

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON TAXATION

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
February 26, 1981

The Senate Committee on Taxation was called to order by Chairman Keith Ashworth at 2:04 p.m., Thursday, February 26, 1981, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Keith Ashworth, Chairman
Senator Norman D. Glaser, Vice Chairman
Senator Virgil M. Getto
Senator James N. Kosinski
Senator William J. Raggio

COMMITTEE MEMBERS ABSENT:

Senator Don Ashworth
Senator Floyd R. Lamb

STAFF MEMBERS PRESENT:

Ed Shorr, Deputy Fiscal Analyst
Colleen Crum, Committee Secretary

ASSEMBLY BILL NO. 77

Mr. Bob Sullivan, Carson River Basin Commission of Governments, stated this bill was developed at the request of the Lyon County Board of Commissioners. The option of allowing counties to establish business license departments would alleviate the clerical problems encountered by the sheriff's departments which presently administer the issuing of business licenses. The sheriff's departments would be able to pursue the main line of their duties.

The chairman asked if Mr. Sullivan anticipated an increase of fees or the institution of new fees on businesses if this bill was approved. The chairman felt the committee would need

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information when it developed the tax reform package as to whether the counties planned to use the business license mechanism to augment what may be a reduced budget. Mr. Sullivan stated that the counties have the ability to increase or decrease these fees under present statute or under the optional business license department proposed in Assembly Bill No. 77. Man power requirements was the main issue of the bill.

The chairman questioned whether Assembly Bill No. 77 belonged in this committee because it does not affect taxes.

Douglas County Sheriff Jerry Maple supported the bill. At the present time, Douglas County does not license businesses, although the county commissioners have drafted a business license ordinance. Sheriff Maple opposed the ordinance because his department does not have the time or personnel to administer the program. He felt other elected officials should handle business licenses or a separate license bureau should be established.

The chairman asked Mr. Maple how much revenue Douglas County anticipated making from the imposition of business licenses. Mr. Maple said the county wanted to charge a fee to offset the administrative costs of the program and did not plan to make a profit. The main intent of licensing businesses was to establish a policing agency against consumer fraud.

Senator Getto asked what office could better handle the administering of business licenses. Sheriff Maple suggested the clerk's office, which presently handles the filing of fictitious names for businesses.

Senator Kosinski asked which department collects gaming fees. Sheriff Maple stated the Sheriff's Department collected these fees.

Senator Kosinski asked if the Sheriff's Department would continue collecting the gaming fees if this bill was passed. Sheriff Maple stated the business licensing department would probably collect those fees.

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Washoe County Undersheriff Vince Swinney stated that the Washoe County Commission and the Washoe County Sheriff's Office opposed the bill. It was felt that, if this function is transferred to another department or if another agency is created, investigators and criminal information would still be needed. This would require a users agreement or legislative necessity for access to criminal history information. If the licensing agency discovered fraudulent business practices, this criminal activity would be transferred to the Sheriff's Department anyway.

Senator Raggio noted this bill does not mandate the creation of business license departments. It says county commissioners may establish business license departments.

The chairman noted the bill requires counties with populations of 250,000 or more to set up separate business license departments.

Mr. Swinney addressed a question the chairman asked Mr. Maple earlier. He said Washoe County presently generates approximately \$106,000.00 from the licensing of businesses.

Senator Kosinski asked Mr. Patrick Pine, representing Clark County, what the ramifications would be to the county if the population references were deleted. Mr. Pine stated the county would not oppose the deletion.

Senator Raggio felt it was desirable to remove the references to population. It was cleaner legislation.

ASSEMBLY BILL NO. 45

Mr. Roy E. Nickson, Executive Director of the Department of Taxation, testified in support of the bill. He stated the Nevada Tax Commission suggested this bill. The bill would insure that a peace officer would be present in the event of sealing and padlocking a business. The sheriff's and police departments have always assured that an officer was present at these times in the past. Sealing and padlocking was required only five times in the last two years. This act is the very last, extreme measure used by the department against individuals who do not comply with the statutes.

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The chairman left the hearing and Vice Chairman Glaser took over the meeting.

