

HB0502S01 compared with HB0502

~~{deleted text}~~ shows text that was in HB0502 but was deleted in HB0502S01.

inserted text shows text that was not in HB0502 but was inserted into HB0502S01.

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Representative Casey Snider proposes the following substitute bill:

CRITICAL INFRASTRUCTURE AND MINING

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: {} Casey Snider

Senate Sponsor: {} _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ ~~{addresses}~~ defines terms;
- ▶ requires a study by the ~~{treatment}~~ Division of Oil, Gas, and Mining of critical infrastructure materials operations and ~~{mining operations by political subdivisions;~~
- ▶ ~~requires counties to adopt plans related to critical infrastructure materials;~~ and related mining;
- ▶ outlines who the division shall cooperate with in conducting the study;
- ▶ requires reporting ~~{}~~;
- ▶ provides a sunset date; and

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▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

631-1-217, as last amended by Laws of Utah 2023, Chapter 96

ENACTS:

~~{17-41-402.2}~~ 17-41-102, Utah Code Annotated 1953

~~{ 17-41-402.3, Utah Code Annotated 1953~~



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

Section 1. Section ~~{17-41-402.2}~~ 17-41-102 is enacted to read:

~~{17-41-402}~~ 17-41-102. ~~{2. Treatment}~~ Study of critical infrastructure materials operations and ~~{mining operations as a permitted or conditional use -- Political subdivision utility services.~~

~~—— (1) (a) By no later than December 31, 2024, the ordinances of a political subdivision shall allow critical infrastructure materials operations and mining operations as a permitted or conditional use, subject to standards that are:~~

~~—— (i) determined by the political subdivision; and~~

~~—— (ii) consistent with this chapter.~~

~~—— (b) A political subdivision whose ordinances do not comply with Subsection (1)(a) by December 31, 2024, is considered to allow critical infrastructure materials operations and mining operations as a permitted use without regard to any contrary provision in the} related mining.~~

(1) As used in this section:

(a) "Association of governments" means an association of political subdivisions {and use ordinances.

~~—— (c) A political subdivision may not restrict, prohibit, or impose a condition that would unreasonably limit critical infrastructure materials operations or mining operations.~~

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~~— (d) Subsection (1)(a) shall apply to all zones within a political subdivision that have land that is located:~~

~~— (i) at least 1,000 feet from a dwelling or house; and~~

~~— (ii) within 500 feet from rail or an interstate highway.~~

~~— (c) A condition determined by a political subdivision to apply to critical infrastructure materials operations or mining operations shall provide a reasonable opportunity to operate the critical infrastructure materials operations or mining operations. A standard in effect on May 1, 2024, that unreasonably restricts, prohibits, or limits critical infrastructure materials operations or mining operations, including overlay zoning, does not apply to critical infrastructure materials operations or mining operations.~~

~~— (f) A political subdivision may not prohibit the transporting, unloading, loading, transfer, extraction, development, processing, storage, or sale of a natural resource on or within critical infrastructure materials operations or mining operations.~~

~~— (2) (a) A political subdivision shall provide utility service to critical infrastructure materials operations or mining operation if:~~

~~— (i) the critical infrastructure materials operations or mining operations are situated within the service area of the political subdivision;~~

~~— (ii) (A) the political subdivision provides the same utility service to land within a 2-mile radius of the critical infrastructure materials operations or mining operations outside the service area of the political subdivision; and~~

~~— (B) the political subdivision has source capacity to provide the utility service; or~~

~~— (iii) the political subdivision can reasonably provide the utility service} established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.~~

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

(c) "Related mining" means a mining use related to the critical infrastructure materials operations ~~{or mining operations without material detrimental impact to other customers of the political subdivision, regardless of whether the critical infrastructure materials operations or mining operations are situated within the service area of the political subdivision.~~

~~— (b) The operator} industry.~~

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

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

(ii) a metropolitan planning organization; or

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

(2) The division shall conduct a study of critical infrastructure materials operations ~~for~~and related mining ~~operations shall pay reasonable costs for a utility service described in~~ Subsection (2)(a):

~~_____ (c) A political subdivision shall provide the level and quality of utility service within} that includes:~~

(a) an inventory of critical infrastructure materials operations ~~for~~and related mining ~~operations that are fairly and reasonably consistent with the level and quality of utility service that the political subdivision provides to other similarly situated areas:~~

