

ASSEMBLY BILL NO. 240—ASSEMBLYMEN WATTS, PETERS, BILBRAY-AXELROD; ANDERSON, BROWN-MAY, COHEN, CONSIDINE, DURAN, FLORES, GONZÁLEZ, GORELOW, MARTINEZ, C.H. MILLER, MONROE-MORENO, NGUYEN, SUMMERS-ARMSTRONG AND TORRES

MARCH 11, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing mining. (BDR 46-936)

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

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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; dissolving the Commission on Mineral Resources, the Division of Minerals of the Commission on Mineral Resources and the Mining Oversight and Accountability Commission; transferring the duties of the Commission on Mineral Resources to the State Environmental Commission; transferring the duties of the Division of Minerals to the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Commission on Mineral Resources and the Division of
2 Minerals of the Commission on Mineral Resources and sets forth various duties of
3 the Commission and Division relating to mining and mineral resources, including
4 administering permits relating to mining, oil and gas, geothermal resources and
5 dissolved mineral resources. (Chapters 513, 517, 519A, 522, 534A and 534B of
6 NRS) Existing law also creates the Mining Oversight and Accountability
7 Commission and charges the Mining Oversight and Accountability Commission
8 with overseeing state law relating to mines and mining. (Chapter 514A of NRS)
9 This bill: (1) dissolves the Commission on Mineral Resources, the Division of
10 Minerals and the Mining Oversight and Accountability Commission; (2) transfers
11 to the State Environmental Commission all duties and authority of the Commission
12 on Mineral Resources; and (3) transfers to the Division of Environmental



13 Protection of the State Department of Conservation and Natural Resources all
14 duties and responsibilities of the Division of Minerals.

15 **Section 1** of this bill requires the Administrator of the Division of Industrial
16 Relations of the Department of Business and Industry to submit a report relating to
17 the inspection and safety of mines to the State Environmental Commission instead
18 of the Mining Oversight and Accountability Commission.

19 **Sections 2, 7, 11, 12, 15-22, 30-35, 37-44 and 49-51** of this bill revise
20 references to the Commission on Mineral Resources, the Division of Minerals and
21 the Administrator of the Division of Minerals to the State Environmental
22 Commission, the Division of Environmental Protection and the Administrator of
23 the Division of Environmental Protection, respectively. **Sections 13 and 24-27**
24 of this bill make the definitions of "Commission," "Administrator," "Division" and
25 "Department" consistent with the changes in duties, authority and responsibilities.
26 **Sections 28 and 29** of this bill move the existing definition of "geothermal
27 resource," and **section 36** of this bill makes a conforming change to properly
28 reference the new location.

29 **Sections 3 and 4** of this bill remove references to the Mining Oversight and
30 Accountability Commission.

31 **Section 5** of this bill revises the name for the Account for the Division of
32 Minerals to the Account for Mining. **Sections 6, 8, 11, 17, 22, 33, 40 and 45** of this
33 bill change the name of the Account in existing law, accordingly.

34 Existing law charges the Division of Environmental Protection with
35 administering and enforcing certain requirements for the reclamation of land
36 subject to mining operations or exploration projects. (Chapter 519A) **Sections 9**
37 **and 10** of this bill remove requirements for the Division of Environmental
38 Protection or a person who wishes to engage in a mining operation, respectively, to
39 provide certain information to the Division of Minerals.

40 **Sections 46 and 48** of this bill remove the Administrator of the Division of
41 Minerals from the membership of the Board of Review and the State
42 Environmental Commission, respectively.

43 **Section 47** of this bill revises a requirement for the Department of Taxation to
44 report annually to the Mining Oversight and Accountability Commission on the
45 expenses and deductions of each mining operation in this State to instead require
46 the Department of Taxation to submit such information to the State Environmental
47 Commission.

48 **Section 56** of this bill repeals provisions creating the Commission on Mineral
49 Resources, the Division of Minerals and the Mining Oversight and Accountability
50 Commission and setting forth the various duties of these entities.

51 **Section 52** of this bill establishes provisions for the transfer of duties from the
52 Commission on Mineral Resources and the Division of Minerals to the State
53 Environmental Commission and the Division of Environmental Protection and the
54 continued operation of regulations, contracts, and actions following the transfer.

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

1 **Section 1.** NRS 512.140 is hereby amended to read as follows:
2 512.140 The Administrator shall submit annually to the
3 Governor, and to the ~~[Mining Oversight and Accountability]~~ *State*
4 *Environmental* Commission, ~~[created by NRS 514A.040.]~~ as soon
5 as practicable after the beginning of each calendar year, a full report
6 of the administration of the Administrator's functions under this



1 chapter during the preceding calendar year. The report must include,
2 either in summary or detailed form, the information obtained by the
3 Administrator under this chapter together with such findings and
4 comments thereon and such recommendations as the Administrator
5 may deem proper.

6 **Sec. 2.** NRS 513.011 is hereby amended to read as follows:

7 513.011 As used in this chapter, unless the context requires
8 otherwise:

9 1. "Administrator" means the Administrator of the Division.

10 2. "Commission" means the *State Environmental* Commission
11 ~~. [on Mineral Resources.]~~

12 3. "*Department*" means the *State Department of*
13 *Conservation and Natural Resources.*

14 4. "*Director*" means the *Director of the Department.*

15 5. "Division" means the Division of ~~[Minerals]~~ *Environmental*
16 *Protection* of the ~~[Commission.]~~ *Department.*

17 **Sec. 3.** NRS 513.063 is hereby amended to read as follows:

18 513.063 The Commission shall:

19 1. Keep itself informed of and interested in the entire field of
20 legislation and administration charged to the Division ~~[]~~ *relating to*
21 *mines and mining in this State.*

22 2. Report to the Governor ~~[, the Mining Oversight and~~
23 ~~Accountability Commission created by NRS 514A.040]~~ and the
24 Legislature on all matters which it may deem pertinent to the
25 Division, and concerning any specific matters previously requested
26 by the Governor ~~[or the Mining Oversight and Accountability~~
27 ~~Commission.]~~, *related to mines and mining in this State.*

28 3. Advise and make recommendations to the Governor ~~[, the~~
29 ~~Mining Oversight and Accountability Commission]~~ and the
30 Legislature concerning the policy of this State relating to minerals.

31 4. Formulate the administrative policies of the Division ~~[]~~
32 *relating to mines and mining in this State.*

33 5. Adopt regulations necessary for carrying out the duties of
34 the Commission and the Division ~~[]~~ *pursuant to this chapter.*

35 **Sec. 4.** NRS 513.093 is hereby amended to read as follows:

36 513.093 The Administrator:

37 1. Shall coordinate the activities of the Division ~~[]~~ *related to*
38 *mines and mining in this State.*

39 2. Shall report to the Commission upon all matters pertaining
40 to the administration of the Division ~~[]~~ *related to mines and mining*
41 *in this State.*

42 ~~[3. Shall attend each regular meeting of the Mining Oversight~~
43 ~~and Accountability Commission created by NRS 514A.040 and each~~
44 ~~special meeting if requested by the Chair of that Commission and:~~



1 ~~—(a) Report to the Mining Oversight and Accountability~~
2 ~~Commission on the activities of the Division undertaken since the~~
3 ~~Division's previous report, including, without limitation, an~~
4 ~~accounting of any fees or fines imposed or collected;~~

5 ~~—(b) The current condition of mining and of exploration for and~~
6 ~~production of oil, gas and geothermal energy in the State; and~~

7 ~~—(c) Provide any technical information required by the Mining~~
8 ~~Oversight and Accountability Commission during the course of the~~
9 ~~meeting.]~~

10 **Sec. 5.** NRS 513.103 is hereby amended to read as follows:

11 513.103 1. The Account for ~~[the Division of Minerals]~~
12 **Mining** is hereby created in the State General Fund.