Mr. Nickson stated the bill also recommends an increase in the rate of interest charged from one-half of one percent per month to one percent per month. When this legislation was originally enacted in 1955, the annual prime rate was 3.13 percent. He felt the one percent interest rate was reasonable and more accurately reflected the present financial times. He explained that five percent of the sales and use tax accounts are habitually delinquent. He attributed the delinquency rate to the fact that money can't be borrowed for six percent per year. It is much more economical for businesses not to pay the state and to utilize the state's money.

Senator Kosinski questioned the reference to section one on page two, line 15.

Senator Kosinski asked for an explanation of the process of padlocking a business. Mr. Nickson explained that, first, notice is given. Then a hearing is held and the individual is given a reasonable period of time to satisfy his delinquencies. If the tax remains unpaid, the Taxation Department requests the presence of a peace officer while the revenue officer makes an inventory of the premises and affixes the Taxation Department's padlock. The peace officer affixes his own department's seal.

Senator Kosinski questioned whether the Taxation Department revenue officers would become peace officers under this bill. Mr. Nickson stated they would not.

Mr. Pine opposed the bill because he felt it was a precedent setting measure. He opposed the specification in the statutes that a sheriff who performs a function shall not be provided compensation. Presently, the peace officers in Clark County perform this service free of charge.

Mr. Swinney opposed the bill. He questioned the potential for this process to occur more frequently in the future, the lack of compensation, time requirements and manpower requirements. He felt time requirements would become excessive when the sheriffs had to wait while the individual went to the bank

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to withdraw the money to pay the bill. Mr. Nickson stated this would never be allowed to occur.

Senator Glaser asked if Mr. Swinney's department would bill the Taxation Department if the clause regarding compensation was struck from the measure. Mr. Swinney did not know what the sheriff's policy would be on compensation in this case.

SENATE BILL NO. 69

The committee studied amendments to Senate Bill No. 69. (See Exhibit D in the minutes for the February 24, 1981 meeting.) Senator Raggio explained that the substance of the amendment occurred in sections 10 and 11. He questioned why both sections 10 and 11 were included in the bill. Mr. Shorr explained the business inventory is presently being phased out over a period of several years. One section of the bill referred to the NRS section which contained the business inventory tax. The other section of the bill referred to the NRS section without the business inventory tax.

Senator Raggio stated the other amendments related to changing the full cash value to taxable value. He felt the amendments were an improvement.

The chairman returned to the meeting.

Senator Raggio moved that Senate Bill No. 69 be amended and the reprint be returned to the committee for further consideration.

Senator Getto seconded the motion.

The motion carried. (Senators Don Ashworth and Lamb were absent for the vote.)

The chairman asked for consideration on Assembly Bill No. 45.

Senator Raggio agreed with increasing the interest rate. He didn't feel peace officers would be burdened by being present at the padlocking of businesses and felt they were the appropriate officers to be called upon. He didn't feel that need was demonstrated for additional compensation. Future legis-

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lative sessions could deal with this issue if experience proves otherwise.

Senator Getto noted that a policy has been created over the years for agencies to charge other agencies for services rendered. The chairman felt the cost of paperwork for the billings would exceed the cost of performing the service.

Senator Raggio moved that Assembly Bill No. 45 be approved.

Senator Glaser seconded the motion.

The motion carried. (Senators Lamb and Don Ashworth were absent for the vote.)

The chairman asked for consideration on Assembly Bill No. 77.

Senator Kosinski moved that Assembly Bill No. 77 be amended to delete the population classification and to allow all counties permission to establish licensing departments by ordinance, and be approved.

Senator Glaser seconded the motion.

The motion carried. (Senators Don Ashworth and Lamb were absent for the vote.)

SENATE BILL NO. 194

Senator Raggio presented amendments to Senate Bill No. 194.
(See Exhibit D.)

Senator Raggio moved that Senate Bill No. 194 be amended, using Amendment No. 105, and be approved.

Senator Getto seconded the motion.

The motion carried. (Senators Don Ashworth, Glaser and Lamb were absent for the vote.)

