

Casey Snider proposes the following substitute bill:

**Mining and Critical Infrastructure Materials Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill addresses mining and critical infrastructure materials operations.

**Highlighted Provisions:**

This bill:

- modifies definitions;
- changes vested critical infrastructure materials use provisions to make them more similar to vested mining provisions;
- addresses operations on new land;
- amends provisions related to vested mining operations;
- repeals study requirements; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 10-9a-901**, as enacted by Laws of Utah 2019, Chapter 227
- 10-9a-902**, as enacted by Laws of Utah 2019, Chapter 227
- 10-9a-903**, as enacted by Laws of Utah 2019, Chapter 227
- 10-9a-905**, as enacted by Laws of Utah 2019, Chapter 227
- 17-27a-1001**, as enacted by Laws of Utah 2019, Chapter 227
- 17-27a-1002**, as enacted by Laws of Utah 2019, Chapter 227
- 17-27a-1003**, as enacted by Laws of Utah 2019, Chapter 227
- 17-27a-1005**, as enacted by Laws of Utah 2019, Chapter 227

29 **17-41-101**, as last amended by Laws of Utah 2024, Chapter 70  
 30 **17-41-402**, as last amended by Laws of Utah 2019, Chapter 227  
 31 **17-41-502**, as enacted by Laws of Utah 2009, Chapter 376  
 32 **78B-6-1101**, as last amended by Laws of Utah 2021, Chapter 207

33 REPEALS:

34 **17-41-102**, as enacted by Laws of Utah 2024, Chapter 87

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

37 Section 1. Section **10-9a-901** is amended to read:

38 **10-9a-901 . Definitions.**

39 As used in this part:

- 40 (1) "Contiguous land" means surface or subsurface land that shares a common boundary  
 41 and is not separated by a highway as defined in Section 41-6a-102.
- 42 (2) "Critical infrastructure materials" means sand, gravel, or rock aggregate.
- 43 ~~[(2)]~~ (3) "Critical infrastructure materials ~~[operations]~~ use" means the extraction, excavation,  
 44 processing, or reprocessing of critical infrastructure materials.
- 45 ~~[(3)]~~ (4) "Critical infrastructure materials operator" means a natural person, corporation,  
 46 association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary,  
 47 agent, or other organization or representative, either public or private, including a  
 48 successor, assign, affiliate, subsidiary, and related parent company, that:
- 49 (a) owns, controls, or manages a critical infrastructure materials ~~[operations]~~ use; and
- 50 (b) has produced commercial quantities of critical infrastructure materials from the  
 51 critical infrastructure materials ~~[operations]~~ use.
- 52 (5) "Existing legal use" means a critical infrastructure materials use that has operated in  
 53 accordance with:
- 54 (a) a legal nonconforming use that has not been abandoned for more than 24 consecutive  
 55 months; or
- 56 (b) a permit issued by the applicable political subdivision.
- 57 (6) "New land" means surface or subsurface land that a critical infrastructure materials  
 58 operator gains ownership or control of on or before January 1, 2026, regardless of  
 59 whether that land is included in any applicable permit issued by a political subdivision  
 60 or a legal nonconforming use.
- 61 ~~[(4)]~~ (7) "Vested critical infrastructure materials ~~[operations]~~ use" means a critical  
 62 infrastructure materials ~~[operations operating in accordance with a legal nonconforming~~

63 use or a permit issued by the municipality that existed or was conducted or otherwise  
 64 engaged in before:] use by a critical infrastructure materials operator that is an existing  
 65 legal use.

66 [(a) a political subdivision prohibits, restricts, or otherwise limits the critical  
 67 infrastructure materials operations; and]

68 [(b) January 1, 2019.]

