
REVISION OF NEVADA'S MINING LAWS

Legislative Commission
of the
Legislative Counsel Bureau

February 1969

Bulletin No. 85

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Legislative Commission

Senator B. Mahlon Brown	Senator Marvin L. White
Senator Carl F. Dodge	Assemblyman Melvin D. Close, Jr.
Senator James I. Gibson	Assemblyman Zelvin D. Lowman
Senator Archie Pozzi, Jr.	Assemblyman James E. Wood

Senate Concurrent Resolution No. 20 (1967)

SENATE CONCURRENT RESOLUTION--Directing the legislative commission to make a study of the laws relating to mining and to report the results of such study and make recommendations for revision to the 55th session of the legislature.

WHEREAS, Mining has played an important part in the history of this state and has a promising role in its future growth and economic development; and

WHEREAS, The development of new mining techniques places Nevada on the verge of a new Comstock era; and

WHEREAS, Existing Nevada laws relating to mining are outdated and inadequate for the needs of the present situation; and

WHEREAS, In order to encourage and facilitate mining exploration and investment in this state, a complete revision of the mining laws is indicated; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the legislative commission is directed to make a comprehensive study of the Nevada statutes relating to mining and report the results of such study and make recommendations for specific corrective legislation to the 55th session of the legislature of the State of Nevada.

Report of the Legislative Commission

To The Members of the 55th Session of the Nevada Legislature:

In order to comply with Senate Concurrent Resolution No. 20 (1967), the legislative commission appointed a subcommittee to make a study of the Nevada and federal laws relating to mining. The members of the subcommittee were:

Assemblyman Rawson M. Prince
(Chairman)
East Ely, Nevada

Assemblyman Zelvin D. Lowman
Las Vegas, Nevada

Assemblyman Thomas Kean
Reno, Nevada

Mr. H. R. Burch
Weed Heights, Nevada

Senator Boyd D. Manning
East Ely, Nevada

W. Howard Gray, Esq.
Attorney at Law
Reno, Nevada

Mr. Paul Gemmill
Executive Secretary
Nevada Mining Association, Inc.
Reno, Nevada

The subcommittee submitted its report with suggested legislation to the legislative commission, which accepted the report. The same is transmitted to you for your possible action. The legislative commission expresses its thanks to the subcommittee members for their contributions of time and knowledge.

Respectfully submitted,

Legislative Commission
State of Nevada

Carson City, Nevada
February 1969

Report to the Legislative Commission From the
Subcommittee for Study of Mining Laws

I. Introduction.

As directed, your subcommittee has examined Nevada's mining laws as contained in Title 46 of Nevada Revised Statutes and certain pertinent federal statutes. Chapters 512, 513 and 517 of NRS, concerning the inspector of mines, the advisory mining board, and mining claims, mill sites and tunnel rights need some legislative attention as a result of our inquiries. The subcommittee's comments and recommendations follow.

II. Chapter 512 of NRS (Inspector of Mines).

1. It is recommended that a mining safety advisory board be created to formulate and propose to the inspector of mines rules and regulations for the prevention of accidents in the mining industry. This recommendation is amplified in section 1 of Appendix A.
2. It is recommended that the qualifications of the inspector of mines be changed in the manner suggested in section 2 of Appendix A.

III. Chapter 513 of NRS (Advisory Mining Board).

It is recommended that NRS 513.080 be amended to provide that the advisory mining board meet at least once in each 6 months of each calendar year rather than once in each 2 months. See section 3 of Appendix A.

IV. Chapter 517 of NRS (Mining Claims, Mill Sites and Tunnel Rights).

1. It is recommended that the words "and at the center of each side line" be deleted from subsection 1 of NRS 517.030, relating to the definition of boundaries and the erection of monuments. See section 5 of Appendix A. This amendment is suggested for the reason that the side centers add but very little help in determining the boundaries of a lode claim. Most of the practical miners believe that the four corners and the discovery monument, totaling five monuments, should be adequate.
2. It is recommended that NRS 517.230, relating to the affidavit or statement of the performance of required work, be amended as stated in section 8 of Appendix A.
3. The following NRS sections are recommended for repeal:
 - (a) NRS 517.040 and 517.100 (location work to be performed within 90 days). This recommendation is made for the reason that the location work as presently required by the statutes serves no useful purpose except to have the ground surface torn up by bulldozers and other equipment. If NRS 517.040 and 517.100 are repealed, NRS 517.050 and 517.110 must be amended, for these sections refer to the contents of the certificates of location to be recorded for lode and placer claims. See sections 6 and 7 of Appendix A.

