

Amendment No. 628

Assembly Amendment to Senate Bill No. 236 First Reprint (BDR 35-766)

Proposed by: Assembly Committee on Natural Resources, Agriculture, and Mining**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

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.

JRS/WLK



Date: 5/22/2011

S.B. No. 236—Provides for the increased use of recycled materials in certain road and highway projects. (BDR 35-766)



SENATE BILL NO. 236—COMMITTEE ON NATURAL RESOURCES

MARCH 14, 2011

Referred to Committee on Transportation

SUMMARY—Provides for the increased use of recycled 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 policies ~~to optimize~~ **that provide for** the use of such materials in highway projects; requiring a local government that undertakes certain road or highway projects to adopt policies that ~~optimize~~ **provide for** 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:

1 **Section 1.5** of this bill declares it to be the policy of this State to encourage and promote
2 the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in
3 the construction, reconstruction, improvement, maintenance and repair of public highways in
4 this State. **Section 2** of this bill requires the Director of the Department of Transportation to
5 adopt policies that ~~optimize~~ **provide for** the use of recycled aggregate, recycled bituminous
6 pavement and recycled rubber from tires in projects for the construction, reconstruction,
7 improvement, maintenance or repair of highways. ~~and to submit certain reports to the~~
8 ~~Legislature concerning the Department's use of such materials in those projects. Section~~
9 ~~2.3 of this bill requires the Department to ensure that the use of any recycled~~
10 ~~aggregate, recycled bituminous pavement or recycled rubber from tires in certain~~
11 ~~projects is not restricted unless scientific evidence satisfactory to the Department~~
12 ~~indicates that the use of the recycled aggregate, recycled bituminous pavement or~~
13 ~~recycled rubber from tires for the project compromises the soundness of the project.~~
14 **Sections 2.5 and 3** of this bill ~~impose~~ **impose** comparable requirements on local
15 governments that undertake public works projects for the construction, reconstruction,
16 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. (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:

The Director shall ~~fr~~

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

~~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.~~

Sec. 2.3. NRS 408.313 is hereby amended to read as follows:

408.313 ~~{All}~~

1. Except as otherwise provided in subsection 2, all highways constructed under the provisions of this chapter shall be constructed in such manner as to provide for sufficient and permanent drainage and of such materials as to insure, so far as reasonably may be done, considering all of the circumstances, permanent wearing qualities and to provide against excessive maintenance cost. Regard shall always be had to the character and quality of the traffic to be accommodated and the interests of the public to be served.

2. The Department shall ensure that the use of any recycled aggregate, recycled bituminous pavement or recycled rubber from tires, or any combination thereof, in any project for the construction, reconstruction, improvement, maintenance or repair of a highway is not restricted unless scientific evidence satisfactory to the Department clearly indicates that the use of the recycled aggregate, recycled bituminous pavement or recycled rubber from tires for that project compromises the soundness of the project.

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

The governing body of a local government that undertakes a project pursuant to this chapter for the construction, reconstruction, improvement, maintenance or repair of a public road or public highway shall ~~fr~~

~~1. Adopt ~~fr~~ adopt policies ~~fr~~ to optimize ~~fr~~ that provide for the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the project. ~~fr~~~~

~~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 such project~~

~~undertaken by the local government during the immediately preceding 2 calendar years.~~

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

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

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

2. A local government or its authorized representative which awards a contract for a public work pursuant to subsection 1 which includes the construction, reconstruction, improvement, maintenance or repair of a public road or public highway shall ensure that the use of any recycled aggregate, recycled bituminous pavement or recycled rubber from tires, or any combination thereof, in the construction, reconstruction, improvement, maintenance or repair of the public road or public highway is not restricted unless scientific evidence satisfactory to the local government clearly indicates that the use of the recycled aggregate, recycled bituminous pavement or recycled rubber from tires for that construction, reconstruction, improvement, maintenance or repair compromises the soundness of the project.

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

Sec. 3.5. The amendatory provisions of this act do not apply to:

1. A project specified in section 2 or 2.5 of this act or NRS 408.313, as amended by section 2.3 of this act, which is commenced before July 1, 2011; or

2. A contract specified in NRS 338.1373, as amended by section 3 of this act, which is entered into before July 1, 2011.

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