TITLE 43

MINES AND MINERALS

Chapter 516. Department of Geology and Mineral Industries
517. Mining and Mining Claims
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Chapter 516

1957 REPLACEMENT PART

Department of Geology and Mineral Industries

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516.010 Definitions. As used in this chapter:

(1) "Mine" includes all mineral-bearing properties of whatever kind and character, whether underground, quarry, pit, well, spring or other source from which any mineral substance is obtained.

(2) "Mineral" includes any and all mineral products, metallic and nonmetallic, solid, liquid or gaseous, and mineral waters of all kinds.

(3) "Mineral industries" includes all enterprises engaged in developing and exploiting the natural substances of the earth.

(4) "Geology" means the study of the earth, and in particular the study of the origin, history and topographic form of rocks, ores and minerals, either under the ground or upon the surface, and their alteration by surface agencies, such as wind, water, ice and other agencies, and the economics of their use.

516.020 Creation of department. There is created a State Department of Geology and Mineral Industries.

516.030 Powers and duties of department. The department shall:

(1) Initiate and conduct studies and surveys of the geological and mineral resources of the state and their commercial utility; and conduct as a continuing project a geological survey of Oregon, either as a department undertaking or jointly with federal or other agencies.

(2) Consider and study kindred scientific and economic questions in the field of geology and mining that are deemed of value to the people of Oregon.

(3) Cooperate with federal or other agencies for the performance of work in Oregon deemed of value to the state and of advantage to its people, under rules, terms and conditions to be arranged between the governing board of the department and such agencies. But in no case shall the cost to the department be in excess of the amount appropriated therefor, and the results of any joint undertakings shall be made available without restrictions to this department.

(4) Serve as a bureau of information concerning Oregon mineral resources, mineral industries and geology; by means from time to time selected by the board, conduct a mineral survey of the state, and catalog each and every mineral occurrence and deposit, metallic and nonmetallic, together with its location, production, method of working, name of owner or agent, and other detailed information capable of being tabulated and published in composite form for the use, guidance and benefit of the mineral industry of the state and of the people in general and deemed necessary in compiling mineral statistics of the state.

(5) Collect specimens and samples and develop a museum for their deposition and public exhibitions; collect photographs, models and drawings of appliances in the mines, mills and metallurgical plants of Oregon, and store them in such manner as to be readily viewed or used by the people of the state.

(6) Collect a library of literature describing the geology and mineral deposits, metallic and nonmetallic, of Oregon.

(7) Make qualitative examinations of rocks, mineral samples and specimens.

(8) Study minerals and ores, additional uses for the state's minerals, and explore the possibilities for using improved treatment, processes and mining methods.

516.040 Assays for the public. The department shall make or have made quantitative determinations of ores and minerals when submitted for the purpose, that are from original prospects or properties within the state, and shall mail to the sender the results obtained within 10 working days after receipt of samples. This service shall be performed by the department without charge to the sender and shall be rendered in exchange for information for the records of the department, stating the name and residence of the sender, together with a history of the ore or mineral, giving as nearly as possible the location from which the sample was taken, including the name of the county, and any other matters that may be beneficial touching the same. All determinations made pursuant to this section shall be performed under the following rules, regulations and restrictions:

(1) No samples submitted by engineers sampling prospects or mines for the purpose of evaluation, or submitted by operating mines milling or shipping ore or hiring labor, shall be accepted by the department for assay or analysis, unless taken in the field by members of the department's staff in conducting the work of the department within the scope of this chapter.

(2) The number of samples which any

single person or group of persons may submit shall be limited to two in any 30-day period and all samples shall be assayed or analyzed by the department in the order received, as far as possible.

(3) All information received and results of determinations sent out shall be open to public inspection and may be published by the department.

(4) Before any work is done on the material submitted, all information required must be possessed by the department and the 10-day limit for reports will count from the time such data are received by the department.

