

ASSEMBLY BILL NO. 19—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF WATER RESOURCES
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water. (BDR 48-233)

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 water; expanding the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program to include tribal governments in this State; providing, under certain circumstances, that officers and employees of tribal governments are exempt from certain licensing requirements for state water right surveyors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program which provides grants to local governments in this State for the clearance, maintenance, restoration, surveying and monumenting of navigable rivers in this State. (NRS 532.220) **Section 2** of this bill expands the entities eligible to apply for a grant from this Program to include tribal governments in this State. **Section 1** of this bill defines “tribal government” to mean a federally recognized American Indian tribe. **Section 3** of this bill makes a conforming change to include tribal governments in the entities eligible to receive money from the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program in the State General Fund.

Existing law provides that: (1) any licensed professional engineer or land surveyor may apply to the State Engineer for appointment as a state water right surveyor; and (2) an officer or employee of the Federal Government who is not a professional engineer or professional land surveyor may apply to be a state water right surveyor, but any certificate issued to such an officer or employee is restricted to work for the Federal Government. (NRS 533.080) **Section 4** of this bill provides that an officer or employee of a tribal government who is not a professional engineer or professional land surveyor may also apply for appointment as a state



19 water right surveyor, but any certificate issued to such an officer or employee is
20 restricted to work for the tribal government.

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

1 **Section 1.** Chapter 532 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *As used in this chapter, unless the context otherwise requires,*
4 *“tribal government” means a federally recognized American*
5 *Indian tribe pursuant to 25 C.F.R. §§ 83.1 to 83.12, inclusive.*

6 **Sec. 2.** NRS 532.220 is hereby amended to read as follows:

7 532.220 1. The Channel Clearance, Maintenance,
8 Restoration, Surveying and Monumenting Program is hereby
9 established and must be administered by the State Engineer.

10 2. This Program is to aid local governments *and tribal*
11 *governments* in this ~~{state}~~ *State* in the clearance, maintenance,
12 restoration, surveying and monumenting of navigable rivers.

13 3. Any incorporated city, county , ~~{or}~~ other political
14 subdivision of this ~~{state}~~ *State or tribal government in this State*
15 may apply to the State Engineer for a grant under this Program if the
16 incorporated city, county , ~~{or}~~ other political subdivision *or tribal*
17 *government* requesting the money agrees to match the state grant
18 equally.

19 4. The State, its departments, divisions and agencies, an
20 incorporated city, a county , ~~{and}~~ all other political subdivisions of
21 this ~~{state,}~~ *State and tribal governments in this State*, and their
22 employees and agents, are immune from civil liability for damages
23 caused by an alteration or disturbance of a riverbed or flooding
24 sustained as a result of any act or omission by an employee or agent
25 in clearing or causing to be cleared, maintaining or restoring a
26 channel of a river pursuant to this section if the channel is cleared,
27 maintained or restored pursuant to a permit granted by the Division
28 of State Lands of the State Department of Conservation and Natural
29 Resources and such other permits and approvals as are required by
30 law.

31 5. The Division of State Lands and the Division of
32 Environmental Protection of the State Department of Conservation
33 and Natural Resources shall refund the application or permit fees, if
34 any, paid by a governmental entity to apply for a state permit to
35 perform channel clearance, maintenance, restoration, surveying and
36 monumenting if:

37 (a) The governmental entity applies for the applicable permits
38 from the Division of State Lands and from the Division of



1 Environmental Protection of the State Department of Conservation
2 and Natural Resources;

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

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

7 (d) The grant is denied for lack of money in the Account for the
8 Channel Clearance, Maintenance, Restoration, Surveying and
9 Monumenting Program after:

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

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

14 6. A state permit must not be denied for lack of money in the
15 Account for the Channel Clearance, Maintenance, Restoration,
16 Surveying and Monumenting Program.

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

21 **Sec. 3.** NRS 532.230 is hereby amended to read as follows:

22 532.230 1. The Account for the Channel Clearance,
23 Maintenance, Restoration, Surveying and Monumenting Program is
24 hereby created in the State General Fund.

25 2. The money in the Account must be administered by the State
26 Engineer and must be expended only to aid local governments *or*
27 *tribal governments* in the manner provided in NRS 532.220.

28 3. If the balance in the Account is below \$250,000, the State
29 Engineer may request an allocation from the Contingency Account
30 pursuant to NRS 353.266, 353.268 and 353.269.

31 4. If the balance in the Account is not sufficient to provide a
32 grant of money to an incorporated city, a county , ~~or~~ a political
33 subdivision of this ~~state,~~ *State or a tribal government in this*
34 *State*, the State Engineer shall request an allocation from the
35 Contingency Account pursuant to NRS 353.266, 353.268
36 and 353.269.

37 **Sec. 4.** NRS 533.080 is hereby amended to read as follows:

38 533.080 1. All maps, surveys and measurements of water
39 required pursuant to this chapter must be made by a state water right
40 surveyor. No survey, map or measurement of flow of water may be
41 approved by the State Engineer unless the survey is made by a state
42 water right surveyor.

43 2. Any licensed professional engineer or land surveyor who has
44 a practical knowledge of surveying or engineering and who is
45 familiar with land surveying and mapping and the measurement of



1 water, and who is of good moral standing, must be considered for
2 appointment as a state water right surveyor upon application to the
3 State Engineer. The application must be in the form prescribed by
4 the State Engineer and accompanied by a fee of \$50.

5 3. The State Engineer may require any applicant for
6 appointment to the position of state water right surveyor to pass
7 such reasonable examination as to the applicant's qualifications as is
8 provided by the State Engineer.

9 4. Whenever the State Engineer approves the qualifications of
10 an applicant, the State Engineer shall issue a certificate to the
11 applicant designating the applicant as a state water right surveyor.

12 5. Every water right surveyor's certificate expires on June 30
13 of each year unless renewed by application in the form prescribed
14 by the State Engineer. A fee of \$20 must be paid each year for
15 renewal. All application and renewal fees must be accounted for in
16 the State Engineer's Water License Account, which is hereby
17 created in the State General Fund, and must be used to pay costs
18 pertaining to the certificate and renewal and other costs associated
19 with carrying out the provisions of this section.

20 6. An appointment may be revoked by the State Engineer at
21 any time for good cause shown.

22 7. The State Engineer may provide such additional regulations
23 governing the qualifications and official acts of state water right
24 surveyors as are reasonable and not inconsistent with this chapter.

25 8. The State of Nevada is not liable for the compensation of
26 any state water right surveyor, but a state water right surveyor is
27 entitled to be paid by the person employing the state water right
28 surveyor.

29 9. Officers and employees of the Federal Government *or a*
30 *tribal government* are entitled to apply for the position of state
31 water right surveyor and are exempt from the requirement that a
32 state water right surveyor must be a professional engineer or
33 professional land surveyor set forth in subsection 2. Any certificate
34 issued to those officers and employees must include a restriction
35 limiting those officers and employees to work for the Federal
36 Government ~~[.]~~ *or tribal government, as applicable.*

37 *10. As used in this section, "tribal government" has the*
38 *meaning ascribed to it in section 1 of this act.*

39 **Sec. 5.** This act becomes effective on July 1, 2023.