13 2. The following special fees and money must be deposited in
14 the Account:

15 (a) All fees collected pursuant to NRS 513.094, 517.185 and
16 chapter 522 of NRS.

17 (b) All money collected pursuant to NRS 235.016.

18 (c) Any money received by the Division from a county pursuant
19 to NRS 513.108.

20 (d) All fees collected pursuant to NRS 534A.080.

21 (e) Any money appropriated to the Division from the State
22 General Fund.

23 3. No money except that appropriated from the State General
24 Fund lapses to the State General Fund.

25 4. The money in the Account is appropriated to the Division.
26 The money deposited in the Account pursuant to paragraph (a) of
27 subsection 2, and the interest earned thereon, must be expended for
28 the purposes of administering chapter 522 of NRS and the
29 provisions of this chapter, except for NRS 513.108. The money
30 deposited pursuant to paragraphs (b) and (c) of subsection 2, and the
31 interest earned thereon, must be distributed to the counties pursuant
32 to NRS 513.108, except that portion required to pay the cost of
33 administering the provisions of that section. All interest earned on
34 the Account must remain in the Account.

35 **Sec. 6.** NRS 513.108 is hereby amended to read as follows:

36 513.108 1. The board of county commissioners in each
37 county may apply to the Division for money to abate a dangerous
38 condition resulting from mining practices which took place at a
39 mine that is no longer operating.

40 2. The Division shall, within the limits of the money available
41 pursuant to paragraphs (b) and (c) of subsection 2 of NRS 513.103,
42 provide counties with money to abate such dangerous conditions
43 based on the relative degree of danger of those conditions.

44 3. If a county which receives money from the Division
45 subsequently receives monetary compensation from the mine owner



1 or other person responsible for the existence of the dangerous
2 condition, it shall reimburse the Division to the extent of the
3 compensation received. Any money received by the Division
4 pursuant to this subsection must be deposited in the Account for ~~the~~
5 ~~Division of Minerals]~~ *Mining* created pursuant to NRS 513.103.

6 **Sec. 7.** NRS 517.003 is hereby amended to read as follows:

7 517.003 As used in this chapter, unless the context otherwise
8 requires, "Division" means the Division of ~~[Minerals]~~
9 *Environmental Protection* of the ~~[Commission on Mineral~~
10 ~~Resources.]~~ *State Department of Conservation and Natural*
11 *Resources.*

12 **Sec. 8.** NRS 517.185 is hereby amended to read as follows:

13 517.185 1. In addition to any recording fee, each filing
14 pursuant to NRS 517.050, 517.080, 517.110, 517.140, 517.170,
15 517.200 and 517.230 must be submitted with a filing fee in an
16 amount established pursuant to subsection 2. The county recorder
17 shall collect the filing fee and, on or before the fifth working day of
18 each month, deposit with the county treasurer all such fees collected
19 during the preceding month. The county treasurer shall quarterly
20 pay the money collected to the Division. The Division shall deposit
21 with the State Treasurer, for credit to the Account for ~~the Division~~
22 ~~of Minerals]~~ *Mining* created pursuant to NRS 513.103, all money
23 received pursuant to this section.

24 2. The *State Environmental* Commission ~~[on Mineral~~
25 ~~Resources]~~ shall, by regulation, establish the filing fee required
26 pursuant to subsection 1 in an amount not to exceed \$6 per claim.

27 **Sec. 9.** NRS 519A.140 is hereby amended to read as follows:

28 519A.140 The Division shall:

29 1. Administer and enforce the provisions of NRS 519A.010 to
30 519A.280, inclusive, and the regulations adopted by the
31 Commission pursuant to NRS 519A.160.

32 2. Employ persons who are experienced and qualified in the
33 area of reclamation.

34 3. Enter into a memorandum of understanding with the United
35 States Bureau of Land Management and the United States Forest
36 Service concerning the adoption by those agencies of plans of
37 reclamation that:

38 (a) Apply to mining operations or exploration projects that are
39 conducted on a site which includes public land administered by a
40 federal agency and privately owned land; and

41 (b) Substantially provide for the reclamation and security
42 required by this chapter.

43 4. Develop and offer to operators on a regular basis educational
44 workshops that include and emphasize reclamation training and



1 techniques suitable for small exploration projects and mining
2 operations.

3 5. Offer advice and technical assistance to operators.

4 6. Approve, reject or impose conditions upon the approval of
5 any plan for reclamation for an exploration project or mining
6 operation.

7 ~~[7. Provide the Division of Minerals of the Commission on
8 Mineral Resources with a copy of any conditions imposed upon an
9 approved plan and the security required, on the same day that
10 information is sent to the operator.]~~

11 **Sec. 10.** NRS 519A.210 is hereby amended to read as follows:

12 519A.210 A person who desires to engage in a mining
13 operation must:

14 1. File with the Division, upon a form approved by it, an
15 application for a permit for each location at which the person will
16 conduct operations. The application must include:

17 (a) The name and address of the applicant and, if a corporation
18 or other business entity, the name and address of its principal
19 officers and its registered agent for service of process;

20 (b) A completed checklist developed by the Division pursuant to
21 NRS 519A.220; and

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

24 2. Pay to the Division the application fee established in the
25 regulations adopted by the Commission pursuant to NRS 519A.160.

26 3. Agree in writing to assume responsibility for the reclamation
27 of any land damaged as a result of the mining operation.

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

30 5. File with the Division a bond or other surety in a form and
31 amount required by the regulations adopted by the Commission
32 pursuant to NRS 519A.160.

33 ~~[6. File with the Division of Minerals of the Commission on
34 Mineral Resources a copy of the plan for reclamation which is filed
35 with the application pursuant to subsection 1, on the same day the
36 application is filed with the Division.]~~

37 **Sec. 11.** NRS 519A.250 is hereby amended to read as follows:

38 519A.250 1. An operator who is required by federal law to
39 file a plan of operation or an amended plan of operation with the
40 United States Bureau of Land Management or the United States
41 Forest Service for operations relating to mining or exploration on
42 public land administered by a federal agency, shall, not later than 30
43 days after the approval of the plan or amended plan, provide the
44 Division ~~[of Minerals of the Commission on Mineral Resources]~~
45 with a copy of the filing and pay to the Division ~~[of Minerals]~~ a fee



1 in an amount established pursuant to subsection 5 for each acre or
2 part of an acre of land to be disturbed by mining included in the plan
3 or incremental acres to be disturbed pursuant to an amended plan.

4 2. The ~~{Division of Minerals}~~ *Commission* shall adopt by
5 regulation a method of refunding a portion of the fee required by
6 this section if a plan of operation is amended to reduce the number
7 of acres or part of an acre to be disturbed pursuant to the amended
8 plan. The refund must be based on the reduced number of acres or
9 part of an acre to be disturbed.

10 3. All money received by the Division ~~{of Minerals}~~ pursuant
11 to subsection 1 must be accounted for separately and used by the
12 Division ~~{of Minerals}~~ to create and administer programs for:

13 (a) The abatement of hazardous conditions existing at
14 abandoned mine sites which have been identified and ranked
15 pursuant to the degree of hazard established by regulations adopted
16 by the ~~{Division of Minerals;}~~ *Commission*; and

17 (b) The education of the members of the general public
18 concerning the dangers of the hazardous conditions described in
19 paragraph (a).