516.045 Operation of assay service for Federal Government. The department may enter into contracts or agreements with the Federal Government or any agency thereof, pursuant to which the department shall operate or act as the agent of the Federal Government in the operation of a mineral assay service or similar analytical service, the cost of which is to be reimbursed by the Federal Government.

516.050 Spectrographic laboratory; establishment and operation. The department shall establish, equip and operate a spectrographic laboratory.

516.060 Spectrographic laboratory; duties. The laboratory shall:

(1) Make spectrographic determinations at the request of any department, institution or other agency of the state, without any charge in excess of the actual cost thereof.

(2) Make other spectrographic determinations at a reasonable charge in excess of the actual cost thereof.

516.070 Spectrographic laboratory; disposition of money. All money received by the department from charges for spectrographic determinations, sale of charts and maps and from other sources shall be paid over to the State Treasurer and by him deposited in the General Fund. [Amended by 1957 c.233 §1]

Note: The 1957 amendment to ORS 516.070 takes effect on June 30, 1959. Until June 30, 1959, ORS 516.070 as compiled in the 1953 part for this chapter (replaced in 1957) will remain in effect.

516.080 Governing board; members; terms; vacancies; meetings; compensation. (1) The Department of Geology and Mineral Industries shall be administered by a governing board composed of three citizens of Oregon appointed by the Governor. The members shall be appointed for a term of four years, and all appointments shall be made subject to approval by a two-thirds vote of all members of the Senate. Each member of the board shall receive a certificate of his appointment from the Governor and, before beginning his term of office, shall file with the Secretary of State a constitutional oath of office. Resignations, when made, shall be addressed to and accepted by the Governor, and all vacancies in the board shall be filled by the Governor by appointment for the unexpired term.

(2) In case the office of any member is declared vacant or an appointment is made in the interim between legislative sessions, the Senate shall act through a standing committee of five members to be known as the Mining Board Interim Committee, which committee shall be appointed by the President of the Senate from its members at each session. Within 20 days after the interim appointment by the Governor, the Secretary of State shall call a meeting of the Mining Board Interim Committee to be held at some place mutually satisfactory to the members, and the committee shall act at such meeting or adjournments thereof. Senators shall receive necessary traveling and living expenses in attending and traveling to and from such meetings. All claims for such expenses that are approved by the committee or one of its members authorized so to do shall be paid out of the appropriation for the payment of expenses of the Legislative Assembly providing for such committee. A favorable vote of three of the five members of the interim committee is necessary for confirmation of appointments, and such confirmation shall be subject to the approval of the Senate when it next convenes. If the Governor's choice is disapproved, he shall make another appointment.

(3) The board shall hold stated meetings four times each year and special meetings may be called by the chairman or by a majority of the board. Meetings may be held at the offices of the department, or elsewhere, as may be deemed expedient or desirable.

(4) Each member of the board shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of his official duties.

516.090 General powers and duties of board. (1) The governing board shall accept

from the United States or any of its agencies such funds as may be made available to this state for any of the purposes contemplated by this chapter, and shall enter into such contracts and agreements with the United States or any of its agencies or with Oregon or any of its agencies as may be necessary, proper and convenient, and not contrary to the laws of this state. The governing board may receive on behalf of this state, for the use and benefit of the department, gifts, devises and legacies of real or other property, and use them in accordance with the wishes of the donors, or, in the absence of specific instructions by the donors, manage, use and dispose of the gifts and legacies as may be deemed by the governing board for the best interest of the state.

(2) The board shall have general charge and control of the department, and shall promulgate and publish uniform rules consistent with the terms of this chapter for the conduct of business by the department, which rules may be amended or changed from time to time by the board.

