

ASSEMBLY BILL NO. 585—COMMITTEE ON TAXATION

(ON BEHALF OF THE ASSOCIATION OF COUNTY
TREASURERS OF NEVADA)

MARCH 26, 2007

Referred to Committee on Taxation

SUMMARY—Makes various changes to provisions governing
public financial administration. (BDR 32-336)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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

AN ACT relating to public financial administration; providing the rate of interest to be paid on overpayments of taxes on real or personal property; making various changes to other provisions governing taxes on real or personal property; making various changes concerning certain agreements and claims regarding unclaimed property held by a county treasurer; revising provisions governing calculation of the interest that a public body must pay to a contractor on amounts withheld from progress payments on public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, unless a specific statute provides otherwise, a taxpayer is entitled to interest on an overpayment of taxes at a rate equal to the prime rate plus 2 percent. (NRS 360.2935) **Section 2** of this bill provides that the rate of interest to be paid on overpayments of real or personal property taxes is 0.5 percent per month.

Section 3 of this bill requires that a person who enters into certain agreements to locate, deliver, recover or assist in the recovery of any remaining excess proceeds of a sale by a county treasurer of real property for which delinquent property taxes have not been paid must be licensed as a private investigator in this State.

Under existing law, a taxpayer who wishes to have certain determinations concerning partial abatements from taxation reviewed must submit a written



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petition to the county tax receiver. (NRS 361.4734) **Section 4** of this bill requires such a petition to be submitted to the county assessor instead of the tax receiver.

Under existing law, small overpayments or deficiencies of personal property taxes do not have to be refunded to or collected from a taxpayer. (NRS 361.485) **Section 5** of this bill provides similar treatment for overpayments or deficiencies of real property taxes.

Section 6 of this bill provides a county and its officers and employees with immunity from liability for failure to provide actual notice of delinquent taxes in accordance with NRS 361.5648 under certain circumstances.

Existing law requires the tax receiver of a county to issue to the county treasurer each year a trustee's certificate which describes each property on which delinquent taxes have not been paid. (NRS 361.570) **Section 7** of this bill requires that the certificate include not just taxes, but also penalties, interest and costs that have not been paid.

Existing law authorizes certain reconveyances of property held in trust by a county treasurer on which delinquent taxes have not been paid. (NRS 361.585) **Section 8** of this bill revises the categories of persons to whom such a reconveyance may be made and repeals the requirements for an agreement to locate, deliver, recover or assist in the recovery of such property.

Section 11 of this bill eliminates the requirement in NRS 361.605 that a county treasurer file with the county auditor a monthly statement of the amount of property sold and rents collected from property that the county treasurer is holding in trust for nonpayment of taxes.

Existing law provides for the disposition of the proceeds of a sale by a county treasurer of real property on which delinquent taxes have not been paid. (NRS 361.610) **Section 12** of this bill establishes a procedure to recover any excess proceeds from such a sale and sets forth certain requirements for an agreement to locate, deliver, recover or assist in the recovery of such excess proceeds. **Section 12** also provides that certain persons who are entitled to recover property from the county treasurer may authorize a person pursuant to a power of attorney, assignment or other legal instrument to file a claim and collect from the county treasurer any money owed to him, and provides immunity for a county for any losses resulting from the approval of such a claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

Section 15 of this bill revises the method set forth in NRS 338.515 to calculate the interest that a public body must pay to a contractor on amounts withheld from progress payments on public works.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 361 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 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.

Sec. 3. 1. Any person who, pursuant to an agreement described in subsection 10 of NRS 361.610, locates, delivers, recovers or assists in the recovery of any remaining excess proceeds of a sale of property held in trust by a county treasurer by virtue of any deed made pursuant to the provisions of this chapter, including a person who files a claim for recovery of the remaining excess proceeds on behalf of any person described in subsection 4 of NRS 361.585, must be licensed as a private investigator pursuant to chapter 648 of NRS.

2. Any person who, pursuant to an agreement described in subsection 10 of NRS 361.610, files a claim for recovery of any remaining excess proceeds pursuant to NRS 361.610 must submit proof of compliance with the provisions of subsection 1 when he files the claim with the county treasurer. The county treasurer shall not accept a claim for recovery of the remaining excess proceeds without proof of compliance.

