

ASSEMBLY BILL NO. 430—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

MARCH 23, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing channel clearing.
(BDR 48-1130)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Contains Appropriation not included
in Executive Budget.

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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 navigable rivers; requiring the State Engineer to create and maintain a list of certain proposed maintenance or other projects for a navigable river; authorizing certain public entities to submit proposed projects and apply for a grant; making an appropriation to the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes the Channel Clearance, Maintenance, Restoration,
2 Surveying and Monumenting Program within the State Department of Conservation
3 and Natural Resources to provide matching grants to local government agencies for
4 the clearance, maintenance, restoration, surveying and monumenting of navigable
5 rivers. **Section 1** of this bill requires the State Engineer to maintain a list of
6 proposed projects and the estimated cost of each proposed project. **Section 1** also
7 authorizes any public entity to propose a project and apply for a grant. **Section 2** of
8 this bill makes a \$250,000 appropriation to restore the balance of the Account for
9 the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting
10 Program which funds these grants.



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,
3 Restoration, Surveying and Monumenting Program is hereby
4 established *within the Division of Water Resources of the State*
5 *Department of Conservation and Natural Resources* and must be
6 administered by the State Engineer.

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

10 3. *The State Engineer shall create and maintain a list of*
11 *proposed projects for channel clearance, snagging, maintenance,*
12 *restoration, surveying or monumenting of a navigable river. The*
13 *list must include, without limitation, the estimated costs of each*
14 *proposed project. Any incorporated city, county or other political*
15 *subdivision or public entity of this state , including, without*
16 *limitation, a water district or water authority, may submit a*
17 *proposed project for inclusion on the list. The submittal of a*
18 *proposed project does not guarantee the approval of or award of*
19 *a grant for the project.*

20 4. *Any incorporated city, county or other political subdivision*
21 *or public entity of this State, including, without limitation, a water*
22 *district or water authority, may apply to the State Engineer for a*
23 *grant under this program to fund a project that has been included*
24 *on the list pursuant to subsection 3, if the incorporated city, county*
25 *or other political subdivision or public entity requesting the money*
26 *agrees to match the state grant equally.*

27 ~~[4.]~~ 5. The State, its departments, divisions and agencies, an
28 incorporated city, a county and all other political subdivisions *or*
29 *public entities* of this state, and their employees and agents, are
30 immune from civil liability for damages caused by an alteration or
31 disturbance of a riverbed or flooding sustained as a result of any act
32 or omission by an employee or agent in clearing or causing to be
33 cleared, maintaining or restoring a channel of a river pursuant to this
34 section if the channel is cleared, maintained or restored pursuant to a
35 permit granted by the Division of State Lands of the State
36 Department of Conservation and Natural Resources and such other
37 permits and approvals as are required by law.

38 ~~[5.]~~ 6. The Division of State Lands and the Division of
39 Environmental Protection of the State Department of Conservation
40 and Natural Resources shall refund the application or permit fees, if
41 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 for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program after:

(1) The State Engineer requests an allocation from the Contingency Account pursuant to subsection 4 of NRS 532.230; and

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

~~16.1~~ 7. A state permit must not be denied for lack of money in the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program.

~~17.1~~ 8. 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. There is hereby appropriated from the State General Fund to the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program created by NRS 532.230 the sum of \$250,000 to restore the balance in the account.

Sec. 3. This act becomes effective on July 1, 2015.

