

Amendment No. 861

Senate Amendment to Assembly Bill No. 353 Second Reprint	(BDR 40-623)
<b>Proposed by:</b> Senator Seevers Gansert	
<b>Amends:</b> 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

AMM/AAK



Date: 5/21/2019

A.B. No. 353—Revises provisions governing the disposition of certain types of materials and waste produced by certain governmental entities.  
(BDR 40-623)





## ASSEMBLY BILL NO. 353—ASSEMBLYWOMAN SWANK

MARCH 19, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the disposition of certain types of materials and waste produced by certain governmental entities. (BDR 40-623)

FISCAL NOTE: Effect on Local Government: No.  
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 recycling; revising certain provisions governing recyclable material; requiring certain governmental entities to recycle certain additional products and waste; providing certain exemptions from such a requirement; revising the required contents of a report made to the Legislature on the status of recycling programs; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Environmental Commission to adopt regulations establishing minimum standards for: (1) 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 the placement of recycling containers where those services are provided. (NRS 444A.020) **Section 1.8** of this bill clarifies that the term "recyclable material" in this requirement includes electronic waste, paper and paper products.

Existing law requires courts, the Legislative Counsel Bureau, state agencies, school districts and the Nevada System of Higher Education to recycle paper and paper products unless the cost of recycling is unreasonable and would place an undue burden on the entity. (NRS 1.115, 218F.310, 232.007, 386.4159, 396.437) **Sections 2-6** of this bill require these entities to also recycle electronic waste and other recyclable materials, except for construction and demolition waste. **Sections 2-6 further require these entities to permanently remove any data from electronic waste before recycling the electronic waste.** **Sections 2-6** also use standardized definitions of electronic waste, paper, paper products and recyclable material that conform to the definitions in the regulations relating to recycling adopted by the State Environmental Commission.

Existing law also authorizes the Legislative Counsel Bureau and state agencies to apply for a waiver from compliance with the requirements for recycling. (NRS 218F.310, 232.007) **Sections 3 and 4** of this bill eliminate the waiver process and exempt these entities from complying with the requirements relating to recycling if these entities determine that the cost of compliance is unreasonable and would place an undue burden on the entity.

Additionally, existing law requires the Legislative Commission, state agencies, school districts and the Nevada System of Higher Education to prescribe procedures for the recycling of certain waste. (NRS 218F.310, 232.007, 386.4159, 396.437) **Sections 3-6** remove the requirement for these entities to prescribe such procedures and instead, require these entities

to consult with the State Department of Conservation and Natural Resources for the disposition of such waste.

Existing law also requires any money received by the Legislative Counsel Bureau for recycling or causing to be recycled certain paper products and waste to be paid by the Director to the State Treasurer for credit to the State General Fund. (NRS 218F.310) **Section 3** requires money received by the Legislative Counsel Bureau for recycling or causing to be recycled certain paper products, electronic waste and other recyclable materials to be: (1) accounted for separately; and (2) used to carry out the provisions of **section 3**.

Existing law requires the Director of the State Department of Conservation and Natural Resources to deliver a biennial report to the Director of the Legislative Counsel Bureau on the status of current and proposed programs for recycling and reuse of materials. (NRS 444A.070) **Section 1.9** of this bill requires such a report to include the amount of recycled material reported by state agencies.

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

**Section 1.** (Deleted by amendment.)

**Sec. 1.1.** Chapter 444A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.3 and 1.4 of this act.

**Sec. 1.2.** *“Electronic waste” means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.*

**Sec. 1.3.** *“Paper” includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, without limitation, a laminate, binder, coating and saturant.*

**Sec. 1.4.** *“Paper product” means any paper article or commodity, including, without limitation, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, without limitation, a laminate, binder, coating and saturant.*

**Sec. 1.5.** NRS 444A.010 is hereby amended to read as follows:

444A.010 As used in NRS 444A.010 to 444A.080, inclusive, *and sections 1.2, 1.3 and 1.4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 444A.0103 to 444A.017, inclusive, *and sections 1.2, 1.3 and 1.4 of this act* have the meanings ascribed to them in those sections.

