

MOCK-UP

PROPOSED AMENDMENT 3103 TO  
SENATE BILL NO. 108

PREPARED FOR SENATE COMMITTEE ON NATURAL RESOURCES  
FEBRUARY 7, 2009

PREPARED BY THE LEGAL DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed 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 that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

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

- 1     **Section 1.** NRS 517.030 is hereby amended to read as follows:  
2     517.030 1. Within 60 days after posting the notice of location, the  
3 locator of a lode mining claim shall distinctly define the boundaries of the  
4 claim by placing a valid legal monument at each corner of the claim. A  
5 valid legal monument may be created by:  
6     (a) ~~[Removing the top of]~~ *Blazing and marking* a tree, which has a  
7 diameter of not less than 4 inches, not less than 3 feet above the ground ~~;~~  
8 ~~and blazing and marking it.~~  
9     (b) Capping a rock in place with smaller stones so that the rock and  
10 stones have a height of not less than 3 feet; or  
11     (c) Setting a wooden or metal post or a stone.  
12     2. If a wooden post is used, the dimensions of the post must be at  
13 least 1 1/2 inches by 1 1/2 inches by 4 feet, and the post must be set 1 foot  
14 in the ground.  
15     3. If a metal post is used, the post must be ~~[solid, be]~~ at least 2 inches  
16 in diameter by 4 feet in length ~~[ ]~~ and ~~[it must]~~ be set 1 foot in the ground.

1 ~~[[If the metal post is hollow, it must be securely capped.]]~~ If the metal post  
2 is hollow, it must:

3 (a) Be securely capped or crimped in a manner that securely closes  
4 the top of the post; and

5 (b) Have no open perforations.

6 4. If it is practically impossible, because of bedrock or precipitous  
7 ground, to sink a post, it may be placed in a mound of earth or stones. If  
8 the proper placing of a monument is impracticable or dangerous to life or  
9 limb, the monument may be placed at the nearest point properly marked to  
10 designate its right place.

11 5. If a stone is used which is not a rock in place, the stone must be not  
12 less than 6 inches in diameter and 18 inches in length ~~[-]~~ and ~~[[it must]]~~ be  
13 set with two-thirds of its length in the top of a mound of earth or stone 3  
14 feet in diameter and 2 1/2 feet in height.

15 6. ~~[[Durable]]~~ Except as otherwise provided in subsection ~~[[8,]]~~ 7, a  
16 durable plastic pipe that was set before March 16, 1993, for the purpose of  
17 defining the boundaries of a lode mining claim shall be deemed to  
18 constitute a valid legal monument if:

19 (a) The pipe is at least 3 inches in diameter by 4 feet in length ~~[-]~~ and  
20 ~~[[the pipe]]~~ is set 1 foot in the ground; and

21 (b) The pipe is securely capped with no open perforations.

22 7. ~~[[Except as otherwise provided in subsection 8, a hollow metal~~  
23 ~~post that was set before July 1, 2009, for the purpose of defining the~~  
24 ~~boundaries of a lode mining claim shall be deemed to constitute a valid~~  
25 ~~legal monument if:~~

26 ~~—(a) The post is at least 2 inches in diameter by 4 feet in length and is~~  
27 ~~set 1 foot in the ground; and~~

28 ~~—(b) The post is securely capped with no open perforations.~~

29 ~~8.]~~ The locator of a lode mining claim located before March 16, 1993,  
30 the boundaries of which are defined by a durable plastic pipe described  
31 in subsection 6, for a lode mining claim located before July 1, 2009, the  
32 boundaries of which are defined by a hollow metal post described in  
33 subsection 7,]] or his successor in interest, ~~[[may]]~~ shall, on or before ~~[[July~~  
34 1, 2010,]] November 1, 2011, remove the durable plastic pipe ~~[[described in~~  
35 ~~subsection 6]]~~ ~~[[for the hollow metal post]]~~ and replace the monument of  
36 location and the corner monuments with valid legal monuments in the  
37 manner prescribed pursuant to subsection 1. ~~[[The locator or his successor~~  
38 ~~in interest is not required to replace a monument located at the center of a~~  
39 ~~side line.]]~~ ~~[[Within]]~~ If the locator or his successor in interest replaces the  
40 durable plastic pipe on or before that date, the locator or his successor in  
41 interest shall, within 60 days after the replacement, ~~[[the locator of the lode~~  
42 ~~mining claim, or his successor in interest, shall]]~~ record a notice of  
43 remonumentation with the county recorder of the county in which the  
44 claim is located and pay the fee required by NRS 247.305. The notice must  
45 contain:

- 1 (a) The name of the claim;  
2 (b) The book and page number or the document number of the  
3 certificate of location or the most recent amendment to the certificate of  
4 location;  
5 (c) The book and page number or the document number of the map  
6 filed pursuant to NRS 517.040; and  
7 (d) A description of the monument used to replace each monument that  
8 is removed.  
9 ↪ The notice may include more than one claim.  
10 ~~[8.]~~ 8. After November 1, 2011, any durable plastic pipe that is not  
11 removed pursuant to subsection 7 may be unearthed and placed on the  
12 ground immediately adjacent to the location from which it is unearthed  
13 to preserve evidence of its use as a monument for the lode mining claim.  
14 9. The replacement of a durable plastic pipe ~~for a hollow metal post~~  
15 or the recording of a notice pursuant to subsection ~~[7] [8]~~ 7 does not:  
16 (a) Amend or otherwise affect the legal validity of the claim for which  
17 the monuments were created;  
18 (b) Modify the date of location of the claim; or  
19 (c) Require the filing of an additional or amended map pursuant to  
20 NRS 517.040.  
21 **Sec. 2.** This act becomes effective on July 1, 2009.

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