

CHAPTER.....

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

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

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

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

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

Sec. 2. 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 *and tribal governments* in this ~~{state}~~ *State* in the clearance, maintenance, restoration, surveying and monumenting of navigable rivers.

3. Any incorporated city, county , ~~{or}~~ other political subdivision of this ~~{state}~~ *State or tribal government in this State* may apply to the State Engineer for a grant under this Program if the incorporated city, county , ~~{or}~~ other political subdivision *or tribal government* 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,}~~ *State and tribal governments in 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 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.



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. 3. 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 *or tribal 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 Account 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,~~ *State or a tribal government in this State*, the State Engineer shall request an allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269.

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

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

2. Any licensed professional engineer or land surveyor who has a practical knowledge of surveying or engineering and who is familiar with land surveying and mapping and the measurement of water, and who is of good moral standing, must be considered for appointment as a state water right surveyor upon application to the State Engineer. The application must be in the form prescribed by the State Engineer and accompanied by a fee of \$50.

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

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



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

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

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

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

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

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

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