**Sec. 1.8.** NRS 444A.013 is hereby amended to read as follows:

444A.013 “Recyclable material” means solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products, as determined by the State Environmental Commission. *The term includes, without limitation:*

- 1. Electronic waste;*
- 2. Paper; and*
- 3. Paper products.*

**Sec. 1.9.** NRS 444A.070 is hereby amended to read as follows:

444A.070 The Director of the Department shall deliver to the Director of the Legislative Counsel Bureau a biennial report on or before January 31 of each odd-numbered year for submission to the Legislature on the status of current and proposed programs for recycling and reuse of materials , *the amount of recycled material that is reported by state agencies pursuant to subsection 5 of NRS*

1 **232.007** and on any other matter relating to recycling and reuse which he or she  
2 deems appropriate.

3 **Sec. 2.** NRS 1.115 is hereby amended to read as follows:

4 1.115 1. Except as otherwise provided in this section, each court of justice  
5 for this State shall recycle or cause to be recycled, to the extent reasonably possible,  
6 the paper and paper products , **electronic waste and other recyclable materials** it  
7 ~~uses.~~ **produces**. This subsection does not apply to ~~confidential~~ :

8 (a) **Construction and demolition waste; or**

9 (b) **Confidential** documents if there is an additional cost for recycling those  
10 documents.

11 2. **Before recycling electronic waste, each court of justice shall permanently**  
12 **remove any data stored on the electronic waste.**

13 3. As used in this section:

14 (a) **"Electronic waste" has the meaning ascribed to it in section 1.2 of this**  
15 **act.**

16 (b) "Paper" ~~includes newspaper, high grade office paper, fine paper, bond~~  
17 ~~paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any~~  
18 ~~other cellulosic material which contains not more than 10 percent by weight or~~  
19 ~~volume of a noncellulosic material, including, but not limited to, a laminate, binder,~~  
20 ~~coating and saturant.~~

21 ~~—(b)—~~ **has the meaning ascribed to it in section 1.3 of this act.**

22 (c) "Paper product" ~~means any paper article or commodity, including, but not~~  
23 ~~limited to, paper napkins, towels, cardboard, construction material, paper and any~~  
24 ~~other cellulosic material which contains not more than 10 percent by weight or~~  
25 ~~volume of a noncellulosic material, including, but not limited to, a laminate, binder,~~  
26 ~~coating and saturant.~~ **has the meaning ascribed to it in section 1.4 of this act.**

27 (d) **"Recyclable material" has the meaning ascribed to it in NRS 444A.013.**

28 **Sec. 3.** NRS 218F.310 is hereby amended to read as follows:

29 218F.310 1. Except as otherwise provided in this section, the Legislative  
30 Counsel Bureau shall recycle or cause to be recycled the paper and paper products ,  
31 **electronic waste and other recyclable materials** it ~~uses.~~ **produces**. This  
32 subsection does not apply to ~~confidential~~ :

33 (a) **Construction and demolition waste; or**

34 (b) **Confidential** documents if there is an additional cost for recycling those  
35 documents.

36 2. ~~[The Director may apply to the Legislative Commission for a waiver from~~  
37 ~~the requirements of subsection 1.]~~ **Before recycling electronic waste, the**  
38 **Legislative Counsel Bureau shall permanently remove any data stored on the**  
39 **electronic waste.**

40 3. The Legislative ~~Commission shall grant a waiver if it~~ **Counsel Bureau is**  
41 **not required to comply with the requirements of subsection 1 if the Director**  
42 determines that the cost to recycle or cause to be recycled the paper and paper  
43 products ~~used~~, **electronic waste and other recyclable materials produced** by the  
44 Legislative Counsel Bureau is unreasonable and would place an undue burden on  
45 the operations of the Legislative Counsel Bureau.