69 Section 2. Section **10-9a-902** is amended to read:

70 **10-9a-902 . Vested critical infrastructure materials use -- Presumption.**

71 (1)(a) [~~Critical-~~] A critical infrastructure materials [operations operating in accordance  
 72 with a legal nonconforming use or a permit issued by the municipality are  
 73 conclusively] use is presumed to be a vested critical infrastructure materials [  
 74 operations] use if the critical infrastructure materials [operations permitted by the  
 75 municipality, existed or was conducted or otherwise engaged in before January 1,  
 76 2019 and before when a political subdivision prohibits, restricts, or otherwise limits  
 77 the critical infrastructure materials operations.] use meets the definition of vested  
 78 critical infrastructure use in Section 10-9a-901.

79 (b) A person claiming that a vested critical infrastructure materials [operations has been]  
 80 use has not been established has the burden of proof to show by the preponderance of  
 81 the evidence that the vested critical infrastructure materials [operations] use has not  
 82 been established.

83 (2) A vested critical infrastructure materials [operations] use:

84 (a) runs with the land; and

85 (b) may be changed to another critical infrastructure materials [operations conducted  
 86 within the scope of a legal nonconforming use or the permit for the vested critical  
 87 infrastructure materials operations] use without losing its status as a vested critical  
 88 infrastructure materials [operations] use.

89 (3) The present or future boundary of the critical infrastructure materials use of a critical  
 90 infrastructure materials operator with a vested critical infrastructure materials use does  
 91 not limit:

92 (a) the scope of rights of a critical infrastructure materials operator with a vested critical  
 93 infrastructure material use; or

94 (b) the protection for a critical infrastructure materials protection area.

95 (4)(a) A critical infrastructure operator with a vested critical infrastructure materials use  
 96 shall file a declaration for recording in the office of the recorder of the county in

97 which the vested critical infrastructure materials use is located.

98 (b) A declaration under Subsection (4)(a) shall:

99 (i) contain a legal description of the land included within the vested critical  
100 infrastructure materials use; and

101 (ii) provide notice of the vested critical infrastructure materials use.

102 Section 3. Section **10-9a-903** is amended to read:

103 **10-9a-903 . Rights of a critical infrastructure materials operator with a vested**  
104 **critical infrastructure materials use.**

105 (1) Notwithstanding a political subdivision's prohibition, restriction, or other limitation  
106 on a critical infrastructure materials [operations] use adopted after the establishment of  
107 the critical infrastructure materials [operations] use, the rights of a critical infrastructure  
108 materials operator with a vested critical infrastructure materials [operations] use include  
109 the right to:

110 (a) progress, extend, enlarge, grow, or expand the vested critical infrastructure materials use to any  
contiguous land that the critical infrastructure materials operator owns or controls before May 7,  
111 2025;

112 (b) expand the vested critical infrastructure materials use to new land that is contiguous  
113 land to the surface or subsurface land on which the critical infrastructure materials  
114 operator has a vested critical infrastructure materials use, including the surface or  
115 subsurface land under Subsection (1)(a);

116 [(+) (c) use, operate, construct, reconstruct, restore, extend, expand, maintain, repair,  
117 alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and  
118 buildings[; and] on any surface or subsurface land that the critical infrastructure  
119 materials operator owns or controls before May 7, 2025;

120 (d) on any surface or subsurface land that the critical infrastructure materials operator  
121 owns or controls before May 7, 2025:

122 (i) increase production or volume;

123 (ii) alter the method of extracting or processing, including with respect to the vested  
124 use, the right to stockpile or hold in reserve critical infrastructure materials, to  
125 recycle, and to batch and mix concrete and asphalt; and

126 (iii) extract or process a different or additional critical infrastructure material than  
127 previously extracted or processed on the surface or subsurface land; and

128 [(2) (e) discontinue, suspend, terminate, deactivate, or continue and reactivate,  
temporarily or permanently, all or any part of the critical infrastructure materials [

129 operations] use.

130 (2)(a) As used in this Subsection (2), "applicable legislative body" means the legislative  
131 body of each:

132 (i) county in whose unincorporated area the new land to be included in the vested  
133 critical infrastructure materials use is located; or

134 (ii) municipality in which the new land to be included in the critical infrastructure  
135 materials use is located.

136 (b) A critical infrastructure materials operator with a vested critical infrastructure  
137 materials use is presumed to have a right to expand the vested critical infrastructure  
138 materials use to new land.

