

SENATE BILL NO. 108—COMMITTEE ON NATURAL RESOURCES
(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

PREFILED DECEMBER 31, 2008

Referred to Committee on Natural Resources

SUMMARY—Requires the placement of solid markers on lode mining claims. (BDR 46-498)

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 mining claims; requiring the replacement of durable plastic pipe and hollow metal post markers with solid metal post markers on lode mining claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes the use of hollow metal posts and durable plastic pipe
2 to define the boundaries of a lode mining claim if the post or pipe is securely
3 capped with no open perforations. (NRS 517.030) This bill provides that a metal
4 post which is used to mark the boundaries of a lode mining claim must be solid and
5 that any hollow metal post or durable plastic pipe used to mark a claim must be
6 replaced on or before July 1, 2010.

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

- 1 **Section 1.** NRS 517.030 is hereby amended to read as follows:
2 517.030 1. Within 60 days after posting the notice of
3 location, the locator of a lode mining claim shall distinctly define
4 the boundaries of the claim by placing a valid legal monument at
5 each corner of the claim. A valid legal monument may be created
6 by:
7 (a) Removing the top of a tree, which has a diameter of not less
8 than 4 inches, not less than 3 feet above the ground, and blazing and
9 marking it;



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(b) Capping a rock in place with smaller stones so that the rock and stones have a height of not less than 3 feet; or

(c) Setting a wooden or metal post or a stone.

2. If a wooden post is used, the dimensions of the post must be at least 1 1/2 inches by 1 1/2 inches by 4 feet, and the post must be set 1 foot in the ground.

3. If a metal post is used, the post must be **solid, be** at least 2 inches in diameter by 4 feet in length ~~[.]~~ and ~~[it must]~~ be set 1 foot in the ground. ~~[If the metal post is hollow, it must be securely capped.]~~

4. If it is practically impossible, because of bedrock or precipitous ground, to sink a post, it may be placed in a mound of earth or stones. If the proper placing of a monument is impracticable or dangerous to life or limb, the monument may be placed at the nearest point properly marked to designate its right place.

5. If a stone is used which is not a rock in place, the stone must be not less than 6 inches in diameter and 18 inches in length ~~[.]~~ and ~~[it must]~~ be set with two-thirds of its length in the top of a mound of earth or stone 3 feet in diameter and 2 1/2 feet in height.

6. ~~[Durable]~~ **Except as otherwise provided in subsection 8, a durable** plastic pipe that was set before March 16, 1993, for the purpose of defining the boundaries of a lode mining claim shall be deemed to constitute a valid legal monument if:

(a) The pipe is at least 3 inches in diameter by 4 feet in length ~~[.]~~ and ~~[the pipe]~~ is set 1 foot in the ground; and

(b) The pipe is securely capped with no open perforations.

7. **Except as otherwise provided in subsection 8, a hollow metal post that was set before July 1, 2009, for the purpose of defining the boundaries of a lode mining claim shall be deemed to constitute a valid legal monument if:**

(a) **The post is at least 2 inches in diameter by 4 feet in length and is set 1 foot in the ground; and**

(b) **The post is securely capped with no open perforations.**

8. The locator of a lode mining claim located before March 16, 1993, **the boundaries of which are defined by a durable plastic pipe described in subsection 6, or a lode mining claim located before July 1, 2009, the boundaries of which are defined by a hollow metal post described in subsection 7,** or his successor in interest, ~~[may]~~ **shall, on or before July 1, 2010,** remove the durable plastic pipe ~~[described in subsection 6]~~ **or the hollow metal post** and replace the monument of location and the corner monuments with valid legal monuments in the manner prescribed pursuant to subsection 1. ~~[The locator or his successor in interest is not required to replace a monument located at the center of a side line.]~~ Within 60 days after the replacement, the locator of the lode mining claim,



1 or his successor in interest, shall record a notice of remonumentation
2 with the county recorder of the county in which the claim is located
3 and pay the fee required by NRS 247.305. The notice must contain:

4 (a) The name of the claim;

5 (b) The book and page number or the document number of the
6 certificate of location or the most recent amendment to the
7 certificate of location;

8 (c) The book and page number or the document number of the
9 map filed pursuant to NRS 517.040; and

10 (d) A description of the monument used to replace each
11 monument that is removed.

12 ➤ The notice may include more than one claim.

13 ~~18-1~~ 9. The replacement of *a* durable plastic pipe *or a hollow*
14 *metal post* or the recording of a notice pursuant to subsection ~~17~~ 8
15 does not:

16 (a) Amend or otherwise affect the legal validity of the claim for
17 which the monuments were created;

18 (b) Modify the date of location of the claim; or

19 (c) Require the filing of an additional or amended map pursuant
20 to NRS 517.040.

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