Sec. 4. NRS 361.4734 is hereby amended to read as follows:

361.4734 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 ~~tax receiver~~ county assessor of the county in which the property is located. The ~~tax receiver shall, after consulting with the~~ county assessor ~~of that county regarding the determination and~~ 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 ~~tax receiver~~ 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.



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Sec. 5. NRS 361.485 is hereby amended to read as follows:

361.485 1. Whenever any tax is paid to the ex officio tax receiver, he shall appropriately record ~~[such]~~ *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 ~~[such]~~ *the* taxes, and shall give a receipt for ~~[such]~~ *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 ~~[such]~~ *the* taxes.

3. If the amount of ~~[an overpayment of taxes for]~~ *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 ~~[account]~~ *county treasury* pursuant to this ~~[subsection]~~ *paragraph* is the property of the county. ~~[All requests for refunds under this section must be made within 6 months after the original payment.~~

~~— 4. A deficiency in the amount of a payment of taxes for personal property.]~~

(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. 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 that is \$5 or less than the amount due, the ex officio tax receiver may exempt the amount of the deficiency from collection.



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Sec. 6. NRS 361.5648 is hereby amended to read as follows:

361.5648 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.



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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.

Sec. 7. NRS 361.570 is hereby amended to read as follows:

361.570 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*, from 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) ~~[And it is hereby provided:~~

~~—(1)]~~ That each property described in the certificate may be redeemed within 2 years after the date of the certificate; ~~[and~~

~~—(2)]~~ (b) That the title to each property not redeemed vests in the county for the benefit of the State and county ~~[-~~

~~-(b)]~~ ; 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 . ~~[-and before]~~ *Before* the owner or his successor redeems the property, he ~~[shall]~~ *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.



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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 ~~taxes~~ *amounts*. The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.

Sec. 8. NRS 361.585 is hereby amended to read as follows:

361.585 1. When the time allowed by law for the redemption of a property described in a certificate has expired ~~and~~ 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.*



1 (e) The person to whom the property was assessed.
2 ~~[(e)]~~ (f) The person holding a contract to purchase the property
3 before its conveyance to the county treasurer.

4 ~~[(f)]~~ (g) The successor in interest of any person specified in this
5 subsection.

6 5. ~~[Any agreement to locate, deliver, recover or assist in the
7 recovery of any property held in trust by a county treasurer by virtue
8 of any deed made pursuant to the provisions of this chapter:~~

9 ~~—(a) Must:~~

10 ~~—(1) Be in writing.~~

11 ~~—(2) Be signed by one or more of the persons identified in
12 subsection 4.~~

13 ~~—(3) Include a description of the property.~~

14 ~~—(4) Include the value of the property.~~

15 ~~—(b) Must not impose a fee that is more than 10 percent of the
16 total value of the property.~~

17 ~~—6.]~~ The provisions of this section apply to land held in trust by
18 a county treasurer on or after April 17, 1971.

19 **Sec. 9.** NRS 361.590 is hereby amended to read as follows:

20 361.590 1. If a property described in a certificate is not
21 redeemed within the time allowed by law for its redemption, the tax
22 receiver or his successor in office shall make to the county treasurer
23 as trustee for the State and county a deed of the property, reciting in
24 the deed substantially the matters contained in the certificate of sale
25 or, in the case of a conveyance under NRS 361.604, the order of the
26 board of county commissioners, and that no person has redeemed
27 the property during the time allowed for its redemption.

28 2. The deed must be recorded in the office of the county
29 recorder within 30 days after the date of expiration of the period of
30 redemption.

31 3. All such deeds are, except as against actual fraud, conclusive
32 evidence that:

33 (a) The property was assessed as required by law.

34 (b) The property was equalized as required by law.

35 (c) The taxes were levied in accordance with law.

36 (d) The taxes were not paid.

37 (e) At a proper time and place a certificate of delinquency was
38 filed as prescribed by law, and by the proper officer.

39 (f) The property was not redeemed.

40 (g) The person who executed the deed was the proper officer.

41 4. Such deeds are, except as against actual fraud, conclusive
42 evidence of the regularity of all other proceedings, from the
43 assessment by the county assessor to the execution of the deed.