139 (c) Before expanding a vested critical infrastructure materials use to new land, a critical  
140 infrastructure materials operator shall provide written notice:

141 (i) of the critical infrastructure materials operator's intent to expand the vested critical  
142 infrastructure materials use; and

143 (ii) to each applicable legislative body.

144 (d)(i) An applicable legislative body shall:

145 (A) hold a public meeting or hearing at the applicable legislative body's next  
146 available meeting that is no later than 30 days after receiving the notice under  
147 Subsection (2)(c); and

148 (B) provide reasonable, advance, written notice of the intended expansion of the  
149 vested critical infrastructure materials use and the public meeting or hearing to  
150 each owner of the surface estate of the new land.

151 (ii) A public meeting or hearing under Subsection (2)(d)(i) serves to provide  
152 sufficient public notice of the critical infrastructure materials operator's intent to  
153 expand the vested critical infrastructure materials use to the new land.

154 (e) After the public meeting or hearing under Subsection (2)(d)(i), a critical  
155 infrastructure materials operator may expand a vested critical infrastructure materials  
156 use to new land without any action by an applicable legislative body, unless the  
157 applicable legislative body finds by the preponderance of the evidence on the record  
158 that the expansion to new land will endanger the public health, safety, and welfare. If  
159 the applicable legislative body makes the finding of endangerment described in this  
160 Subsection (2)(e), Subsection (4) applies.

161 (3) If a critical infrastructure materials operator expands a vested critical infrastructure  
162 materials use to new land, as authorized under this section:

- 163 (a) the critical infrastructure materials operator's rights under the vested critical  
 164 infrastructure materials use with respect to land on which the vested critical  
 165 infrastructure materials use occurs apply with equal force after the expansion to the  
 166 new land; and
- 167 (b) the critical infrastructure materials protection area that includes land on which the  
 168 vested critical infrastructure materials use occurs is expanded to include the new land.
- 169 (4)(a) If the applicable legislative body makes the finding of endangerment described in  
 170 Subsection (2)(e):
- 171 (i) the critical infrastructure materials operator shall submit to the applicable  
 172 legislative body the critical infrastructure materials operator's plan for expansion  
 173 under this section;
- 174 (ii) by no later than 90 days after receipt of the plan for expansion described in  
 175 Subsection (4)(a)(i), the applicable legislative body shall notify the operator of:
- 176 (A) evidence that the expansion to new land will endanger the public health,  
 177 safety, and welfare; and
- 178 (B) proposed measures to mitigate the endangerment of the public health, safety,  
 179 and welfare; and
- 180 (iii) the applicable legislative body shall hold a public hearing by no later than 30  
 181 days after the date the applicable legislative body complies with Subsection  
 182 (4)(a)(ii) to present mitigation measures proposed under Subsection (4)(a)(ii).
- 183 (b) The applicable legislative body may impose mitigation measures under this  
 184 Subsection (4) that are reasonable and do not exceed requirements imposed by  
 185 permits issued by a state agency such as an air quality permit.
- 186 (c) A political subdivision may not prohibit the expansion of a vested critical  
 187 infrastructure use if the critical infrastructure materials operator agrees to comply  
 188 with the mitigation measures described in Subsection (4)(b).
- 189 (d) The process under this Subsection (4) is not a land use application or conditional use  
 190 application under this chapter.

191 Section 4. Section **10-9a-905** is amended to read:

192 **10-9a-905 . Abandonment of a vested critical infrastructure materials use.**

- 193 (1) A critical infrastructure materials operator may abandon some or all of a vested critical  
 194 infrastructure materials [~~operations~~]use only as provided in this section.
- 195 (2) To abandon some or all of a vested critical infrastructure materials [~~operations~~] use, a  
 196 critical infrastructure materials operator shall record a written declaration of

197 abandonment with the recorder of the county in which the vested critical infrastructure  
198 materials [operations] use being abandoned is located.

