

1 **SCHOOL AND INSTITUTIONAL TRUST**
2 **LANDS MANAGEMENT - FEDERAL MINING**
3 **CLAIMS**

4 1999 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Howard C. Nielson**

7 AN ACT RELATING TO SCHOOL AND INSTITUTIONAL TRUST LANDS; MODIFYING
8 THE INFORMATION REQUIRED ON A NOTICE TO BE FILED WITH THE
9 ADMINISTRATION REGARDING PREEXISTING FEDERAL MINING CLAIMS ON TRUST
10 LANDS.

11 This act affects sections of Utah Code Annotated 1953 as follows:

12 AMENDS:

13 **53C-2-104**, as enacted by Chapter 72, Laws of Utah 1997

14 *Be it enacted by the Legislature of the state of Utah:*

15 Section 1. Section **53C-2-104** is amended to read:

16 **53C-2-104. Preexisting federal mining claims on trust lands -- Filing of notice --**
17 **Conclusive evidence of abandonment.**

18 (1) The Legislature recognizes the importance of having an effective state filing system
19 for unpatented federal mining claims located on trust lands prior to the state's acquisition of title
20 that would allow the state to determine the extent of preexisting unpatented mining claims on those
21 lands and eliminate the cloud on the state's title created by abandoned unpatented mining claims,
22 while preserving the rights of owners of valid preexisting unpatented mining claims located on
23 those lands.

24 (2) Prior to January 1, 1998, and annually thereafter on or before December 31, each owner
25 of an unpatented lode mining claim, placer mining claim, mill site claim, or tunnel site claim
26 located pursuant to the general mining laws of the United States on lands now owned of record by
27 the state in trust for the common schools or other beneficiary institutions shall file with the

28 administration a notice as prescribed by Subsection (3).

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

31 [~~(a)~~] (i) a statement of the owner's intention to hold or abandon the claim;

32 [~~(b)~~] (ii) a brief description of the type and nature of the claim;

33 [~~(c)~~] (iii) the date the claim was located, and the date the claim was filed of record in
34 county and federal records;

35 [~~(d)~~] (iv) a copy of the official record of the notice of location or certificate of location of
36 the claim; and

37 [~~(e)~~] (v) a legal description of the claim, by legal subdivision or metes and bounds
38 description, sufficient to locate the claimed lands on the ground.

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

40 (i) the name of the claim; and

41 (ii) a statement of the owners intentions to hold or abandon the claim.

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

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

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

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

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

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

55 (8) This section does not waive any fees, filings, or other requirements imposed by federal
56 law.

Legislative Review Note

as of 2-10-99 4:35 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel