
ASSEMBLY BILL NO. 488—COMMITTEE ON NATURAL RESOURCES,
AGRICULTURE, AND MINING

MARCH 24, 2003

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes concerning ditches.
(BDR 48-1293)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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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 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:

- 1 **Section 1.** Chapter 536 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. In a county whose population is less than 100,000, the***
4 ***State Engineer shall, upon request of the owner of a ditch or a***
5 ***local governmental entity in whose jurisdiction a ditch is located,***
6 ***investigate a complaint involving a possible violation of the***
7 ***provisions of subsection 3 of NRS 202.185 or the provisions of***
8 ***NRS 536.120 which involves the ditch if the ditch is located within***
9 ***the boundaries of a stream system or water district that is subject***
10 ***to regulation and control by the State Engineer or within the***
11 ***boundaries of an adjudicated stream system for which the State***



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1 *Engineer has appointed an engineer to work in a supervisory*
2 *capacity pursuant to NRS 533.275.*

3 2. *For any complaint investigated pursuant to subsection 1,*
4 *the State Engineer shall:*

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

6 (b) *If he is unable to resolve the complaint, refer the complaint*
7 *to the appropriate district attorney for further investigation and*
8 *possible prosecution.*

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

10 202.185 1. As used in this section:

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

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

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

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

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

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

34 4. Any person violating the provisions of this section ~~shall be~~
35 *is* guilty of a misdemeanor.

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

37 278.348 1. In any county whose population is less than
38 100,000, when any subdivider proposes to subdivide land, any part
39 of which is located within the boundaries of any irrigation district
40 organized pursuant to chapter 539 of NRS, the planning commission
41 or its designated representative, or, if there is no planning
42 commission, the clerk or other designated representative of the
43 governing body shall file a copy of the subdivider's tentative map
44 with the board of directors of the district. The board of directors
45 shall within 30 days review and comment in writing upon the map



1 to the planning commission or governing body. The planning
2 commission or governing body shall take those comments into
3 consideration before approving the tentative map.

4 *2. In any county whose population is less than 100,000, when*
5 *any subdivider proposes to subdivide land on which an irrigation*
6 *ditch is located, the planning commission or its designated*
7 *representative, or, if there is no planning commission, the clerk or*
8 *other designated representative of the governing body shall*
9 *forward a copy of the subdivider's tentative map, by certified or*
10 *registered mail, to the last known address of the owner of the*
11 *irrigation ditch.*

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

