

**1st Sub. S.B. 68**  
**MINING PROTECTION AMENDMENTS**

Representative **Christine F. Watkins** proposes the following amendments:

1. *Page 5, Lines 147 through 148:*

147 industrial protection area, respectively.

**(20) "Residential subdivision" means a lawful division of land into separate fee simple interests:**

**(a) by:**

**(i) a subdivision plat that is:**

**(A) authorized by a county, city, or town; and**

**(B) recorded; or**

**(ii) a lawful conveyance that creates a division of land into ten or more lots with an average size of ten acres or less; and**

**(b) if the authorized use of the subdivided parcels under applicable zoning and subdivision ordinances includes the development of dwellings for residential occupancy.**

148 [(++)] {-(20)-} **(21)** "State agency" means each department, commission, board, council,

2. *Page 6, Lines 151 through 153:*

151 [(+2)] {-(21)-} **(22)** "Unincorporated" means not within a city or town.

152 {-(22)-} **(23)** "Vested mining use" means a mining use:

153 (a) by a mine operator; {~~and~~}

3. *Page 6, Line 155:*

155 prohibits, restricts, or otherwise limits a mining use {~~;~~} **; and**

**(c) that is at least one mile away from a residential subdivision.**

4. *Page 9, Line 250:*

250 mining use to comply with {~~the generally applicable,~~} reasonable health and safety regulations and  
**setback ordinances, residential zoning ordinances,**

5. *Page 9, Line 269:*

269 law and regulations **and all applicable ordinances and regulations enacted by a political subdivision** is  
presumed to be operating within sound mining practices.

6. *Page 10, Line 275:*

275 land within the vicinity of the vested mining use , if the vested mining use does not result in off-site contamination or an off-site release of pollutants .

7. *Page 11, Line 310*

*Senate 2nd Reading Amendments*

*3-9-2009:*

310 use {~~existed or was conducted or otherwise engaged in~~} lawfully operated:  
(i) within a permit area authorized by the division but at least one mile away from a residential subdivision; and  
(ii) before a political subdivision prohibits,

8. *Page 11, Line 313*

*Senate 2nd Reading Amendments*

*3-9-2009:*

313 of proof to show by {~~clear and convincing~~} a preponderance of the evidence that the vested mining use has not been

9. *Page 12, Line 356*

*Senate 2nd Reading Amendments*

*3-9-2009:*

356 vested mining use to new land , if the expansion conforms with all applicable:  
(i) federal or state laws and regulations; and  
(ii) ordinances enacted by a political subdivision .