



UTAH STATE SENATE

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February 3, 2000

Mr. President:

The Education Committee reports a favorable recommendation on **H.B. 223, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS**, by Representative T. Hatch, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Line 6: After "LANDS;" insert "REQUIRING THE TRUST LANDS ADMINISTRATION TO NOTIFY OWNERS OF PREEXISTING MINING CLAIMS ON FEDERAL LANDS WHEN THE LANDS ARE ACQUIRED BY THE STATE;"
2. Page 1, Line 14: After line 14 insert:
"53C-2-104, as last amended by Chapter 202, Laws of Utah 1999"
3. Page 3, Line 87: After line 87 insert:
"Section 2. Section **53C-2-104** is amended to read:
53C-2-104. Preexisting federal mining claims on trust lands -- Filing of notice -- Conclusive evidence of abandonment.
(1) The Legislature recognizes the importance of having an effective state filing system for unpatented federal mining claims located on trust lands prior to the state's acquisition of title that would allow the state to determine the extent of preexisting unpatented mining claims on those lands and eliminate the cloud on the state's title created by abandoned unpatented mining claims, while preserving the rights of owners of valid preexisting unpatented mining claims located on those lands.
(2) (a) When the state acquires title to federal land on which a preexisting mining claim has been located under the general mining laws of the United States, the administration shall send a written notice by certified mail to the owner of the claim.
(b) The administration shall send the notice to the owner's address listed in the mining claim records at the State Office of the United States Bureau of Land Management.

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(c) The notice shall state that:

(i) the state has acquired legal title to the land on which the mining claim is located; and

(ii) the owner of the mining claim must file an annual notice with the administration as required under this section.

~~(2)~~ (3) Prior to January 1, 1998, and annually thereafter on or before December 31, each owner of an unpatented lode mining claim, placer mining claim, mill site claim, or tunnel site claim located pursuant to the general mining laws of the United States on lands now owned of record by the state in trust for the common schools or other beneficiary institutions shall file with the administration a notice as prescribed by Subsection ~~(3)~~ (4).

~~(3)~~ (4) (a) The notice required by Subsection ~~(2)~~ (3) that is filed prior to January 1, 1998, shall include:

- (i) a statement of the owner's intention to hold or abandon the claim;
- (ii) a brief description of the type and nature of the claim;
- (iii) the date the claim was located, and the date the claim was filed of record in county and federal records;
- (iv) a copy of the official record of the notice of location or certificate of location of the claim; and
- (v) a legal description of the claim, by legal subdivision or metes and bounds description, sufficient to locate the claimed lands on the ground.

(b) A notice required by Subsection ~~(2)~~ (3) that is filed after January 1, 1998, shall include:

- (i) the name of the claim; and
- (ii) a statement of the owner's intention to hold or abandon the claim.

~~(4)~~ (5) (a) The administration shall note the existence of all claims for which notices have been filed in the central index of all trust lands required under Section 53C-2-101.

(b) The administration may impose a reasonable filing fee as a condition for accepting the required notices, not to exceed \$50 per claim, to defray the administrative costs of maintaining an index of claims.

~~(5)~~ (6) (a) Failure to file the notice required by this section constitutes an abandonment of the claim by the owner.

(b) Filing of the required notice by one owner of a claim in which multiple persons own or claim interests fulfills the filing requirements of this section.

~~(6)~~ (7) Filing of a notice under this section does not make valid a claim which is otherwise invalid under other applicable law.

~~(7)~~ (8) Acquisition of rights to extract minerals underlying trust lands is governed by Part 4 of this chapter.

~~(8)~~ (9) This section does not waive any fees, filings, or other

requirements imposed by federal law."

Renumber remaining sections accordingly.

Respectfully,

Lorin V. Jones
Committee Chair

Voting: 7-0-1

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