

SENATE BILL NO. 408—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 29, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing Virgin Valley Water District. (BDR S-1161)

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 water districts; making provisions relating to the collection of a delinquent bill for water or services furnished; providing for the exemption of the Virgin Valley Water District from certain fees and 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.** The Virgin Valley Water District Act, being
2 chapter 100, Statutes of Nevada 1993, at page 159, is hereby
3 amended by adding thereto a new section, to be designated as
4 section 3.3, immediately following section 3, to read as follows:

5 *Sec. 3.3. 1. Any bill for water or services furnished*
6 *by the District which is delinquent for more than 60 days*
7 *must be listed on a delinquent list prepared by the District.*
8 *The list must identify the property to which the water was*
9 *furnished in a manner which permits the owner thereof to*
10 *easily identify his property, state the name of the property*
11 *owner and list the delinquent amount. Such lists may be*
12 *filed with the County Tax Collector and upon filing, the*
13 *properties described therein are subject to a lien for*
14 *nonpayment of the delinquent amounts. If such a list is*
15 *filed, the County Tax Collector shall include the delinquent*
16 *amounts on the next tax bill for the property and shall*
17 *enforce collection of the amounts in the same manner and*



1 with the same penalties and rights of foreclosure which
2 apply to the levy, collection and enforcement of property
3 taxes. The remedy for nonpayment of bills provided in this
4 section is in addition to any other available remedies which
5 the District may elect to use for such nonpayment,
6 including, without limitation, termination of service.

7 2. Upon compliance with subsection 5 and until paid,
8 all charges delinquent for more than 60 days and filed with
9 the County Tax Collector constitute a perpetual lien on and
10 against the property served, and the lien is prior and
11 superior to all liens, claims and titles other than liens of
12 general taxes and special assessments, and not subject to
13 extinguishment by the sale of any property on account of
14 nonpayment of any such liens, claims and titles including
15 the liens of general taxes and special assessments, and any
16 such lien may be foreclosed in the same manner as provided
17 by the laws of the State of Nevada for the foreclosure of
18 mechanics' liens. Before any such lien is foreclosed the
19 Board shall hold a hearing thereon after notice thereof by
20 publication and by registered or certified first-class mail,
21 postage prepaid, addressed to the last known owner at his
22 last known address according to the records of the District
23 and the real property assessment roll in the county in which
24 the property is located.

25 3. The Board shall prescribe and enforce regulations
26 for the connection with and the disconnection from
27 properties of the facilities of the District and the taking of its
28 services and provide for the collection of charges.

29 4. As a remedy established for the collection of due and
30 unpaid deposits and charges and the penalties thereon an
31 action may be brought in the name of the District in any
32 court of competent jurisdiction against the person who
33 occupied the property when the service was rendered or the
34 deposit became due or against any person guaranteeing
35 payment of bills, or against any or all of those persons, for
36 the collection of the amount of the deposit or the collection
37 of delinquent charges and all penalties thereon.

38 5. A lien against the property served is not effective
39 until a notice of the lien, separately prepared for each lot
40 affected, is:

41 (a) Mailed to the last known owner at his last known
42 address according to the records of the District and the real
43 property assessment roll of the county in which the property
44 is located;



1 ***(b) Delivered by the Board to the Office of the County***
2 ***Recorder of the county within which the property subject to***
3 ***the lien is located;***

4 ***(c) Recorded by the County Recorder in a book kept by***
5 ***him to record instruments encumbering land; and***

6 ***(d) Indexed in the real estate index as deeds and other***
7 ***conveyances are required by law to be indexed.***

8 **Sec. 2.** The Virgin Valley Water District Act, being chapter
9 100, Statutes of Nevada 1993, at page 159, is hereby amended by
10 adding thereto a new section, to be designated as section 3.6,
11 immediately following section 3.3, to read as follows:

12 ***Sec. 3.6 1. If the District owns or operates a system***
13 ***for the distribution of water within the boundaries of any***
14 ***municipal corporation lying wholly or partly within the***
15 ***boundaries of the District:***

16 ***(a) The municipal corporation shall not impose upon***
17 ***the District any fee relating to the ownership or operation of***
18 ***the system, including, without limitation, a franchise fee,***
19 ***business license fee or fee for a right-of-way; and***

20 ***(b) The District shall install and operate its properties***
21 ***and facilities within the boundaries of the municipal***
22 ***corporation in such a manner as to cause a minimum of***
23 ***inconvenience.***

24 ***2. All property of the District is exempt from any taxes***
25 ***imposed by the State or its political subdivisions.***



