

Amendment No. 713

Senate Amendment to Assembly Bill No. 585

(BDR 32-336)

Proposed by: Senate Committee on Taxation**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 585 (§§ 2, 5, 7, 13, 14).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

TMC/BJE



Date: 5/15/2007

A.B. No. 585—Makes various changes to provisions governing public financial administration. (BDR 32-336)



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 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 ~~a new section to read as follows:~~ **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. 2.]~~ **Sec. 4.** NRS 361.4734 is hereby amended to read as follows:

1 361.4734 1. A taxpayer who is aggrieved by a determination of the
2 applicability of a partial abatement from taxation pursuant to NRS 361.4722,
3 361.4723 or 361.4724 may, if the property which is the subject of that
4 determination:

5 (a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written
6 petition for the review of that determination to the ~~{tax receiver}~~ *county assessor*
7 of the county in which the property is located. The ~~{tax receiver shall, after consulting~~
8 ~~with the}~~ county assessor ~~{of that county regarding the determination and}~~ *shall,*
9 within 30 days after receiving the petition, render a decision on the petition and
10 notify the taxpayer of that decision.

11 (b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for
12 the review of that determination to the Department. The Department shall, within
13 30 days after receiving the petition, render a decision on the petition and notify the
14 taxpayer of that decision.

15 2. A taxpayer who is aggrieved by a decision rendered by a ~~{tax receiver}~~
16 *county assessor* or the Department pursuant to subsection 1 may, within 30 days
17 after receiving notice of that decision, appeal the decision to the Nevada Tax
18 Commission.

19 3. A taxpayer who is aggrieved by a determination of the Nevada Tax
20 Commission rendered on an appeal made pursuant to subsection 2 is entitled to a
21 judicial review of that determination.

22 ~~{Sec. 3.}~~ *Sec. 5.* NRS 361.485 is hereby amended to read as follows:

23 361.485 1. Whenever any tax is paid to the ex officio tax receiver, he shall
24 appropriately record ~~{such}~~ *the* payment and the date thereof on the tax roll
25 contiguously with the name of the person or the description of the property liable
26 for ~~{such}~~ *the* taxes, and shall give a receipt for ~~{such}~~ *the* payment if requested by
27 the taxpayer.

28 2. If the assessment roll is maintained on magnetic storage files in a computer
29 system, the requirement of subsection 1 is met if the system is capable of
30 producing, as printed output, the assessment roll with the dates of payments shown
31 opposite the name of the person or the description of the property liable for ~~{such}~~
32 *the* taxes.

33 3. If the amount of ~~{an overpayment of taxes for}~~ *taxes paid on* personal
34 property :

35 (a) *Results in an overpayment that* is less than the average cost of collecting
36 property taxes in this State as determined by the Nevada Tax Commission, the ex
37 officio tax receiver shall pay the amount of the overpayment into the county
38 treasury ~~{ }~~ for the benefit of the general fund of the county, unless the taxpayer
39 who made the overpayment requests a refund ~~{ }~~ *within 6 months after the original*
40 *payment.* All interest paid on money deposited in the ~~{account}~~ *county treasury*
41 pursuant to this ~~{subsection}~~ *paragraph* is the property of the county. ~~{All requests~~
42 ~~for refunds under this section must be made within 6 months after the original~~
43 ~~payment.~~

44 ~~4. A deficiency in the amount of a payment of taxes for personal property.}~~

45 (b) *Results in a deficiency, the amount of the deficiency,* other than a payment
46 for a penalty, must be exempted from collection if the amount of the deficiency is
47 less than the average cost of collecting property taxes in this state as determined by
48 the Nevada Tax Commission.

49 4. *If the amount of taxes paid on real property:*

50 (a) *Results in an overpayment that does not exceed the amount due by more*
51 *than \$5, the ex officio tax receiver shall pay the amount of the overpayment into*
52 *the county treasury for the benefit of the general fund of the county, unless the*
53 *taxpayer who made the overpayment requests a refund within 6 months after the*

1 *original payment. All interest paid on money deposited in the county treasury*
2 *pursuant to this paragraph is the property of the county.*

3 *(b) Results in a deficiency that is \$5 or less than the amount due, the ex*
4 *officio tax receiver may exempt the amount of the deficiency from collection.*

5 ~~[Sec. 4.]~~ **Sec. 6.** NRS 361.5648 is hereby amended to read as follows:

6 361.5648 1. Within 30 days after the first Monday in March of each year,
7 with respect to each property on which the tax is delinquent, the tax receiver of the
8 county shall mail notice of the delinquency by first-class mail to:

9 (a) The owner or owners of the property;

10 (b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at
11 their last known addresses, if the names and addresses are known; and

12 (c) Each holder of a recorded security interest if the holder has made a request
13 in writing to the tax receiver for the notice, which identifies the secured property by
14 the parcel number assigned to it in accordance with the provisions of NRS 361.189.

15 2. The notice of delinquency must state:

16 (a) The name of the owner of the property, if known.

17 (b) The description of the property on which the taxes are a lien.

