
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.

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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; prohibiting certain persons from obtaining a permit to engage in an exploration project or mining operation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person from engaging in certain exploration projects or
2 mining operations without a permit issued for that purpose by the Division of
3 Environmental Protection of the State Department of Conservation and Natural
4 Resources. (NRS 519A.180, 519A.200) Existing law prohibits the issuance of such
5 a permit to an applicant who is in default on any obligation relating to reclamation.
6 (NRS 519A.190, 519A.210) This bill also prohibits the issuance of such a permit to
7 any applicant that is a corporation or other business entity if any person listed as a
8 principal officer of the corporation or business entity has previously been listed as a
9 principal officer of a corporation or business entity that has defaulted on any
10 obligation relating to reclamation. However, this bill authorizes the issuance of
11 such a permit if the applicant: (1) pays the full amount of the defaulted obligation
12 or provides evidence of satisfaction of the defaulted obligation; and (2)
13 demonstrates that the conditions which led to the default have been remedied and
14 no longer exist.



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

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

3 519A.190 *1.* A person who desires to engage in an
4 exploration project must:

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

7 ~~[(a)]~~ *(1)* The name and address of the applicant and, if a
8 corporation or other business entity, the name and address of its
9 principal officers and its registered agent for service of process;

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

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

16 ~~[(d)]~~ *(4)* Any other information required by the regulations
17 adopted by the Commission pursuant to NRS 519A.160.

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

20 ~~[(3)]~~ *(c)* Agree in writing to assume responsibility for the
21 reclamation of any surface area damaged as a result of the
22 exploration project.

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

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

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

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

36 *(b) For an applicant who is a corporation or other business
37 entity, any person listed as a principal officer of the corporation or
38 business entity has previously been listed as a principal officer of a
39 corporation or business entity that defaulted on any obligation
40 relating to reclamation pursuant to this chapter, including,
41 without limitation, by forfeiting a surety or failing to pay the full*



1 *costs of reclamation or any penalty assessed pursuant to*
2 *NRS 519A.280.*

3 *3. The Division may issue a permit to engage in an*
4 *exploration project pursuant to this section to an applicant*
5 *described in subsection 2 if the applicant:*

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

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

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

13 519A.210 *1.* A person who desires to engage in a mining
14 operation must:

15 ~~{1-}~~ *(a)* File with the Division, upon a form approved by it, an
16 application for a permit for each location at which the person will
17 conduct operations. The application must include:

18 ~~{a-}~~ *(1)* The name and address of the applicant and, if a
19 corporation or other business entity, the name and address of its
20 principal officers and its registered agent for service of process;

21 ~~{b-}~~ *(2)* A completed checklist developed by the Division
22 pursuant to NRS 519A.220; and

23 ~~{e-}~~ *(3)* Any other information required by the regulations
24 adopted by the Commission pursuant to NRS 519A.160.

25 ~~{2-}~~ *(b)* Pay to the Division the application fee established in the
26 regulations adopted by the Commission pursuant to NRS 519A.160.

27 ~~{3-}~~ *(c)* Agree in writing to assume responsibility for the
28 reclamation of any land damaged as a result of the mining operation.

29 ~~{4. Not be in default of any other obligation relating to~~
30 ~~reclamation pursuant to this chapter.~~

31 ~~—5-}~~ *(d)* File with the Division a bond or other surety in a form
32 and amount required by the regulations adopted by the Commission
33 pursuant to NRS 519A.160.

34 ~~{6-}~~ *(e)* File with the Division of Minerals of the Commission
35 on Mineral Resources a copy of the plan for reclamation which is
36 filed with the application pursuant to ~~{subsection 1,}~~ *paragraph (a),*
37 on the same day the application is filed with the Division.

38 *2. Except as otherwise provided in subsection 3, the Division*
39 *shall not issue a permit to engage in a mining operation pursuant*
40 *to this section to an applicant if:*

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



1 ***(b) For an applicant who is a corporation or other business***
2 ***entity, any person listed as a principal officer of the corporation or***
3 ***business entity has previously been listed as a principal officer of a***
4 ***corporation or business entity that defaulted on any obligation***
5 ***relating to reclamation pursuant to this chapter, including,***
6 ***without limitation, by forfeiting a surety or failing to pay the full***
7 ***costs of reclamation or any penalty assessed pursuant to***
8 ***NRS 519A.280.***

9 ***3. The Division may issue a permit to engage in a mining***
10 ***operation pursuant to this section to an applicant described in***
11 ***subsection 2 if the applicant:***

12 ***(a) Pays to the Division the full amount of the defaulted***
13 ***obligation described in subsection 2 or provides evidence of***
14 ***satisfaction of that defaulted obligation; and***

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

