1 year. All other members of the Committee shall serve terms of 3 years.

4. The Committee shall make recommendations to the Board of Regents of the University of Nevada concerning the expenditure of the money in the Estate Tax Account in the Endowment Fund.

(Added to NRS by 1987, 2111; A 1993, 398; 2005, 366)

ADMINISTRATION

NRS 375A.800 Power of Department to adopt regulations. The Department may adopt regulations relating to the administration and enforcement of this chapter, and may prescribe the extent, if any, to which any regulation is applied to an estate without retroactive effect.

(Added to NRS by 1987, 2109)

NRS 375A.805 Conduct of hearings by Department. The Department may conduct a hearing at any time or place to determine whether a tax is due under this chapter.

(Added to NRS by 1987, 2110)

NRS 375A.810 Powers of Department relating to hearings. For purposes of a hearing pursuant to NRS 375A.805, the Department has:

1. Jurisdiction to require the attendance of any person who the Department may have reason to believe possesses knowledge of any facts that will aid the Department in the determination of the tax; and

2. All the powers of a master of the district court.

(Added to NRS by 1987, 2110)

NRS 375A.815 Power of Department to issue subpoenas. The Department may issue subpoenas to:

1. Compel the attendance of any person or the production of books and papers.

2. Determine the amount of any tax due under this chapter.

(Added to NRS by 1987, 2110)

NRS 375A.820 District court may compel compliance with subpoena. On the filing by the Department of a petition asking the court to do so, the district court of the county in which a hearing is held may compel compliance with any subpoena issued by the Department.

(Added to NRS by 1987, 2110)

NRS 375A.825 Examination of witnesses. The Department may examine and take the testimony under oath of any person at a hearing concerning the determination of any tax due under this chapter.

(Added to NRS by 1987, 2110)

NRS 375A.830 Fees and expenses of witnesses. Any person compelled to attend a hearing before the Department is entitled to fees for attendance in an amount to be determined by the Department and to his or her expenses of attendance. The fees and expenses are a part of the cost of administering this chapter.

(Added to NRS by 1987, 2110)

NRS 375A.840 Employment of attorney or other person by Department. Whenever the Department is cited as a party to any proceeding or action to determine any tax imposed by this chapter, or whenever the Department deems it necessary for the better enforcement of this chapter to secure evidence of the evasion of, or to commence or appear in any proceeding or action to determine, any such tax, the Department may, with the consent and approval of the Attorney General:

1. Employ any attorney or other person to act for or represent the Department on the state's behalf.

2. Incur any reasonable and necessary expense for and incident to that employment.

(Added to NRS by 1987, 2110)

NRS 375A.845 Department exempt from payment of fees; undertaking not to be required. The Department must not be charged a fee for filing, recording or certifying any petition, lis pendens, decree or order for taking any oath or acknowledgment, in any proceedings under this chapter. No undertaking may be required from the Department or the State in any such proceeding.

(Added to NRS by 1987, 2109)

NRS 375A.850 Copies of chapter to be distributed by Department. The Department shall, without charge, distribute a copy of this chapter to any person who requests it.

(Added to NRS by 1987, 2110)

JURISDICTION OF DISTRICT COURT TO HEAR AND DETERMINE DISPUTES RELATING TO TAX

NRS 375A.880 Jurisdiction where decedent a resident of Nevada. The district court which has jurisdiction in probate of the estate of any decedent shall hear and determine all questions relative to any tax imposed by this chapter, whether or not the property listed in the estate tax return, or any portion thereof, is in the estate.

(Added to NRS by 1987, 2109)

NRS 375A.885 Jurisdiction where decedent not a resident of Nevada. In the case of a decedent who was not a resident of this state at the time of his or her death, the district court of the county in which the decedent's real property is situated, or, if he or she had no real property in this state, the district court of the county in which any of his or her personal property is situated, has jurisdiction to hear and determine all questions relative to any tax imposed by this chapter. If the decedent leaves property in more than one county, the district court of the county whose jurisdiction is first invoked has exclusive jurisdiction.

(Added to NRS by 1987, 2109)