44 5. ~~[(The)]~~ *Except as otherwise provided by specific statute, the*
45 deed conveys to the county treasurer as trustee for the State and



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1 county the property described therein, free of all encumbrances,
2 except any easements of record for public utility purposes, any lien
3 for taxes or assessments by any irrigation or other district for
4 irrigation or other district purposes, and any interest and penalties on
5 the property, except when the land is owned by the United States or
6 this State, in which case it is prima facie evidence of the right of
7 possession accrued as of the date of the deed to the purchaser, but
8 without prejudice to the lien for other taxes or assessments or the
9 claim of any such district for interest or penalties.

10 6. No tax assessed upon any property, or sale therefor, may be
11 held invalid by any court of this State on account of:

12 (a) Any irregularity in any assessment;

13 (b) Any assessment or tax roll not having been made or
14 proceeding had within the time required by law; or

15 (c) Any other irregularity, informality, omission, mistake or
16 want of any matter of form or substance in any proceedings which
17 the Legislature might have dispensed with in the first place if it had
18 seen fit so to do, and that does not affect the substantial property
19 rights of persons whose property is taxed.

20 ➤ All such proceedings in assessing and levying taxes, and in the
21 sale and conveyance therefor, must be presumed by all the courts of
22 this State to be legal until the contrary is shown affirmatively.

23 **Sec. 10.** NRS 361.595 is hereby amended to read as follows:

24 361.595 1. Any property held in trust by any county treasurer
25 by virtue of any deed made pursuant to the provisions of this chapter
26 may be sold and conveyed in the manner prescribed in this section
27 and in NRS 361.603 or conveyed without sale as provided in
28 NRS 361.604.

29 2. If the property is to be sold, the board of county
30 commissioners may make an order, to be entered on the record of its
31 proceedings, directing the county treasurer to sell the property
32 particularly described therein, after giving notice of sale, for a total
33 amount not less than the amount of the taxes, costs, penalties and
34 interest legally chargeable against the property as stated in the order.

35 3. Notice of the sale must be:

36 (a) Posted in at least three public places in the county, including
37 one at the courthouse and one on the property, not less than 20 days
38 before the day of sale or, in lieu of such a posting, by publication of
39 the notice for 20 days in some newspaper published within the
40 county, if the board of county commissioners so directs.

41 (b) Mailed by certified mail, return receipt requested, not less
42 than 90 days before the sale, to the owner of the parcel as shown on
43 the tax roll and to any person or governmental entity that appears in
44 the records of the county to have a lien or other interest in the
45 property. If the receipt is returned unsigned, the county treasurer



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1 must make a reasonable attempt to locate and notify the owner or
2 other person or governmental entity before the sale.

3 4. Upon compliance with such an order the county treasurer
4 shall make, execute and deliver to any purchaser, upon payment to
5 him, as trustee, of a consideration not less than that specified in the
6 order, ~~[an absolute]~~ *a quitclaim* deed, discharged of any trust of the
7 property mentioned in the order.

8 5. Before delivering any such deed, the county treasurer shall
9 record the deed at the expense of the purchaser.

10 6. All such deeds, whether issued before, on or after July 1,
11 1955, are primary evidence:

12 (a) Of the regularity of all proceedings relating to the order of
13 the board of county commissioners, the notice of sale and the sale of
14 the property; and

15 (b) That, if the real property was sold to pay taxes on personal
16 property, the real property belonged to the person liable to pay the
17 tax.

18 7. No such deed may be executed and delivered by the county
19 treasurer until he files at the expense of the purchaser, with the clerk
20 of the board of county commissioners, proper affidavits of posting
21 and of publication of the notice of sale, as the case may be, together
22 with his return of sale, verified, showing compliance with the order
23 of the board of county commissioners, which constitutes primary
24 evidence of the facts recited therein.

25 8. If the deed when regularly issued is not recorded in the
26 office of the county recorder, the deed, and all proceedings relating
27 thereto, is void as against any subsequent purchaser in good faith
28 and for a valuable consideration of the same property, or any portion
29 thereof, when his own conveyance is first recorded.

30 9. The board of county commissioners shall provide its clerk
31 with a record book in which must be indexed the name of each
32 purchaser, together with the date of sale, a description of the
33 property sold, a reference to the book and page of the minutes of the
34 board of county commissioners where the order of sale is recorded,
35 and the file number of the affidavits and return.

