

TITLE 43

MINERAL RESOURCES

- Chapter 516. Department of Geology and Mineral Industries
517. Mining and Mining Claims
520. Conservation of Gas and Oil
522. Geothermal Resources
523. Geothermal Heating Districts

Chapter 516

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Department of Geology and Mineral Industries

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|---------|---|---------|---|
| 516.010 | Definitions | 516.090 | General duties and powers of board; rules |
| 516.020 | Creation of department | 516.100 | Reports and publications of department |
| 516.030 | Duties of department | 516.120 | State Geologist; appointment; qualifications |
| 516.035 | Powers of department | 516.130 | Duties of State Geologist; bond; employment of personnel; report to board |
| 516.070 | Geology and Mineral Industries Account; subaccounts; sources; uses | 516.133 | Prohibited activities; conflicts of interest |
| 516.080 | Governing board; members; term; confirmation; meetings; compensation and expenses; quorum | 516.135 | Avoidance of ground water resource contamination; department actions |

MINERAL RESOURCES

516.010 Definitions. As used in this chapter:

(1) "Board" means the governing board of the State Department of Geology and Mineral Industries established pursuant to ORS 516.080.

(2) "Department" means the State Department of Geology and Mineral Industries established pursuant to ORS 516.020.

(3) "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.

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

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

(6) "Geologic hazard" means a geologic condition that is a potential danger to life and property which includes but is not limited to earthquake, landslide, flooding, erosion, expansive soil, fault displacement, volcanic eruption and subsidence.

(7) "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. [Amended by 1989 c.954 §1; 1993 c.260 §1]

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

516.030 Duties of department. The State Department of Geology and Mineral Industries shall:

(1) Initiate and conduct studies and surveys of the geological and mineral resources of the state and their commercial utility.

(2) Conduct as a continuing project a geological survey of Oregon, including quadrangle geologic mapping, either as a department undertaking or jointly with federal or other agencies.

(3) Initiate, carry out or administer studies and programs that will, in cooperation with universities, federal, state and local government agencies, reduce the loss of life and property by understanding and mitigating geologic hazards. These studies and programs may include but need not be limited to:

(a) Statewide hazard assessment, including identification and mapping of geologic

hazards, estimation of their potential consequences and likelihood of occurrence and monitoring and assessment of potentially hazardous geologic activity;

(b) Studies of paleoseismicity including but not limited to providing evidence of whether prehistoric subduction zone and crustal earthquakes have occurred in Oregon;

(c) Operation of a state seismic network in cooperation with universities or federal agencies or both through the strategic placement of instrumentation to monitor earthquake activity as it occurs; and

(d) Operation of a state geodetic network through the monitoring and periodic survey of markers in order to detect modern deformation of the earth's crust and the subsequent buildup of stress.

(4) 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.

(5) 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 State Department of Geology and Mineral Industries 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.

(6) Serve as a bureau of information and advisory services concerning geologic resources and hazards, including:

(a) Maintaining a library, a public education program and a geologic database;

(b) Maintaining a website that identifies the seismic risk category, as determined under an assessment process approved by the department, for every public kindergarten through grade 12 school and that is updated when the department makes a new assessment or becomes aware of information that could change the conclusions of a previous assessment;

(c) Providing a review of functions;

(d) Providing expert advice to federal, state and local government agencies;

(e) Operating as a clearinghouse for post-hazard event earth science investigations; and

(f) Providing technical assistance to local governments on aggregate mining and reclamation during preparation and amendment of comprehensive plans and land use regulations.

(7) Serve as a bureau of information concerning Oregon mineral resources, mineral industries and geology, 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.

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

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

(10) Study minerals and ores, additional uses for the state's minerals, and explore the possibilities for using improved treatment, processes, mining methods and reclamation techniques for regulated mines and abandoned mined lands.

(11) Establish in the department or in cooperation with universities and other organizations a repository for drill cores and samples considered by the department to be of long term use in developing information. [Amended by 1989 c.954 §2; 1991 c.243 §3; 1993 c.260 §2; 2001 c.104 §225; 2012 c.61 §1]

516.035 Powers of department. The State Department of Geology and Mineral Industries may:

(1) Make or have made qualitative and quantitative determinations of ores and minerals that are submitted for such purpose and that are from within the State of Oregon. The department shall mail to the sender of such ores or minerals the results of such determination as soon as practicable after making such determination. Such services shall be performed by the department at the request of a member of the general public at a reasonable charge.

