

Amendment No. 577

Senate Amendment to Assembly Bill No. 148 First Reprint	(BDR 46-134)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 148—ASSEMBLYMEN PETERS, WATTS, BILBRAY-AXELROD;
ANDERSON, CARLTON, COHEN, MARTINEZ, NGUYEN AND TORRES

FEBRUARY 18, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing mining. (BDR 46-134)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to mining; revising the application requirements for obtaining a permit to engage in an exploration project or mining operation; prohibiting certain persons from obtaining such a permit; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in certain exploration projects or mining operations without a permit issued for that purpose by the Division of Environmental Protection of the State Department of Conservation and Natural Resources. (NRS 519A.180, 519A.200) Existing law further: (1) requires certain information to be included in an application for such a permit, including the name and address of the applicant and, if the applicant is a corporation or other business entity, the name and address of its principal officers; and (2) prohibits the issuance of such a permit to an applicant who is in default on any obligation relating to reclamation. (NRS 519A.190, 519A.210)

Sections 1 and 2 of this bill require an applicant for such a permit who is a corporation or business entity to submit with the application the name and address of each person who has a controlling interest in the corporation or business entity. **Sections 1 and 2** further require an applicant to submit an affidavit that states whether or not the applicant and each person who has a controlling interest in the corporation or business entity is in good standing with all agencies of other states and federal agencies in relation to the reclamation of exploration projects or mining operations outside of this State.

Sections 1 and 2 prohibit the issuance of a permit to any applicant that is a corporation or other business entity if any person who has a controlling interest in the corporation or business entity has or previously had a controlling interest in another corporation or business entity that has defaulted on any obligation relating to reclamation unless the applicant: (1) pays the full amount of the defaulted obligation or provides evidence of satisfaction of the defaulted obligation; and (2) demonstrates that the conditions which led to the default have been remedied and no longer exist.

Sections 1 and 2 further prohibit the issuance of a permit if the applicant or, if the applicant is a corporation or other business entity, a person who has a controlling interest in the corporation or business entity is not in good standing with an agency of another state or a federal agency in relation to the reclamation of an exploration project or mining operation outside of this State unless the applicant or person who has a controlling interest remedies all issues relating to the reclamation of the exploration project or mining operation outside of this State and becomes in good standing with all agencies of the other state and federal

agencies ~~in~~ in relation to the reclamation of the exploration project or mining operation outside of this State.

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

Section 1. NRS 519A.190 is hereby amended to read as follows:

519A.190 **1.** A person who desires to engage in an exploration project must:

~~1.1~~ **(a)** File with the Division, upon a form approved by it, an application for a permit. The application must include:

~~1.1(a)~~ **(I)** The name and address of the applicant and, if *the applicant is* a corporation or other business entity ~~the~~ :

(I) *The name and address of ~~its principal officers and its~~ each person who has a controlling interest in the corporation or business entity; and*

(II) *The name and address of the registered agent of the corporation or business entity* for service of process;

~~1.1(b)~~ **(2)** An exploration map or sketch in sufficient detail to enable the Division to locate the area to be explored and to determine whether significant environmental problems are likely to result;

~~1.1(c)~~ **(3)** The kinds of prospecting and excavation techniques that will be used in the exploration project; ~~and~~

~~1.1(d)~~ **(4)** *An affidavit stating whether or not the applicant and, if applicable, each person who has a controlling interest in the corporation or business entity is in good standing with all agencies of other states and federal agencies in relation to the reclamation of exploration projects outside of this State; and*

(5) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

~~1.2~~ **(b)** Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

~~1.3~~ **(c)** Agree in writing to assume responsibility for the reclamation of any surface area damaged as a result of the exploration project.

~~1.4~~ **Not be in default of any other obligation relating to reclamation pursuant to this chapter.**

~~5.1~~ **(d)** File with the Division a bond or other surety in a form approved by the Administrator and in an amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

2. *Except as otherwise provided in subsections 3 and 4, the Division shall not issue a permit to engage in an exploration project pursuant to this section to an applicant if:*

(a) *The applicant has defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280;*

(b) *For an applicant who is a corporation or other business entity, any person who has a controlling interest in the corporation or business entity has or previously had a controlling interest in another corporation or business entity that defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280; or*

(c) *The applicant or, if the applicant is a corporation or other business entity, a person who has a controlling interest in the corporation or business entity is not*

1 in good standing with an agency of another state or a federal agency in relation
2 to the reclamation of an exploration project outside of this State.

3 3. The Division may issue a permit to engage in an exploration project
4 pursuant to this section to an applicant described in paragraph (a) or (b) of
5 subsection 2 if the applicant:

6 (a) Pays to the Division the full amount of the defaulted obligation described
7 in paragraph (a) or (b) of subsection 2, as applicable, or provides evidence of
8 satisfaction of that defaulted obligation; and

9 (b) Demonstrates to the Division that any conditions which led to the default
10 have been remedied and that such conditions no longer exist.

