

Amendment No. 165

Assembly Amendment to Assembly Bill No. 8	(BDR 21-323)
Proposed by: Assembly Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

JWP



Date: 4/9/2017

A.B. No. 8—Revises provisions governing the collection of delinquent municipal utility charges. (BDR 21-323)



ASSEMBLY BILL NO. 8—COMMITTEE
ON GOVERNMENT AFFAIRS(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

PREFILED NOVEMBER 15, 2016

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the collection of delinquent municipal utility charges. (BDR 21-323)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to municipal utilities; expanding the utility services for which delinquent charges may be collected with the general taxes of the county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of a city which provides sewerage may have delinquent charges for sewerage collected with the county's general taxes. (NRS 268.043) **Section 1** of this bill expands this authority and provides that a governing body providing ~~any utility service~~ sewerage, storm drainage or water service, or any combination of those services, may collect delinquent charges in such a manner. **Sections 2 and 3** of this bill make conforming changes.

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

Section 1. NRS 268.043 is hereby amended to read as follows:
268.043 1. The governing body of a city which provides ~~sewerage~~ utility service services may elect by ordinance to have delinquent charges for ~~sewerage~~ any or all of those utility services collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the county's general taxes. The governing body shall cause a description of each parcel of real property with respect to which the charge is delinquent on May 1 and the amount of the delinquent charge to be prepared and filed with the board of county commissioners no later than June 1. The description of each parcel and the amount of the delinquent charge must be filed in a form approved by the county treasurer.

2. The powers authorized by this section are alternative to all other powers of the city for the collection of such charges.

3. The real property may be described by reference to maps prepared by and on file in the office of the county assessor or by descriptions used by the county assessor.

4. The amount of the charge constitutes a lien against the lot or parcel of land against which the charge has been imposed as of the time when the lien of taxes on the roll attach.

5. The county treasurer shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. Thereafter, the amount of the charges must be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the county.

6. All laws applicable to the levy, collection and enforcement of general taxes of the county, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, redemption and sale, are applicable to delinquent charges for ~~sewerage~~ utility services.

7. The county treasurer may issue separate bills for those charges and separate receipts for collection on account of those charges.

8. The governing body shall pay to the county treasurer, on the date it files the information described in subsection 1, 4 percent of the amount of the delinquent charges for ~~sewerage~~ the utility services to be collected on the tax roll or the amount estimated by the county treasurer which is necessary to collect and distribute those delinquent charges, whichever is greater. If the amount paid by the governing body to the county treasurer exceeds the actual amount which is necessary to collect and distribute the delinquent charges, the county treasurer shall refund the excess amount to the governing body within 1 year after the date the governing body files the information described in subsection 1.

9. As used in this section, "utility services" means sewerage, storm drainage or water service, or any combination of those services.

Sec. 2. NRS 268.4112 is hereby amended to read as follows:

268.4112 1. In a county whose population is 700,000 or more, the governing body of a city that owns a municipal water system may, if requested by a water authority, impose an excise tax on the use of water in an amount sufficient to ensure the payment, wholly or in part, of obligations incurred by the water authority to acquire, establish, construct, improve or equip, or any combination thereof, a water facility. The tax must be imposed by ordinance on customers of the municipal water system that are capable of using or benefiting from the water facility financed, wholly or in part, with the proceeds of the tax.

2. An excise tax imposed pursuant to subsection 1 must be levied at different rates for different classes of customers and must take into account differences in the amount of water used or estimated to be used and the size of the connection.

3. The ordinance imposing the tax must provide:

(a) The rate or rates of the tax, which must not exceed one-quarter of 1 percent of the monthly water bill of customers of all residential classes and 5 percent of the monthly water bill of customers of all commercial classes and any other class;

(b) The procedure for collection of the tax;

(c) The duration of the tax; and

(d) The rate of interest that will be charged on late payments.

4. Late payments of the tax must bear interest at a rate not exceeding 1 percent per month, or fraction thereof. The tax due is a perpetual lien against the property served by the water on whose use the tax is imposed until the tax and any interest that may accrue thereon are paid. Collection of the tax may be enforced in

any manner authorized by law for the collection of unpaid water bills. In addition to all other methods available to enforce payment of the tax, the city, by ordinance, may provide that it will be collected in the same manner as delinquent ~~taxes~~ **charges** are collected pursuant to NRS 268.043 for ~~sewerage~~ **utility services** charges.