20 ↪ All interest and income earned on the money in the account, after
21 deducting applicable charges, must be deposited in the Account for
22 ~~{the Division of Minerals}~~ *Mining* created pursuant to
23 NRS 513.103.

24 4. On or before February 1 of each odd-numbered year, the
25 Division ~~{of Minerals}~~ shall file a report with the Governor and the
26 Legislature describing its activities, total revenues and expenditures
27 pursuant to this section.

28 5. The Commission ~~{on Mineral Resources}~~ shall, by
29 regulation, establish the fee required pursuant to subsection 1 in an
30 amount not to exceed \$30 per acre.

31 **Sec. 12.** NRS 519A.290 is hereby amended to read as follows:

32 519A.290 1. The Division ~~{of Minerals of the Commission}~~
33 ~~on Mineral Resources}~~ shall develop and administer a program
34 providing for the pooling of reclamation performance bonds to
35 assist:

36 (a) An operator to comply with the bonding and surety
37 requirements of this chapter;

38 (b) A person who engages in small mining operations or small
39 exploration projects to comply with the requirements for financial
40 guarantees set forth in the regulations adopted pursuant to 43 U.S.C.
41 § 1740; or

42 (c) A person who engages in mining operations, small mining
43 operations, exploration projects or small exploration projects to
44 comply with the bonding requirements imposed pursuant to an
45 ordinance adopted by a county in this State.



1 2. The program must:

2 (a) Be designed to reduce the financial burden of obtaining a
3 reclamation performance bond for mining operations, small mining
4 operations, exploration projects or small exploration projects;

5 (b) Require each operator or any other person who participates
6 in the program to:

7 (1) Pay an amount into the pool each year which annually is
8 actuarially determined to enable the program to be self-sustaining;

9 (2) Execute an agreement of indemnity on a form provided
10 by the Division ; ~~{of Minerals;}~~ and

11 (3) Provide collateral or other security approved by the
12 Administrator ~~{of the Division of Minerals}~~ if the Administrator
13 considers it necessary to ensure against the forfeiture of a
14 reclamation performance bond;

15 (c) Use the money in the pool to cover the bonded liability of
16 the operators and any other persons who participate in the program;

17 (d) Provide a limit on the total bonded liability of any person
18 who may be covered under the program; and

19 (e) Provide conditions for the release and forfeiture of bonds.

20 3. The ~~{Division of Minerals}~~ *Commission* shall adopt
21 regulations relating to the development and administration of the
22 program.

23 4. If the reclamation performance bond of an operator or any
24 other person who participates in the program is forfeited, the
25 Attorney General may bring an action in the name of the State of
26 Nevada in any court of competent jurisdiction against the operator
27 or such other person to recover the costs incurred by the program in
28 the reclamation of the land.

29 **Sec. 13.** Chapter 522 of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 *“Commission” means the State Environmental Commission.*

32 **Sec. 14.** NRS 522.020 is hereby amended to read as follows:

33 522.020 As used in this chapter, unless the context otherwise
34 requires, the words and terms defined in NRS 522.021 to 522.0395,
35 inclusive, *and section 13 of this act* have the meanings ascribed to
36 them in those sections.

37 **Sec. 15.** NRS 522.023 is hereby amended to read as follows:

38 522.023 “Division” means the Division of ~~{Minerals}~~
39 *Environmental Protection* of the ~~{Commission on Mineral}~~ *State*
40 *Department of Conservation and Natural Resources.*

41 **Sec. 16.** NRS 522.039 is hereby amended to read as follows:

42 522.039 “Waste” includes:

43 1. The inefficient, excessive or improper use of or unnecessary
44 dissipation of reservoir energy.



1 2. The locating, spacing, drilling, equipping, operating or
2 producing of any oil or gas well in a manner which results or tends
3 to result in reducing the quantity of oil or gas to be recovered from
4 any pool in this state under operations conducted in accordance with
5 good engineering practices in an oil field.

6 3. The inefficient aboveground storage of oil.

7 4. The locating, spacing, drilling, equipping, operating or
8 producing of any oil or gas well in a manner causing or tending to
9 cause unnecessary or excessive surface loss or destruction of oil or
10 gas.

11 5. Producing oil or gas in such manner as to cause unnecessary
12 water channeling or coning.

13 6. The operation of an oil well with an inefficient ratio of gas
14 to oil.

15 7. The drowning with water of any pool or part thereof capable
16 of producing oil or gas, except insofar as and to the extent
17 authorized by the ~~Commission~~ *Division* under this chapter.

18 8. Underground waste.

19 9. The creation of unnecessary fire hazards.

20 10. The escape into the open air, from a well producing oil or
21 gas, of gas in excess of the amount which is reasonably necessary in
22 the efficient production of the well.

23 11. The use of gas for the manufacture of carbon black, except
24 as provided for in this chapter.

25 **Sec. 17.** NRS 522.050 is hereby amended to read as follows:

26 522.050 1. A person shall not drill or operate an oil or gas
27 well unless he or she first obtains a permit from the Division
28 pursuant to this section.

29 2. Every person desiring to drill and operate an oil or gas well
30 or requesting a change in the terms of an existing permit to drill and
31 operate an oil or gas well must:

32 (a) Submit an application for a permit or for a request to change
33 the terms of an existing permit, as applicable, to the Division on the
34 form prescribed by the Division; and

35 (b) Pay the applicable fee prescribed pursuant to subsection 3.

36 3. The Commission ~~[on Mineral Resources]~~ shall prescribe by
37 regulation the fees for a permit to drill and operate an oil or gas well
38 and for a request to change the terms of an existing permit. The
39 amount of each fee prescribed by the Commission may include the
40 reasonable administrative costs of the Division relating to the filing
41 and examination of applications for such permits or for requests for
42 changes in the terms of such existing permits, as applicable, but the
43 amount of the fee must not exceed:

44 (a) For a permit to drill and operate an oil or gas well that is not
45 intended to be hydraulically fractured, \$2,000.



1 (b) For a permit to drill and operate an oil or gas well that is
2 intended to be hydraulically fractured, \$5,000.

3 (c) For a request to change the terms of an existing permit to
4 drill and operate an oil or gas well, \$400.

5 4. The Division shall, as soon as practicable after receiving the
6 proper application and fee, issue to the person a permit or change
7 the terms of an existing permit, as applicable, unless the drilling or
8 operation of the well is prohibited by any law or regulation or order
9 of the Division.

10 5. The Division shall deposit with the State Treasurer,
11 for credit to the Account for ~~the Division of Minerals~~ *Mining*
12 created pursuant to NRS 513.103, all money received pursuant to
13 subsection 2.

14 **Sec. 18.** NRS 522.090 is hereby amended to read as follows:

15 522.090 1. The Division shall make no regulation or order, or
16 amendment thereof, except in an emergency, without a public
17 hearing *before the Commission* upon at least 10 days' notice. The
18 public hearing must be held at such time and place as may be
19 prescribed by the ~~Division,~~ *Commission*, and any interested
20 person is entitled to be heard.

21 2. Any notice required by this chapter must be given by
22 personal service on all interested persons, and if personal service
23 cannot be made, then substituted service may be made in the manner
24 provided for substitute service of process under the Nevada Rules of
25 Civil Procedure.

