

ASSEMBLY BILL NO. 466—ASSEMBLYMEN SETTELMAYER;  
COBB, GANSERT, GOICOECHEA AND GRADY

MARCH 16, 2009

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to franchise agreements in certain counties. (BDR 20-775)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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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 franchise agreements; revising provisions relating to franchise agreements in certain counties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 This bill authorizes an exception to an exclusive franchise agreement for the  
2 collection and disposal of garbage in smaller counties for the disposal of certain  
3 recyclable material in certain circumstances. (NRS 244.188)

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

1 **Section 1.** NRS 244.188 is hereby amended to read as follows:  
2 244.188 1. Except as otherwise provided in ~~subsection~~  
3 *subsections 3 and 5* and NRS 269.128 and 269.129, a board of  
4 county commissioners may, outside the boundaries of incorporated  
5 cities and general improvement districts:  
6 (a) Provide those services set forth in NRS 244.187 on an  
7 exclusive basis or, by ordinance, adopt a regulatory scheme for  
8 controlling the provision of those services or controlling  
9 development in those areas on an exclusive basis; or  
10 (b) Grant an exclusive franchise to any person to provide those  
11 services.  
12 2. If services for the collection and disposal of garbage are  
13 provided pursuant to subsection 1, the board of county  
14 commissioners may, except as otherwise provided in ~~subsection 3,~~



1 *subsections 3 and 5*, require owners of real property outside the  
2 boundaries of incorporated cities and general improvement districts  
3 to receive and pay for those services.

4 3. The board of county commissioners may exercise the  
5 authority provided in subsections 1 and 2 within the boundaries of a  
6 general improvement district if that district:

7 (a) Is not authorized to provide those services; and

8 (b) Includes any real property within 7 miles from the boundary  
9 of an incorporated city.

10 4. If an exclusive franchise is granted or a regulatory scheme is  
11 adopted for the mandatory collection and disposal of garbage and  
12 other waste, the initial boundaries of the collection area must be the  
13 same as the boundaries of an existing collection area under an  
14 exclusive franchise or regulatory scheme.

15 5. *If, in a county whose population is less than 400,000, an*  
16 *exclusive franchise is granted or a regulatory scheme is adopted*  
17 *for the mandatory collection and disposal of garbage and other*  
18 *waste but which excludes certain material which is recyclable, a*  
19 *person may collect such material and dispose of the material for*  
20 *profit if the person recycles at least 25 percent of the material. A*  
21 *person who makes such collections shall provide documentation of*  
22 *the collections to the county on a quarterly basis.*

23 6. The board of county commissioners may expand the  
24 boundaries of a collection area established pursuant to subsection 4  
25 after the board has:

26 (a) Conducted preliminary studies and determined that the  
27 proposed collection area is economically sound and feasible and  
28 promotes the health, safety and general welfare of the inhabitants of  
29 the county; and

30 (b) Held a public hearing on the proposed collection area after  
31 giving notice of the time and the place of the hearing in a newspaper  
32 of general circulation in that county. The notice must include the  
33 purpose of the hearing and describe the boundaries of the proposed  
34 collection area.

35 **Sec. 2.** This act becomes effective on July 1, 2009.

