SUMMARY—Revises provisions relating to certain mining claims, mill sites and tunnel rights.

(BDR 46-157)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.

Effect on the State: No.

Effect on the State Highway Fund: No.

AN ACT relating to maps; requiring a county recorder to submit to the Division of Minerals of the Commission on Mineral Resources an electronic version of certain maps filed with the county recorder during the calendar quarter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a locator of certain claims, rights or locations to prepare and file two copies of a map of the claim with the county recorder of the county in which the claim or location is situated or located together with a filing fee. (NRS 517.040, 517.100, 517.140, 517.170) Existing law additionally sets forth certain requirements for the relocation of an abandoned lode claim, including a requirement for the preparation of two copies of a map of the claim and filing of such copies of the claim map with duplicate certificates of location with the county recorder of the county in which the claim is situated. (NRS 517.080) **Sections 2-6** of this bill require a county recorder to, not later than the end of each calendar quarter, submit an electronic version of such a

map to the Division of Minerals of the Commission on Mineral Resources. To meet this requirement, **sections 2-6** require the county clerk to: (1) if an electronic version of the map has been provided to the county recorder, submit the electronic version of the map to the Division; or (2) if an electronic version of the map has not been provided to the county recorder, create an electronic version of the map and submit the electronic version of the map to the Division. **Section 8** of this bill provides the provisions set forth in **sections 2-6** requiring a county recorder to submit an electronic version of certain maps to the Division do not: (1) apply to copies of such maps filed with the county recorder before October 1, 2027; and (2) constitute a copy of a record or document for the purposes of certain fees required to be charged by a county recorder. (NRS 247.305) **Section 1** of this bill makes a conforming change to refer to provisions renumbered by **section 4**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 513.075 is hereby amended to read as follows:

513.075 The Division shall:

1. Prescribe a suggested form for each certificate or other document required to be recorded to locate or maintain a mining claim, mill site or tunnel right.

2. Adopt regulations to ensure that all maps established and maintained pursuant to subsection 3 of NRS 517.040 and ***paragraph (b) of*** subsection ~~[2]~~ ***1*** of NRS 517.100 are prepared in a similar manner.

Sec. 2. NRS 517.040 is hereby amended to read as follows:

517.040 1. Within 90 days after posting the notice of location, the locator of a lode mining claim shall prepare two copies of a map of the claim on a scale of not less than 500 feet to the inch, which sets forth the position of the monuments in relation to each other and establishes numbers of the boundary monuments. If the land has been surveyed by the United States, the description must be connected by courses and distances to an official corner of the public land survey. If the land has not been surveyed by the United States or if official corners cannot be found through the exercise of due diligence, the description must be tied by courses and distance to a natural landmark or a readily identifiable artificial landmark which is customarily shown on a map, including, without limitation, a bench mark or the point at which two roads intersect. The description must also state the township and range, and if the lands are surveyed lands, the quarter section and section in which the landmark and the mining claim are situated. The locator is not required to employ a professional surveyor or engineer, but each locator shall prepare a map which is in accordance with the locator's abilities to map and properly set forth the boundaries and location of the locator's claim. The size of each sheet must be 8 1/2 by 14 inches or 24 by 36 inches. Any 8 1/2- by 14-inch sheet must be capable of being photocopied. Any 24- by 36-inch sheet must be a mylar print or other material capable of being reproduced by standard means.

2. Within 90 days after the posting of the notice of location, the locator shall file both copies of the map with the county recorder in the county in which the claim is located together with a filing fee of $15 for each claim whose boundaries and location are set forth on the map.

3. Using the proceeds of these filing fees, the county:

(a) Shall establish and maintain, in accordance with the regulations of the Division, a map of the mining claims in the county that must accurately record the location of all mining claims filed after July 1, 1971;

(b) Shall purchase and maintain the necessary equipment used in establishing, maintaining and duplicating the map; and

(c) May use any remaining money for any purpose determined by the county recorder.

➥ The map is a public record.

4. The county recorder shall not refuse to accept a map submitted by a locator unless the county recorder can affirmatively show that the map submitted does not accurately reflect the location of all the claims.

5. The county recorder shall ***:***

(a) As soon as practicable after its receipt, send one copy of the locator's map and one copy of the certificate of location to the county surveyor ***.*** ~~[as soon as practicable after its receipt.]~~

(b) Not later than the end of each calendar quarter, submit to the Division an electronic version of each map filed with the county recorder during the applicable calendar quarter pursuant to subsection 2. To meet the requirements of this paragraph, if the locator:

(1) Has provided an electronic version of the map to the county recorder, the county recorder shall submit the electronic version of the map filed pursuant to subsection 2 to the Division.

(2) Has not provided an electronic version of the map to the county recorder, the county recorder shall create an electronic version of the map filed pursuant to subsection 2 and submit the electronic version of the map to the Division.

Sec. 3. NRS 517.080 is hereby amended to read as follows:

517.080 1. The relocation of an abandoned lode claim must be made by preparing two copies of a map of the claim as provided by NRS 517.040, and erecting new boundaries or adopting the old boundaries by renewing the monuments if they have been removed or destroyed. In either case, a new monument of location must be erected.