26 3. The ~~Division~~ *Commission* may act upon its own motion,
27 or upon the petition of any interested person. On the filing of a
28 petition concerning any matter within the jurisdiction of the
29 ~~Division,~~ *Commission*, the ~~Division~~ *Commission* shall promptly
30 fix a date for a hearing thereon, and shall cause notice of the hearing
31 to be given. The hearing must be held without undue delay after the
32 filing of the petition. The ~~Division~~ *Commission* shall enter its
33 order within 30 days after the hearing.

34 **Sec. 19.** NRS 522.100 is hereby amended to read as follows:

35 522.100 1. The ~~Division~~ *Commission* may summon
36 witnesses and require the production of records, books and
37 documents for examination at any hearing or investigation
38 conducted by it. No person may be excused from attending and
39 testifying, or from producing books, papers and records before the
40 ~~Division~~ *Commission* or a court, or from obedience to the
41 subpoena of the ~~Division~~ *Commission* or a court, on the ground or
42 for the reason that the testimony or evidence, documentary or
43 otherwise, required of the person may tend to incriminate the person
44 or subject the person to a penalty or forfeiture. This section does not
45 require any person to produce any books, papers or records, or to



1 testify in response to any inquiry not pertinent to some question
2 lawfully before the ~~{Division}~~ *Commission* or court for
3 determination. No natural person may be subjected to criminal
4 prosecution or to any penalty or forfeiture for or on account of any
5 transaction, matter or thing concerning which, in spite of the
6 person's objection, the person may be required to testify or produce
7 evidence, documentary or otherwise, before the ~~{Division}~~
8 *Commission* or court, or in obedience to its subpoena, but no person
9 testifying is exempt from prosecution and punishment for perjury
10 committed in so testifying.

11 2. In case of failure or refusal on the part of any person to
12 comply with the subpoena issued by the ~~{Division,}~~ *Commission*, or
13 in case of the refusal of any witness to testify as to any matter
14 regarding which the witness may be interrogated, any court of
15 record in the State, upon application of the ~~{Division,}~~ *Commission*,
16 may issue an attachment for that person and compel the person to
17 comply with the subpoena, and to attend before the ~~{Division}~~
18 *Commission* and produce the person's records, books and
19 documents for examination, and to give his or her testimony. The
20 court may punish for contempt as in the case of disobedience to a
21 like subpoena issued by the court, or for refusal to testify therein.

22 **Sec. 20.** NRS 522.110 is hereby amended to read as follows:

23 522.110 Within 20 days after written notice of the entry of any
24 order or decision of the ~~{Division,}~~ *Commission*, or such further
25 time as the ~~{Division}~~ *Commission* may grant for good cause
26 shown, any person affected thereby may file with the ~~{Division}~~
27 *Commission* an application for the rehearing in respect of any
28 matter determined by the order or decision, setting forth the respect
29 in which the order or decision is believed to be erroneous. The
30 ~~{Division}~~ *Commission* shall grant or refuse any such application in
31 whole or in part within 10 days after it is filed, and failure to act
32 thereon within such period is deemed a refusal thereof and a final
33 disposition of the application. If the rehearing is granted, the
34 ~~{Division}~~ *Commission* may enter such new order or decision after
35 rehearing as may be required under the circumstances.

36 **Sec. 21.** NRS 522.119 is hereby amended to read as follows:

37 522.119 1. The Division ~~{of Minerals and the Division of~~
38 ~~Environmental Protection}~~ shall ~~{, jointly,}~~ develop a hydraulic
39 fracturing program to:

40 (a) Assess the effects of hydraulic fracturing on the waters of the
41 State of Nevada;

42 (b) Require a person who engages in hydraulic fracturing to
43 disclose each chemical used to engage in hydraulic fracturing; and

44 (c) Provide for notice to members of the general public
45 concerning activities relating to hydraulic fracturing in this state.



1 2. The Commission ~~{on Mineral Resources}~~ shall adopt
2 regulations to implement the hydraulic fracturing program required
3 by subsection 1.

4 ~~{3. As used in this section, "Division of Environmental~~
5 ~~Protection" means the Division of Environmental Protection of the~~
6 ~~State Department of Conservation and Natural Resources.}~~

7 **Sec. 22.** NRS 522.150 is hereby amended to read as follows:

8 522.150 1. Any expenses in connection with Nevada's
9 affiliation with the Interstate Oil and Gas Compact Commission
10 must be paid from the Account for ~~{the Division of Minerals}~~
11 *Mining* created pursuant to NRS 513.103.

12 2. For the purpose of paying the expenses of the Division, each
13 producer of oil or natural gas in this state shall, on or before the last
14 day of each month, report to the Division and the State Treasurer the
15 producer's production in this state of oil in barrels and of natural gas
16 in thousands of cubic feet during the immediately preceding month,
17 and shall pay to the Division, concurrently with the submission of
18 the report, a fee in an amount established pursuant to subsection 3
19 on each barrel of oil and each 50,000 cubic feet of natural gas
20 produced and marketed by the producer during the immediately
21 preceding month. The Division shall deposit with the State
22 Treasurer, for credit to the Account for ~~{the Division of Minerals,}~~
23 *Mining*, all money received pursuant to this subsection. Each person
24 purchasing such oil or natural gas is liable for the payment of the fee
25 for each barrel of oil or each 50,000 cubic feet of natural gas, unless
26 the fee has been paid by the producer.

27 3. The Commission ~~{on Mineral Resources}~~ shall, by
28 regulation, establish the administrative fee required pursuant to
29 subsection 2 in an amount not to exceed 30 cents for each barrel of
30 oil or each 50,000 cubic feet of natural gas.

31 **Sec. 23.** Chapter 534A of NRS is hereby amended by adding
32 thereto the provisions set forth as sections 24 to 28, inclusive, of this
33 act.

34 **Sec. 24.** *"Administrator" means the Administrator of the*
35 *Division.*

36 **Sec. 25.** *"Commission" means the State Environmental*
37 *Commission.*

38 **Sec. 26.** *"Department" means the State Department of*
39 *Conservation and Natural Resources.*

40 **Sec. 27.** *"Division" means the Division of Environmental*
41 *Protection of the Department.*

42 **Sec. 28.** *"Geothermal resource" means the natural heat of*
43 *the earth and the energy associated with that natural heat,*
44 *pressure and all dissolved or entrained minerals that may be*



1 *obtained from the medium used to transfer that heat, but*
2 *excluding hydrocarbons and helium.*

3 **Sec. 29.** NRS 534A.010 is hereby amended to read as follows:
4 534A.010 As used in this chapter, unless the context otherwise
5 requires, [~~“geothermal resource” means the natural heat of the earth~~
6 ~~and the energy associated with that natural heat, pressure and all~~
7 ~~dissolved or entrained minerals that may be obtained from the~~
8 ~~medium used to transfer that heat, but excluding hydrocarbons and~~
9 ~~helium.] *the words and terms defined in sections 24 to 28,*
10 *inclusive, of this act, have the meanings ascribed to them in those*
11 *sections.*~~

12 **Sec. 30.** NRS 534A.031 is hereby amended to read as follows:
13 534A.031 1. Any exploration and subsurface information
14 obtained as a result of a geothermal project must be filed with the
15 Division [~~of Minerals of the Commission on Mineral Resources]~~
16 within 30 days after it is accumulated. The information is
17 confidential for 5 years after the date of filing and may not be
18 disclosed during that time without the express written consent of the
19 operator of the project, except that it must be made available by the
20 Division to the State Engineer or any other agency of the State upon
21 request. The State Engineer or other agency shall keep the
22 information confidential.

