

[Rev. 11/4/2011 3:28:38 PM]

CHAPTER 514A - MINING OVERSIGHT AND ACCOUNTABILITY COMMISSION

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NRS 514A.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 514A.020](#) and [514A.030](#) have the meanings ascribed to them in those sections.
(Added to NRS by [2011, 2691](#))

NRS 514A.020 “Chair” defined. “Chair” means the Chair of the Commission.
(Added to NRS by [2011, 2691](#))

NRS 514A.030 “Commission” defined. “Commission” means the Mining Oversight and Accountability Commission created by [NRS 514A.040](#).
(Added to NRS by [2011, 2691](#))

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

1. There is hereby created the Mining Oversight and Accountability Commission consisting of seven members appointed as follows:

- (a) Two members appointed by the Governor;
- (b) Two members appointed by the Governor from a list of persons recommended by the Majority Leader of the Senate;
- (c) Two members appointed by the Governor from a list of persons recommended by the Speaker of the Assembly; and
- (d) One member appointed by the Governor from a list of persons recommended by the Minority Leader of the Senate or the Minority Leader of the Assembly. The Minority Leader of the Senate shall recommend persons for appointment for the initial term, the Minority Leader of the Assembly shall recommend persons for appointment for the next succeeding term, and thereafter, the authority to recommend persons for appointment must alternate each biennium between the Houses of the Legislature.

2. The Governor, Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate and Minority Leader of the Assembly shall confer before the Governor makes an appointment to ensure that:

- (a) Not more than two of the members are appointed from any one county in this State; and
- (b) Not more than two of the members have a direct or indirect financial interest in the mining industry or are related by blood or marriage to a person who has such an interest.

3. Each member of the Commission serves for a term of 2 years.

4. A vacancy on the Commission must be filled by the Governor in the same manner as the original appointment.

(Added to NRS by [2011, 2691](#))

NRS 514A.050 Officers; meetings; compensation; staff.

1. The Commission shall elect one of its members as Chair and another as Vice Chair, who shall serve for a term of 1 year or until their successors are elected and qualified.

2. The Commission shall meet at least once each calendar quarter and may meet at other times on the call of the Chair or a majority of its members.

3. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

4. While engaged in the business of the Commission, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. The Executive Director of the Department of Taxation shall assign employees of the Department to provide such technical, clerical and operational assistance to the Commission as the functions and operations of the Commission may require.

(Added to NRS by [2011, 2692](#))

NRS 514A.060 Duties. Notwithstanding any other provision of law, the Commission shall provide oversight of compliance with Nevada law relating to the activities of each state agency, board, bureau, commission, department or

division with respect to the taxation, operation, safety and environmental regulation of mines and mining in this State, including, without limitation, the activities of:

1. The Nevada Tax Commission and the Department of Taxation in the taxation of the net proceeds of minerals pursuant to [chapter 362](#) of NRS and [Section 5 of Article 10](#) of the Nevada Constitution.
2. The Division of Industrial Relations of the Department of Business and Industry in administering the provisions of [chapter 512](#) of NRS concerning the safe and healthful working conditions at mines.
3. The Commission on Mineral Resources and the Division of Minerals of the Commission in the administration of the provisions of [chapters 513](#) and [522](#) of NRS concerning the conduct of mining operations and operations for the production of oil, gas and geothermal energy in the State.
4. The Bureau of Mines and Geology of the State of Nevada in the Public Service Division of the Nevada System of Higher Education in its administration of the provisions of [chapter 514](#) of NRS.
5. The Division of Environmental Protection of the State Department of Conservation and Natural Resources in its administration of the provisions of [chapter 519A](#) of NRS concerning the reclamation of mined land, areas of exploration and former areas of mining or exploration.

(Added to NRS by [2011, 2692](#))

NRS 514A.070 Submission of certain reports and other information to Commission. In addition to any other information requested by the Commission pursuant to [NRS 514A.080](#):

1. The Administrator of the Division of Industrial Relations of the Department of Business and Industry shall submit to the Commission at its first regular meeting in each calendar year the report that is required pursuant to [NRS 512.140](#) concerning the functions of the Administrator under [chapter 512](#) of NRS concerning the creation and maintenance of safe and healthful working conditions at mines in this State during the immediately preceding calendar year.

2. The Department of Taxation shall submit to the Commission at the second regular meeting of the Commission in each calendar year:

(a) An audit program identifying each mining operator or other person who is required to file a statement concerning the extraction of minerals in this State pursuant to [NRS 362.100](#) to [362.240](#), inclusive, that the Department intends to audit during the immediately following calendar year;

(b) A report of the results of each audit of a mining operator or other person completed by the Department during the immediately preceding calendar year; and

(c) A report of the status of each audit of a mining operator or other person that is in process at the time of the report.

3. The Division of Environmental Protection of the State Department of Conservation and Natural Resources shall submit to the Commission at its third regular meeting in each calendar year a report concerning the Division's activities concerning the reclamation of mined lands, areas of exploration and former areas of mining or exploration during the immediately preceding calendar year, including, without limitation, an accounting of the amounts of fees collected for permits issued by the Division and any fines imposed by the Division.

(Added to NRS by [2011, 2692](#))

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

1. In conducting the investigations and hearings of the Commission:

(a) The Chair or any member designated by the Chair may administer oaths.

(b) The Chair may cause the deposition of witnesses, residing either within or outside of the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chair may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the Chair may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Commission pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Commission which is named in the subpoena, or has refused to answer questions propounded to the witness,

➤ and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Commission.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why the witness has not attended or testified or produced the books or papers before the Commission. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Commission, the court shall enter an order that the witness appear before the Commission at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

(Added to NRS by [2011, 2693](#))

NRS 514A.090 Compensation of witnesses.

1. Each witness who appears before the Commission by its order, except a state officer or employee, is entitled to receive for such attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this State.

2. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the Chair of the Commission.

(Added to NRS by [2011, 2694](#))

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

1. The Commission may submit a request to the Legislative Commission that the Legislative Auditor be directed to undertake, or to contract with a qualified accounting firm to undertake, a special audit or investigation of the activities of any state agency, board, bureau, commission or political subdivision in connection with the taxation, operation, safety and environmental regulation of mines and mining in this State.

2. The request submitted pursuant to subsection 1 must be accompanied by an explanation of the circumstances that give rise to the request.

(Added to NRS by 2011, 2694)

NRS 514A.110 Review of certain regulations required before becoming effective; reports of findings and recommendations. A permanent regulation adopted by the:

1. Nevada Tax Commission, pursuant to NRS 360.090, concerning any taxation related to the extraction of any mineral in this State, including, without limitation, the taxation of the net proceeds pursuant to chapter 362 of NRS and Section 5 of Article 10 of the Nevada Constitution;

2. Administrator of the Division of Industrial Relations of the Department of Business and Industry for mine health and safety pursuant to NRS 512.131;

3. Commission on Mineral Resources pursuant to 513.063, 513.094 or 519A.290; and

4. State Environmental Commission pursuant to NRS 519A.160,

is not effective unless it is reviewed by the Mining Oversight and Accountability Commission before it is approved pursuant to chapter 233B of NRS by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067. After conducting its review of the regulation, the Mining Oversight and Accountability Commission shall provide a report of its findings and recommendations regarding the regulation to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee to Review Regulations, as appropriate.

(Added to NRS by 2011, 2694)