

Assembly Bill No. 490—Assemblymen Hettrick, de Braga,

Carpenter, Dini and Parnell

CHAPTER.....

AN ACT relating to navigable rivers; requiring the division of state lands and the division of environmental protection of the state department of conservation and natural resources to refund under certain circumstances fees paid by governmental entities to obtain a permit to conduct channel clearance of rivers; revising provisions governing the account for the channel clearance, maintenance, restoration, surveying and monumenting program; and providing other matters properly relating thereto.

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

Section 1. NRS 532.220 is hereby amended to read as follows:

532.220 1. The channel clearance, maintenance, restoration, surveying and monumenting program is hereby established and must be administered by the state engineer.

2. This program is to aid local governments in this state in the clearance, maintenance, restoration, surveying and monumenting of navigable rivers.

3. Any incorporated city, county or other political subdivision of this state may apply to the state engineer for a grant under this program if the incorporated city, county or other political subdivision requesting the money agrees to match the state grant equally.

4. The state, its departments, divisions and agencies, an incorporated city, a county and all other political subdivisions of this state, and their employees and agents, are immune from civil liability for damages caused by an alteration or disturbance of a riverbed or flooding sustained as a result of any act or omission by an employee or agent in clearing or causing to be cleared, maintaining or restoring a channel of a river pursuant to this section if the channel is cleared, maintained or restored pursuant to a permit granted by the division of state lands of the state department of conservation and natural resources and such other permits and approvals as are required by law.

5. *The division of state lands and the division of environmental protection of the state department of conservation and natural resources shall refund the application or permit fees, if any, paid by a governmental entity to apply for a state permit to perform channel clearance, maintenance, restoration, surveying and monumenting if:*

(a) The governmental entity applies for the applicable permits from the division of state lands and from the division of environmental protection of the state department of conservation and natural resources;

(b) The governmental entity obtains all other permits and approvals as are required by law;

(c) The governmental entity applies for a grant pursuant to subsection 3; and

(d) The grant is denied for lack of money in the account after:

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

(2) An allocation from the contingency fund is not made within 90 days after the request is made.

6. A state permit must not be denied for lack of money in the account for the channel clearance, maintenance, restoration, surveying and monumenting program.

7. As used in this section, "navigable river" means a river or stream that is used, or is susceptible of being used, in its ordinary condition for trade or travel in the customary modes of trade or travel on rivers or streams.

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

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

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

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

4. If the balance in the account is not sufficient to provide a grant of money to an incorporated city, a county or a political subdivision of this state, the state engineer shall request an allocation from the contingency fund pursuant to NRS 353.266, 353.268 and 353.269.