2. Two copies of the claim map must be filed with duplicate certificates of location with the county recorder of the county in which the claim is situated, accompanied by a filing fee as prescribed in NRS 517.040.

3. The county recorder shall, not later than the end of each calendar quarter, submit to the Division an electronic version of each claim map filed with the county recorder during the applicable calendar quarter pursuant to subsection 2. To meet the requirements of this subsection, if an electronic version of the claim map:

(a) Has been provided to the county recorder, the county recorder shall submit the electronic version of the claim map filed pursuant to subsection 2 to the Division.

(b) Has not been provided to the county recorder, the county recorder shall create an electronic version of the claim map filed pursuant to subsection 2 and submit the electronic version of the claim map to the Division.

Sec. 4. NRS 517.100 is hereby amended to read as follows:

517.100 ***1.*** Within 90 days after posting the notice of location of a placer claim, the locator shall:

~~[1.]~~ ***(a)*** Prepare two copies of a map of the claim which must be of a scale of not less than 500 feet to the inch. If the United States survey has been extended over the land embraced in the location, the claim may be taken and described on the map by legal subdivisions as provided in NRS 517.090. If the land has not been surveyed by the United States or if official corners cannot be found through the exercise of due diligence, the map must set forth the position of the monuments in relation to each other and establish numbers of monuments, and the descriptions must be tied to a natural landmark or a readily identifiable artificial landmark as provided in NRS 517.040.

~~[2.]~~ ***(b)*** File the maps with the county recorder in the county in which the claim is located together with a filing fee of $1 per acre. One-half of the filing fee must be used by the county to establish and maintain, in accordance with the regulations of the Division, a map of the mining claims in the county that must accurately record the location of all mining claims filed after July 1, 1971, which is a public record. The remaining part of the fee may be used for the same purposes as any other general revenue of the county.

2. The county recorder shall, not later than the end of each calendar quarter, submit to the Division an electronic version of each map filed with the county recorder during the applicable calendar quarter pursuant to subsection 1. To meet the requirements of this subsection, if the locator:

(a) Has provided an electronic version of the map to the county recorder, the county recorder shall submit the electronic version of the map filed pursuant to subsection 1 to the Division.

(b) Has not provided an electronic version of the map to the county recorder, the county recorder shall create an electronic version of the map filed pursuant to subsection 1 and submit the electronic version of the map to the Division.

Sec. 5. NRS 517.140 is hereby amended to read as follows:

517.140 1. Within 90 days after the date of his or her location, the locator of a claim or location of a mill site shall record his or her location with the county recorder of the county in which the location is situated, by duplicate certificates of location.

2. When the locator records his or her certificates of location the locator shall file two copies of a map not to exceed 3 feet by 4 feet and pay the filing fees which comply with the requirements set forth in NRS 517.040 and 517.050.

3. ***The county recorder shall, not later than the end of each calendar quarter, submit to the Division an electronic version of each map filed with the county recorder during the applicable calendar quarter pursuant to subsection 2. To meet the requirements of this subsection, if the locator:***

(a) Has provided an electronic version of the map to the county recorder, the county recorder shall submit the electronic version of the map filed pursuant to subsection 2 to the Division.

(b) Has not provided an electronic version of the map to the county recorder, the county recorder shall create an electronic version of the map filed pursuant to subsection 2 and submit the electronic version of the map to the Division.

4. Any record of a location of a mill site which does not contain the name of the locator, the name of the mine or mining claim of which the locator is the proprietor, or the name of the mill or reduction works of which the locator is the owner, the number of feet or acres claimed, and a description which identifies the claim with reasonable certainty is void.

Sec. 6. NRS 517.170 is hereby amended to read as follows:

517.170 1. Within 90 days from the date of the location, the locator of a tunnel right or location shall record his or her location with the county recorder of the county in which the location is situated.

2. When the locator records his or her certificate of location the locator shall file two copies of a map that complies with the requirements set forth in NRS 517.040.

3. ***The county recorder shall, not later than the end of each calendar quarter, submit to the Division an electronic version of each map filed with the county recorder during the applicable calendar quarter pursuant to subsection 2. To meet the requirements of this subsection, if the locator:***

(a) Has provided an electronic version of the map to the county recorder, the county recorder shall submit the electronic version of the map filed pursuant to subsection 2 to the Division.

(b) Has not provided an electronic version of the map to the county recorder, the county recorder shall create an electronic version of the map filed pursuant to subsection 2 and submit the electronic version of the map to the Division.

4. Any record of a tunnel right or location which does not contain all the requirements named in ~~[this section]~~ ***subsections 1 and 2*** is void.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. The amendatory provisions of sections 2 to 6, inclusive, of this act requiring a county recorder to submit, not later than the end of each calendar quarter, to the Division of Minerals of the Commission on Mineral Resources an electronic version of a map filed with the county recorder during the applicable quarter pursuant to NRS 517.040, 517.080, 517.100, 517.140 or 517.170 do not:

1. Apply to any copies of such maps filed with the county recorder before October 1, 2027.
2. Constitute the act of copying a record or document for the purposes of NRS 247.305.