(2) Perform geological surveys or analyses at the request of any state agency if department funding allows undertaking such surveys or analyses and may make reasonable charges for these services.

(3) Collect and exhibit specimens, samples and photographs, models and drawings of appliances in the mines, mills and metallurgical plants of Oregon.

(4) 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.

(5) Establish, equip and operate a geochemical laboratory which may:

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

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

(6) Enter into contracts or agreements with a person, a public body as defined in ORS 174.109 or the federal government or an agency thereof, pursuant to which the department performs geoscientific surveys or analyses. [1971 c.441 §4; 1973 c.180 §1; 1993 c.260 §3; 2011 c.72 §1]

516.040 [Repealed by 1971 c.441 §6]

516.045 [Repealed by 1993 c.260 §12]

516.050 [Repealed by 1993 c.260 §12]

516.060 [Repealed by 1993 c.260 §12]

516.070 Geology and Mineral Industries Account; subaccounts; sources; uses. (1) There is established in the General Fund of the State Treasury an account to be known as the Geology and Mineral Industries Account. All moneys received by the State Department of Geology and Mineral Industries shall be paid over to the State Treasurer and by the State Treasurer deposited in the General Fund to the credit of the account. All moneys within the account are continuously appropriated for the use of the department in carrying out its lawful functions.

(2) The Federal Locatable Mineral Royalties Subaccount is established within the Geology and Mineral Industries Account. Notwithstanding subsection (1) of this section, all moneys received from the federal government by the State of Oregon as the state's distributive share of the amounts collected for royalties for locatable minerals shall be credited to the subaccount. All moneys in the Federal Locatable Mineral Royalties Subaccount are continuously appropriated to the State Department of Geology and Mineral Industries to conduct investigations of new mineral resources and to carry out the provisions of ORS 517.840 (6).

(3) The State Treasurer may invest and reinvest the moneys in the Federal Locatable Mineral Royalties Subaccount as provided in ORS 293.701 to 293.857. Interest from the moneys deposited in the subaccount and earnings from investment of the moneys in the subaccount shall be credited to the subaccount.

(4) The Mined Land Regulation and Reclamation Program Subaccount is established

within the Geology and Mineral Industries Account. Notwithstanding subsection (1) of this section, all moneys received by the State Department of Geology and Mineral Industries from fees assessed pursuant to ORS 517.800 shall be credited to the subaccount. All moneys in the subaccount are continuously appropriated to the department for the purpose of administering ORS 517.702 to 517.951. [Amended by 1957 c.233 §1; 1961 c.671 §14; 1971 c.441 §5; 1993 c.260 §4; 1995 c.509 §1; 2005 c.650 §2; 2013 c.371 §35]

516.080 Governing board; members; term; confirmation; meetings; compensation and expenses; quorum. (1) The State Department of Geology and Mineral Industries shall be administered by a governing board composed of five citizens of Oregon appointed by the Governor.

(2)(a) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term. The term of a board member shall continue until a successor has been appointed and confirmed.

(b) All appointments shall be made subject to approval by the Senate in the manner provided in ORS 171.562 and 171.565.

(3) The board shall hold meetings four times each year and special meetings may be called by the chairperson or by a majority of the board.

(4) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495.

(5) A majority of the members of the board constitutes a quorum for the transaction of business.

(6) The members of the State Department of Geology and Mineral Industries governing board must be citizens of this state. The members chosen shall, to the greatest extent possible, represent all geographic regions of the state. [Amended by 1961 c.167 §42; 1969 c.314 §61; 1969 c.695 §11; 1983 c.740 §204a; 1993 c.260 §5; 2001 c.75 §1]

516.090 General duties and powers of board; rules. (1) The governing board of the State Department of Geology and Mineral Industries shall:

(a) Direct and review the performance of the State Geologist and the State Department of Geology and Mineral Industries in carrying out its duties and responsibilities pursuant to this chapter and ORS chapters 517, 520 and 522.

(b) Carry out the policies set forth in this chapter and ORS chapters 517, 520 and 522.