23 2. If any information made confidential by subsection 1 is
24 submitted to any other state or local governmental entity in
25 connection with an application for a special use permit or any other
26 license, permit or similar approval, the entity shall keep the
27 information confidential during the period the information is
28 confidential pursuant to subsection 1.

29 **Sec. 31.** NRS 534A.060 is hereby amended to read as follows:
30 534A.060 1. A person may not drill or operate a geothermal
31 well or drill an exploratory well without obtaining a permit from the
32 Administrator [~~of the Division of Minerals of the Commission on~~
33 ~~Mineral Resources]~~ and complying with the conditions of the
34 permit.

35 2. An application must set forth such information as the
36 Administrator requires by regulation.

37 **Sec. 32.** NRS 534A.070 is hereby amended to read as follows:
38 534A.070 1. The Administrator [~~of the Division of Minerals~~
39 ~~of the Commission on Mineral Resources]~~ shall approve or reject an
40 application for a permit to drill an exploratory well within 10 days
41 after the Administrator receives the application in proper form. The
42 permit must not be effective for more than 2 years, but may be
43 extended by the Administrator.

44 2. Upon receipt of an application for a permit to drill or operate
45 a geothermal well, the Administrator [~~of the Division of Minerals]~~



1 shall transmit copies of the application to the State Engineer ~~[, the~~
2 ~~Administrator of the Division of Environmental Protection of the~~
3 ~~State Department of Conservation and Natural Resources,]~~ and the
4 Director of the Department of Wildlife. After consultation with the
5 State Engineer ~~[, the Administrator of the Division of~~
6 ~~Environmental Protection,]~~ and the Director of the Department of
7 Wildlife, the Administrator ~~[of the Division of Minerals]~~ may issue
8 a permit to drill or operate a geothermal well if it is determined that
9 issuance of a permit is consistent with:

- 10 (a) The policies specified in NRS 445A.305 and 445B.100;
- 11 (b) The purposes of chapters 533 and 534 of NRS; and
- 12 (c) The purposes specified in chapter 501 of NRS.

13 3. The Administrator ~~[of the Division of Minerals]~~ shall
14 approve or reject the application to drill or operate a geothermal
15 well within 90 days after the Administrator receives it in proper
16 form, unless it is determined that a conflict exists pursuant to
17 subsection 2 or a public hearing is necessary pursuant to subsection
18 4. Notice of the conflict or need for a public hearing must be
19 provided to the applicant within the 90-day period.

20 4. The State Engineer and the Administrator ~~[of the Division of~~
21 ~~Minerals]~~ may hold public hearings jointly or separately to gather
22 such evidence or information as they deem necessary for a full
23 understanding of all the rights involved and to guard properly the
24 public interest.

25 5. A permit issued pursuant to this section must include any
26 conditions:

- 27 (a) Deemed necessary by the Administrator ~~[of the Division of~~
28 ~~Minerals]~~ to carry out the purposes of this section; and
- 29 (b) Imposed by the State Engineer consistent with the provisions
30 of chapters 533 and 534 of NRS.

31 **Sec. 33.** NRS 534A.080 is hereby amended to read as follows:

32 534A.080 1. The ~~[Commission on Mineral Resources]~~
33 *Division* shall impose and collect a fee for examining and filing an
34 application for a permit to drill or operate a geothermal well or to
35 drill an exploratory well. The fee must be deposited with the State
36 Treasurer, for credit to the Account for ~~[the Division of Minerals]~~
37 *Mining* created in the State General Fund pursuant to NRS 513.103.

38 2. The *Commission shall adopt regulations to establish the*
39 *fee required pursuant to subsection 1, which* may be based in part
40 on the number of acres of land being used by the person who holds
41 the permit.

42 3. The ~~[Commission and the]~~ Division ~~[of Minerals]~~ may use
43 the money deposited in the Account for ~~[the Division of Minerals]~~
44 *Mining* pursuant to this section to administer the provisions of this
45 chapter.



1 **Sec. 34.** NRS 534A.090 is hereby amended to read as follows:
2 534A.090 The Commission ~~[on Mineral Resources]~~ may adopt
3 regulations necessary for carrying out the provisions of this chapter.

4 **Sec. 35.** NRS 534B.030 is hereby amended to read as follows:
5 534B.030 “Administrator” means the Administrator of the
6 Division. ~~[of Minerals of the Commission on Mineral Resources.]~~

7 **Sec. 36.** NRS 534B.040 is hereby amended to read as follows:
8 534B.040 “Dissolved mineral resource” means all dissolved or
9 entrained minerals that may be obtained from the naturally
10 occurring liquid or brine in which they are found, including, without
11 limitation, lithium. The term does not include a geothermal resource
12 as defined in ~~[NRS 534A.010.]~~ *section 28 of this act.*

13 **Sec. 37.** NRS 534B.070 is hereby amended to read as follows:
14 534B.070 “Division” means the Division of ~~[Minerals]~~
15 *Environmental Protection* of the ~~[Commission on Mineral]~~ *State*
16 *Department of Conservation and Natural Resources.*

17 **Sec. 38.** NRS 534B.080 is hereby amended to read as follows:
18 534B.080 1. A person may not drill a dissolved mineral
19 resource exploration well without first obtaining a permit from the
20 Administrator and complying with the conditions of the permit.

21 2. To obtain a permit to drill a dissolved mineral resource
22 exploration well, a person must submit an application for a permit to
23 the Administrator in the form and containing such information as
24 prescribed by the Administrator in accordance with regulations
25 adopted pursuant to this chapter.

26 3. An application submitted pursuant to subsection 2 must
27 include:

- 28 (a) The location, design and expected depth of the well;
29 (b) The materials of construction for the well;
30 (c) The status of the land on which the well will be constructed;
31 (d) A plan for monitoring the well and a plan for plugging and
32 abandoning the well in accordance with any regulations adopted
33 pursuant to this chapter;

34 (e) A plan for managing any fluids generated as part of testing
35 or sampling, which must include, without limitation, a description of
36 how the fluids will be managed in accordance with the requirements
37 of chapter 445A of NRS ; ~~[and as required by the Division of~~
38 ~~Environmental Protection of the State Department of Conservation~~
39 ~~and Natural Resources;]~~ and

40 (f) Any other reporting, information or analysis necessary to
41 prevent the migration of fluids between aquifers and the degradation
42 of the water quality in accordance with any regulations adopted
43 pursuant to this chapter.

44 4. In addition to any other requirement of this section, a
45 dissolved mineral resource exploration well or a dissolved mineral



1 resource exploration borehole must be drilled by a person who is
2 licensed to drill wells pursuant to NRS 534.140.

3 5. The issuance of a permit pursuant to NRS 534B.090 does
4 not authorize a person to produce dissolved mineral resources
5 without a water right.

6 **Sec. 39.** NRS 534B.090 is hereby amended to read as follows:

7 534B.090 1. The Administrator shall approve or reject an
8 application for a permit to drill a dissolved mineral resource
9 exploration well within 30 days after the Administrator receives an
10 application in proper form, unless the Administrator determines that
11 the application conflicts with the requirements of NRS 445A.300 to
12 445A.730, inclusive, and any regulations adopted pursuant thereto,
13 or any other laws and regulations administered by the Division . ~~for~~
14 ~~Environmental Protection of the State Department of Conservation~~
15 ~~and Natural Resources.]~~

16 2. A permit issued pursuant to this section must not be
17 effective for more than 2 years, but may be extended one time by
18 the Administrator for an additional 2 years if he or she determines
19 that the permit complies with the requirements of this chapter and
20 any regulations adopted pursuant thereto.