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There being no further business, the meeting adjourned at
2:05 p.m.

Respectfully submitted by:

Colleen Crum
Colleen Crum, Secretary

APPROVED BY:

Keith Ashworth
Senator Keith Ashworth, Chairman

DATE: March 3, 1981

SENATE AGENDA

Date: 2/24/

COMMITTEE MEETINGS

EXHIBIT A

Committee on TAXATION, Room 213

Day Thursday, Date February 26, Time 2 p.m.

AMENDED MEETING SCHEDULE

A. B. No. 77--Authorizes counties of lesser population to establish business license departments.

A. B. No. 45--Changes sealing and padlocking procedure and raises interest rate on deficiencies.

S. B. No. 69--Revises factors which may be used in determining full cash value of real property for taxation.

Proposed amendment to S. B. No. 69 will also be considered.

SENATE COMMITTEE ON TAXATION

EXHIBIT B

DATE: February 26, 1981

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Vince Swinney	Washoe Cty Sheriff's Dept 1705 Sierra Reno	785-6220
Bob Sullivan	Carson River Basin CDE	895-4190
Jane Thonafin	- Taxation	885-4892
Kay E. Nickerson	- Taxation	485-1872
SARON CLEARY	NEV. ASSOC. OF REPTILES	329-6648
Steve Williams	NEVADA BELL	789-6440
MARY GUERRIN	" "	789-6548
FRANK TINE	CLARK COUNTY	253-5525
John Eck	SOUTHERN PACIFIC	329 2492

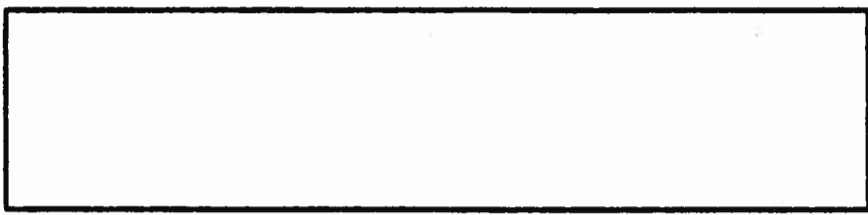
Library Note:

Either no Exhibit C was submitted to the meeting or it is missing. There is no mention of an Exhibit C in the minutes, nor is there an Exhibit C on the microfiche.

Research Library
October 2014

ASSEMBLY ACTION	SENATE ACTION	Senate	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to Senate	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No. 194	
Date: _____	Date: _____	Joint Resolution No. _____	
Initial: _____	Initial: _____	BDR 32-538	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by Committee on Taxation	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
Date: _____	Date: _____		
Initial: _____	Initial: _____		

Amendment N^o 105



Amend the bill as a whole by inserting a new section, to be designated as section 1, preceding section 1, to read:

"Section 1. NRS 361.585 is hereby amended to read as follows:

361.585 1. When the time allowed by law for redemption has expired, 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 described in each respective certificate in trust for the use and benefit of the state and county and any officers having fees due him in such cases.

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 or persons

specified in subsection [4] 5 is entitled to have [such] 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 [such] the property [.] and compliance with the requirements of subsection 4 for notice, if applicable. A reconveyance [shall] must 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. Unless the property to be reconveyed is within a city or a platted subdivision, notice of the reconveyance must be:

(a) Given to every owner of property which adjoins or is within 300 yards of the boundary of the property to be reconveyed, whether or not it is in the same county;

(b) Posted in at least three public places in the county, including

To: E & E
LCB File
Journal
Engrossment
Bill

Drafted by JW:ml Date 2-24-81

one at the courthouse, one at a place designated for that purpose by resolution of the board of county commissioners and one on the property to be reconveyed; and

(c) Published in some newspaper having general circulation in the county,

flush not less than 20 days before the effective date of the reconveyance.

5. 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 deed of trust.
- (c) The mortgagee under a mortgage.
- (d) The person to whom the property was assessed.
- (e) The person holding a contract to purchase the property before its conveyance to the county treasurer.
- (f) The successor in interest of any person specified in this subsection.

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

Amend the bill as a whole by renumbering section 1 as section 2.

