

ASSEMBLY BILL NO. 490—ASSEMBLYMEN HETTRICK, DE BRAGA, CARPENTER, DINI
AND PARNELL

MARCH 11, 1999

Referred to Committee on Natural Resources,
Agriculture and Mining

SUMMARY—Revises provisions governing river channel clearance. (BDR 48-1357)

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

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

AN ACT relating to navigable rivers; authorizing under certain circumstances a governmental entity or person to conduct channel clearance of rivers without a permit issued by the division of state lands of the state department of conservation and natural resources; expanding the related provision regarding immunity; 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 532.220 is hereby amended to read as follows:
2 532.220 1. The channel clearance, maintenance, restoration,
3 surveying and monumenting program is hereby established and must be
4 administered by the state engineer.
5 2. This program is to aid local governments in this state in the
6 clearance, maintenance, restoration, surveying and monumenting of
7 navigable rivers.
8 3. Any incorporated city, county or other political subdivision of this
9 state may apply to the state engineer for a grant under this program if the
10 incorporated city, county or other political subdivision requesting the
11 money agrees to match the state grant equally.
12 4. The state, its departments, divisions and agencies, an incorporated
13 city, a county and all other political subdivisions of this state, and their
14 employees and agents, are immune from civil liability for damages caused
15 by an alteration or disturbance of a riverbed or flooding sustained as a

1 result of any act or omission by an employee or agent in clearing or
2 causing to be cleared, maintaining or restoring a channel of a river
3 pursuant to this section if the channel is cleared, maintained or restored :

4 *(a) Except as otherwise provided in subsection 5,* pursuant to a permit
5 granted by the division of state lands of the state department of
6 conservation and natural resources ; and ~~{such}~~

7 *(b) Such* other permits and approvals as are required by law.

8 5. *If an incorporated city, a county or a political subdivision of this*
9 *state applies for a grant and the grant is denied for lack of money in the*
10 *account after:*

11 *(a) The state engineer requests an allocation from the contingency*
12 *fund pursuant to subsection 4 of NRS 532.230; and*

13 *(b) An allocation from the contingency fund is not made within 90*
14 *days after a request by the state engineer,*
15 *the incorporated city, county or political subdivision, and its employees*
16 *and agents, may conduct the clearance, maintenance, restoration,*
17 *surveying and monumenting for which the grant was requested without a*
18 *permit issued by the division of state lands of the state department of*
19 *conservation and natural resources. The immunity provided in*
20 *subsection 4 applies to any action taken without a permit by a*
21 *governmental entity in accordance with this subsection.*

22 6. As used in this section, “navigable river” means a river or stream
23 that is used, or is susceptible of being used, in its ordinary condition for
24 trade or travel in the customary modes of trade or travel on rivers or
25 streams.

26 **Sec. 2.** NRS 532.230 is hereby amended to read as follows:

27 532.230 1. The account for the channel clearance, maintenance,
28 restoration, surveying and monumenting program is hereby created in the
29 state general fund.

30 2. The money in the account must be administered by the state
31 engineer and must be expended only to aid local governments in the
32 manner provided in NRS 532.220.

33 3. If the balance in the account is below \$250,000, the state engineer
34 may request an allocation from the contingency fund pursuant to NRS
35 353.266, 353.268 and 353.269.

36 4. *If the balance in the account is not sufficient to provide a grant of*
37 *money to an incorporated city, a county or a political subdivision of this*
38 *state, the state engineer shall request an allocation from the contingency*
39 *fund pursuant to NRS 353.266, 353.268 and 353.269. If an allocation*
40 *from the contingency fund is not made within 90 days after a request by*
41 *the state engineer, the incorporated city, county or political subdivision,*
42 *and its employees and agents, may conduct or authorize any other person*

- 1 *to conduct the clearance, maintenance, restoration, surveying and*
- 2 *monumenting for which the grant was requested without a permit issued*
- 3 *by the division of state lands of the state department of conservation and*
- 4 *natural resources pursuant to subsection 6 of NRS 322.1007.*

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