

Senate Bill 370

Sponsored by Senator BATES (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates offense of practicing commercial placer mining without permit. Punishes by maximum of 30 days' imprisonment, \$1,250 fine, or both.

Directs Department of State Lands to establish process for issuing commercial placer mining permits. Imposes permit fee of \$125.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to placer mining; and declaring an emergency.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. (1) In addition to any other permit required by law, a person may not prac-**
4 **tice commercial placer mining in this state unless the person acquires a commercial placer**
5 **mining permit from the Department of State Lands.**

6 **(2) Commercial placer mining taking place under a permit issued under this section:**

7 **(a) May not use a suction nozzle with an inside diameter greater than four inches;**

8 **(b) Must occur upstream of all activities specified in rules adopted by the Director of the**
9 **Department of State Lands;**

10 **(c) Must conform to rules adopted by the director regarding the safe placement of gaso-**
11 **line cans; and**

12 **(d) Must conform to any other rules adopted by the director under this section.**

13 **(3) The department shall establish a process by which the department issues commercial**
14 **placer mining permits. The department shall charge a fee of \$125 for the issuance of a com-**
15 **mercial placer mining permit.**

16 **(4) A commercial placer mining permit expires one year after the date on which the de-**
17 **partment issues the permit.**

18 **(5) Fees received under this section shall be credited to the Common School Fund for use**
19 **by the department in the administration of ORS 196.600 to 196.905.**

20 **(6) The director may adopt rules necessary to implement the provisions of this section.**

21 **(7) As used in this section, "commercial placer mining" has the meaning given that term**
22 **in rules adopted by the director.**

23 **SECTION 2. (1) A person commits the crime of practicing commercial placer mining**
24 **without a permit if the person practices commercial placer mining without acquiring a**
25 **commercial placer mining permit as required by section 1 of this 2013 Act.**

26 **(2) Practicing commercial placer mining without a permit is a Class C misdemeanor.**

27 **SECTION 3. (1) Except as provided in subsection (2) of this section, sections 1 and 2 of**
28 **this 2013 Act become operative on November 1, 2013.**

29 **(2) The Director of the Department of State Lands may adopt rules before the operative**
30

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **date specified in subsection (1) of this section, or take any other action before the operative**
2 **date specified in subsection (1) of this section, that are necessary to implement, on and after**
3 **the operative date specified in subsection (1) of this section, sections 1 and 2 of this 2013 Act.**

4 **(3) Sections 1 and 2 of this 2013 Act apply to conduct occurring on or after the operative**
5 **date specified in subsection (1) of this section.**

6 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
8 **on its passage.**

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