

## Amendment No. 706

Assembly Amendment to Senate Bill No. 137 First Reprint (BDR 40-741)

**Proposed by:** Assembly Committee on Health and Human Services**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

CAF/JRS



Date: 5/15/2009

S.B. No. 137—Provides for the placement of recycling containers in certain locations. (BDR 40-741)



SENATE BILL NO. 137—SENATORS BREEDEN, PARKS,  
COPENING AND WOODHOUSE

FEBRUARY 12, 2009

JOINT SPONSORS: ASSEMBLYMEN SEGERBLOM; DENIS, KOIVISTO,  
MANENDO, MUNFORD, OHRENSCHALL AND PARNELL

Referred to Committee on Natural Resources

SUMMARY—Provides for the placement of recycling containers in certain locations. (BDR 40-741)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

~

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

AN ACT relating to recycling; providing for the placement of recycling containers on the premises of certain apartment complexes, condominiums and the Nevada System of Higher Education and its branches and facilities; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the ~~(State Environmental Commission is required to adopt regulations establishing minimum standards relating to the recycling of recyclable material. (NRS 444A.020) Existing law also provides for the establishment of recycling programs that do not conflict with those standards in counties and municipalities in this State. (NRS 444A.040) Section 5 of this bill requires the Commission to adopt regulations establishing minimum standards for the placement of recycling containers on the premises of apartment complexes and condominiums where services for the collection of solid waste are provided.)~~ ***board of county commissioners in a county whose population is 100,000 or more (currently Clark and Washoe Counties) is required to make available for use in that county a program for separating recyclable material from other solid waste originating from certain residential premises and public buildings. Existing law authorizes certain other counties and municipalities to provide such a program. (NRS 444A.040)*** Section 7 of this bill provides for the inclusion of provisions concerning ~~such~~ ***the placement of recycling containers on the premises of apartment complexes and condominiums*** in the recycling programs of ***those*** counties and municipalities.

Existing law authorizes each board of county commissioners in this State to regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county. (NRS 244.3675) Existing law confers similar authority upon the governing body of an incorporated city in this State. (NRS 268.413) ***Section 11*** of this bill prohibits a board of county commissioners of a county or a governing body of a city from approving, on or after October 1, 2009, any plan or revised plan for ***the construction or major renovation of*** an apartment complex or condominium unless the plan or revised plan includes provisions for the placement of recycling containers on the premises of the apartment complex or condominium.

Existing law requires the Board of Regents of the University of Nevada to prescribe procedures for the recycling of paper and paper products used by the Nevada System of Higher Education and requires the Board of Regents to pay any money received by the System for recycling those products to the State Treasurer for credit to the State General Fund. (NRS 396.437) **Section 14** of this bill requires the Board to prescribe procedures for the recycling of other waste materials, including, without limitation, the placement of recycling containers on the premises of the System or any of its branches or facilities where services for the collection of solid waste are provided. **Section 14** also requires the money received by the System for recycling those materials to be accounted for separately and used to carry out the provisions of that section.

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

**Section 1.** Chapter 444A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *“Apartment complex” means a building or group of buildings, each building of which is arranged in several units of connecting rooms, with each unit designed for independent housekeeping.*

**Sec. 3.** *“Condominium” has the meaning ascribed to it in NRS 117.010.*

**Sec. 4.** NRS 444A.010 is hereby amended to read as follows:

444A.010 As used in NRS 444A.010 to 444A.080, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms described in NRS 444A.011 to 444A.017, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

**Sec. 5.** ~~NRS 444A.020 is hereby amended to read as follows:~~

~~444A.020 1. The State Environmental Commission shall adopt regulations establishing minimum standards for:~~

~~(a) Separating at the source recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided [.] ; including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.~~

~~(b) Establishing recycling centers for the collection and disposal of recyclable material.~~

~~(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.~~

~~2. The regulations adopted pursuant to subsection 1 must be adopted with the goal of recycling at least 25 percent of the total solid waste generated within a municipality after the second full year following the adoption of [such] those standards.~~

~~3. The State Environmental Commission shall, by regulation, establish acceptable methods for disposing of used or waste tires.] (Deleted by amendment.)~~