36 **Sec. 11.** NRS 361.605 is hereby amended to read as follows:

37 361.605 ~~[1.—While such]~~ *While* property is held in trust ~~[.]~~ as
38 provided in this chapter, the county treasurer, or his successor in
39 office, ~~[shall]~~ *may* collect any rents arising from the property during
40 the time ~~[such]~~ *the* property is subject to redemption. After the time
41 of redemption has expired, until ~~[such property can be sold, he]~~ *the*
42 *property is sold, the county treasurer, or his successor in office,*
43 may rent the ~~[same,]~~ *property*, with the approval of the board of
44 county commissioners, for a price to be fixed in its minutes. ~~[Such~~



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~~rents shall~~ *The rents must* be paid out by the county treasurer, or his successor in office, ~~[as follows:~~

~~—(a) For the payment of costs and taxes for which it was sold, with the percentage allowed for redemption.~~

~~—(b) For]~~ *for* the payment of any taxes , *penalties, interest and costs already assessed and* afterward accruing upon ~~[such property.~~

~~—(c) Any balance, into the general fund of his county.~~

~~2. The price for which any property shall be sold shall be appropriated in the same manner as the rents are directed to be paid in this section.~~

~~3. On the first Monday in each month, the county treasurer, or his successor in office, shall file in the office of the county auditor a monthly statement of the amount of property sold and rents collected during the past month. Upon any money being paid to the county treasurer for purchase or rent, the county treasurer shall give a statement of the amount thereof to the person, who shall file the same with the county auditor, and the county auditor shall give the person paying such money a receipt for the same, as having been paid to the county treasurer, and expressing the purpose of consideration upon which such payment was made.]~~ *the property.*

Sec. 12. NRS 361.610 is hereby amended to read as follows:

361.610 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 ~~[any]~~ :

(a) Any service rendered by any officer under this chapter become or be allowed as a charge against the county ~~[, nor may the]~~ ; *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 ~~[amount]~~ *amounts* required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding



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1 excess proceeds separate from other money of the county. If no
2 claim is made for the ~~{money within 2 years}~~ *excess proceeds*
3 *within 1 year* after the deed given by the county treasurer is
4 recorded, the county treasurer shall pay the money into the general
5 fund of the county, and it must not thereafter be refunded to the
6 former property owner or his successors in interest. All interest paid
7 on money deposited in the account required by this subsection is the
8 property of the county.

9 5. If a person who would have been entitled to receive
10 reconveyance of the property pursuant to NRS 361.585 makes a
11 claim in writing for the ~~{balance within 2 years}~~ *excess proceeds*
12 *within 1 year* after the deed is recorded, the county treasurer shall
13 pay ~~{it or his}~~ *the claim or the* proper portion *of the claim* over to
14 ~~{him if he}~~ *the person if the county treasurer* is satisfied that the
15 person is entitled to it.

16 6. *A claim for excess proceeds must be paid out in the*
17 *following order of priority to:*

18 (a) *The persons specified in paragraphs (b), (c), (d) and (g) of*
19 *subsection 4 of NRS 361.585 in the order of priority of the*
20 *recorded liens; and*

21 (b) *Any person specified in paragraphs (a), (e) and (f) of*
22 *subsection 4 of NRS 361.585.*

23 7. *The county treasurer shall approve or deny a claim within*
24 *30 days after the period described in subsection 4 for filing a claim*
25 *has expired. Any records or other documents concerning a claim*
26 *shall be deemed the working papers of the county treasurer and*
27 *are confidential. If more than one person files a claim, and the*
28 *county treasurer is not able to determine who is entitled to the*
29 *excess proceeds, the matter must be submitted to mediation.*

30 8. *If the mediation is not successful, the county treasurer*
31 *shall:*

32 (a) *Conduct a hearing to determine who is entitled to the*
33 *excess proceeds; or*

34 (b) *File an action for interpleader.*

35 9. *A person who is aggrieved by a determination of the county*
36 *treasurer pursuant to this section may, within 90 days after he*
37 *receives notice of the determination, commence an action for*
38 *judicial review of the determination in district court.*

39 10. *Any agreement to locate, deliver, recover or assist in the*
40 *recovery of remaining excess proceeds of a sale which is entered*
41 *into by a person who would have been entitled to receive*
42 *reconveyance of the property pursuant to subsection 4 of NRS*
43 *361.585 must:*

44 (a) *Be in writing.*



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(b) *Be signed by the person who would have been entitled to receive reconveyance.*

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.*

Sec. 13. NRS 361.620 is hereby amended to read as follows:

361.620 The additional penalties , *interest* and costs provided for in this chapter ~~[shall]~~ *must* be paid into the county general fund for the use of the county.