516.100 Reports and publications of board. The governing board shall have prepared, printed and published a biennial report of the activities of the department for the preceding biennium, and also such other reports, pamphlets, charts and maps, embracing detailed descriptions of the geology of the state, its mineral resources, metallic and nonmetallic, and all other investigations within the scope of this chapter, as the interests of the state, the diffusion of knowledge and the advancement of mining and industry demand. All maps, charts, special bulletins and other publications shall be for public distribution; but the board may make a reasonable charge to cover publication and distribution costs. Reports of the department shall be published from time to time, but when a report embodies results of surveys or studies of economic importance, no information of any kind concerning the contents of such report shall be given out prior to publication, if such prior information could place the recipient in a preferential position as regards its use. However, if an investigation of a mineral property within the state is made by an employe of the department at the request of either the owner or a person in control of such property, results of the investigation shall be conveyed to the owner or person in control prior to the publication of a report of such results. After they have been conveyed to the owner or person, the results shall be open to public inspection prior to their publication.

516.110 Properties, equipment and offices. The governing board shall have possession, charge and control of all publications, equipment, samples and properties wherever deposited and vested in any previous agency of the state, of which the department is successor, except such properties as have previously been vested in the state institutions of higher education. The board may purchase or arrange for obtaining office furniture, fixtures and other equipment necessary properly to furnish suitable offices and laboratories for the department, and may rent or lease space for said offices in a convenient location.

516.120 Director; appointment; compensation; qualifications and experience. The position of Director of the Department of Geology and Mineral Industries is created. The governing board shall appoint a director and may contract with him for such time of service, subject to termination by the board, and, unless otherwise provided in ORS 292.317, at such compensation as the best interests of the state may require. The director shall be selected by the board to have supervision and superintendence of the work of the department. He shall be qualified to perform as well as to direct the technical and executive work of the department, and shall be either a geologist with a broad background of mining and engineering experience or a mining engineer with a broad background of geological experience, whose additional qualifications shall be an experience record which includes five years in charge of important work in either mining engineering, geology, or both, and a minimum total experience of 10 years in these fields.

516.130 Duties of director; oath; bond; director and staff not to be interested in mining industry; employment of assistants; plans and budgets; notes and charts; supervision of work; inventory and report. (1) The director shall take and subscribe to the same oath of office as other state officers. He shall receive necessary traveling expenses when traveling on the business of the department. He shall give good and sufficient bond for the faithful performance of his duties, in the sum of $10,000, premium

of which is to be paid by the department. Neither he nor any member of his staff shall acquire a pecuniary interest nor deal in any producing or prospective mineral property of any kind in this state, including oil and gas, nor act as agent or broker for any purchaser, owner, or his agent, of any mineral property, nor accept a commission for any service rendered during the period of employment with the department, if such service is concerned with mining, geology or any mineral industry in this state; nor make any investigation or report of any individual property in this state for purposes of evaluation.

(2) He may employ qualified assistants, specialists, laborers and office employes when necessary in the execution of his plans and the operations of the department, and fix their compensation, with the approval of the governing board. The employes shall be allowed their necessary traveling expenses incurred in the performance of their duties for the department. They shall be employed at the pleasure of the director, subject, however, to any applicable provisions of the State Civil Service Law.

(3) The director shall place before the governing board at each stated meeting, plans and budgets for future projects, with the scope and estimated costs thereof, together with a statement setting forth conditions, progress and estimated cost to that date, of all investigations previously authorized and being conducted. He shall make every effort to complete promptly for publication all notes, charts and maps covering mineral and geological investigations of the department, so that public distribution of same may take place as closely as possible after the completion of field investigations.

(4) He shall have charge of, organize and supervise the work of the department in field and office; he shall have charge of the necessary field and office supplies and equipment; and he shall perform such other duties as may be necessary to carry out the work of the department. He shall maintain a current inventory of all physical properties of the department and make an annual report thereof to the board.

516.140 [Repealed by 1957 c.233 §2]

Note: The repeal of ORS 516.140 takes effect on June 30, 1959. Until June 30, 1959, ORS 516.140 as compiled in the 1953 part for this chapter (replaced in 1957) will remain in effect.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel