



UTAH STATE SENATE

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March 11, 2019

Mr. President,

The Business and Labor Committee reports a favorable recommendation on **2nd Sub. H.B. 288, CRITICAL INFRASTRUCTURE MATERIALS**, by Representative L. Wilde, with the following amendments:

1. *Page 3, Line 87:*

87 operations **permitted by the municipality,** existed or was conducted or otherwise
engaged in before a political subdivision

2. *Page 4, Line 99 through 119:*

99 10-9a-903. Rights of a critical infrastructure materials operator with a vested
100 critical infrastructure materials operations {~~--Expanding vested critical~~
infrastructure
101 **materials operations.**
102 ~~—(1)~~} Notwithstanding a political subdivision's prohibition, restriction, or other
limitation
103 on a critical infrastructure materials operations adopted after the establishment of the
critical
104 infrastructure materials operations, the rights of a critical infrastructure materials operator
with
105 vested critical infrastructure materials operations include the right to:
106 {~~(a)~~} **(1)** use, operate, construct, reconstruct, restore, maintain, repair,
alter, substitute.

Bill Number



HB0288S02

Action Class



S

Action Code



SCRAMD

107 modernize, upgrade, and replace equipment, processes, facilities, and buildings on any
108 surface
109 or subsurface land that the critical infrastructure materials operator owns or controls; and
110 {~~(b)~~ (2) discontinue, suspend, terminate, deactivate, or continue and
111 reactivate, temporarily
112 or permanently, all or any part of the critical infrastructure materials operations.
113 ~~{(2) A vested critical infrastructure materials operator may expand a vested~~
114 ~~critical~~
115 ~~infrastructure materials operation only if:~~
116 ~~— (a) the land to which the vested critical infrastructure materials operator~~
117 ~~expands is~~
118 ~~contiguous with land that the vested critical infrastructure materials operator owns~~
119 ~~or controls;~~
120 ~~— (b) the vested critical infrastructure materials operator owns or leases the land~~
121 ~~to which~~
122 ~~the vested critical infrastructure materials operator expands as of February 1, 2019;~~
123 ~~— (c) the land is zoned for vested critical infrastructure materials operations;~~
124 ~~and~~
125 ~~— (d) the expansion is in accordance with a legal nonconforming use or a permit~~
126 ~~issued~~
127 ~~—~~
128 ~~by the municipality. }~~

3. *Page 6, Line 168:*

168 critical infrastructure materials operations if the critical infrastructure materials
169 operations **permitted by the county,**

4. *Page 7, Line 181 through 201:*

181 17-27a-1003. Rights of a critical infrastructure materials operator with a vested
182 critical infrastructure materials operations {~~— Expanding vested critical~~

infrastructure

183 ~~materials operations.~~

184 ~~— (1) } Notwithstanding a political subdivision's prohibition, restriction, or other
limitation~~

185 ~~on a critical infrastructure materials operations adopted after the establishment of the
critical~~

186 ~~infrastructure materials operations, the rights of a critical infrastructure materials operator
with~~

187 ~~vested critical infrastructure materials operations include the right to:~~

188 ~~{ (a) } (1) use, operate, construct, reconstruct, restore, maintain, repair,
alter, substitute,~~

189 ~~modernize, upgrade, and replace equipment, processes, facilities, and buildings on any
surface~~

190 ~~or subsurface land that the critical infrastructure materials operator owns or controls; and~~

191 ~~{ (b) } (2) discontinue, suspend, terminate, deactivate, or continue and
reactivate, temporarily~~

192 ~~or permanently, all or any part of the critical infrastructure materials operations.~~

193 ~~{ (2) A vested critical infrastructure materials operator may expand a vested
critical~~

194 ~~infrastructure materials operator only if:~~

195 ~~— (a) the land to which the vested critical infrastructure materials operator
expands is~~

196 ~~contiguous with land that the vested critical infrastructure materials operator owns
or controls;~~

197 ~~— (b) the vested critical infrastructure materials operator owns or leases the land
to which~~

198 ~~the vested critical infrastructure materials operator expands as of February 1, 2019;~~

199 ~~— (c) the land is zoned for vested critical infrastructure materials operations;
and~~

200 ~~— (d) the expansion is in accordance with a legal nonconforming use or a permit
issued~~

201 ~~by the county. }~~

5. *Page 14, Line 416:*

416 protection area is {~~an administrative~~} a legislative act.

Respectfully,

Curtis S. Bramble
Chair

Voting: 5-2-1

5 HB0288.SC1.wpd 3/11/19 4:5 pm asweet/AJS PO/BJB