**Sec. 6.** ~~NRS 444A.030 is hereby amended to read as follows:~~

~~444A.030 1. The Division of Environmental Protection of the [State] Department [of Conservation and Natural Resources] shall, by regulation, adopt a model plan for:~~

~~(a) Separating at the source recyclable material from other solid waste originating from residential premises and public buildings where services for the~~

~~collection of solid waste are provided [ ], including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.~~

~~(b) Establishing recycling centers for the collection and disposal of recyclable material in areas where there are no centers.~~

~~(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.~~

~~(d) The disposal of infectious waste, hazardous waste which is not regulated pursuant to NRS 459.485 and liquid waste which is not regulated pursuant to NRS 445A.300 to 445A.730, inclusive.~~

~~2. The model plans adopted pursuant to subsection 1 must not conflict with the standards adopted by the State Environmental Commission pursuant to NRS 444A.020. (Deleted by amendment.)~~

**Sec. 7.** NRS 444A.040 is hereby amended to read as follows:

444A.040 1. The board of county commissioners in a county whose population is 100,000 or more, or its designee, shall make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from ~~the~~ residential premises and public buildings where services for the collection of solid waste are provided ~~[ ]~~, *including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.*

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

(d) The encouragement of businesses to reduce solid waste and to separate at the source recyclable material from other solid waste. This program must, without limitation, make information regarding solid waste reduction and recycling opportunities available to a business at the time the business applies for or renews a business license.

2. The board of county commissioners of a county whose population is 40,000 or more but less than 100,000, or its designee:

(a) May make available for use in that county a program for the separation at the source of recyclable material from other solid waste originating from ~~the~~ residential premises and public buildings where services for the collection of solid waste are provided ~~[ ]~~, *including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.*

(b) Shall make available for use in that county a program for:

(1) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program established pursuant to paragraph (a).

(2) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

3. The board of county commissioners of a county whose population is less than 40,000, or its designee, may make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from ~~the~~ residential premises and public buildings where services for the collection of solid waste are provided ~~H~~, *including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.*

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

4. Any program made available pursuant to this section:

(a) Must not:

(1) Conflict with the standards adopted by the State Environmental Commission pursuant to NRS 444A.020; and

(2) Become effective until approved by the Department.

(b) May be based on the model plans adopted pursuant to NRS 444A.030.

5. The governing body of a municipality may adopt and carry out within the municipality such programs made available pursuant to this section as are deemed necessary and appropriate for that municipality.

6. Any municipality may, with the approval of the governing body of an adjoining municipality, participate in any program adopted by the adjoining municipality pursuant to subsection 5.

7. Persons residing on an Indian reservation or Indian colony may participate in any program adopted pursuant to subsection 5 by a municipality in which the reservation or colony is located if the governing body of the reservation or colony adopts an ordinance requesting such participation. Upon receipt of such a request, the governing body of the municipality shall make available to the residents of the reservation or colony those programs requested.

**Sec. 8.** ~~NRS 444A.080 is hereby amended to read as follows:~~

~~444A.080 1. The State Environmental Commission shall adopt regulations necessary to enforce the provisions of NRS 444A.010 to 444A.070, inclusive [.] and sections 2 and 3 of this act.~~

~~2. The State Environmental Commission may adopt any other regulations necessary to carry out the provisions of NRS 444A.010 to 444A.070, inclusive [.] and sections 2 and 3 of this act.] (Deleted by amendment.)~~

**Sec. 9.** NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582, 444.340 to 444.430, inclusive, and 477.030, *and section 11 of this act*, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

**Sec. 10.** NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582, 444.340 to 444.430, inclusive, and 477.030, *and section 11 of this act*, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, ~~these~~ *those* fees do not apply to the State of Nevada or the Nevada System of Higher Education.

