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## SUGGESTED AMENDMENTS TO AB 488

EXPLANATION – Matter in *bolded italics* is new; matter in *bolded italics* is amended; matter between brackets ~~{omitted material}~~ is material to be omitted.  
Green numbers along left margin indicate location on the printed bill (e.g., 5-15 indicates page 5, line 15).

AN ACT relating to ditches; requiring the State Engineer to investigate certain complaints concerning possible criminal acts involving ditches; prohibiting a person from throwing or depositing certain items in irrigation ditches; requiring a copy of a subdivider's tentative map to be forwarded to the owner of an irrigation ditch under certain circumstances; providing a penalty; 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.** Chapter 536 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In a county whose population is less than 100,000, the State Engineer shall, upon request of the owner of a ditch or a local governmental entity in whose jurisdiction a ditch is located, investigate a complaint involving a possible violation of the provisions of ~~{subsection 3 of NRS 202.185 or the provisions of}~~ NRS 536.120 which involves the ditch if the ditch is located within the boundaries ~~[of a stream system or water district that is subject to regulation and control by the State Engineer or within the boundaries]~~ of an adjudicated stream system for which the State Engineer has appointed an engineer to work in a supervisory capacity pursuant to NRS 533.275, excluding any ditch located within an irrigation district.*

*2. For any complaint investigated pursuant to subsection 1, the State Engineer shall prepare a report as to the condition of the ditch.*

*~~(a) Attempt to facilitate a resolution of the complaint; and~~*

~~(b) If he is unable to resolve the complaint, refer the complaint to the appropriate district attorney for further investigation and possible prosecution}.~~

3. Any person who claims their ditch was damaged, removed, or destroyed may pursue action with the appropriate law enforcement agency. The State Engineer's report as provided in subsection 2 may be submitted with any such claim.

**Sec. 2.** NRS 202.185 is hereby amended to read as follows:

202.185 1. As used in this section:

(a) "Dead animals" means all dead animals or parts thereof, including condemned meats, not intended to be used as food.

(b) "Dirt" includes loose earth, ashes, manure from barns, stables, corrals and pens, offal from butcher houses and slaughterhouses, and all foul and filthy substances.

(c) "Garbage" includes solid or semisolid kitchen refuse subject to decay or putrefaction, and market waste of animal and vegetable matter which has been or was intended to be used as food for man or animal.

(d) "Rubbish" means old tin and iron cans and containers, old wood and paper boxes, old metals, wire, rope, cordage, bottles, bags and bagging, rubber and rubber tires, paper, and all used or castoff articles or material, including old plaster, brick, cement, glass, and all old building material.

2. It ~~[shall be]~~ is unlawful for any person to throw or deposit or cause to be thrown or deposited on any public highway within the State of Nevada, or within a distance of 1,000 feet from the center of any public highway, any dead animal, dirt, garbage or rubbish as defined in subsection 1.

3. ~~[It is unlawful for any person to throw or deposit or cause to be thrown or deposited in any irrigation ditch within the State of Nevada any dead animal, dirt, garbage or rubbish as defined in subsection 1.]~~

4. Any person violating the provisions of this section ~~[shall be]~~ is guilty of a misdemeanor.

**Sec. 3.** NRS 278.348 is hereby amended to read as follows:

278.348 1. In any county whose population is less than 100,000, when any subdivider proposes to subdivide land, any part of which is located within the boundaries of any irrigation district organized pursuant to chapter 539 of NRS, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with the board of directors of the district. The board of directors shall within 30 days review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take those comments into consideration before approving the tentative map.

2. *In any county whose population is less than 100,000, when any subdivider proposes to subdivide land outside the boundaries of any irrigation district on which an irrigation ditch is located, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall forward a copy of the subdivider's tentative map, by certified or registered mail, to the last known address of the owner of ~~{the irrigation ditch}~~ record in the county assessor's office for the land to which the irrigation ditch is appurtenant. Any owner of land to which the irrigation ditch is appurtenant shall within 30 days review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take those comments into consideration before approving the tentative map.*

Sec. 4. This act becomes effective on July 1, 2003.