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

FEBRUARY 12, 2009

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

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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.

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

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

**Legislative Counsel's Digest:**

1 Under existing law, the State Environmental Commission is required to adopt  
2 regulations establishing minimum standards relating to the recycling of recyclable  
3 material. (NRS 444A.020) Existing law also provides for the establishment of  
4 recycling programs that do not conflict with those standards in counties and  
5 municipalities in this State. (NRS 444A.040) **Section 3** of this bill requires the  
6 Commission to adopt regulations establishing minimum standards for the  
7 placement of recycling containers on the premises of apartment complexes where  
8 services for the collection of solid waste are provided. **Section 5** of this bill  
9 provides for the inclusion of provisions concerning such recycling containers in the  
10 recycling programs of counties and municipalities.

11 Existing law also requires the Board of Regents of the University of Nevada to  
12 prescribe procedures for the recycling of paper and paper products used by the  
13 Nevada System of Higher Education. (NRS 396.437) **Section 7** of this bill requires  
14 the Board to prescribe procedures for the recycling of other waste materials,  
15 including, without limitation, the placement of recycling containers on the premises  
16 of the System or any of its branches or facilities where services for the collection of  
17 solid waste are provided.



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

1       **Section 1.** Chapter 444A of NRS is hereby amended by  
2 adding thereto a new section to read as follows:

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

6       **Sec. 2.** NRS 444A.010 is hereby amended to read as follows:

7       444A.010 As used in NRS 444A.010 to 444A.080, inclusive,  
8 *and section 1 of this act*, unless the context otherwise requires, the  
9 words and terms described in NRS 444A.011 to 444A.017,  
10 inclusive, *and section 1 of this act* have the meanings ascribed to  
11 them in those sections.

12       **Sec. 3.** NRS 444A.020 is hereby amended to read as follows:

13       444A.020 1. The State Environmental Commission shall  
14 adopt regulations establishing minimum standards for:

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

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

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

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

30       3. The State Environmental Commission shall, by regulation,  
31 establish acceptable methods for disposing of used or waste tires.

32       **Sec. 4.** NRS 444A.030 is hereby amended to read as follows:

33       444A.030 1. The Division of Environmental Protection of the  
34 ~~[State]~~ Department ~~[of Conservation and Natural Resources]~~ shall,  
35 by regulation, adopt a model plan for:

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



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

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

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

9 2. The model plans adopted pursuant to subsection 1 must not  
10 conflict with the standards adopted by the State Environmental  
11 Commission pursuant to NRS 444A.020.

12 **Sec. 5.** NRS 444A.040 is hereby amended to read as follows:

13 444A.040 1. The board of county commissioners in a county  
14 whose population is 100,000 or more, or its designee, shall make  
15 available for use in that county a program for:

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

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

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

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

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

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

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



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

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

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

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

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

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

25 4. Any program made available pursuant to this section:

26 (a) Must not:

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

29 (2) Become effective until approved by the Department.

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

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

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

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



1     **Sec. 6.** NRS 444A.080 is hereby amended to read as follows:

2     444A.080 1. The State Environmental Commission shall  
3 adopt regulations necessary to enforce the provisions of NRS  
4 444A.010 to 444A.070, inclusive ~~{ }~~, *and section 1 of this act.*

5     2. The State Environmental Commission may adopt any other  
6 regulations necessary to carry out the provisions of NRS 444A.010  
7 to 444A.070, inclusive ~~{ }~~, *and section 1 of this act.*

8     **Sec. 7.** NRS 396.437 is hereby amended to read as follows:

9     396.437 1. Except as otherwise provided in this section, the  
10 System shall recycle or cause to be recycled the paper and paper  
11 products it uses. This subsection does not apply to confidential  
12 documents if there is an additional cost for recycling those  
13 documents.

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

20     3. The Board of Regents shall adopt regulations which  
21 prescribe the procedure for the disposition of the paper and paper  
22 products to be recycled. The Board of Regents ~~{may}~~ *shall* prescribe  
23 ~~{a procedure}~~ *procedures* for the recycling of other waste material  
24 produced on the premises of the System, a branch or a facility ~~{ }~~,  
25 *including, without limitation, the placement of recycling*  
26 *containers on the premises of the System, a branch or a facility*  
27 *where services for the collection of solid waste are provided.*

28     4. Any money received by the System for recycling or causing  
29 to be recycled the paper and paper products it uses *and other waste*  
30 *material it produces* must be paid by the Board of Regents to the  
31 State Treasurer for credit to the State General Fund.

32     5. As used in this section:

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

39     (b) "Paper product" means any paper article or commodity,  
40 including, but not limited to, paper napkins, towels, cardboard,  
41 construction material, paper and any other cellulosic material which  
42 contains not more than 10 percent by weight or volume of a  
43 noncellulosic material, including, but not limited to, a laminate,  
44 binder, coating and saturant.



1       (c) *“Solid waste” has the meaning ascribed to it in*  
2 *NRS 444.490.*

3       **Sec. 8.** The State Environmental Commission shall, not later  
4 than October 1, 2009, in accordance with the provisions of NRS  
5 444A.020, as amended by section 3 of this act, adopt regulations  
6 establishing minimum standards for the placement of recycling  
7 containers on the premises of apartment complexes where services  
8 for the collection of solid waste are provided.

9       **Sec. 9.** This act becomes effective upon passage and approval  
10 for the purpose of adopting regulations and on October 1, 2009, for  
11 all other purposes.

