Assembly Bill No. 450–Committee on Natural Resources, Agriculture, and Mining

CHAPTER........

AN ACT relating to the division of minerals of the department of business and industry; requiring the commission on mineral resources to adopt regulations establishing the amount of certain fees imposed for the support of the division and for certain programs of the division; 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. NRS 513.094 is hereby amended to read as follows:

513.094 1. An additional fee ~~[of $1 per claim]~~ ***, in an amount established pursuant to subsection 4,*** is imposed upon all filings to which NRS 517.185 applies. Each county recorder shall collect and pay over the additional fee, and the additional fee must be deposited in the same manner as provided in that section.

2. The administrator shall, within the limits of the money provided by this fee, establish a program to discover dangerous conditions that result from mining practices which took place at a mine that is no longer operating, identify if feasible the owner or other person responsible for the condition, and rank the conditions found in descending order of danger. ~~[He]~~ ***The administrator*** shall annually during the month of January, or more often if the danger discovered warrants, inform each board of county commissioners concerning the dangerous conditions found in the respective counties, including their degree of danger relative to one another and to such conditions found in the state as a whole. ~~[He shall further]~~ ***In addition, the administrator shall*** work to educate the public to recognize and avoid those hazards resulting from mining practices which took place at a mine that is no longer operating.

3. To carry out this program and these duties, the administrator shall employ a qualified assistant, who must be in the unclassified service of the state and whose position is in addition to the unclassified positions otherwise authorized in the division by statute.

4. The commission shall ~~[provide]~~ ***establish*** by regulation:

(a) ***The fee required pursuant to subsection 1, in an amount not to exceed $4 per claim.***

(b) Standards for determining which conditions created by the abandonment of a former mine or its associated works constitute a danger to persons or animals and for determining the relative degree of danger. A condition whose existence violates a federal or state statute or regulation intended to protect public health or safety is a danger by virtue of that violation.

~~[(b)]~~ ***(c)*** Standards for abating the kinds of dangers usually found, including, but not limited to, standards for excluding persons and animals from dangerous open excavations.

Sec. 2. NRS 517.185 is hereby amended to read as follows:

517.185 ***1.*** In addition to any recording fee, each filing pursuant to NRS 517.050, 517.080, 517.110, 517.140, 517.170, 517.200 and 517.230 must be submitted with a ***filing*** fee ~~[of $1.50 per claim.]~~ ***in an amount established pursuant to subsection 2.*** The county recorder shall collect the ***filing*** fee and, on or before the fifth working day of each month, deposit with the county treasurer all such fees collected during the preceding month. The county treasurer shall quarterly pay the money collected to the division of minerals of the department of business and industry. The division shall deposit with the state treasurer, for credit to the account for the division of minerals, all money received pursuant to this section.

2. The commission on mineral resources shall, by regulation, establish the filing fee required pursuant to subsection 1 in an amount not to exceed $6 per claim.

Sec. 3. NRS 519A.250 is hereby amended to read as follows:

519A.250 1. An operator who is required by federal law to file a plan of operation or an amended plan of operation with the United States Bureau of Land Management or the United States Forest Service for operations relating to mining or exploration on public land administered by a federal agency, shall, not later than 30 days after approval of the plan or amended plan, provide the division of minerals of the department of business and industry with a copy of the filing and pay to the division of minerals a fee ~~[of $20]~~ ***in an amount established pursuant to subsection 5*** for each acre or part of an acre of land to be disturbed by mining included in the plan or incremental acres to be disturbed pursuant to an amended plan.

2. The division of minerals shall adopt by regulation a method of refunding a portion of the fee required by this section if a plan of operation is amended to reduce the number of acres or part of an acre to be disturbed pursuant to the amended plan. The refund must be based on the reduced number of acres or part of an acre to be disturbed.

3. All money received by the division of minerals pursuant to subsection 1 must be accounted for separately and used by the division of minerals to create and administer programs for:

(a) The abatement of hazardous conditions existing at abandoned mine sites which have been identified and ranked pursuant to the degree of hazard established by regulations adopted by the division of minerals; and

(b) The education of the public concerning the dangers of the hazardous conditions described in paragraph (a).

All interest and income earned on the money in the account, after deducting applicable charges, must be deposited in the account for the division of minerals.

4. On or before February 1 of each odd-numbered year, the division of minerals shall file a report with the governor and the legislature describing its activities, total revenues and expenditures pursuant to this section.

5. The commission on mineral resources shall, by regulation, establish the fee required pursuant to subsection 1 in an amount not to exceed $30 per acre.

Sec. 4. NRS 522.050 is hereby amended to read as follows:

522.050 ***1.*** A person desiring to drill a well in search of oil or gas shall notify the division of that intent on a form prescribed by the division and shall pay a fee ~~**[**of $50**]**~~ ***in an amount established pursuant to subsection 2*** for a permit for each well. Upon receipt of notification and fee, the division shall promptly issue such a person a permit to drill, unless the drilling of the well is contrary to law or a regulation or order of the division. The drilling of a well is prohibited until a permit to drill is obtained in accordance with the provisions of this chapter.

2. The commission on mineral resources shall, by regulation, establish the fee required pursuant to subsection 1 in an amount not to exceed $200 per permit.

Sec. 5. NRS 522.150 is hereby amended to read as follows:

522.150 1. Any expenses in connection with Nevada's affiliation with the Interstate Oil Compact Commission must be paid from the account for the division of minerals.

2. To pay the expenses of the division, every producer of oil or natural gas in this state shall on or before the last day of each month report to the division and to the state treasurer his production in this state of oil in barrels and of natural gas in thousands of cubic feet during the preceding month, and at the same time shall pay to the division an administrative fee ***in an amount established pursuant to subsection 3*** on each barrel of oil and on every 50,000 cubic feet of natural gas produced and marketed by him during the preceding month. The division shall deposit with the state treasurer, for credit to the account for the division of minerals, all money received pursuant to this subsection. Every person purchasing such oil or natural gas is liable for the payment of the administrative fee per barrel of oil or per 50,000 cubic feet of natural gas, unless it has been paid by the producer. ~~**[**The administrative fee is 50 mills**]**~~

3. The commission on mineral resources shall, by regulation, establish the administrative fee required pursuant to subsection 2 in an amount not to exceed 20 cents per barrel of oil or per 50,000 cubic feet of natural gas.

Sec. 6. Notwithstanding the amendatory provisions of sections 1 to 5, inclusive, of this act, until the effective date of the regulations adopted by the commission on mineral resources pursuant to those sections, the amount of:

1. The fee required pursuant to NRS 513.094 is $1 per claim.
2. The filing fee required pursuant to NRS 517.185 is $1.50 per claim.
3. The fee required pursuant to NRS 519A.250 is $20 per acre

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4. The fee required pursuant to NRS 522.050 is $50 per permit.
5. The administrative fee required pursuant to NRS 522.150 is 50 mills per barrel of oil or per 50,000 cubic feet of natural gas.

Sec. 7. This act becomes effective on July 1, 1999.

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