Amend section 1, page 1, line 13, by deleting "adjacent".

Amend section 1, page 1, line 14, after "property" by inserting "which adjoins or is within 300 yards of the boundary of the property to be sold, whether or not it is in the same county,".

Amend section 1, page 1, line 16, after "courthouse" by inserting: ", one at a place designated for that purpose by resolution of the board of county commissioners".

Amend section 1, page 1, by deleting lines 18 through 21 and inserting: "[or, in lieu of such posting,] and by publication of [such] a notice for a like period [of time] in some newspaper [published] having general circulation within the county . [, if the board of county commissioners shall so direct by its order.]".

Amend the bill as a whole, by adding new sections, to be designated sections 3 and 4, following section 1, to read:

"Sec. 3. NRS 361.790 is hereby amended to read as follows:

361.790 1. Whenever a person has acquired a legal, equitable, security or vendee's interest in a parcel of real property, which is part of a larger

parcel upon which there are assessed or delinquent taxes, and such person offers to tender to the county treasurer, in the county where the real estate is assessed, his prorated share of the tax on the larger parcel, covering the parcel in which he has acquired an interest, then the county treasurer shall make a report of such offer to the board of county commissioners of such county.

2. The board of county commissioners shall then examine the report of the county treasurer, and request a report from the county assessor as to the relative values of each parcel together with such other evidence as may be presented in connection therewith. If, after reviewing such report and evidence, the board of county commissioners is satisfied that the person offering to tender payment of the taxes due has a legal or beneficial interest in the smaller parcel only, it shall:

(a) Determine what proportion of the assessment and tax on the entire parcel affected shall be attributed to the smaller parcel.

(b) Enter an order in the minutes of the board, directing:

(1) Each officer who has custody of the tax or assessment roll for the year for which the offer to tender has been made and for each subsequent year to divide and prorate the assessment and tax accordingly.

(2) The county treasurer to accept the prorated tax when tendered and apply it to the proper parcel. If the smaller parcel has, at any time prior thereto, been conveyed to the county treasurer pursuant to NRS 361.585, the board shall enter a further order directing the county treasurer to issue and deliver a deed conveying the property to the person who has tendered the tax upon payment to the county treasurer of the cost, penalties and interest chargeable against the prorated tax for each fiscal period for which the tax remains unpaid, until the time of such conveyance[.], and upon compliance with the requirements

of subsection 4 of NRS 361.585 for notice.

(3) The county assessor to assess each parcel separately thereafter.

(c) Direct the clerk of the board to mail a copy of such order to the person offering to tender payment.

3. If the board of county commissioners issues the orders pursuant to subsection 2, the county treasurer shall issue a receipt to the person when he tenders payment of taxes, which receipt shall be conclusive evidence for the payment of all taxes assessed against the particular parcel for which the payment of tax is tendered, and shall be a complete defense to any action for taxes due on such parcel which may be brought for the period covered by the receipt.

4. Each county assessor receiving a request for a report as provided for in subsection 2 shall submit such report to the board of county commissioners within 30 days.

5. The provisions of this section apply to delinquencies which occurred either before or after April 20, 1967.

Sec. 4. Chapter 244 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In addition to any other requirements of law, whenever the board of county commissioners proposes to sell, exchange or otherwise dispose of real property which is owned by the county and is not within a city or a platted subdivision, notice of the sale, exchange or other disposition must be:

1. Given to every owner of property which adjoins or is within 300 yards of the boundary of the property to be sold, exchanged or otherwise disposed of;

2. Posted in at least three public places in the county, including one at the courthouse, one at a place designated for that purpose by resolution of the board of county commissioners and one on the property to be sold, exchanged or otherwise disposed of; and

3. Published in some newspaper having general circulation in the county

if publication is not otherwise required,

flush not less than 20 days before the sale, exchange or other disposition."

Amend the title of the bill to read:

"AN ACT relating to counties; adding to requirements for notice before a county may sell or reconvey property for delinquent property taxes or dispose of other real property of the county; requiring specific notice to owners of adjacent property; and providing other matters properly relating thereto."

