
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 the use of recycled aggregate for 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; requiring the Director of the Department of Transportation to adopt regulations governing the use of recycled aggregate in the construction, reconstruction, improvement, maintenance and repair of the roads and highways in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the boards of county highway commissioners and the
2 Director of the Department of Transportation to construct, repair and maintain the
3 roads and highways in this State. (NRS 403.090, 408.195) **Section 2** of this bill
4 requires the Director to adopt regulations which prescribe the specifications for the
5 use of aggregate for highway projects and which require the use of recycled
6 aggregate for the construction, reconstruction, improvement, maintenance or repair
7 of highways. The regulations must provide for exemptions from the requirement for
8 the use of recycled aggregate if the Director determines that the use of recycled
9 aggregate is unreasonable, impractical or impossible. **Sections 1 and 2** of this bill
10 require any person who uses aggregate for a road or highway project to comply
11 with the regulations adopted by the Director.



* S B 2 3 6 *

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

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

3 *A person who uses aggregate for the construction,*
4 *reconstruction, improvement, repair or maintenance of a public*
5 *highway or road pursuant to this chapter shall comply with the*
6 *regulations adopted by the Director of the Department of*
7 *Transportation pursuant to section 2 of this act.*

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

10 1. *The Director shall adopt regulations which prescribe the*
11 *specifications for aggregate used for the construction,*
12 *reconstruction, improvement, maintenance or repair of a highway*
13 *pursuant to this chapter and which must include, without*
14 *limitation, provisions that:*

15 (a) *Define aggregate and recycled aggregate for the purposes*
16 *of this section;*

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

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

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

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

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

31 338.1373 1. A local government or its authorized
32 representative shall award a contract for a public work pursuant to
33 the provisions of:

34 (a) NRS 338.1377 to 338.139, inclusive;

35 (b) NRS 338.143 to 338.148, inclusive;

36 (c) NRS 338.169 to 338.1699, inclusive; or

37 (d) NRS 338.1711 to 338.1727, inclusive.

38 2. The provisions of NRS 338.1375 to 338.1382, inclusive,
39 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to
40 338.1699, inclusive, and 338.1711 to 338.1727, inclusive, do not
41 apply with respect to contracts for the construction, reconstruction,
42 improvement and maintenance of highways that are awarded by the
43 Department of Transportation pursuant to NRS 408.313 to 408.433,
44 inclusive **[H]**, *and section 2 of this act.*



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

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