46 ~~[3.—The]~~

47 4. **Except as otherwise provided in this subsection, the** Legislative  
48 Commission shall ~~[after consulting]~~ **consult** with the State Department of  
49 Conservation and Natural Resources ~~[adopt regulations which prescribe the~~  
50 ~~procedure]~~ for the disposition of the paper and paper products , **electronic waste**  
51 **and other recyclable materials** to be recycled ~~[The Legislative Commission may~~  
52 ~~prescribe a procedure for the recycling of other waste materials produced]~~,  
53 **including, without limitation, the placement of recycling containers** on the

premises of the Legislative Building. *This subsection does not apply to construction and demolition waste.*

~~[4.]~~ 5. Any money received by the Legislative Counsel Bureau for recycling or causing to be recycled the paper and paper products, *electronic waste and other recyclable materials* it ~~[uses.]~~ *produces* must be ~~[paid by the Director to the State Treasurer for credit to the State General Fund.]~~ :

(a) *Accounted for separately; and*

(b) *Used to carry out the provisions of this section.*

~~[5.]~~ 6. As used in this section:

(a) *“Electronic waste” has the meaning ascribed to it in section 1.2 of this act.*

(b) *“Paper” [includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.*

~~—(b)]~~ *has the meaning ascribed to it in section 1.3 of this act.*

(c) *“Paper product” [means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.] has the meaning ascribed to it in section 1.4 of this act.*

(d) *“Recyclable material” has the meaning ascribed to it in NRS 444A.013.*

**Sec. 4.** NRS 232.007 is hereby amended to read as follows:

232.007 1. Except as otherwise provided in this section, each state agency shall recycle or cause to be recycled the paper and paper products, *electronic waste and other recyclable materials* it ~~[uses.]~~ *produces*. This subsection does not apply to ~~[confidential]~~ :

(a) *Construction and demolition waste; or*

(b) *Confidential* documents if there is an additional cost for recycling those documents.

2. *Before recycling electronic waste, each state agency shall permanently remove any data stored on the electronic waste.*

3. A state agency [may apply to the Chief of the Budget Division of the Office of Finance for a waiver from the requirements of subsection 1. The Chief shall grant a waiver to the state agency if the Chief] is not required to comply with the requirements of subsection 1 if the administrator of the agency determines that the cost to recycle or cause to be recycled the paper and paper products ~~[used]~~, *electronic waste and other recyclable materials produced* by the agency is unreasonable and would place an undue burden on the operations of the agency.

~~[3.—The State Environmental Commission shall, through the State Department of Conservation and Natural Resources, adopt regulations which prescribe the procedure for the disposition of the paper and paper products to be recycled. In adopting such regulations, the Commission:~~

~~—(a) Shall consult with any other state agencies which are coordinating or have coordinated programs for recycling paper and paper products.~~

~~—(b) May prescribe a procedure for the recycling of other waste materials produced by state agencies.]~~

4. *Except as otherwise provided in this subsection, a state agency shall consult with the State Department of Conservation and Natural Resources for the disposition of the paper and paper products, electronic waste and other recyclable materials to be recycled, including, without limitation, the placement of recycling*

containers on the premises of the state agency. This subsection does not apply to construction and demolition waste.

~~44~~ 5. Any money received by a state agency for recycling or causing to be recycled the paper and paper products, *electronic waste and other recyclable materials* it ~~uses~~ produces must be ~~paid by the chief administrative officer of that agency to the State Treasurer for credit to the State General Fund.~~ :

(a) *Accounted for separately; and*

(b) *Used to carry out the provisions of this section.*

~~5~~ 6. On or before July 1 of each year, each state agency shall submit to the Director a report on the amount of material recycled by the state agency pursuant to this section.

~~6~~ 7. As used in this section:

(a) *“Electronic waste” has the meaning ascribed to it in section 1.2 of this act.*

(b) *“Paper” includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.* has the meaning ascribed to it in section 1.3 of this act.

~~(b)~~ (c) *“Paper product” means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.*

~~(c)~~ has the meaning ascribed to it in section 1.4 of this act.

(d) *“Recyclable material” has the meaning ascribed to it in NRS 444A.013.*

(e) *“State agency” means every public agency, bureau, board, commission, department, division, officer or employee of the Executive Department of State Government.*

**Sec. 5.** NRS 386.4159 is hereby amended to read as follows:

386.4159 1. Except as otherwise provided in this section, each school district shall recycle or cause to be recycled the paper and paper products, *electronic waste and other recyclable materials* that it ~~uses~~ produces. This subsection does not apply to ~~confidential~~ :

(a) *Construction and demolition waste; or*

(b) *Confidential* documents if there is an additional cost for recycling those documents.