S. B. 69

SENATE BILL NO. 69—COMMITTEE ON TAXATION

JANUARY 23, 1981

Referred to Committee on Taxation

SUMMARY—Revises factors which may be used in determining full cash value of real property for taxation. (BDR 32-689)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to property taxation; revising the factors which may be used in determining the full cash value of real property; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 **SECTION 1.** NRS 361.227 is hereby amended to read as follows:
2 361.227 1. Any person determining the full cash value of real prop-
3 erty shall compute that value by using each of the following factors for
4 which information is available and shall give such weight to each applica-
5 ble factor as, in his judgment, is proper:
6 (a) [The estimate of the value of the vacant land, plus any improve-
7 ments made and minus any depreciation computed according to the esti-
8 mated life of the improvements.
9 (b) The market value of the property, as evidenced by:
10 (1) Comparable sales in the vicinity;
11 (2) The price at which the property was sold to the present owner;
12 and
13 (3) The value of the property for the use to which it was actually
14 put during the fiscal year of assessment.
15 (c) The value of the property estimated by capitalization of the fair
16 economic income expectancy.
17 2. The county assessor shall, upon request of the owner, furnish
18 within 15 days to the owner a copy of the most recent appraisal of the
19 property.
20 3.] *The value of the land, whether or not vacant, appraised at its*
21 *present fair market value.*
22 (b) *The value of any improvements made on the land calculated by*
23 *subtracting from their original cost any depreciation computed according*
24 *to the estimated life of the improvements.*

Senate Bill No. 69 (cont'd)

— 2 —

- 1 (c) *In the case of property rented to others or used in a trade or busi-*
2 *ness, the value of the property estimated by capitalization of the fair*
3 *economic income expectancy.*
4 2. In determining the full cash value of a merchant's or dealer's stock
5 in trade, the county assessor shall use the average value over the 12
6 months immediately preceding the date of assessment. For this purpose,
7 the county assessor may require from the merchant or dealer a verified
8 report of the value of his stock in trade at any time or reasonable number
9 of times during the year.
10 3. *The county assessor shall, upon the request of the owner, furnish*
11 *within 15 days to the owner a copy of the most recent appraisal of the*
12 *property.*
13 SEC. 2. Section 6 of chapter 62, Statutes of Nevada 1979, at page 79,
14 is hereby amended to read as follows:
15 Sec. 6. NRS 361.227 is hereby amended to read as follows:
16 361.227 1. Any person determining the full cash value of real
17 property shall compute that value by using each of the following fac-
18 tors for which information is available and shall give such weight to
19 each applicable factor as, in his judgment, is proper:
20 (a) The value of the land, whether or not vacant, appraised at its
21 present fair market value.
22 (b) The value of any improvements made on the land calculated
23 by subtracting from their original cost any depreciation computed
24 according to the estimated life of the improvements.
25 (c) In the case of property rented to others or used in a trade or
26 business, the value of the property estimated by capitalization of
27 the fair economic income expectancy.
28 2. [In determining the full cash value of a merchant's or dealer's
29 stock in trade, the county assessor shall use the average value over
30 the 12 months immediately preceding the date of assessment. For
31 this purpose, the county assessor may require from the merchant or
32 dealer a verified report of the value of his stock in trade at any time
33 or reasonable number of times during the year.
34 3.] The county assessor shall, upon the request of the owner,
35 furnish within 15 days to the owner a copy of the most recent
36 appraisal of the property.

A. B. 45

ASSEMBLY BILL NO. 45—COMMITTEE ON TAXATION

JANUARY 27, 1981

Referred to Committee on Taxation

SUMMARY—Changes sealing and padlocking procedure and raises interest rate on deficiencies. (BDR 32-149)

**FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.**

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

AN ACT relating to taxes; changing the procedure for sealing and padlocking businesses; changing the interest rates on deficiency determinations and late payments; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 **SECTION 1.** Chapter 372 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

3 *The order to seal and padlock a place of business must be directed to*
4 *a sheriff or constable who shall without further compensation assist in*
5 *the enforcement of the order.*

6 **SEC. 2.** NRS 372.145 is hereby amended to read as follows:

7 372.145 1. Whenever any person fails to comply with any provision
8 of this chapter relating to the sales tax or any regulation of the depart-
9 ment relating to the sales tax prescribed and adopted under this chapter,
10 the department, upon hearing, after giving the person 10 days' notice in
11 writing specifying the time and place of hearing and requiring him to
12 show cause why his permit or permits should not be revoked, may revoke
13 or suspend any one or more of the permits held by the person.

