

Jefferson Mining District



The Date of March 17, 2013.

House Rules Committee HB 3304

Because of surprise and lack of adequate time for response please add this token Comment to the Bill Folders for HB 3304 and make this notice a part of the Public Record.

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

House Speaker Tina Kotek, Representative Chris Garrett, and the Members of the House Rules Committee:

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 4 states including the entire 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 potentially adversely affecting the mineral estate obligations and remedies for interference. Being the national Mining Law potentially 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 3304. 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 heritage and customs acknowledged by Congress in the Mining Law, together with expertise in mining law as it pertains to the establishment and maintenance of government, We ask you to give this comment the special consideration it deserves to avoid a potential disaster were these sorts of bills to become law.

Those of the Assembly of Jefferson Mining District vigorously OPPOSE HB 3304.

Time Prejudice.

Trying to render the whole of the mining law into a cogent response to a partial reconstruction of an important part of government, local recordation and accountability, in the form of the proposed bill, hobbled by the inadequate time provided to fully consider and respond, a deprivation of substantial due process on matters of vested property and government trust relationships and obligations, being prejudiced further by the various legislative time constraints and political maneuverings imposed obstructing sufficient notice and opportunity to adequately respond on the important and myriad subject matters involved, We present the following compilation of precedent law and application due diligence which the author or Legislative Council were duty-bound to perform and make a statement to prior to advancing the proposed ill-advised legislation which we require be returned to the Legislative Council for confirmation of lack of conflict with existing federal and state laws and to avoid future litigation.

State Office as “*Ex Officio*” Deputy Mining District Recorder,

The state cannot deny, where it has made laws regulating the establishing of a mining claim not in conflict with the federal property disposal, the Office of the local county clerk became an “*ex officio*” deputy mining district recorder. The Assembly of Jefferson Mining District does not agree with a reorganization of the administration of the office of the County Clerk, including the clerk. The Office of the County clerk is currently directly addressable by the Assembly as any officer of the District. The Assembly does not agree to that added and essentially unnecessary, and expense bureaucratic overburden the Bill purports authority to recommend. Until the state repeals its mining laws regarding recording, which we would strongly oppose, it must maintain consistency with the organizational structure of the Mining District function, that the Clerk is accountable to the people directly the qualification is that of any one elected to the Office generally. We do not believe that the national congressional acknowledgment in the Act of July 26, 1866, as to the Establishment or Organization of a mining district would allow the Legislative Council or this committee to pass legislation interfering with the mineral estate grantees or their government guarantees or as already established in the Oregon Constitution, Article II, Section 18, for their fitness or direct accountability of their officers, including “*ex officio*” or as enjoyed by the people generally.

The Bill sets a dangerous precedent to alter by statute the elective offices of the people placing them into centralize state control, prior locally accountable.

Regarding Section 11. “person's appointment” admits the office previously elected by the people have no say. The compensation paid to the now unelected county clerk, is determined through an unelected budget committee or compensation board. A body foreign to the people of the county “recommend” the compensation paid to the county officer without input of the taxpayer.

Regarding Section 12. The word “elective” has been removed as if to prepare for the elimination of all elective officers. This is an incremental change conducive to unethical intention for a future reorganization contrary to the will of the people or a republican form.

On 1st impression, We oppose this Bill because three of the commissioners are made up

of three person appointed by the Board of Governors of the Oregon State Bar, from among persons admitted to practice law in this state, three others are chosen by the governor completely divesting the people of any say as HJR 32 would divest and implement. We likewise oppose HJR 32 as independently Opposed on a separate though similar Comment.

Where there is no county charter for an election of the clerk this Commission will appoint a clerk, again divesting the public of direct input to an elected office, but for the violative amendment to the constitution removing from the authority of the people the elective office.

Section 9 removes the elective office of the county clerk from the list of mandatory elected officers. NOTE: The Sheriff is on that list. Apparently at some point in the future, they could remove that office as well. We oppose either and both.

Until it could be explained how this bill will not adversely affect the mining district by what appears to be a potentially burdensome secretizing, privatizing, centralizing process, or interfering with the direct election of the people and of a direct right of redress through the federal courts for interference by the clerk for interference of federal rights regarding recording, we of the Assembly of Jefferson Mining District Oppose this legislation.

We Urge the committee deny this affront to a republican form establishment or as we are accustomed and is our mining heritage, direct election.

Oppose the proposed legislation.

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.
Interim Chairman, Jefferson Mining District.
dritecrg@hotmail.com 541 621-5548.

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

cc: House Rules Committee

Chris Garrett, Chair, Email: Rep.ChrisGarrett@state.or.us
Wally Hicks, Vice-Chair Email: Rep.WallyHicks@state.or.us
Val Hoyle, Vice-Chair Email: Rep.ValHoyle@state.or.us
Phil Barnhart Email: Rep.PhilBarnhart@state.or.us
Vicki Berger Email: Rep.VickiBerger@state.or.us
Michael Dembrow Email: Rep.MichaelDembrow@state.or.us
Paul Holvey Email: Rep.PaulHolvey@state.or.us
Bob Jenson Email: Rep.BobJenson@state.or.us
Bill Kennemer Email: Rep.BillKennemer@state.or.us
Staffing:
Erin Seiler Email: erin.seiler@state.or.us
Zoe Larmer Email: zoe.larmer@state.or.us

Exhibit Liaison:

Senate Republican Leader Senator Ted Ferrioli Email: Sen.TedFerrioli@state.or.us