18 (c) The amount of the taxes due on the property and the penalties and costs as
19 provided by law.

20 (d) That if the amount is not paid by the taxpayer or his successor in interest:

21 (1) The tax receiver will, at 5 p.m. on the first Monday in June of the
22 current year, issue to the county treasurer, as trustee for the State and county, a
23 certificate authorizing him to hold the property, subject to redemption within 2
24 years after the date of the issuance of the certificate, by payment of the taxes and
25 accruing taxes, penalties and costs, together with interest on the taxes at the rate of
26 10 percent per annum, *assessed monthly*, from the date due until paid as provided
27 by law, except as otherwise provided in NRS 360.232 and 360.320, and that
28 redemption may be made in accordance with the provisions of chapter 21 of NRS in
29 regard to real property sold under execution.

30 (2) A tax lien may be sold against the parcel pursuant to the provisions of
31 NRS 361.731 to 361.733, inclusive.

32 3. Within 30 days after mailing the original notice of delinquency, the tax
33 receiver shall issue his personal affidavit to the board of county commissioners
34 affirming that due notice has been mailed with respect to each parcel. The affidavit
35 must recite the number of letters mailed, the number of letters returned and the
36 number of letters finally determined to be undeliverable. Until the period of
37 redemption has expired, the tax receiver shall maintain detailed records which
38 contain such information as the Department may prescribe in support of his
39 affidavit.

40 4. A second copy of the notice of delinquency must be sent by certified mail,
41 not less than 60 days before the expiration of the period of redemption as stated in
42 the notice.

43 5. The cost of each mailing must be charged to the delinquent taxpayer.

44 *6. A county and its officers and employees are not liable for any damages*
45 *resulting from failure to provide actual notice pursuant to this section if the*
46 *county, officer or employee, in determining the names and addresses of persons*
47 *with an interest in the property, relies upon a preliminary title search from a*
48 *company authorized to provide title insurance in this State.*

49 ~~[Sec. 5.]~~ **Sec. 7.** NRS 361.570 is hereby amended to read as follows:

50 361.570 1. Pursuant to the notice given as provided in NRS 361.5648 and
51 361.565 and at the time stated in the notice, the tax receiver shall make out a
52 certificate that describes each property on which delinquent taxes, *penalties,*
53 *interest and costs* have not been paid. The certificate authorizes the county

1 treasurer, as trustee for the State and county, to hold each property described in the
2 certificate for the period of 2 years after the first Monday in June of the year the
3 certificate is dated, unless sooner redeemed.

4 2. The certificate must specify:

5 (a) The amount of delinquency on each property, including the amount and
6 year of assessment;

7 (b) The taxes, and the penalties and costs added thereto, on each property, and
8 that, except as otherwise provided in NRS 360.232 and 360.320, interest on the
9 taxes will be added at the rate of 10 percent per annum, *assessed monthly*, from the
10 date due until paid; and

11 (c) The name of the owner or taxpayer of each property, if known.

12 3. The certificate must state:

13 (a) ~~{And it is hereby provided:~~

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

16 ~~—(2)} (b) That the title to each property not redeemed vests in the county for~~
17 ~~the benefit of the State and county ~~;~~~~

18 ~~—(b)} ; and~~

19 (c) That a tax lien may be sold against the parcel pursuant to the provisions of
20 NRS 361.731 to 361.733, inclusive.

21 4. Until the expiration of the period of redemption, each property held
22 pursuant to the certificate must be assessed annually to the county treasurer as
23 trustee. ~~{, and before}~~ *Before* the owner or his successor redeems the property, he
24 ~~{shall}~~ *must* also pay the county treasurer holding the certificate any additional
25 taxes, *penalties and costs* assessed and accrued against the property after the date
26 of the certificate, together with interest on the taxes at the rate of 10 percent per
27 annum, *assessed monthly*, from the date due until paid, unless otherwise provided
28 in NRS 360.232 and 360.320.

29 5. A county treasurer shall take a certificate issued to him pursuant to this
30 section. The county treasurer may cause the certificate to be recorded in the office
31 of the county recorder against each property described in the certificate to provide
32 constructive notice of the amount of delinquent taxes on each property respectively.
33 The certificate reflects the amount of delinquent taxes, *penalties, interest and costs*
34 due on the properties described in the certificate on the date on which the certificate
35 was recorded, and the certificate need not be amended subsequently to indicate
36 *additional taxes, penalties, interest and costs assessed and accrued or* the
37 repayment of any of those delinquent ~~{taxes:}~~ *amounts*. The recording of the
38 certificate does not affect the statutory lien for taxes provided in NRS 361.450.

39 ~~{Sec. 6.}~~ *Sec. 8.* NRS 361.585 is hereby amended to read as follows:

40 361.585 1. When the time allowed by law for the redemption of a property
41 described in a certificate has expired ~~{,}~~ and no redemption has been made, the tax
42 receiver who issued the certificate, or his successor in office, shall execute and
43 deliver to the county treasurer a deed of the property in trust for the use and benefit
44 of the State and county and any officers having fees due them.