2. *Before recycling electronic waste, a school district shall permanently remove any data stored on the electronic waste.*

3. A school district is not required to comply with the requirements of subsection 1 if the board of trustees of the school district determines that the cost to recycle or cause to be recycled the paper and paper products ~~used~~, *electronic waste and other recyclable materials produced* by the schools in the district is unreasonable and would place an undue burden on the operations of the district or a particular school.

~~3. The~~

4. *Except as otherwise provided in this subsection, the* board of trustees shall ~~adopt rules which prescribe the procedure~~ *consult with the State Department of Conservation and Natural Resources* for the disposition of the paper and paper products, *electronic waste and other recyclable materials* to be recycled ~~The board of trustees may prescribe a procedure for the recycling of other waste material produced~~, *including, without limitation, the placement of recycling containers* on the premises of the schools in the school district and the

administrative offices of the school district. *This subsection does not apply to construction and demolition waste.*

~~{4.}~~ 5. Any money received by the school district for recycling or causing to be recycled the paper and paper products , *electronic waste and other recyclable materials* it ~~{uses.}~~ *produces* must be paid by the board of trustees for credit to the general fund of the school district.

~~{5.}~~ 6. As used in this section:

(a) *“Electronic waste” has the meaning ascribed to it in section 1.2 of this act.*

(b) *“Paper” ~~{includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~*

~~—(b.)~~ *has the meaning ascribed to it in section 1.3 of this act.*

(c) *“Paper product” ~~{means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.}~~*

*(d) “Recyclable material” has the meaning ascribed to it in NRS 444A.013.*

**Sec. 6.** 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 , *electronic waste and other recyclable materials* it ~~{uses.}~~ *produces*. This subsection does not apply to ~~{confidential}~~ :

(a) *Construction and demolition waste; or*

(b) *Confidential* documents if there is an additional cost for recycling those documents.

2. *Before recycling electronic waste, the System shall permanently remove any data stored on the electronic waste.*

3. The System is not required to comply with the requirements of subsection 1 if the Board of Regents determines that the cost to recycle or cause to be recycled the paper , ~~{and}~~ paper products ~~{used}~~ , *electronic waste and other recyclable materials produced* by the System or one of its branches or facilities is unreasonable and would place an undue burden on the operations of the System, branch or facility.

~~{3.—The}~~

4. *Except as otherwise provided in this subsection, the* Board of Regents shall ~~{adopt regulations which prescribe the procedure}~~ *consult with the State Department of Conservation and Natural Resources* for the disposition of the paper and paper products , *electronic waste and other recyclable materials* to be recycled , ~~{The Board of Regents shall prescribe procedures for the recycling of other waste material produced on the premises of the System, a branch or a facility,} including, without limitation, the placement of recycling containers on the premises of the System . {, a branch or a facility where services for the collection of solid waste are provided.}~~ *This subsection does not apply to construction and demolition waste.*

~~{4.}~~ 5. Any money received by the System for recycling or causing to be recycled the paper and paper products , *electronic waste and other recyclable materials* it ~~{uses and other waste material it}~~ *produces* must be ~~{accounted}~~ :

(a) *Accounted* for separately ; and ~~{used}~~

(b) *Used* to carry out the provisions of this section.



~~{5-}~~ 6. As used in this section:

(a) *“Electronic waste” has the meaning ascribed to it in section 1.2 of this act.*

(b) *“Paper” ~~{includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~*

~~—(b)}~~ *has the meaning ascribed to it in section 1.3 of this act.*

(c) *“Paper product” ~~{means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~*

~~—(c) “Solid waste” has the meaning ascribed to it in NRS 444.490.}~~ *has the meaning ascribed to it in section 1.4 of this act.*

(d) *“Recyclable material” has the meaning ascribed to it in NRS 444A.013.*

**Sec. 7.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

**Sec. 8.** This act becomes effective on July 1, 2019.