**Sec. 11.** Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. On and after October 1, 2009, a governing body or its designee shall not approve any plan or revised plan for the construction or major renovation of an apartment complex or condominium unless the plan or revised plan includes provisions for the placement of recycling containers on the premises of the apartment complex or condominium.*

*2. As used in this section:*

*(a) "Apartment complex" has the meaning ascribed to it in section 2 of this act.*

*(b) "Condominium" has the meaning ascribed to it in NRS 117.010.*

*(c) "Major renovation" means the destruction or reconstruction of an apartment complex or condominium to an extent which exceeds 50 percent of the replacement value of the apartment complex or condominium.*

**Sec. 12.** NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 11 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

**Sec. 13.** NRS 278.460 is hereby amended to read as follows:

278.460 1. A county recorder shall not record any final map unless the map:

(a) Contains or is accompanied by the report of a title company and all the certificates of approval, conveyance and consent required by the provisions of NRS 278.374 to 278.378, inclusive, and by the provisions of any local ordinance; and

(b) Is accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid and that the full amount of any deferred property taxes for the conversion of the property from agricultural use has been paid pursuant to NRS 361A.265.

2. The provisions of NRS 278.010 to 278.630, inclusive, *and section 11 of this act* do not prevent the recording, pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and *section 11 of this act*, and any applicable local ordinances, of a map of any land which is not a subdivision, nor do NRS 278.010 to 278.630, inclusive, *and section 11 of this act* prohibit the recording of a map in accordance with the provisions of any statute requiring the recording of professional land surveyor's records of surveys.

3. A county recorder shall accept or refuse a final map for recordation within 10 days after its delivery to him.

4. A county recorder who records a final map pursuant to this section shall, within 7 working days after he records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

**Sec. 14.** NRS 396.437 is hereby amended to read as follows:

396.437 1. Except as otherwise provided in this section, the System shall recycle or cause to be recycled the paper and paper products it uses. This subsection

1 does not apply to confidential documents if there is an additional cost for recycling  
2 those documents.

3 2. The System is not required to comply with the requirements of subsection 1  
4 if the Board of Regents determines that the cost to recycle or cause to be recycled  
5 the paper and paper products used by the System or one of its branches or facilities  
6 is unreasonable and would place an undue burden on the operations of the System,  
7 branch or facility.

8 3. The Board of Regents shall adopt regulations which prescribe the  
9 procedure for the disposition of the paper and paper products to be recycled. The  
10 Board of Regents ~~{may}~~ shall prescribe ~~{a procedure}~~ *procedures* for the recycling  
11 of other waste material produced on the premises of the System, a branch or a  
12 facility ~~{ }~~ *, including, without limitation, the placement of recycling containers*  
13 *on the premises of the System, a branch or a facility where services for the*  
14 *collection of solid waste are provided.*

15 4. Any money received by the System for recycling or causing to be recycled  
16 the paper and paper products it uses *and other waste material it produces* must be  
17 ~~{paid by the Board of Regents to the State Treasurer for credit to the State General~~  
18 ~~*Fund*~~ *accounted for separately and used to carry out the provisions of this*  
19 *section.*

20 5. As used in this section:

21 (a) "Paper" includes newspaper, high-grade office paper, fine paper, bond  
22 paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any  
23 other cellulosic material which contains not more than 10 percent by weight or  
24 volume of a noncellulosic material, including, but not limited to, a laminate, binder,  
25 coating and saturant.

26 (b) "Paper product" means any paper article or commodity, including, but not  
27 limited to, paper napkins, towels, cardboard, construction material, paper and any  
28 other cellulosic material which contains not more than 10 percent by weight or  
29 volume of a noncellulosic material, including, but not limited to, a laminate, binder,  
30 coating and saturant.

31 (c) *"Solid waste" has the meaning ascribed to it in NRS 444.490.*

32 **Sec. 15.** ~~{The State Environmental Commission shall, not later than~~  
33 ~~October 1, 2009, in accordance with the provisions of NRS 444A.020, as amended~~  
34 ~~by section 5 of this act, adopt regulations establishing minimum standards for the~~  
35 ~~placement of recycling containers on the premises of apartment complexes and~~  
36 ~~condominiums where services for the collection of solid waste are provided.}~~  
37 *(Deleted by amendment.)*

38 **Sec. 16.** ~~{This act becomes effective upon passage and approval for the~~  
39 ~~purpose of adopting regulations and on October 1, 2009, for all other purposes.}~~  
40 *(Deleted by amendment.)*