

Representative Casey Snider proposes the following substitute bill:

CRITICAL INFRASTRUCTURE AND MINING

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill addresses issues related to critical infrastructure materials and mining.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a study by the Division of Oil, Gas, and Mining of critical infrastructure materials operations and related mining;
- ▶ outlines who the division shall cooperate with in conducting the study;
- ▶ requires reporting;
- ▶ provides a sunset date; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-217, as last amended by Laws of Utah 2023, Chapter 96



26 ENACTS:

27 17-41-102, Utah Code Annotated 1953



29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **17-41-102** is enacted to read:

31 **17-41-102. Study of critical infrastructure materials operations and related**
32 **mining.**

33 (1) As used in this section:

34 (a) "Association of governments" means an association of political subdivisions
35 established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal
36 Cooperation Act.

37 (b) "Metropolitan planning organization" means an organization established under 23
38 U.S.C. Sec. 134.

39 (c) "Related mining" means a mining use related to the critical infrastructure materials
40 operations industry.

41 (d) "Relevant area" means the area included within the boundaries of:

42 (i) a county of the first, second, or third class;

43 (ii) a metropolitan planning organization; or

44 (iii) an association of governments that has as a member a county of the first, second,
45 or third class.

46 (2) The division shall conduct a study of critical infrastructure materials operations and
47 related mining that includes:

48 (a) an inventory of critical infrastructure materials operations and related mining within
49 the relevant area as of May 1, 2024, to include:

50 (i) both the number and location of critical infrastructure materials operations; and

51 (ii) levels of production;

52 (b) an inventory of new critical infrastructure materials operations and related mining
53 that may be created by either the establishment of critical infrastructure materials operations or
54 related mining on or after May 1, 2024, or the expansion of existing critical infrastructure
55 materials operations or related mining on or after May 1, 2024, taking into consideration:

56 (i) zoning; and

- 57 (ii) supply in the market;
- 58 (c) an assessment of projected future demand for critical infrastructure materials within
- 59 the relevant area, including:
- 60 (i) the effects of residential and commercial development; and
- 61 (ii) known planned projects, such as transportation projects;
- 62 (d) an analysis of the financial costs related to transporting and distributing critical
- 63 infrastructure materials to and from the relevant area;
- 64 (e) an analysis of the impacts of critical infrastructure materials operations and related
- 65 mining on local infrastructure within the relevant area and possible mitigation of those impacts;
- 66 (f) an analysis of the regulatory requirements faced by critical infrastructure materials
- 67 operations; and
- 68 (g) the study of whether critical infrastructure materials operations should be licensed,
- 69 permitted, or otherwise authorized or regulated by the division, another state agency, or local
- 70 government.
- 71 (3) In conducting the study, the division shall work cooperatively with:
- 72 (a) the Utah League of Cities and Towns;
- 73 (b) the Utah Association of Counties;
- 74 (c) the Department of Transportation;
- 75 (d) the critical infrastructure materials industry;
- 76 (e) the related mining industry;
- 77 (f) the real estate development industry;
- 78 (g) the home builders industry;
- 79 (h) a local metropolitan planning organization;
- 80 (i) at least two representatives from counties of the first, second, or third class; and
- 81 (j) at least two representatives from municipalities located within a county of the first,
- 82 second, or third class.
- 83 (4) The division shall complete the study required by this section by no later than
- 84 September 1, 2024, and report the division's findings to the Natural Resources, Agriculture,
- 85 and Environment Interim Committee by no later than the September 2024 interim meeting of
- 86 that committee.
- 87 (5) Notwithstanding other provisions of this section, the division may not include in

88 the division's study any critical infrastructure materials resources within the relevant area if
89 those critical infrastructure materials resources are only extracted for use within an existing
90 mining operation and not offered for sale to the public.

91 Section 2. Section **63I-1-217** is amended to read:

92 **63I-1-217. Repeal dates: Title 17.**

93 (1) Title 17, Chapter 21a, Part 3, Administration and Standards, which creates the Utah
94 Electronic Recording Commission, is repealed July 1, 2022.

95 (2) In relation to Section **17-31-2**, on July 1, 2023:

96 (a) Subsection **17-31-2(1)(g)**, which defines "economic diversification activity," is
97 repealed;

98 (b) Subsection **17-31-2(2)(a)(iii)**, relating to establishing and promoting an economic
99 diversification activity, is repealed;

100 (c) Subsection **17-31-2(7)(b)(i)** is amended to read:

101 "(i) for a purpose described in Subsection (2)(a) and subject to the limitation described
102 in Subsection (7)(d), the greater of:"; and

103 (d) Subsection **17-31-2(7)(d)(ii)**, relating to a limitation on the expenditure of revenue
104 for an economic diversification activity, is repealed.

105 (3) Subsection **17-31-5.5(2)(a)(i)(E)**, relating to economic diversification activity, is
106 repealed July 1, 2023.

107 (4) Section **17-41-102**, requiring a study of critical infrastructure materials operations
108 and related mining, is repealed July 1, 2026.

109 Section 3. **Effective date.**

110 This bill takes effect on May 1, 2024.