21 3. The Administrator and the State Engineer may hold public
22 hearings jointly or separately to gather such evidence or information
23 as they deem necessary for a full understanding of all the rights
24 involved and to properly guard the public interest. The
25 Administrator must notify the applicant ~~and~~ **and** the State Engineer
26 ~~and the Administrator of the Division of Environmental Protection~~
27 ~~of the State Department of Conservation and Natural Resources]~~ in
28 advance of any hearing held pursuant to this section.

29 4. A permit issued pursuant to this section must include any
30 conditions and reporting requirements deemed necessary by the
31 Administrator.

32 5. The holder of any permit issued pursuant to this section must
33 comply with the requirements of NRS 445A.300 to 445A.730,
34 inclusive, and any regulations adopted pursuant thereto.

35 6. The Administrator shall post any permit which has been
36 approved pursuant to this section on the Internet website of the
37 Division ~~of Minerals]~~ within 5 days after the permit has been
38 approved.

39 **Sec. 40.** NRS 534B.100 is hereby amended to read as follows:

40 534B.100 1. The *State Environmental* Commission ~~on~~
41 ~~Mineral Resources]~~ shall, by regulation, establish a fee to be
42 collected by the Division for examining and filing an application for
43 a permit to drill a dissolved mineral exploration well. The fee must
44 not exceed \$1,500.

45 2. The money collected pursuant to this section:



1 (a) Must be deposited with the State Treasurer for credit to the
2 Account for ~~the Division of Minerals~~ *Mining* created in the State
3 General Fund pursuant to NRS 513.103.

4 (b) May be used only to administer the provisions of this
5 chapter.

6 **Sec. 41.** NRS 534B.120 is hereby amended to read as follows:

7 534B.120 The *State Environmental* Commission : ~~on Mineral~~
8 ~~Resources;~~

9 1. Shall, in coordination with the Division of Water Resources
10 , ~~and the Division of Environmental Protection of the State~~
11 ~~Department of Conservation and Natural Resources,~~ adopt
12 regulations to carry out a program for regulating the drilling and
13 operation of dissolved mineral resource exploration wells and
14 dissolved mineral resource exploration boreholes; and

15 2. May adopt any other regulations necessary to carry out the
16 provisions of this chapter.

17 **Sec. 42.** NRS 41.0331 is hereby amended to read as follows:

18 41.0331 A person, the State of Nevada, any political
19 subdivision of the State, any agency of the State or any agency of its
20 political subdivisions is immune from civil liability for damages
21 sustained as a result of any act or omission by the person, State,
22 political subdivision or agency in constructing, or causing to be
23 constructed, pursuant to standards prescribed by the *State*
24 *Environmental* Commission , ~~on Mineral Resources,~~ a fence or
25 other safeguard around an excavation, shaft, hole or other dangerous
26 condition at an abandoned mine for which the person, State,
27 political subdivision or agency is not otherwise responsible.

28 **Sec. 43.** NRS 235.012 is hereby amended to read as follows:

29 235.012 1. The Director, after consulting with the Director of
30 the Department of Tourism and Cultural Affairs, the Administrator
31 of the Division of Museums and History of the Department of
32 Tourism and Cultural Affairs and the Administrator of the Division
33 of ~~Minerals~~ *Environmental Protection* of the ~~Commission on~~
34 ~~Mineral~~ *State Department of Conservation and Natural*
35 Resources, may contract with a mint to produce medallions made of
36 gold, silver, platinum or nonprecious metals and bars made of gold,
37 silver or platinum.

38 2. The decision of the Director to award a contract to a
39 particular mint must be based on the ability of the mint to:

40 (a) Provide a product of the highest quality;

41 (b) Advertise and market the product properly, including the
42 promotion of museums and tourism in this State; and

43 (c) Comply with the requirements of the contract.



1 3. The Director shall award the contract to the lowest
2 responsible bidder, except that if in his or her judgment no
3 satisfactory bid has been received, the Director may reject all bids.

4 4. All bids for the contract must be solicited in the manner
5 prescribed in NRS 333.310 and comply with the provisions of
6 NRS 333.330.

7 **Sec. 44.** NRS 235.014 is hereby amended to read as follows:

8 235.014 1. The ore used to produce a medallion or bar must
9 be mined in Nevada, if the ore is available. If it is not available, ore
10 newly mined in the United States may be used. Each medallion or
11 bar made of gold, silver or platinum must be 0.999 fine. Additional
12 series of medallions made of gold, silver or platinum at degrees of
13 fineness of 0.900 or greater may be approved by the Director with
14 the concurrence of the Interim Finance Committee. The degree of
15 fineness of the materials used must be clearly indicated on each
16 medallion.

17 2. Medallions may be minted in weights of 1 ounce, 0.5 ounce,
18 0.25 ounce and 0.1 ounce.

19 3. Bars may be minted in weights of 1 ounce, 5 ounces, 10
20 ounces and 100 ounces.

21 4. Each medallion must bear on its obverse The Great Seal of
22 the State of Nevada and on its reverse a design selected by the
23 Director, in consultation with the Director of the Department of
24 Tourism and Cultural Affairs, the Administrator of the Division of
25 Museums and History of the Department of Tourism and Cultural
26 Affairs and the Administrator of the Division of ~~Minerals~~
27 *Environmental Protection* of the ~~Commission on Mineral~~ *State*
28 *Department of Conservation and Natural Resources*.

29 **Sec. 45.** NRS 235.016 is hereby amended to read as follows:

30 235.016 1. The Director shall set and collect a royalty for the
31 use of The Great Seal of the State of Nevada from the mint which
32 produces the medallions or bars. The amount of the royalty must be:

33 (a) Based on the usual and customary fee charged as a
34 commission by dealers of similar medallions or bars; and

35 (b) Adjusted at least once each year to ensure it is competitive
36 with the usual and customary fee.

37 2. The money collected pursuant to this section must be
38 deposited in the Account for ~~the Division of Minerals~~ *Mining*
39 created pursuant to NRS 513.103.

40 **Sec. 46.** NRS 321.5967 is hereby amended to read as follows:

41 321.5967 1. There is hereby created a Board of Review
42 composed of:

43 (a) The Director of the State Department of Conservation and
44 Natural Resources;



1 (b) The Administrator of the Division of Environmental
2 Protection of the State Department of Conservation and Natural
3 Resources;

4 (c) ~~The Administrator of the Division of Minerals of the~~
5 ~~Commission on Mineral Resources;~~

6 ~~(d)~~ The Administrator of the Division of State Parks of the
7 State Department of Conservation and Natural Resources;

8 ~~(e)~~ (d) The State Engineer;

9 ~~(f)~~ (e) The State Forester Firewarden;

10 ~~(g)~~ (f) The Chair of the State Environmental Commission;

11 ~~(h)~~ (g) The Director of the State Department of Agriculture;

12 ~~(i)~~ (h) The Chair of the Board of Wildlife Commissioners;

13 and

14 ~~(j)~~ (i) The Administrator of the Office of Historic Preservation
15 of the State Department of Conservation and Natural Resources.

16 2. The Chair of the State Environmental Commission serves as
17 Chair of the Board.

18 3. The Board shall meet at such times and places as are
19 specified by a call of the Chair. ~~Six~~ Five members of the Board
20 constitute a quorum. The affirmative vote of a majority of the Board
21 members present is sufficient for any action of the Board.

