

HOUSE BILL REPORT

HB 2022

As Passed House:

March 9, 1995

Title: An act relating to the fees, fees in lieu of assessment work or labor requirements, affidavits, or oaths that are necessary to secure mining claims.

Brief Description: Making mining claims.

Sponsors: Representative Fuhrman.

Brief History:

Committee Activity:

Natural Resources: 3/1/95 [DP].

Floor Activity:

Passed House: 3/9/95, 95-0.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass. Signed by 15 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Staff: Linda Byers (786-7129).

Background: Early federal mining laws encouraged mining by providing for ways for interested parties to claim federal land for mining purposes. However, the federal government wanted to discourage the holding of claims without development. As a continuing incentive for claim development, since 1872, the federal government has required that not less than \$100 worth of labor be performed or improvements made each year in order to keep claims active. In recent years, changes to federal mining law allow in some circumstances the payment of a \$100 claim maintenance fee in lieu of the requirement for labor or improvements.

State law also requires a claim holder to be "diligently engaged in the search for minerals." A person must perform not less than \$100 worth of annual assessment work on or for the benefit of the claim in such year or years as required under federal law.

Summary of Bill: State law regarding claims is changed to better mirror the changes in federal mining laws regarding claims. "Diligently engaged" in state law may also mean that a person has paid a fee in lieu of assessment work. When the time arrives each year for a person to show that he or she has performed labor or made improvements to the claim, the person may show an affidavit of labor performed or an affidavit or oath of fee or fees paid to the federal government in lieu of the annual labor requirement. If the federal government has waived both fee and labor requirements, the affidavit will contain a statement to that effect, and the state will not require labor to be performed.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is a clean-up of state law with regard to filing and working mining claims. State law is being changed to match the federal requirements. An informal Attorney General opinion supports this position. This brings state law into compliance with federal law.

Testimony Against: None.

Testified: John Woodring and Tim Olson, Northwest Mining Association; and K.O. Rosenberg, Northeast Tri-Counties (all in favor).