5. Subject to the provisions of this subsection, the governing body of the city may reduce the amount of the tax imposed pursuant to this section as the obligations of the city and the water authority allow. No ordinance imposing a tax which is enacted pursuant to this section may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax enacted pursuant to this section until those bonds or other obligations have been discharged in full.

6. The governing body of the city shall review the necessity for the continued imposition of the tax authorized pursuant to this section at least once every 10 years.

7. As used in this section:

(a) **"Utility services" has the meaning ascribed to it in NRS 268.043.**

(b) "Water authority" means a water authority organized as a public agency or entity created by cooperative agreement pursuant to chapter 277 of NRS whose members at the time of formation include the three largest retail water purveyors in the county and which is responsible for the acquisition, treatment and delivery of water and water resources on a wholesale basis to utilities, governmental agencies and entities and other large customers.

~~(b)~~ (c) "Water facility" means a facility pertaining to a water system for the collection, transportation, treatment, purification and distribution of water, including, without limitation, springs, wells, ponds, lakes, water rights, other raw water sources, basin cribs, dams, spillways, retarding basins, detention basins, reservoirs, towers and other storage facilities, pumping plants, infiltration galleries, filtration plants, purification systems, other water treatment facilities, waterworks plants, pumping stations, gauging stations, ventilating facilities, stream gauges, rain gauges, valves, standpipes, connections, hydrants, conduits, flumes, sluices, canals, channels, ditches, pipes, lines, laterals, service pipes, force mains, submains, siphons, other water transmission and distribution mains, engines, boilers, pumps, meters, apparatus, tools, equipment, fixtures, structures, buildings and other facilities for the acquisition, transportation, treatment, purification and distribution of untreated water or potable water for domestic, commercial and industrial use and irrigation, or any combination thereof.

Sec. 3. Section 28 of the Las Vegas Valley Water District Act, being chapter 506, Statutes of Nevada 1997, at page 2404, is hereby amended to read as follows:

Sec. 28. 1. At the request of the Southern Nevada Water Authority, to pay all or any part of the cost to acquire, establish, construct, improve or equip, or any combination thereof, one or more water facilities, the Board of Directors of the District may impose an excise tax on the use of water in an amount sufficient to ensure the payment, wholly or in part, of obligations incurred by the Southern Nevada Water Authority. The tax must be imposed as a rate or charge pursuant to the procedures for adopting a schedule of rates and charges set forth in section 9.2 on customers of the water system of the District that are capable of using or benefiting from the water facilities financed, wholly or in part, with the proceeds of the tax.

2. An excise tax imposed pursuant to subsection 1 must be levied at different rates for different classes of customers and must take into account

1 differences in the amount of water used or estimated to be used and the size
2 of the connection.

3 3. The schedule imposing the rate or charge must provide:

4 (a) The amount of the rate or charge, which must not exceed one-
5 quarter of 1 percent of the monthly water bill of customers of all residential
6 classes and 5 percent of the monthly water bill of customers of all
7 commercial classes and any other class;

8 (b) The procedure for collection of the rate or charge;

9 (c) The duration of the rate or charge; and

10 (d) The rate of interest that will be charged on late payments.

11 4. Late payments of the tax must bear interest at a rate not exceeding
12 1 percent per month, or fraction thereof. The tax due is a perpetual lien
13 against the property served by the water on whose use the tax is imposed
14 until the tax and any interest that may accrue thereon are paid. Collection of
15 the tax may be enforced in any manner authorized by law for the collection
16 of unpaid water bills. In addition to all other methods available to enforce
17 payment of the tax, the District may provide that it will be collected in the
18 same manner as delinquent ~~taxes~~ charges are collected pursuant to NRS
19 268.043 for ~~sewerage~~ utility services charges.

20 5. Subject to the provisions of this subsection, the Board of Directors
21 of the District may reduce the amount of the tax imposed pursuant to this
22 section as the obligations of the District or the water authority allow. The
23 Board of Directors of the District shall not repeal or amend or otherwise
24 directly or indirectly modify the tax in such a manner as to impair any
25 outstanding bonds or other obligations which are payable from or secured
26 by a pledge of a tax imposed pursuant to this section until those bonds or
27 other obligations have been discharged in full.

28 6. The Board of Directors of the District shall review the necessity for
29 the continued imposition of the tax authorized pursuant to this section at
30 least once every 10 years.

31 7. As used in this section, ~~“water”~~ :

32 (a) “Utility services” has the meaning ascribed to it in NRS 268.043.

33 (b) “Water facility” has the meaning ascribed to “water project” in
34 paragraph (b) of subsection 6 of section 27.