Sec. 14. NRS 361.635 is hereby amended to read as follows:

361.635 1. ~~[Within 3 days after making the publication required by NRS 361.565, or after the last publication if more than one is made.]~~ *Not later than the second Monday in June,* the county treasurer:

(a) ~~[Shall]~~ *May, and shall when directed by the board of county commissioners,* prepare and deliver to the district attorney of ~~[his]~~ *the* county a list certified ~~[to by him]~~ *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 ~~[his]~~ *the* county, a list certified ~~[to by him]~~ *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.*

Sec. 15. NRS 338.515 is hereby amended to read as follows:

338.515 1. Except as otherwise provided in NRS 338.525, a public body and its officers or agents awarding a contract for a



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1 public work shall pay or cause to be paid to a contractor the progress
2 payments due under the contract within 30 days after the date the
3 public body receives the progress bill or within a shorter period if
4 the provisions of the contract so provide. Not more than 90 percent
5 of the amount of any progress payment may be paid until 50 percent
6 of the work required by the contract has been performed. Thereafter
7 , the public body may pay any of the remaining progress payments
8 without withholding additional retainage if, in the opinion of the
9 public body, satisfactory progress is being made in the work.

10 2. Except as otherwise provided in NRS 338.525, a public
11 body shall identify in the contract and pay or cause to be paid to a
12 contractor the actual cost of the supplies, materials and equipment
13 that:

14 (a) Are identified in the contract;

15 (b) Have been delivered and stored at a location, and in the time
16 and manner, specified in a contract by the contractor or a
17 subcontractor or supplier for use in a public work; and

18 (c) Are in short supply or were specially made for the public
19 work,

20 ➤ within 30 days after the public body receives a progress bill from
21 the contractor for those supplies, materials or equipment.

22 3. A public body shall pay or cause to be paid to the contractor
23 at the end of each quarter interest for the quarter on any amount
24 withheld by the public body pursuant to NRS 338.400 to 338.645,
25 inclusive, at a rate equal to the rate quoted by at least three
26 ~~financial institutions~~ *insured banks, credit unions or savings and*
27 *loan associations in this State* as the highest rate paid on a
28 certificate of deposit whose duration is approximately 90 days on
29 the first day of the quarter. If the amount due to a contractor
30 pursuant to this subsection for any quarter is less than \$500, the
31 public body may hold the interest until:

32 (a) The end of a subsequent quarter after which the amount of
33 interest due is \$500 or more;

34 (b) The end of the fourth consecutive quarter for which no
35 interest has been paid to the contractor; or

36 (c) The amount withheld under the contract is due pursuant to
37 NRS 338.520,

38 ➤ whichever occurs first.

39 4. If the Labor Commissioner has reason to believe that a
40 workman is owed wages by a contractor or subcontractor, he may
41 require the public body to withhold from any payment due the
42 contractor under this section and pay the Labor Commissioner
43 instead, an amount equal to the amount the Labor Commissioner
44 believes the contractor owes to the workman. This amount must be
45 paid ~~to the workman~~ by the Labor Commissioner *to the workman*



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- 1 if the matter is resolved in his favor, otherwise it must be returned to
- 2 the public body for payment to the contractor.
- 3 **Sec. 16.** NRS 361.575 is hereby repealed.
- 4 **Sec. 17.** 1. This section and sections 1, 2 and 4 to 16,
- 5 inclusive, of this act become effective on July 1, 2007.
- 6 2. Section 3 of this act becomes effective on January 1, 2008.

TEXT OF REPEALED SECTION

361.575 Property held in trust by county treasurer: Annual assessment; payment of taxes on sale or rental.

1. During the time a county treasurer holds a certificate for any property under the provisions of this chapter and until the expiration of the period of redemption specified in the certificate with respect to the property, the property must be assessed annually to the county treasurer, and his successors in office, in the same manner as the taxable property of private persons is assessed, except that the assessment must express that it is made against the county treasurer as a trustee. No proceedings may be taken to enforce the collection of the taxes against the trustee.

2. If the property is sold or rented for sufficient money to pay the taxes and costs legally chargeable against the property, the trustee shall pay the taxes and costs in full.