(c) Establish policies and approve plans that lead to an understanding of geology and mineral resources of the state, geologic processes and hazards and scientific, economic and tourism issues relating to geology and mineral industries.

(d) At the discretion of the board, 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.

(e) Review and approve budget requests of the department.

(f) In accordance with applicable provisions of ORS chapter 183, adopt rules establishing criteria and procedures by which the department may enter into contracts or agreements pursuant to ORS 516.035 (6), including but not limited to criteria and procedures that ensure protection of the public interest and advance the duties of the department as described in ORS 516.030.

(2) The board may:

(a) In accordance with applicable provisions of ORS chapter 183, adopt rules necessary for the administration of the laws that the board is charged with administering.

(b) 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 board for the best interest of the state. [Amended by 1993 c.260 §6; 2011 c.72 §2]

516.100 Reports and publications of department. (1) The State Department of Geology and Mineral Industries shall have prepared, printed and published reports, pamphlets, charts and maps, embracing the matters addressed in ORS 516.030 and ORS chapters 517, 520 and 522. All maps, charts, special bulletins and other publications shall be for public distribution, but the department may make a reasonable charge to cover publication and distribution costs.

(2)(a) 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.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, if an investigation of a mineral property or geologic hazard within the state is made by an employee 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. [Amended by 1975 c.605 §26; 1993 c.260 §7; 2005 c.22 §373]

516.110 [Repealed by 1993 c.260 §12]

516.120 State Geologist; appointment; qualifications. (1) The position of State Geologist within the State Department of Geology and Mineral Industries is created. In consultation with the Governor, the governing board of the State Department of Geology and Mineral Industries shall appoint the State Geologist.

(2) The State Geologist shall be qualified to perform as well as to direct the technical and executive work of the department as determined by the board and shall be a geologist, engineer or other technical specialist with a broad background of practical experience related to programs of the department. [Amended by 1963 c.192 §1; 1983 c.740 §205; 1993 c.260 §8]

516.130 Duties of State Geologist; bond; employment of personnel; report to board. (1) The State Geologist shall be covered by a bond as set forth in ORS 291.011.

(2) The State Geologist may employ qualified persons subject to any applicable provisions of the State Personnel Relations Law.

(3) The State Geologist shall report to the governing board of the State Department of Geology and Mineral Industries as requested by the board concerning the administration of the State Department of Geology and Mineral Industries.

(4) The State Geologist 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.

(5) The State Geologist shall have charge of, organize and supervise the work of the department and perform such other duties as may be necessary to carry out the work of the department. [Amended by 1991 c.331 §74; 1993 c.260 §9]

516.133 Prohibited activities; conflicts of interest. (1) No member of the staff of the State Department of Geology and Mineral Industries shall hold a direct pecuniary interest in or accept compensation from an industry regulated by the department.

(2) No member of the staff of the department shall:

(a) Hold a direct pecuniary interest in or accept compensation from any producing or prospective mineral operation of any kind of any entity that does business in this state.

(b) Act as agent or broker for any purchaser, owner, or an agent of a purchaser or owner, of any mineral interest.

(c) 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 that does business in this state.

(d) Make any investigation or report of any individual property in this state for purposes of evaluation, except as provided in ORS 516.100.

(3) For purposes of this section:

(a) "Direct pecuniary interest" means a mining claim, stock, royalty interest, partnership, joint venture or other interest over which the employee may control acquisition or disposal of the interest.

(b) "Direct pecuniary interest" does not mean an interest in a mutual fund, retirement fund or other interest described in subsection (1) or (2) of this section over which the employee may not control acquisition or disposal.

(4) The provisions of this section are in addition to and not in lieu of the provisions of ORS chapter 244. [1993 c.260 §11]

516.135 Avoidance of ground water resource contamination; department actions. (1) In carrying out its duties related to mineral resources, mineral industries and geology, the State Department of Geology and Mineral Industries shall act in a manner that is consistent with the goal set forth in ORS 468B.155.

(2) In order to assist in the development of a statewide repository of information about Oregon's ground water resource, the department shall provide any information, acquired by the department in carrying out its statutory duties, that is related to ground water quality to the centralized repository established pursuant to ORS 468B.167. [1989 c.833 §46]

516.140 [Repealed by 1957 c.233 §2]