22 4. Except as otherwise provided in this subsection, the
23 members of the Board serve without compensation. The Chair of the
24 State Environmental Commission and the Chair of the Board of
25 Wildlife Commissioners are entitled to receive a salary of not more
26 than \$80, as fixed by the Board, for each day's attendance at a
27 meeting of the Board.

28 5. While engaged in the business of the Board, each member
29 and employee of the Board is entitled to receive the per diem
30 allowance and travel expenses provided for state officers and
31 employees generally.

32 6. The Board:

33 (a) Shall review and approve or disapprove all regulations
34 proposed by the State Land Registrar pursuant to NRS 321.597.

35 (b) May review any decision of the State Land Registrar made
36 pursuant to NRS 321.596 to 321.599, inclusive, if an appeal is taken
37 pursuant to NRS 321.5987, and affirm, modify or reverse the
38 decision.

39 (c) Shall review any plan or statement of policy concerning the
40 use of lands in Nevada under federal management which is
41 submitted by the State Land Use Planning Agency.

42 **Sec. 47.** NRS 362.120 is hereby amended to read as follows:

43 362.120 1. The Department shall, from the statement filed
44 pursuant to NRS 362.110 and from all obtainable data, evidence and
45 reports, compute in dollars and cents the gross yield and net



1 proceeds of the calendar year immediately preceding the year in
2 which the statement is filed.

3 2. The gross yield must include the value of any mineral
4 extracted which was:

- 5 (a) Sold;
- 6 (b) Exchanged for any thing or service;
- 7 (c) Removed from the State in a form ready for use or sale; or
- 8 (d) Used in a manufacturing process or in providing a service,
9 ↪ during that period.

10 3. The net proceeds are ascertained and determined by
11 subtracting from the gross yield the following deductions for costs
12 incurred during that period, and none other:

13 (a) The actual cost of extracting the mineral, which is limited to
14 direct costs for activities performed in the State of Nevada.

15 (b) The actual cost of transporting the mineral to the place or
16 places of reduction, refining and sale.

17 (c) The actual cost of reduction, refining and sale.

18 (d) The actual cost of delivering the mineral.

19 (e) The actual cost of maintenance and repairs of:

20 (1) All machinery, equipment, apparatus and facilities used
21 in the mine.

22 (2) All milling, refining, smelting and reduction works,
23 plants and facilities.

24 (3) All facilities and equipment for transportation except
25 those that are under the jurisdiction of the Public Utilities
26 Commission of Nevada or the Nevada Transportation Authority.

27 (f) Depreciation of the original capitalized cost of the
28 machinery, equipment, apparatus, works, plants and facilities
29 mentioned in paragraph (e). The annual depreciation charge consists
30 of amortization of the original cost in a manner prescribed by
31 regulation of the Nevada Tax Commission. The probable life of the
32 property represented by the original cost must be considered in
33 computing the depreciation charge.

34 (g) All money expended for premiums for industrial insurance,
35 and the actual cost of hospital and medical attention and accident
36 benefits and group insurance for employees actually engaged in
37 mining operations within the State of Nevada.

38 (h) All money paid as contributions or payments under the
39 unemployment compensation law of the State of Nevada, as
40 contained in chapter 612 of NRS, all money paid as contributions
41 under the Social Security Act of the Federal Government, and all
42 money paid to either the State of Nevada or the Federal Government
43 under any amendment to either or both of the statutes mentioned in
44 this paragraph.



1 (i) The costs of employee travel which occurs within the State of
2 Nevada and which is directly related to mining operations within the
3 State of Nevada.

4 (j) The costs of Nevada-based corporate services relating to
5 paragraphs (e) to (i), inclusive.

6 (k) The actual cost of developmental work in or about the mine
7 or upon a group of mines when operated as a unit, which is limited
8 to work that is necessary to the operation of the mine or group of
9 mines.

10 (l) The costs of reclamation work in the years the reclamation
11 work occurred, including, without limitation, costs associated with
12 the remediation of a site.

13 (m) All money paid as royalties by a lessee or sublessee of a
14 mine or well, or by both, in determining the net proceeds of the
15 lessee or sublessee, or both.

16 4. Royalties deducted by a lessee or sublessee constitute part of
17 the net proceeds of the minerals extracted, upon which a tax must be
18 levied against the person to whom the royalty has been paid.

19 5. Every person acquiring property in the State of Nevada to
20 engage in the extraction of minerals and who incurs any of the
21 expenses mentioned in subsection 3 shall report those expenses and
22 the recipient of any royalty to the Department on forms provided by
23 the Department. The Department shall report annually to the
24 ~~["Mining Oversight and Accountability"]~~ *State Environmental*
25 Commission the expenses and deductions of each mining operation
26 in the State of Nevada.

27 6. The several deductions mentioned in subsection 3 do not
28 include any expenditures for salaries, or any portion of salaries, of
29 any person not actually engaged in:

30 (a) The working of the mine;

31 (b) The operating of the mill, smelter or reduction works;

32 (c) The operating of the facilities or equipment for
33 transportation;

34 (d) Superintending the management of any of those operations;

35 (e) The State of Nevada, in office, clerical or engineering work
36 necessary or proper in connection with any of those operations; or

37 (f) Nevada-based corporate services.

38 7. The following expenses are specifically excluded from any
39 deductions from the gross yield:

40 (a) The costs of employee housing.

41 (b) Except as otherwise provided in paragraph (i) of subsection
42 3, the costs of employee travel.

43 (c) The costs of severing the employment of any employees.

44 (d) Any dues paid to a third-party organization or trade
45 association to promote or advertise a product.



1 (e) Expenses relating to governmental relations or to
2 compensate a natural person or entity to influence legislative
3 decisions.

4 (f) The costs of mineral exploration.

5 (g) Any federal, state or local taxes.

6 8. As used in this section, "Nevada-based corporate services"
7 means corporate services which are performed in the State of
8 Nevada from an office located in this State and which directly
9 support mining operations in this State, including, without
10 limitation, accounting functions relating to mining operations at a
11 mine site in this State such as payroll, accounts payable, production
12 reporting, cost reporting, state and local tax reporting and
13 recordkeeping concerning property.

14 **Sec. 48.** NRS 445B.200 is hereby amended to read as follows:

15 445B.200 1. The State Environmental Commission is hereby
16 created within the Department. The Commission consists of:

17 (a) The Director of the Department of Wildlife;

18 (b) The State Forester Firewarden;

19 (c) The State Engineer;

20 (d) The Director of the State Department of Agriculture;

21 (e) ~~The Administrator of the Division of Minerals of the~~
22 ~~Commission on Mineral Resources;~~

23 ~~—(f)~~ A member of the State Board of Health to be designated by
24 that Board; and

25 ~~(g)~~ (f) Five members appointed by the Governor:

26 (1) One of whom is a general engineering contractor or a
27 general building contractor licensed pursuant to chapter 624 of
28 NRS;

29 (2) One of whom possesses expertise in performing mining
30 reclamation; and

31 (3) One of whom possesses experience and expertise in
32 advocating issues relating to conservation.

33 2. The Governor shall appoint the Chair of the Commission
34 from among the members of the Commission.

35 3. A majority of the members constitutes a quorum, and a
36 majority of those present must concur in any decision.

37 4. Each member who is appointed by the Governor is entitled
38 to receive a salary of not more than \$80, as fixed by the
39 Commission, for each day's attendance at a meeting of the
40 Commission.

