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1	REGULATION OF MINING OPERATIONS
2	2011 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Michael E. Noel
5	Senate Sponsor: David P. Hinkins
6	L ONG TIME T
7	LONG TITLE
8	General Description:
9	This bill amends provisions relating to regulation of mining operations on state and
10	federal land.
11	Highlighted Provisions:
12	This bill:
13	 provides that political subdivisions of the state do not have the authority to regulate
14	mining operations on state and federal land; and
15	 makes technical corrections.
16	Money Appropriated in this Bill:
17	None
18	Other Special Clauses:
19	None
20	Utah Code Sections Affected:
21	AMENDS:
22	40-8-5, as last amended by Laws of Utah 1995, Chapter 299
23	
24	Be it enacted by the Legislature of the state of Utah:
25	Section 1. Section 40-8-5 is amended to read:
26	40-8-5. Authority to enforce chapter Coordination of procedures Department
27	of Environmental Quality.
28	(1) (a) The board and the division have jurisdiction and authority over all persons and
29	property, both public and private, necessary to enforce this chapter.

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(b) [Any] The delegation of authority to [any other] a state officer, board, division, commission, or agency to administer [any or all other laws] a law of this state relating to mined land reclamation is withdrawn and the authority is unqualifiedly conferred upon the board and division as provided in this chapter.

- (c) Nothing in this chapter[, however, shall affect in any way] affects the right of [the] a landowner, or [any] a public agency having proprietary authority under other provisions of law, to administer lands within the state, to include conditions in [any] a lease, license, bill of sale, deed, right-of-way, permit, contract, or other instrument, [conditions as appropriate, provided that] if the conditions are consistent with this chapter and the rules adopted under [it] this chapter.
- (2) (a) [Where] If federal or local laws or regulations require operators to comply with mined land reclamation procedures separate from those provided for in this chapter, the board and division shall make every effort to have its rules and procedures accepted by the other governing bodies as complying with their respective requirements.
- (b) [The objective in coordination is] The provisions of Subsections (2)(a) and (d) are established to minimize the need for operators and prospective operators to [undertake duplicating] comply with duplicative, overlapping, or conflicting [compliance procedures] requirements.
- (c) Nothing in this chapter authorizes a political subdivision of the state to impose a condition or restriction on a mining operation located on state or federal land that is not imposed by a federal or state agency on the mining operation.
- (d) An ordinance or regulation issued by a political subdivision of the state that is more restrictive than a permit issued under this chapter for a mining operation on state or federal land is unenforceable.
- (3) Nothing in this chapter is intended to abrogate or interfere with [any] the powers or duties of the Department of Environmental Quality.