14 2. The department shall give to the person written notice of the sus-
15 pension or revocation of any of his permits.

16 3. The notices may be served personally or by mail in the manner pre-
17 scribed for service of notice of a deficiency determination.

18 4. The department may not issue a new permit after the revocation
19 of a permit unless it is satisfied that the former holder of the permit will
20 comply with the provisions of this chapter relating to the sales tax and
21 the regulations of the department.

22 5. *If a permit is revoked, the department may order the place of*
23 *business for which the permit was issued to be sealed and padlocked.*

24 **SEC. 3.** NRS 372.150 is hereby amended to read as follows:

EXHIBIT F

Assembly Bill No. 45 (cont'd)

— 2 —

1 372.150 1. A person who engages in business as a seller in this state
2 without a permit or permits or after a permit has been suspended, and
3 each officer of any corporation which so engages in business, is guilty of a
4 misdemeanor.

5 2. *If, after notice to the seller, served personally or by mail, the*
6 *seller continues to engage in business without a permit, or after a permit*
7 *has been suspended or revoked, the department may order any place of*
8 *business of the seller to be sealed and padlocked. If notice under this sub-*
9 *section is served by mail, it must be addressed to the seller at his address*
10 *as it appears in the records of the department.*

11 SEC. 4. NRS 372.160 is hereby amended to read as follows:

12 372.160 A resale certificate relieves the seller from the burden of
13 proof only if taken in good faith from a person who is engaged in the
14 business of selling tangible personal property and who holds the permit
15 provided for in NRS 372.125 to 372.180, inclusive, and section 1 of this
16 act, and who, at the time of purchasing the tangible personal property,
17 intends to sell it in the regular course of business or is unable to ascer-
18 tain at the time of purchase whether the property will be sold or will be
19 used for some other purpose.

20 SEC. 5. NRS 372.405 is hereby amended to read as follows:

21 372.405 The amount of the determination, exclusive of penalties,
22 bears interest at the rate of [one-half of] 1 percent per month, or frac-
23 tion of a month, from the last day of the month following the quarterly
24 period for which the amount or any portion of it should have been
25 returned until the date of payment.

26 SEC. 6. NRS 372.445 is hereby amended to read as follows:

27 372.445 The amount of the determination, exclusive of penalties,
28 bears interest at the rate of [one-half of] 1 percent per month, or frac-
29 tion of a month, from the last day of the month following the quarterly period
30 for which the amount or any portion of it should have been returned until
31 the date of payment.

32 SEC. 7. NRS 372.505 is hereby amended to read as follows:

33 372.505 Any person who fails to pay any tax to the state or any
34 amount of tax required to be collected and paid to the state, except
35 amounts of determinations made by the department under NRS 372.400
36 to 372.455, inclusive, within the time required shall pay a penalty of not
37 more than 10 percent of the tax or amount of the tax, as determined by
38 the department, in addition to the tax or amount of tax, plus interest at
39 the rate of [one-half of] 1 percent per month, or fraction of a month,
40 from the date on which the tax or the amount of tax required to be col-
41 lected became due to the state until the date of payment.

42 SEC. 8. Chapter 374 of NRS is hereby amended by adding thereto a
43 new section which shall read as follows:

44 *The order to seal and padlock a place of business must be directed to a*
45 *sheriff or constable who shall without further compensation assist in the*
46 *enforcement of the order.*

47 SEC. 9. NRS 374.150 is hereby amended to read as follows:

48 374.150 1. Whenever any person fails to comply with any provision
49 of this chapter relating to the sales tax or any regulation of the depart-
50 ment relating to the sales tax prescribed and adopted under this chapter,

Assembly Bill No. 45 (cont'd)

1 the department, upon hearing, after giving the person 10 days' notice in
2 writing specifying the time and place of hearing and requiring him to
3 show cause why his permit or permits should not be revoked, may revoke
4 or suspend any one or more of the permits held by the person.

