

OFFICIAL OPINIONS OF THE ATTORNEY GENERAL - 1988

OPINION NO. 88-1 TAXATION: A charitable corporation, which holds vacant land only for investment purposes, does not "actually occupy" that land and is not entitled to the property tax exemption contained in [NRS 361.140](#).

Carson City, March 1, 1988

Mr. John P. Comeaux, Executive Director, Department of Taxation, 1340 South Curry Street, Carson City, Nevada 89710

Dear Mr. Comeaux:

You have asked for our opinion concerning the proper interpretation of a statutory tax exemption for charitable corporations.

QUESTION

If a corporation, which is a charitable corporation under [NRS 361.140\(1\)](#), holds property for investment purposes only, does it "actually occupy" that property as required for the property tax exemption granted by [NRS 361.140\(2\)](#)?

ANALYSIS

[NRS 361.140\(2\)](#) provides:

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.

(Emphasis added.)

The term "occupy" is defined to mean:

[T]o take or enter upon possession of; to hold possession of; to hold or keep for use; to possess; to tenant; to do business in . . . (citations omitted).

Black's Law Dictionary (4th ed. 1951) at 1231.

The term "occupied" in tax exemption statutes has been construed to mean that the property must actually be used and physically occupied by the charitable corporation for the intended charitable purpose in order to qualify for the exemption. *See Society of Cincinnati v. Exeter*, 31 A.2d 52, 54 (N.H. 1943). This case involved an old building that had been moved onto land owned by a charitable corporation. At the time the lawsuit was commenced, the charitable society was not actually using the building but was holding it for eventual use for its charitable purposes. The New Hampshire tax statute exempted the real estate of charitable institutions "owned and occupied" by them for their charitable purposes. Applying the statute to the situation at hand, the New Hampshire Supreme Court stated:

The statute contemplates occupancy as more than bare possession. Such possession is not an existing use for the owner's purposes, even with a plan and purpose of future use

Presidential Power Case Studies In The Use Of The Opinions Of The Attorney General

**United States. Congress. Senate.
Committee on Foreign Relations**



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Presidential Power Martin S. Sheffer, 1991-11-18 To find more information on Rowman Littlefield titles please visit us at www.rowmanlittlefield.com **Stanford Law Review: Volume 63, Issue 2 - January 2011** Stanford Law Review, 2011-02-24 One of the most read law journals adds a true ebook edition to its worldwide distribution becoming the first general interest law review to do so This current issue of the Stanford Law Review contains studies of law economics and social policy by such recognized scholars as Kenneth Bamberger Deirdre Mulligan Judge Richard Posner Albert Yoon Cynthia Estland and Norman Spaulding Volume 63 Issue 2 s contents are Privacy on the Books and on the Ground by Kenneth A Bamberger the original note numbering is retained and the issue is properly formatted *The Unitary Executive* Steven G. Calabresi, Christopher S. Yoo, 2008-10-01 This book is the first to undertake a detailed historical and legal examination of presidential power and the theory of the unitary executive This theory that the Constitution gives the president the power to remove and control all policy making subordinates in the executive branch has been the subject of heated debate since the Reagan years To determine whether the Constitution creates a strongly unitary executive Steven G Calabresi and Christopher S Yoo look at the actual practice of all forty three presidential administrations from George Washington to George W Bush They argue that all presidents have been committed proponents of the theory of the unitary executive and they explore the meaning and implications of this finding God Versus Caesar Martin S. Sheffer, 1999-01-01 Reviews the judicial development of the free exercise of religion clause Resolved, that the Commander-in-chief Power of the United States President Should be Substantially Curtailed, 1993 Powersharing Shirley Anne Warshaw, 1996-04-25 The complex relationship between the White House staff and the presidential cabinet has changed dramatically in the last 25 years During that time the White House has emerged as the center of power in the domestic policy process leaving the departments with a diminishing role in initiating major policy proposals This book focuses on powersharing between the White House and the cabinet in the policy process and examines how and why the White House has become the dominant player relegating the departments to implementation rather than design of key initiatives Powersharing begins with an overview of the role of the modern cabinet and a discussion of the cabinet s emergence in a policy role and then in a chapter by chapter analysis of presidential administrations from Nixon through Clinton chronicles the shifting balance of power from the departments to the White House in both the design and management of the nation s major domestic programs The book concludes with an assessment of the prospects for effective powersharing between the cabinet and the White House staff Official Opinions of the Attorneys General of the United States United States. Attorney-General, 1852 *Ends of War* Caroline E. Janney, 2021-09-13 The Army of Northern Virginia s chaotic dispersal began even before Lee and Grant met at Appomattox Court House As the Confederates had pushed west at a relentless pace for nearly a week thousands of wounded and exhausted men fell out of the ranks When word spread that Lee planned to surrender most remaining troops stacked

their arms and accepted paroles allowing them to return home even as they lamented the loss of their country and cause But others broke south and west hoping to continue the fight Fearing a guerrilla war Grant extended the generous Appomattox terms to every rebel who would surrender himself Provost marshals fanned out across Virginia and beyond seeking nearly 18 000 of Lee s men who had yet to surrender But the shock of Lincoln s assassination led Northern authorities to see threats of new rebellion in every rail depot and harbor where Confederates gathered for transport even among those already paroled While Federal troops struggled to keep order and sustain a fragile peace their newly surrendered adversaries seethed with anger and confusion at the sight of Union troops occupying their towns and former slaves celebrating freedom In this dramatic new history of the weeks and months after Appomattox Caroline E Janney reveals that Lee s surrender was less an ending than the start of an interregnum marked by military and political uncertainty legal and logistical confusion and continued outbursts of violence Janney takes readers from the deliberations of government and military authorities to the ground level experiences of common soldiers Ultimately what unfolds is the messy birth narrative of the Lost Cause laying the groundwork for the defiant resilience of rebellion in the years that followed

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