- (b) NRS 517.220 (amount of work, improvements necessary to hold claims). Repeal of this section is recommended because it merely restates a federal statute and is entirely unnecessary.
- (c) NRS 517.240, 517.250, 517.260 and 517.270 (coowners of mining claims). These sections should be repealed inasmuch as they are merely a restatement of the federal law governing the procedure to terminate a coowner's right upon his failure to make his proportionate contribution to the annual labor or improvement.

SUMMARY--Creates mining safety advisory board; changes qualifications of inspector of mines; proposes various amendments concerning mining claims. (BDR 46-1344)

AN ACT relating to mines and mining; creating a mining safety advisory board and describing the board's powers and duties; changing the qualifications of the inspector of mines; reducing the number of required meetings of the advisory mining board; requiring the recording of maps showing locations of claims; amending provisions relating to the erection of monuments, recordation of location certificates and affidavits of performance of work; repealing certain provisions relating to performance of location work, the amount of work necessary to hold mining claims and coowners' responsibilities; and providing other matters properly relating thereto.

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

Section 1. Chapter 512 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The mining safety advisory board, consisting of seven members, is hereby created.
2. The members shall be appointed by the governor to serve for terms of 4 years or until their respective successors are appointed. Three members shall represent the mining industry; three members shall be nonsupervisory production or maintenance employees in the mining industry; and one member, who shall be the chairman, shall represent the public and be a responsible officer of the bureau of mines of the State of Nevada.
3. The first board appointed shall consist of seven members, appointed three for 2 years and four for 4 years, and thereafter all members shall be appointed for the full 4-year term, except that any vacancy caused by the death or resignation of any member shall be filled for the balance of the unexpired term. No more than two members, one member representing the mining industry and one nonsupervisory production or maintenance employee member, shall be appointed at one time from any one category of the mining industry based on products mined.

4. The inspector of mines shall be an ex officio member of the board.

5. Members shall receive no compensation for their services but shall be entitled to receive their traveling expenses and subsistence allowances in the transaction of public business in the amounts authorized by law for other state officers. Claims for such traveling expenses and subsistence allowances shall be approved by the inspector of mines and paid from appropriations made to the office of the inspector of mines.

6. The duties of the board are to formulate and propose to the inspector of mines rules and regulations, and modifications, amendments or repeal thereof, for the prevention of accidents in the mining industry.

7. The adoption of such rules and regulations, or their modification, amendment or repeal, shall be in accordance with chapter 233B of NRS (Nevada Administrative Procedure Act), the provisions of which are specifically made applicable to such procedures.

Sec. 2. NRS 512.020 is hereby amended to read as follows:

512.020 1. The inspector of mines shall not at the time of his election, or at any time during the term of his office, be an officer, director or employee in or of any mining corporation in this state, or in or of any milling corporation in the state engaged in the business of smelting or reducing ores.

2. The inspector of mines shall have had at least 7 years' [actual experience in underground workings, and he shall make his affidavit before a proper officer to that effect before he shall be qualified to act as inspector of mines.] experience in mines, mills, beneficiation plants or smelters, at least 3 years of which shall be in underground mining.

Sec. 3. NRS 513.080 is hereby amended to read as follows:

513.080 The advisory mining board shall meet at the time and place designated by the chairman, but shall meet at least once in each [2 months.] 6 months of each calendar year.

Sec. 4. Chapter 517 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The locator of each lode or placer or mill site claim or a tunnel right shall record with the certificate of location of each claim located a map not to exceed 8 1/2 inches by 14 inches in size, which portrays the boundary of the claim located with a tie to one of the following monuments:

(a) If the claim is located upon land which has been surveyed by a United States Public Land Survey or within 1 mile of the boundary of such survey, the tie shall give the course and distance to a monument established by the United States Public Land Survey.

(b) If the claim located is not within the boundary of a United States Public Land Survey, or within a distance of 1 mile therefrom, the tie shall give the course and distance to a well defined, prominent and easily recognizable natural object or permanent monument, which will fix the boundaries of the claim so that they can be readily determined.

2. The map shall show true north and a graphic scale, and shall show boundary claims, if any such are located by the same locator.

Sec. 5. NRS 517.030 is hereby amended to read as follows:

517.030 1. Within 20 days from the date of posting the notice of location, the locator of a lode mining claim shall define the boundaries of the claim by placing at each corner [and at the center of each side line] one of the monuments described in this section.

2. The locator must define the boundaries of his claim by removing the top of a tree (having a diameter of not less than

4 inches) not less than 3 feet above the ground, and blazing and marking the same, or by a rock in place, capping such rock with smaller stones, such rock and stones to have a height of not less than 3 feet, or by setting a post or stone one at each corner and one at the center of each side line.

