

Amendment No. 223

Senate Amendment to Senate Bill No. 465

(BDR 50-1147)

Proposed by: Senate Committee on Natural Resources**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 S.B. 465 (§ 1).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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 underlining* is newly added transitory language.

DPR/JRS



Date: 4/11/2013

S.B. No. 465—Revises provisions governing the special tax on certain livestock.
(BDR 50-1147)



SENATE BILL NO. 465—COMMITTEE ON FINANCE

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the special tax on certain livestock.
(BDR 50-1147)

FISCAL NOTE: Effect on Local Government: No.
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 livestock; increasing the minimum and maximum rates at which an owner of livestock must pay for certain annual special taxes imposed on livestock; authorizing the State Department of Agriculture to assess the special tax within a certain period after the ~~end of the fiscal year in~~ **date on** which the taxes were due; increasing the amount of the penalty for failure to pay the special tax; revising the circumstances under which the Department may waive the penalty or any interest owed for failure to pay the special tax; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, each owner of livestock is required to pay an annual special tax on livestock. The State Department of Agriculture is required to fix the amount of the tax based on each head of stock cattle, dairy cattle, horses, mules, burros, asses, hogs, pigs and goats owned by the owner of livestock. Existing law also: (1) sets forth the maximum rates that the Department may set for each head of livestock; and (2) sets the minimum amount of the tax that an owner of livestock must pay each year at \$5. (NRS 571.035) **Section 1** of this bill increases the maximum rate the Department may set for stock cattle, dairy cattle, hogs, pigs and goats and increases the minimum amount of the tax to \$10 each year.

Under existing law, any person who fails to pay the special tax on livestock is required to pay, in addition to the tax, a penalty of not more than 10 percent of the amount of the tax that is owed, plus interest at the rate of 1.5 percent per month or fraction of a month from the date the tax was due until the date of payment. The Department may waive or reduce the payment of the interest or penalty for good cause shown. (NRS 575.205) **Section 2** of this bill: (1) authorizes the Department, if the Department determines that an owner of livestock was not assessed the tax for any ~~fiscal~~ year, ~~in which the tax became due~~, to assess the tax at any time within ~~(the 5 fiscal)~~ **5 years (immediately following the fiscal year in) after the date on** which the tax was due; (2) authorizes the Department to waive or reduce the payment of the interest or penalty if the Department finds extenuating circumstances sufficient to justify the waiver or reduction; and (3) prohibits the Department from providing certain services to an owner of livestock who is delinquent in the payment of the tax.

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

Section 1. NRS 571.035 is hereby amended to read as follows:

571.035 1. Upon approval of the report of owners of livestock and sheep pursuant to NRS 575.180, the Department shall fix the amount of the annual special tax on each head of the following specified classes of livestock, which, except as otherwise provided in subsection 3, must not exceed the following rates per head for each class:

Class	Rate per head
Stock cattle.....	1.50 \$0.50
Dairy cattle.....	1.50 .60
Horses	.75
Mules	.75
Burros or asses	.75
Hogs and pigs	1.07 .30
Goats.....	1.06 .10

2. As used in subsection 1:

(a) "Dairy cattle" are bulls, cows and heifers of the dairy breeds that are more than 6 months old.

(b) "Stock cattle" are:

(1) Steers of any breed and other weaned calves of the beef breeds that are more than 6 months old; and

(2) Bulls, cows and older heifers of the beef breeds.

(c) The classes consisting of horses, mules, and burros and asses exclude animals that are less than 1 year old.

3. The minimum special tax due annually pursuant to this section from each owner of livestock is ~~1.50~~ **\$10**.

4. Upon the receipt of payment of the special tax and the report thereof by the State Controller, the Department shall credit the amount of the tax as paid on its records.

5. The special taxes paid by an owner of livestock, when transmitted to the State Treasurer, must be deposited in the Livestock Inspection Account.

Sec. 2. NRS 575.205 is hereby amended to read as follows:

575.205 1. *If the Department determines that an owner of livestock was not assessed the tax required pursuant to NRS 571.035 ~~for any fiscal year, it~~ in any year in which the tax became due, the Department may assess the tax at any time within ~~the 5 fiscal~~ 5 years immediately following the end of the fiscal year in which the tax became due.*

2. Except as otherwise provided in subsection ~~2~~ 3, any person who fails to pay the tax levied by the Department pursuant to NRS 571.035, within the time required, shall pay, in addition to the tax, a penalty ~~of not more than 10~~ equal to 20 percent of the amount of the tax that is owed ~~1, in addition to~~ for each ~~fiscal~~ year the person fails to pay the tax, plus interest at the rate of 1.5 percent per month, or fraction of a month, from the date the tax was due until the date of payment.

~~2~~ 3. The Department may ~~1, for good cause shown,~~ waive or reduce the payment of the interest or penalty, or both, that is required to be paid pursuant to subsection ~~1~~ 2, if the Department finds extenuating circumstances sufficient to

1 *justify the waiver or reduction.* The Department shall, upon the request of any
2 person, disclose:

3 (a) The name of the person whose interest or penalty was waived or reduced;
4 and

5 (b) The amount so waived or the amount of the reduction.

6 ~~3.4~~ 4. All taxes levied by the Department on livestock pursuant to NRS
7 571.035, and all penalties and interest accrued thereon, constitute a lien upon the
8 livestock until paid.

9 5. *Except as otherwise provided in NRS 575.230, the Department shall not*
10 *provide inspection or other services to an owner of livestock who is delinquent in*
11 *the payment of the tax levied by the Department pursuant to NRS 571.035.*

12 Sec. 3. This act becomes effective on July 1, 2013.