11 4. The Division may issue a permit to engage in an exploration project
12 pursuant to this section to an applicant described in paragraph (c) of subsection 2
13 if the applicant demonstrates to the Division that the applicant or person who has
14 a controlling interest in the corporation or business entity has remedied all issues
15 related to the reclamation of the exploration project outside of this State and
16 becomes in good standing with all agencies of the other state and federal
17 agencies ~~in relation to the reclamation of the exploration project.~~

18 5. As used in this section, "person who has a controlling interest" means ~~the~~
19 ~~person who~~

20 ~~—(a) Owns or controls a majority of the voting stock or holds any other~~
21 ~~controlling interest, directly or indirectly, in a corporation or other business~~
22 ~~entity that gives the person];~~

23 (a) The president, secretary, treasurer or equivalent thereof of the
24 corporation or business entity;

25 (b) A partner, director or trustee of the corporation or business entity; or

26 (c) A person who, directly or indirectly, possesses the power to direct the
27 management or determine the policy ~~]; or~~

28 ~~—(b) Is a principal officer, partner, director or trustee of a]~~ of the corporation
29 or business entity] resulting from, without limitation, his or her ownership of
30 voting stock in the corporation or business entity, a contract or any other
31 circumstance.

32 ↪ The term does not include a person designated to act as a proxy, including,
33 without limitation, an agent, bank, broker, nominee or custodian, for one or more
34 persons who own voting stock unless the proxy otherwise has the power to direct
35 the management or determine the policy of the corporation or business entity.

36 Sec. 2. NRS 519A.210 is hereby amended to read as follows:

37 519A.210 1. A person who desires to engage in a mining operation must:

38 ~~[(a)]~~ (a) File with the Division, upon a form approved by it, an application for a
39 permit for each location at which the person will conduct operations. The
40 application must include:

41 ~~[(a)]~~ (I) The name and address of the applicant and, if the applicant is a
42 corporation or other business entity ~~], the]~~:

43 (I) The name and address of ~~[its principal officers and its]~~ each person
44 who has a controlling interest in the corporation or business entity; and

45 (II) The name and address of the registered agent of the corporation
46 or business entity for service of process;

47 ~~[(b)]~~ (2) A completed checklist developed by the Division pursuant to NRS
48 519A.220; ~~and~~

49 ~~—(c)]~~ (3) An affidavit stating whether or not the applicant and, if applicable,
50 each person who has a controlling interest in the corporation or business entity is
51 in good standing with all agencies of other states and federal agencies in relation
52 to the reclamation of mining operations outside of this State; and

(4) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

~~(2) (b) Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.~~

~~(3) (c) Agree in writing to assume responsibility for the reclamation of any land damaged as a result of the mining operation.~~

~~(4) Not be in default of any other obligation relating to reclamation pursuant to this chapter.~~

~~(5) (d) File with the Division a bond or other surety in a form and amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.~~

~~(6) (e) File with the Division of Minerals of the Commission on Mineral Resources a copy of the plan for reclamation which is filed with the application pursuant to subsection 1, paragraph (a), on the same day the application is filed with the Division.~~

2. Except as otherwise provided in subsections 3 and 4, the Division shall not issue a permit to engage in a mining operation pursuant to this section to an applicant if:

(a) The applicant has defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280;

(b) For an applicant who is a corporation or other business entity, any person who has a controlling interest in the corporation or business entity has or previously had a controlling interest in another corporation or business entity that defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280; or

(c) The applicant or, if the applicant is a corporation or other business entity, a person who has a controlling interest in the corporation or business entity is not in good standing with an agency of another state or a federal agency in relation to the reclamation of a mining operation outside of this State.

3. The Division may issue a permit to engage in a mining operation pursuant to this section to an applicant described in paragraph (a) or (b) of subsection 2 if the applicant:

(a) Pays to the Division the full amount of the defaulted obligation described in paragraph (a) or (b) of subsection 2, as applicable, or provides evidence of satisfaction of that defaulted obligation; and

(b) Demonstrates to the Division that any conditions which led to the default have been remedied and that such conditions no longer exist.

4. The Division may issue a permit to engage in a mining operation pursuant to this section to an applicant described in paragraph (c) of subsection 2 if the applicant demonstrates to the Division that the applicant or person who has a controlling interest in the corporation or business entity has remedied all issues related to the reclamation of the mining operation outside of this State and becomes in good standing with all agencies of the other state and federal agencies in relation to the reclamation of the mining operation.

5. As used in this section, "person who has a controlling interest" means ~~a person who~~

~~(a) Owns or controls a majority of the voting stock or holds any other controlling interest, directly or indirectly, in a corporation or other business entity that gives the person;~~

(a) The president, secretary, treasurer or equivalent thereof of the corporation or business entity;

(b) A partner, director or trustee of the corporation or business entity; or
(c) A person who, directly or indirectly, possesses the power to direct the
management or determine the policy of, or

~~(b) Is a principal officer, partner, director or trustee of a~~ of the corporation
or business entity resulting from, without limitation, his or her ownership of
voting stock in the corporation or business entity, a contract or any other
circumstance.

↪ The term does not include a person designated to act as a proxy, including,
without limitation, an agent, bank, broker, nominee or custodian, for one or more
persons who own voting stock unless the proxy otherwise has the power to direct
the management or determine the policy of the corporation or business entity.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On April 1, 2022, for all other purposes.