3. When a post is used, it must be at least 4 inches in diameter by 4 1/2 feet in length set 1 foot in the ground.

4. When it is practically impossible, on account of bedrock or precipitous ground, to sink such posts, they may be placed in a mound of earth or stones, or where the proper placing of such posts or other monuments is impracticable or dangerous to life or limb, it shall be lawful to place such posts or monuments at the nearest point properly marked to designate its right place.

5. When a stone is used (not a rock in place) it must be not less than 6 inches in diameter and 18 inches in length, set two-thirds of its length in the top of a mound of earth or stone 4 feet in diameter and 2 1/2 feet in height.

6. All trees, posts or rocks used as monuments, when not 4 feet in diameter at the base, shall be surrounded by a mound of earth or stone 4 feet in diameter by 2 feet in height, which trees, posts, stones or rock monuments must be so marked as to designate the corners of the claim located.

Sec. 6. NRS 517.050 is hereby amended to read as follows:

517.050 1. Within 90 days of the date of posting the location notice upon the claim of the locator, he must record his claim with the mining district recorder of the mining district or the county recorder of the county in which such claim is situated by a location certificate, which must contain:

(a) The name of the lode or vein.

(b) The name of the locator or locators, together with the post office address of such locator or locators.

(c) The date of the location and such description of the location of the claim, with reference to some natural object or permanent monument, as will identify the claim.

(d) The number of linear feet claimed in length along the course of the vein each way from the point of discovery with the width on each side of the center of the vein, and the general course of the lode or vein as near as may be.

(e) [A description and the location of the work done and the cost thereof or the dimensions and locations of the discovery shaft or its equivalent sunk upon the claim or, if two or more contiguous claims, a description and the location of the work done upon the claim and the cost thereof, and the specific names of all the claims in the group, and a description of the work and the location of the point or points where the work has been done within a particular claim or claims, and the total cost thereof.

(f)] The location and description of each corner, with the markings thereon.

2. Any record of the location of a lode mining claim which shall not contain all the requirements named in this section shall be void, and every location of a mining claim made after July 1, 1941, shall be absolutely void unless a certificate of location thereof substantially complying with the above requirements is recorded with the county recorder of the county in which the claim is located within 90 days after the date of location.

Sec. 7. NRS 517.110 is hereby amended to read as follows:

517.110 1. Within 90 days after the posting of the notice of location of a placer claim, the locator shall have recorded by the mining district recorder and the county recorder of the district and county in which the claim is situated a certificate which shall state:

- (a) The name of the claim, designating it as a placer claim.
- (b) The name of the locator or locators.
- (c) The date of location.
- (d) The number of feet or acres claimed.
- (e) A description of the claim with regard to some natural object or permanent monument, so as to identify the claim.
- (f) [The kind and amount of work done by him as required by NRS 517.100.

(g)] The place on the claim where the work was done.

2. This certificate, or the record thereof, or a duly certified copy of the record shall be prima facie evidence of the recitals therein.

3. If the certificate does not state all the facts required by this section to be stated, it shall be void.

Sec. 8. NRS 517.230 is hereby amended to read as follows:

517.230 1. Within 60 days after the [performance of labor or making of improvements required by law to be performed or made upon any mining claim annually,] last day of an annual assessment year, as determined by federal law, the person in whose behalf such labor was performed or improvements made, as required by federal law, or someone in his behalf, shall make and have recorded by the [mining district recorder or the] county recorder, in books kept for that purpose in the [mining district or] county in which such mining claim is situated, an affidavit or a statement in writing subscribed by such person and two competent witnesses setting forth:

- (a) The amount of money expended, or value of labor or improvements made, or both.
- (b) The character of expenditures or labor or improvements.
- (c) A description of the claim or part of the claim affected by such expenditures or labor or improvements.
- (d) The year for which such expenditures or labor or improvements were made and the dates on which they were made.

(e) The name of the owner or claimant of the claim at whose expense the same was made or performed.

(f) The names of the persons, corporations, contractors or subcontractors who performed the work or made the improvements.

2. The affidavit or statement, or a copy thereof, duly certified by the county recorder shall be prima facie evidence of the performance of such labor or the making of such improvements, or both.

3. If the locator, having failed to do his annual assessment work within the federal assessment year, enters into and upon the ground prior to the location thereof by any person, and does and performs the annual assessment work, as required by federal statute, the affidavit or statement described in subsection 1 shall be recorded in the office of the county recorder of the county within which the claims are located within a period of 60 days after the completion of such work or improvement.

Sec. 9. NRS 517.040, 517.100, 517.220, 517.240, 517.250, 517.260 and 517.270 are hereby repealed.

Sec. 10. This act shall become effective upon passage and approval.