

Amendment No. 477

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|---------------------------------------------------------------------------------------|--------------|
| Senate Amendment to Senate Bill No. 236                                               | (BDR 35-766) |
| <b>Proposed by:</b> Senate Committee on Transportation                                |              |
| <b>Amends:</b> Summary: Yes Title: Yes 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 underlining* is newly added transitory language.

DLJ/TMC



Date: 4/21/2011

S.B. No. 236—Requires the Director of the Department of Transportation to adopt regulations governing the use of recycled aggregate for road and highway projects. (BDR 35-766)



## SENATE BILL NO. 236—COMMITTEE ON NATURAL RESOURCES

MARCH 14, 2011

Referred to Committee on Transportation

SUMMARY—~~[Requires the Director of the Department of Transportation to adopt regulations governing]~~ Provides for the increased use of recycled aggregate for road and materials in certain road and highway projects. (BDR 35-766)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 highways; declaring that it is the policy of this State to encourage and promote the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the construction, reconstruction, improvement, maintenance and repair of public highways in this State; requiring the Director of the Department of Transportation to adopt ~~[regulations governing]~~ policies to optimize the use of ~~[recycled aggregate in the construction, reconstruction, improvement, maintenance and repair of the roads and highways in this State;]~~ such materials in highway projects; requiring a local government that undertakes certain road or highway projects to adopt policies that optimize the use of such materials in the projects; requiring certain reporting to the Legislature concerning such projects; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~[Existing law authorizes the boards of county highway commissioners and the Director of the Department of Transportation to construct, repair and maintain the roads and highways in this State. (NRS 403.090, 408.195)]~~ Section 1.5 of this bill declares it to be the policy of this State to encourage and promote the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the construction, reconstruction, improvement, maintenance and repair of public highways in this State. Section 2 of this bill requires the Director of the Department of Transportation to adopt regulations which prescribe the specifications for the use of aggregate for highway projects and which require policies that optimize the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in projects for the construction, reconstruction, improvement, maintenance or repair of highways. The regulations must provide for exemptions from the requirement for the use of recycled aggregate if the Director determines that the use of recycled aggregate is unreasonable, impractical or impossible. Sections 1 and 2 of this bill require any person who uses aggregate for a road or highway project to comply with the regulations adopted by the Director, and to submit certain reports to the Legislature

concerning the Department's use of such materials in those projects. Section 2.5 of this bill imposes comparable requirements on local governments that undertake public works projects for the construction, reconstruction, improvement, maintenance or repair of a public road or public highway.

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

**Section 1.** ~~[Chapter 403 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A person who uses aggregate for the construction, reconstruction, improvement, repair or maintenance of a public highway or road pursuant to this chapter shall comply with the regulations adopted by the Director of the Department of Transportation pursuant to section 2 of this act.] (Deleted by amendment.)~~

**Sec. 1.5.** The Legislature hereby declares that it is the policy of this State to encourage and promote the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the construction, reconstruction, improvement, maintenance and repair of public roads and highways in this State.

**Sec. 2.** Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

~~**1.1.** The Director shall adopt regulations which prescribe the specifications for:~~

1. Adopt policies to optimize the use of recycled aggregate fused for, recycled bituminous pavement and recycled rubber from tires in projects for the construction, reconstruction, improvement, maintenance for and repair of highways undertaken by the Department pursuant to this chapter; and

~~which must include, without limitation, provisions that:~~

~~(a) Define aggregate and recycled aggregate for the purposes of this section;~~

~~(b) Except as otherwise provided by paragraph (c), require the use of recycled aggregate;~~

~~(c) Provide for an exemption from the regulations adopted pursuant to this section if the Director determines that requiring the use of recycled aggregate for a particular project for the construction, reconstruction, improvement, maintenance or repair of a highway is unreasonable, impracticable or impossible; and~~

~~(d) Establish administrative penalties for any violation of the regulations adopted pursuant to this section.~~

2. A person who uses aggregate for the construction, reconstruction, improvement, maintenance or repair of a highway pursuant to this chapter shall comply with the regulations adopted by the Director pursuant to this section.

2. Not later than January 31 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in each project for the construction, reconstruction, improvement, maintenance or repair of a highway undertaken by the Department pursuant to this chapter during the immediately preceding 2 calendar years.

1        **Sec. 2.5. Chapter 338 of NRS is hereby amended by adding thereto a**  
2 **new section to read as follows:**

3        **The governing body of a local government that undertakes a project pursuant**  
4 **to this chapter for the construction, reconstruction, improvement, maintenance or**  
5 **repair of a public road or public highway shall:**

6        **1. Adopt policies to optimize the use of recycled aggregate, recycled**  
7 **bituminous pavement and recycled rubber from tires in the project; and**

8        **2. Not later than January 31 of each odd-numbered year, submit to the**  
9 **Governor and to the Director of the Legislative Counsel Bureau for transmittal to**  
10 **the Legislature a report concerning the use of recycled aggregate, recycled**  
11 **bituminous pavement and recycled rubber from tires in each such project**  
12 **undertaken by the local government during the immediately preceding 2 calendar**  
13 **years.**

14        **Sec. 3.** NRS 338.1373 is hereby amended to read as follows:

15        338.1373 1. A local government or its authorized representative shall award  
16 a contract for a public work pursuant to the provisions of:

- 17        (a) NRS 338.1377 to 338.139, inclusive;  
18        (b) NRS 338.143 to 338.148, inclusive;  
19        (c) NRS 338.169 to 338.1699, inclusive; or  
20        (d) NRS 338.1711 to 338.1727, inclusive.

21        2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386,  
22 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.1699, inclusive, and  
23 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the  
24 construction, reconstruction, improvement and maintenance of highways that are  
25 awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433,  
26 inclusive **H**, **and section 2 of this act.**

27        **Sec. 4.** This act becomes effective on July 1, 2011.