5 2. The department shall give to the person written notice of the sus-
6 pension or revocation of any of his permits.

7 3. The notices may be served personally or by mail in the manner
8 prescribed for service of notice of a deficiency determination.

9 4. The department shall not issue a new permit after the revocation
10 of a permit unless it is satisfied that the former holder of the permit will
11 comply with the provisions of this chapter relating to the sales tax and
12 the regulations of the department.

13 5. If a permit is revoked, the department may [seal and padlock]
14 order the place of business for which the permit was issued [.] to be
15 sealed and padlocked.

16 SEC. 10. NRS 374.155 is hereby amended to read as follows:

17 374.155 1. A person who engages in business as a seller in a county
18 without a permit or permits or after a permit has been suspended, and
19 each officer of any corporation which so engages in business, is guilty
20 of a misdemeanor.

21 2. If, after notice to the seller, served personally or by mail, the
22 seller continues to engage in business without a permit, or after a permit
23 has been suspended or revoked, the department may [seal and padlock]
24 order any place of business of the seller [.] to be sealed and padlocked.
25 If notice under this subsection is served by mail, it [shall] must be
26 addressed to the seller at his address as it appears in the records of the
27 department.

28 SEC. 11. NRS 374.165 is hereby amended to read as follows:

29 374.165 The certificate relieves the seller from the burden of proof
30 only if taken in good faith from a person who is engaged in the business
31 of selling tangible personal property and who holds the permit provided
32 for in NRS 374.130 to 374.185, inclusive, and section 8 of this act, and
33 who, at the time of purchasing the tangible personal property, intends
34 to sell it in the regular course of business or is unable to ascertain at the
35 time of purchase whether the property will be sold or will be used for
36 some other purpose.

37 SEC. 12. NRS 374.410 is hereby amended to read as follows:

38 374.410 The amount of the determination, exclusive of penalties,
39 [shall bear] bears interest at the rate of [one-half of] 1 percent per
40 month, or fraction thereof, from the last day of the month following the
41 quarterly period for which the amount or any portion [thereof] of it
42 should have been returned until the date of payment.

43 SEC. 13. NRS 374.450 is hereby amended to read as follows:

44 374.450 The amount of the determination, exclusive of penalties,
45 [shall bear] bears interest at the rate of [one-half of] 1 percent per
46 month, or fraction thereof, from the last day of the month following
47 the quarterly period for which the amount [.] or any portion [thereof,]
48 of it should have been returned until the date of payment.

Assembly Bill No. 45 (cont'd)

— 4 —

1 **SEC. 14. NRS 374.510 is hereby amended to read as follows:**
2 **374.510** Any person who fails to pay any tax to the county or any
3 amount of tax required to be collected and paid to the county, except
4 amounts of determinations made by the department under NRS 374.405
5 to 374.460, inclusive, within the time required shall pay a penalty of
6 not more than 10 percent of the tax or amount of the tax, as determined
7 by the department, in addition to the tax or amount of tax, plus interest
8 at the rate of ~~one-half of~~ 1 percent per month, or fraction thereof,
9 from the date on which the tax or the amount of tax required to be col-
10 lected became due and payable to the county until the date of payment.