45 2. The county treasurer and his successors in office, upon obtaining a deed of
46 any property in trust under the provisions of this chapter, shall hold that property in
47 trust until it is sold or otherwise disposed of pursuant to the provisions of this
48 chapter.

49 3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time
50 during the 90-day period specified in NRS 361.603, or before the public notice of
51 sale by a county treasurer, pursuant to NRS 361.595, of any property held in trust
52 by him by virtue of any deed made pursuant to the provisions of this chapter, any
53 person specified in subsection 4 is entitled to have the property reconveyed upon

1 payment to the county treasurer of an amount equal to the taxes accrued, together
2 with any costs, penalties and interest legally chargeable against the property. A
3 reconveyance may not be made after expiration of the 90-day period specified in
4 NRS 361.603 or after commencement of posting or publication of public notice
5 pursuant to NRS 361.595.

6 4. Property may be reconveyed pursuant to subsection 3 to one or more of the
7 persons specified in the following categories, or to one or more persons within a
8 particular category, as their interests may appear of record:

9 (a) The owner.

10 (b) The beneficiary under a note and deed of trust.

11 (c) The mortgagee under a mortgage.

12 (d) The creditor under a judgment.

13 (e) The person to whom the property was assessed.

14 ~~[(e)] (f)~~ The person holding a contract to purchase the property before its
15 conveyance to the county treasurer.

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

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

20 ~~—(a) Must:~~

21 ~~—(1) Be in writing;~~

22 ~~—(2) Be signed by one or more of the persons identified in subsection 4;~~

23 ~~—(3) Include a description of the property;~~

24 ~~—(4) Include the value of the property;~~

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

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

29 ~~[Sec. 7.]~~ Sec. 9. NRS 361.590 is hereby amended to read as follows:

30 361.590 1. If a property described in a certificate is not redeemed within the
31 time allowed by law for its redemption, the tax receiver or his successor in office
32 shall make to the county treasurer as trustee for the State and county a deed of the
33 property, reciting in the deed substantially the matters contained in the certificate of
34 sale or, in the case of a conveyance under NRS 361.604, the order of the board of
35 county commissioners, and that no person has redeemed the property during the
36 time allowed for its redemption.

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

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

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

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

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

43 (d) The taxes were not paid.

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

46 (f) The property was not redeemed.

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

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

51 5. ~~[The]~~ Except as otherwise provided by specific statute, the deed conveys
52 to the county treasurer as trustee for the State and county the property described
53 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.

~~[Sec. 8.]~~ **Sec. 10.** NRS 361.595 is hereby amended to read as follows:

361.595 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, ~~[an absolute]~~ *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.

~~[Sec. 9.]~~ **Sec. 11.** NRS 361.605 is hereby amended to read as follows:

361.605 ~~[1. While such]~~ **While** property is held in trust ~~[.]~~ as provided in this chapter, the county treasurer, or his successor in office, ~~[shall]~~ **may** collect any rents arising from the property during the time ~~[such]~~ **the** property is subject to redemption. After the time of redemption has expired, until ~~[such property can be sold, he]~~ **the property is sold, the county treasurer, or his successor in office,** may rent the ~~[same.]~~ **property,** with the approval of the board of county commissioners, for a price to be fixed in its minutes. ~~[Such 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. 10.]~~ **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 excess proceeds separate from other money of the county. If no claim is made for the ~~{money within 2 years}~~ 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 ~~{balance within 2 years}~~ excess proceeds within 1 year after the deed is recorded, the county treasurer shall pay ~~{it or his}~~ the claim or the proper portion of the claim over to ~~{him if he}~~ 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) and (g) 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) Include a description of the property on which the excess proceeds were collected.~~

~~{(d) 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.

~~[Sec. 11.]~~ 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. 12.]~~ 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. 13.]~~ 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 public work shall pay or cause to be paid to a contractor the progress payments due under the contract within 30 days after the date the public body receives the progress bill or within a shorter period if the provisions of the contract so provide. Not more than 90 percent of the amount of any progress payment may be paid until 50 percent of the work required by the contract has been performed. Thereafter , the public body may pay any of the remaining progress payments without withholding additional retainage if, in the opinion of the public body, satisfactory progress is being made in the work.

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

(a) Are identified in the contract;

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

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

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

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

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

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

(c) The amount withheld under the contract is due pursuant to NRS 338.520, whichever occurs first.

4. If the Labor Commissioner has reason to believe that a workman is owed wages by a contractor or subcontractor, he may require the public body to withhold from any payment due the contractor under this section and pay the Labor Commissioner instead, an amount equal to the amount the Labor Commissioner believes the contractor owes to the workman. This amount must be paid ~~to the workman~~ *to the workman* by the Labor Commissioner if the matter is resolved in his favor, otherwise it must be returned to the public body for payment to the contractor.

~~Sec. 14.~~ *Sec. 16.* NRS 361.575 is hereby repealed.

~~Sec. 15.~~ *Sec. 17. 1.* This *section and sections 1, 2 and 4 to 16, inclusive, of this act* ~~becomes~~ *become* effective on July 1, 2007.

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.