~~_____ (d) A political subdivision may charge reasonable impact fees to the critical infrastructure materials operations or mining operations in accordance with Title 11, Chapter 36a, Impact Fees Act, for the costs of expanding the political subdivision's utility infrastructure necessary to utility service a critical infrastructure materials operations or mining operations:~~

~~_____ Section 2. Section 17-41-402.3 is enacted to read:~~

~~_____ 17-41-402.3. County plan for critical infrastructure materials and permitted operations:~~

~~_____ (1) (a) By no later than November 30, 2024, a county legislative body shall adopt a critical infrastructure materials plan meeting the requirements of Subsection (2) that provides for how the county will ensure that there is adequate critical infrastructure materials operations in the county to supply the demand for critical infrastructure measured by the county's population}within the relevant area as of May 1, 2024, ~~{and the county's projected population in 2044:~~~~

~~_____ (b) A county shall update the plan described in Subsection (1)(a) every five years measuring the demand for critical infrastructure materials based on the county's population in the year the updated plan is adopted and the county's projected population 20 years from the year the updated plan is adopted:~~

~~_____ (2) The plan required by this section shall include:~~

~~_____ (a) an assessment of critical infrastructure materials production within the county as of~~

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~~the year the plan is adopted, including:~~

~~—— (i) levels of production;~~

~~—— (ii) }to include:~~

~~(i) both the number and location of critical infrastructure materials operations {in the county}; and~~

~~{(iii) costs related to transporting and distributing} ii) levels of production;~~

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

~~(i) zoning; and~~

~~(ii) supply in the market;~~

~~{(b)}c) an assessment of projected future demand {through at least 20 years from} for critical infrastructure materials within the {year the plan is adopted} relevant area, including:~~

~~(i) the effects of residential and commercial development {in the county}; and~~

~~(ii) known planned projects, such as transportation projects; {and}~~

~~{(iii) maintenance of existing infrastructure;~~

~~—— (c) how the county plans to maintain adequate production}d) an analysis of the financial costs related to transporting and distributing critical infrastructure materials to and from the relevant area;~~

~~(e) an analysis of the impacts of critical infrastructure materials {to meet the demand described in Subsection (2)(b) through 20 years from the year the plan is adopted, including how the county plans to:~~

~~—— (i) allow for} operations and related mining on local infrastructure within the relevant area and possible mitigation of those impacts;~~

~~(f) an analysis of the regulatory requirements faced by critical infrastructure materials operations; and~~

~~(g) the study of whether critical infrastructure materials operations {being located in areas within the county that are reasonably near where} should be licensed, permitted, or otherwise authorized or regulated by the division, another state agency, or local government.~~

~~(3) In conducting the study, the division shall work cooperatively with:~~

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- (a) the Utah League of Cities and Towns;
- (b) the Utah Association of Counties;
- (c) the Department of Transportation;
- (d) the critical infrastructure materials ~~}will be needed;~~
- ~~(ii) allow for establishment of new }industry;~~
- (e) the related mining industry;
- (f) the real estate development industry;
- (g) the home builders industry;
- (h) a local metropolitan planning organization;
- (i) at least two representatives from counties of the first, second, or third class; and
- (j) at least two representatives from municipalities located within a county of the first, second, or third class.

(4) The division shall complete the study required by this section by no later than September 1, 2024, and report the division's findings to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the September 2024 interim meeting of that committee.

(5) Notwithstanding other provisions of this section, the division may not include in the division's study any critical infrastructure materials ~~}operations or expansion of existing }~~resources within the relevant area if those critical infrastructure materials ~~}operations when other existing }~~resources are only extracted for use within an existing mining operation and not offered for sale to the public.

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

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

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

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

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

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

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

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

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

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

(4) Section 17-41-102, requiring a study of critical infrastructure materials operations {are no longer viable; and

—— (iii) allow for critical infrastructure materials operations that produce critical infrastructure materials that are of a quality that the critical infrastructure materials may be used in construction; and

—— (d) how the county plans to address any other circumstance that the county believes relates to ensuring adequate critical infrastructure materials operations.

—— (3) (a) A county shall report the county's plan that meets the requirements of this section to the Legislative Management Committee by no later than December 31, 2024, and shall report updated plans every five years by December 31 of the year that the updated plan is adopted.

—— (b) Notwithstanding Subsection (3)(a), the counties may coordinate the reports required under this Subsection (3) with the Utah Association of Counties if the Utah Association of Counties agrees to provide a single consolidated report} and related mining, is repealed July 1, 2026.

Section 3. **Effective date.**

This bill takes effect on May 1, 2024.