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A. B. 77

**ASSEMBLY BILL NO. 77—ASSEMBLYMEN
DINI AND MARVEL**

JANUARY 29, 1981

Referred to Committee on Government Affairs

SUMMARY—Authorizes counties of lesser population to establish business license departments. (BDR 32-506)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to county business licenses; authorizing counties having a population of less than 250,000 to establish license departments; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 364.010 is hereby amended to read as follows:
2 364.010 1. The sheriff of each county having a population of less
3 than 250,000 [, as determined by the last preceding national census of
4 the Bureau of the Census of the United States Department of Com-
5 merce,] is the ex officio collector of county licenses provided for in
6 chapter 244 of NRS and by other laws [.] , unless a county license
7 department is established for the county.
8 2. In counties having a population of 250,000 or more, [as deter-
9 mined by the last preceding national census of the Bureau of the Census
10 of the United States Department of Commerce,] the board of county
11 commissioners shall, and in counties having a population of less than
12 250,000 the board of county commissioners may, by ordinance:
13 (a) Establish a county license department;
14 (b) Adopt procedures for the investigation of applicants for county
15 licenses and for the administration, collection and disposition of county
16 license fees; and
17 (c) Provide regulations for the operation of the county license depart-
18 ment.
19 3. The provisions of NRS 364.020 to 364.070, inclusive, do not
20 apply to counties which have a county license department.

S. B. 194

SENATE BILL NO. 194—SENATOR WAGNER

FEBRUARY 5, 1981

Referred to Committee on Taxation

SUMMARY—Requires notice to certain property owners upon sale of property by county for taxes. (BDR 32-538)

**FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.**

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

AN ACT relating to property taxes; requiring notice to owners of property adjacent to property sold for unpaid taxes; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 **SECTION 1. NRS 361.595 is hereby amended to read as follows:**
2 **361.595 1. Any property held in trust by any county treasurer by**
3 **virtue of any deed made pursuant to the provisions of this chapter may**
4 **be sold and conveyed in the manner prescribed in this section and in**
5 **NRS 361.603 or conveyed without sale as provided in NRS 361.604.**
6 **2. If the property is to be sold, the board of county commissioners**
7 **may make an order, to be entered on the record of its proceedings, direct-**
8 **ing the county treasurer to sell the property particularly described therein,**
9 **after giving notice of sale, for a total amount not less than the amount of**
10 **the taxes, costs, penalties and interest legally chargeable against [such]**
11 **that property as stated in the order.**
12 **3. Unless the property to be sold is within a city or a platted sub-**
13 **division, notice of the sale must be given to every owner of adjacent**
14 **property not less than 20 days before the sale.**
15 **4. Notice of [such] every sale must be posted in at least three public**
16 **places in the county, including one at the courthouse and one on the**
17 **property, for [a period of] not less than 20 days before the day of sale**
18 **or [, in lieu of such posting,] by publication of [such] a notice for a**
19 **like period [of time] in some newspaper published within the county, if**
20 **the board of county commissioners [shall so direct by its order.] so**
21 **orders.**
22 **[4.] 5. Upon compliance with [such order] the order of sale, the**
23 **county treasurer shall make, execute and deliver to any purchaser, upon**

Senate Bill No. 194 (cont'd)

— 2 —

1 payment to him [.] as trustee, of a consideration not less than that spec-
2 ified in the order, an absolute deed, discharged of any trust of the prop-
3 erty mentioned in such order.

4 [5.] 6. Before delivering any such deed, the county treasurer shall
5 record [the same] *it* at the expense of the purchaser.

6 [6.] 7. All such deeds [., whether issued before or after July 1,
7 1955,] are primary evidence of the regularity of all proceedings relating
8 to the order of the board of county commissioners, the notice of sale and
9 the sale of the property; but no such deed may be executed and delivered
10 by the county treasurer until he files at the expense of the purchaser, with
11 the clerk of the board of county commissioners, proper affidavits of post-
12 ing and of publication of the notice of sale, as the case may be, together
13 with his return of sale, duly verified, showing compliance with the order
14 of the board of county commissioners, which return constitutes primary
15 evidence of the facts recited therein.

16 [7.] 8. If such a deed when regularly issued is not recorded in the
17 office of the county recorder, [such] *that* deed, and all proceedings relat-
18 ing thereto, is void as against any subsequent purchaser in good faith and
19 for a valuable consideration of the same property, or any portion thereof,
20 when his own conveyance is first duly recorded.

21 [8.] 9. The board of county commissioners shall provide its clerk
22 with a record book in which [shall] *must* be indexed the name of each
23 purchaser, together with the date of sale, a description of the property
24 sold, a reference to the book and page of the minutes of the board of
25 county commissioners where the order of sale is recorded, and the file
26 number of the affidavits and return.