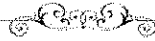


Jefferson Mining District



The Date of March 21, 2013.

COMMENT FOR THE PUBLIC RECORD

HB 2869

HOUSE COMMITTEE ON REVENUE

Because of surprise and lack of adequate time for response to each:
**Please add this token Comment and Summary to the Bill Folder for
HB 2869 and make this notice a part of the Public Record.**

**Resolved: Those of the Assembly of Jefferson Mining District
OPPOSE the Bill** for the following substantial Law-based reasons, time
prejudicially obstructing a more informed response.

Dear House Speaker Tina Kotek, Chair Phil Barnhart, House Committee On Revenue Members:

Introduction.

My name is Ron Gibson. I am duly elected by the Assembly of Jefferson Mining District, to the Office of interim chairman, commenting here in this official capacity. I have 43 years experience in the mineral industry, including engineering, mineral estate possession, mineral extraction, mineral product invention, and research and application of the mining law, including Water Law, more specifically the Water Appropriation Water Doctrine, and of ingress and egress, including highways. Mining districts have governmental power and authority and special expertise privy to the unique subject matter of the mineral estate acknowledged by Congress through prevailing federal legislative enactment. Jefferson Mining District is the largest mining district in America, the jurisdiction of which currently serving thousands of mineral estate and other Mining Law grantees and directly covering 3 states including almost half of the state of Oregon. Jefferson Mining District authority extends to any issue adversely affecting miners or mining law related grantees in the cognizance of Jefferson Mining District, such as is being attempted in any of the current proposed legislation adversely affecting the mineral estate or granted water rights. Being the National Mining Law affects every citizen, Jefferson Mining District serves and responds on behalf of untold millions of Americans now and into the future.

Thank you for this opportunity to respond to the proposed legislation **HB 2869**. Being a compilation of foundational legal precedence law principles and notice for purposes of execution of lawful remedies in the very near future should this committee pass any bill purporting to amend the mining law or other congressional grants, we ask you to give this comment the special consideration it deserves to avoid a disaster were these sorts of bills to become law.

Those of the Assembly of Jefferson Mining District vigorously OPPOSE HB 2869.

Bill Summary.

HB 2869 Authorizes county to charge fee not to exceed actual cost to county of recording certain instruments.

This Bill Appears Vague

This bill appears vague as to how much money it will generate for the County Surveyors.

Moreover, until the state begins again to foster and encourage mining and other productive uses, there is neither claim property in need of survey nor money to pay for a bill appearing merely to create more governments jobs on the backs of no discernable production or need to pay for it.

The Fee Will Go to a Third Party Foreign to the Purpose for a Claim Maintenance Purpose.

The fee is actually going to a third party upon a federally required obligation which should not suffer either third party benefit or penalty and for a purpose not authorized under the expression of the Congressional grant of 1872, the Mining Law, the state is obligated to honor.

Fees and Underlying Statutes Are Unlawful.

Can this committee identify where a mining district ever collected fees to give to another group of people as is being done through the illicit use of the County Recorder, the "*ex officio*" deputy of the mining district? What fees in excess of the cost of recording does an *ex officio* deputy mining district recorder lawfully charge in excess of the cost to record mining related documents? Can this committee identify how a fee is levied lawfully upon the obligations for a previously granted property unassociated with the grant? The Supreme Court holds that there can be none.

Recording and Permits Fees not Lawfully Imposed.

"[T]he Supreme Court defined a fee as a payment made in connection with a voluntary application to a public agency for a grant bestowing a benefit on the applicant not shared by other members of society" Union Pacific Railroad Company, et al., V. Public Utility Commission Of The State Of Oregon; State of Oregon, 1990, adding that "in light of its legislative history and the definition of the term "tax" by the courts, supports the conclusion that Congress did not intend that a levy of the kind imposed by the Oregon statute be included in and thus barred by the section." [emphasis added]; The Mining law contains, as well, no intention by Congress that Oregon impose levy for the property or use of the property granted. The court continuing, That such a fee, purportedly attached "to regulate" "and mitigate the evils incident to the business" is but "a levy to collect the costs of regulation from those regulated is not to be treated as a tax". The fee "the Court held, was not a tax, but "the mere incident of the regulation of commerce". This State, because of the unique nature of the mineral estate, without the political power normally applicable, having no authority to regulate the congressional grant or commerce of the mineral estate or jurisdiction to define the mineral estate or its development as an evil seeking mitigation for which any fee "appropriated in advance to the uses of the statute" would be valid, the statute [or proposed Bill for the same] itself therefore and thereby, is unlawful.

What lawful service is the State purporting it is providing to criminalize a lawful act granted through the exclusive Power of Congress, in favor of an extra fee that the provision for fee in the Bill is lawful?

The Bill unlawfully expands fees for federal property recordings or granted uses beyond the cost of recording to fund foreign projects or the State beyond the benefit bestowed to the applicant. Boondoggles such as the 600 Thousand Dollars Software incompatibility recently exposed in Josephine County should not be borne by the unsuspecting document recording public. By this, the State becomes a parasite on the backs of Congressional grantees and their obligations penalizing them for harms not of their making.

Potentially Unlimited Fee to Record.

The cost of recordation is not determined and could hold required filing claimants hostage to undermined or unsubstantiated costs assessed under "actual cost" to be required for recordation.

If the Bill is Inevitable We Require an Amendment.

While We oppose the bill outright, if there is no other will than for the state to act as a parasite on the backs of people required to file to protect their property we suggest that there be a miner's exemption such as:

"Instruments required by federal or state law to maintain mining claims are exempt."

Oppose the proposed legislation or apply the required amendment.

I and the Assembly of Jefferson Mining District are available to answer your questions.

Thank you for your considered lawful action to the found threat this Bill is.

Ron Gibson.
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To: House Speaker Tina Kotek, Email: Rep.TinaKotek@state.or.us

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