

**2nd Sub. H.B. 288**  
**CRITICAL INFRASTRUCTURE MATERIALS**

Senator **Daniel McCay** proposes the following amendments:

1. *Page 4, Line 99 through Page 5, Line 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,  
107 modernize, upgrade, and replace equipment, processes, facilities, and buildings on any surface  
108 or subsurface land that the critical infrastructure materials operator owns or controls; and  
109           {(b)} (2) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily  
110 or permanently, all or any part of the critical infrastructure materials operations.  
111           ~~{(2) A vested critical infrastructure materials operator may expand a vested critical~~  
112 ~~infrastructure materials operation only if:~~  
113 ~~—— (a) the land to which the vested critical infrastructure materials operator expands is~~  
114 ~~contiguous with land that the vested critical infrastructure materials operator owns or controls;~~  
115 ~~—— (b) the vested critical infrastructure materials operator owns or leases the land to which~~  
116 ~~the vested critical infrastructure materials operator expands as of February 1, 2019;~~  
117 ~~—— (c) the land is zoned for vested critical infrastructure materials operations; and~~  
118 ~~—— (d) the expansion is in accordance with a legal nonconforming use or a permit issued~~  
119 ~~by the municipality.~~}

2. *Page 7, Lines 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.~~ }