

SENATE BILL NO. 53—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF ENVIRONMENTAL
PROTECTION OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the Mining Oversight
and Accountability Commission. (BDR 46-218)

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; revising provisions governing the
membership of the Mining Oversight and Accountability
Commission; temporarily revising provisions governing
the review of certain mining regulations by the
Commission; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Mining Oversight and Accountability Commission, prescribes its membership and requires the Commission to provide oversight of compliance with Nevada law relating to the activities of each state agency, board, bureau, commission, department or division with respect to the taxation, operation, safety and environmental regulation of mines and mining in this State. (NRS 514A.040, 514A.060) **Section 1** of this bill: (1) removes a provision intended to ensure that not more than two members of the Commission are appointed from any one county in this State; (2) provides that a member serves until his or her successor is appointed and qualified; and (3) authorizes a member to be reappointed. Under existing law, certain regulations relating to mines or mining are not effective unless they are reviewed by the Mining Oversight and Accountability Commission before they are approved by the Legislative Commission or its Subcommittee to Review Regulations. (NRS 514A.110) **Sections 1.5 and 2** of this bill provide that until June 30, 2020, if the Mining Oversight and Accountability Commission fails to review certain regulations relating to mines or mining adopted by the Commission on Mineral Resources or the State Environmental Commission within 30 days after their adoption, the regulations will become effective if



18 approved in accordance with the applicable provisions of the Nevada
19 Administrative Procedure Act.

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

1 **Section 1.** NRS 514A.040 is hereby amended to read as
2 follows:

3 514A.040 1. There is hereby created the Mining Oversight
4 and Accountability Commission consisting of seven members
5 appointed as follows:

6 (a) Two members appointed by the Governor;

7 (b) Two members appointed by the Governor from a list of
8 persons recommended by the Majority Leader of the Senate;

9 (c) Two members appointed by the Governor from a list of
10 persons recommended by the Speaker of the Assembly; and

11 (d) One member appointed by the Governor from a list of
12 persons recommended by the Minority Leader of the Senate or the
13 Minority Leader of the Assembly. The Minority Leader of the
14 Senate shall recommend persons for appointment for the initial
15 term, the Minority Leader of the Assembly shall recommend
16 persons for appointment for the next succeeding term, and
17 thereafter, the authority to recommend persons for appointment
18 must alternate each biennium between the Houses of the
19 Legislature.

20 2. The Governor, Majority Leader of the Senate, Speaker of the
21 Assembly, Minority Leader of the Senate and Minority Leader of
22 the Assembly shall confer before the Governor makes an
23 appointment to ensure that ~~1:~~

24 ~~—(a) Not more than two of the members are appointed from any~~
25 ~~one county in this State; and~~

26 ~~—(b) Not~~ *not* more than two of the members have a direct or
27 indirect financial interest in the mining industry or are related by
28 blood or marriage to a person who has such an interest.

29 3. Each member of the Commission serves for a term of 2
30 years ~~H~~ *and until his or her successor is appointed and qualified.*
31 *A member may be reappointed.*

32 4. A vacancy on the Commission must be filled by the
33 Governor in the same manner as the original appointment.

34 **Sec. 1.5.** NRS 514A.110 is hereby amended to read as
35 follows:

36 514A.110 ~~1A~~

37 1. *Except as otherwise provided in this section, a* permanent
38 regulation adopted by the:



~~141~~ (a) Nevada Tax Commission, pursuant to NRS 360.090, concerning any taxation related to the extraction of any mineral in this State, including, without limitation, the taxation of the net proceeds pursuant to chapter 362 of NRS and Section 5 of Article 10 of the Nevada Constitution;

~~142~~ (b) Administrator of the Division of Industrial Relations of the Department of Business and Industry for mine health and safety pursuant to NRS 512.131;

~~143~~ (c) Commission on Mineral Resources pursuant to NRS 513.063, 513.094 or 519A.290; and

~~144~~ (d) State Environmental Commission pursuant to NRS 519A.160,

is not effective unless it is reviewed by the Mining Oversight and Accountability Commission before it is approved pursuant to chapter 233B of NRS by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067. After conducting its review of the regulation, the Mining Oversight and Accountability Commission shall provide a report of its findings and recommendations regarding the regulation to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee to Review Regulations, as appropriate.

2. If the Mining Oversight and Accountability Commission fails to review a permanent regulation described in paragraph (c) or (d) of subsection 1 within 30 days after its adoption, the regulation may be approved without such a review pursuant to chapter 233B of NRS by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067 and becomes effective in accordance with the provisions of NRS 233B.070.

Sec. 2. 1. This act becomes effective upon passage and approval.

2. Section 1.5 of this act expires by limitation on June 30, 2020.