41 5. While engaged in the business of the Commission, each
42 member and employee of the Commission is entitled to receive the
43 per diem allowance and travel expenses provided for state officers
44 and employees generally.



1 6. Any person who receives or has received during the
2 previous 2 years a significant portion of his or her income, as
3 defined by any applicable state or federal law, directly or indirectly
4 from one or more holders of or applicants for a permit required by
5 NRS 445A.300 to 445A.730, inclusive, is disqualified from serving
6 as a member of the Commission. The provisions of this subsection
7 do not apply to any person who receives, or has received during the
8 previous 2 years, a significant portion of his or her income from any
9 department or agency of State Government which is a holder of or
10 an applicant for a permit required by NRS 445A.300 to 445A.730,
11 inclusive.

12 7. The Department shall provide technical advice, support and
13 assistance to the Commission. All state officers, departments,
14 commissions and agencies, including the Department of
15 Transportation, the Department of Health and Human Services, the
16 Nevada System of Higher Education, the State Public Works Board,
17 the Department of Motor Vehicles, the Department of Public Safety,
18 the Public Utilities Commission of Nevada, the Nevada
19 Transportation Authority and the State Department of Agriculture
20 may also provide technical advice, support and assistance to the
21 Commission.

22 **Sec. 49.** NRS 455.030 is hereby amended to read as follows:

23 455.030 1. If a board of county commissioners receives
24 information from the Division of ~~[Minerals]~~ *Environmental*
25 *Protection* of the ~~[Commission on Mineral]~~ *State Department of*
26 *Conservation and Natural Resources* that there is in the county a
27 dangerous condition that results from mining practices which took
28 place at a mine that is no longer operating, if the information
29 identifies a person responsible for the condition, the board shall
30 transmit this information to the sheriff or the constable of the
31 township where the condition exists.

32 2. Upon receipt of information pursuant to subsection 1 or
33 upon the filing of the notice, as provided for in NRS 455.020, the
34 sheriff or constable shall serve a notice, in the same manner and
35 form as a summons, upon each person identified as owner or
36 otherwise responsible.

37 **Sec. 50.** NRS 455.040 is hereby amended to read as follows:

38 455.040 1. The notice served pursuant to subsection 2 of
39 NRS 455.030 must require the person or persons to appear before
40 the justice of the peace of the township where the hole, excavation,
41 shaft or other condition exists, or any municipal judge who may be
42 acting in the place of the justice of the peace, at a time to be stated
43 therein, not less than 3 days nor more than 10 days from the service
44 of the notice, and show, to the satisfaction of the court, that the
45 provisions of NRS 455.010 to 455.180, inclusive, or the standards



1 established by the *State Environmental* Commission ~~{on Mineral~~
2 ~~Resources}~~ for the abatement of dangerous conditions have been
3 complied with, or if the person or persons fail to appear, judgment
4 will be entered against the person or persons for double the amount
5 required to abate the condition.

6 2. All proceedings had therein must be as prescribed by law in
7 civil cases.

8 3. Such persons, in addition to any judgment that may be
9 rendered against them, are liable and subject to a fine not exceeding
10 the sum of \$250 for each violation of the provisions of NRS
11 455.010 to 455.180, inclusive, which judgments and fines must be
12 adjudged and collected as provided for by law.

13 **Sec. 51.** NRS 455.060 is hereby amended to read as follows:

14 455.060 1. If the notice states that the excavation, shaft or
15 hole has been abandoned, and no person claims the ownership
16 thereof, the sheriff or constable shall notify the board of county
17 commissioners of the county, or any member of the board of county
18 commissioners, of its location. Upon receipt of the notice, or of
19 information from the Division of ~~{Minerals}~~ *Environmental*
20 *Protection* of the ~~{Commission on Mineral Resources}~~ *State*
21 *Department of Conservation and Natural Resources* that there is in
22 the county a dangerous condition resulting from mining practices
23 which took place at a mine that is no longer operating, if the
24 information does not identify any person responsible for the
25 dangerous condition, the board shall, as soon as possible thereafter,
26 decide whether it should be fenced or otherwise guarded to prevent
27 accidents to persons or animals.

28 2. All expenses thus incurred must be paid first out of the
29 judgments collected in accordance with the provisions of NRS
30 455.010 to 455.180, inclusive, in the same manner as other county
31 expenses.

32 **Sec. 52.** 1. Any administrative regulations adopted by an
33 officer or an agency whose name has been changed or whose
34 responsibilities have been transferred pursuant to the provisions of
35 this act to another officer or agency remain in force until amended
36 by the officer or agency to which the responsibility for the adoption
37 of the regulations has been transferred.

38 2. Any contracts or other agreements entered into by an officer
39 or agency whose name has been changed or whose responsibilities
40 have been transferred pursuant to the provisions of this act to
41 another officer or agency are binding upon the officer or agency to
42 which the responsibility for the administration of the provisions of
43 the contract or other agreement has been transferred. Such contracts
44 and other agreements may be enforced by the officer or agency to



1 which the responsibility for the enforcement of the provisions of the
2 contract or other agreement has been transferred.

3 3. Any action taken by an officer or agency whose name has
4 been changed or whose responsibilities have been transferred
5 pursuant to the provisions of this act to another officer or agency
6 remains in effect as if taken by the officer or agency to which the
7 responsibility for the enforcement of such actions has been
8 transferred.

9 **Sec. 53.** If the name of a fund or account is changed pursuant
10 to the provisions of this act, the State Controller shall change the
11 designation of the name of the fund or account without making any
12 transfer of the money in the fund or account. The assets and
13 liabilities of the fund or account are unaffected by the change of the
14 name.

15 **Sec. 54.** The provisions of subsection 1 of NRS 218D.380 do
16 not apply to any provision of this act which adds or revises a
17 requirement to submit a report to the Legislature.

18 **Sec. 55.** The Legislative Counsel shall:

19 1. In preparing the reprint and supplements to the Nevada
20 Revised Statutes, appropriately change any references to an officer,
21 agency or other entity whose name is changed or whose
22 responsibilities are transferred pursuant to the provisions of this act
23 to refer to the appropriate officer, agency or other entity.

24 2. In preparing supplements to the Nevada Administrative
25 Code, appropriately change any references to an officer, agency or
26 other entity whose name is changed or whose responsibilities are
27 transferred pursuant to the provisions of this act to refer to the
28 appropriate officer, agency or other entity.

29 **Sec. 56.** NRS 513.023, 513.025, 513.033, 513.043, 513.053,
30 513.083, 514.035, 514A.010, 514A.020, 514A.030, 514A.040,
31 514A.050, 514A.060, 514A.070, 514A.080, 514A.090, 514A.100
32 and 514A.110 are hereby repealed.

33 **Sec. 57.** This act becomes effective on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

513.023 Creation; appointment of members; terms of
office.

513.025 Composition.

513.033 Compensation of members.

513.043 Officers.



513.053 Meetings; quorum; minutes, audio recordings and transcripts.

513.083 Administrator: Appointment; qualifications; classification; restrictions on other employment.

514.035 Duties of Director.

514A.010 Definitions.

514A.020 "Chair" defined.

514A.030 "Commission" defined.

514A.040 Creation; membership; terms; vacancies.

514A.050 Officers; meetings; quorum; compensation; assignment of staff by Department of Taxation.

514A.060 Duties.

514A.070 Submission of certain reports and other information to Commission.

514A.080 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.

514A.090 Compensation of witnesses.

514A.100 Requests by Commission for special audits and investigations.

514A.110 Review of certain regulations required before becoming effective; reports of findings and recommendations.