199 (3) The written declaration of abandonment under Subsection (2) shall specify the vested  
200 critical infrastructure materials [operations] use or the portion of the vested critical  
201 infrastructure materials [operations] use being abandoned.

202 Section 5. Section **17-27a-1001** is amended to read:

203 **17-27a-1001 . Definitions.**

204 As used in this part:

205 (1) "Contiguous land" means surface or subsurface land that shares a common boundary and is not  
separated by a highway as defined in 41-6a-102.

206 (2) "Critical infrastructure materials" means sand, gravel, or rock aggregate.

207 ~~[(2)]~~ (3) "Critical infrastructure materials [operations] use" means the extraction, excavation,  
208 processing, or reprocessing of critical infrastructure materials.

209 ~~[(3)]~~ (4) "Critical infrastructure materials operator" means a natural person, corporation,  
210 association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary,  
211 agent, or other organization or representative, either public or private, including a  
212 successor, assign, affiliate, subsidiary, and related parent company, that:

213 (a) owns, controls, or manages a critical infrastructure materials [operations] use; and

214 (b) has produced commercial quantities of critical infrastructure materials from the  
215 critical infrastructure materials [operations] use.

216 (5) "Existing legal use" means a critical infrastructure materials use that has operated in  
accordance with:

218 (a) a legal nonconforming use that has not been abandoned for more than 24 consecutive  
219 months; or

220 (b) a permit issued by the applicable political subdivision.

221 (6) "New land" means surface or subsurface land that a critical infrastructure materials  
operator gains ownership or control of on or before January 1, 2026, regardless of  
whether that land is included in any applicable permit issued by a political subdivision  
or a legal nonconforming use.

225 ~~[(4)]~~ (7) "Vested critical infrastructure materials [operations] use" means a critical  
infrastructure materials operations [operating in accordance with a legal nonconforming  
use or a permit issued by the county that existed or was conducted or otherwise engaged  
in before:]

229 ~~[(a) a political subdivision prohibits, restricts, or otherwise limits the critical~~

230 ~~infrastructure materials operations; and]~~  
 231 ~~[(b) January 1, 2019] use by a critical infrastructure materials operator that is an existing~~  
 232 ~~legal use.~~

233 Section 6. Section **17-27a-1002** is amended to read:

234 **17-27a-1002 . Vested critical infrastructure materials use-- Presumption.**

235 (1)(a) ~~[Critical-] A critical infrastructure materials [operations operating in accordance~~  
 236 ~~with a legal nonconforming use or a permit issued by the county are conclusively] use~~  
 237 ~~is presumed to be a vested critical infrastructure materials [operations] use if the~~  
 238 ~~critical infrastructure materials [operations permitted by the county, existed or was~~  
 239 ~~conducted or otherwise engaged in before January 1, 2019 and before when a~~  
 240 ~~political subdivision prohibits, restricts, or otherwise limits the critical infrastructure~~  
 241 ~~materials operations.] use meets the definition of vested critical infrastructure~~  
 242 ~~materials use as defined in Section 17-271-1001.~~

243 (b) A person claiming that a vested critical infrastructure materials ~~[operations has been]~~  
 244 ~~use has not been~~ established has the burden of proof to show by the preponderance of  
 245 the evidence that the vested critical infrastructure materials ~~[operations has been] use~~  
 246 ~~has not been~~ established.

247 (2) A vested critical infrastructure materials ~~[operations] use~~:

248 (a) runs with the land; and

249 (b) may be changed to another critical infrastructure materials ~~[operations conducted~~  
 250 ~~within the scope of a legal nonconforming use or the permit for the vested critical~~  
 251 ~~infrastructure materials operations] use~~ without losing its status as a vested critical  
 252 infrastructure materials ~~[operations] use~~.

253 (3) The present or future boundary of the critical infrastructure materials use of a critical  
 254 infrastructure materials operator with a vested critical infrastructure materials use does  
 255 not limit:

256 (a) the scope of rights of a critical infrastructure materials operator with a vested critical  
 257 infrastructure material use; or

258 (b) the protection for a critical infrastructure materials protection area.

259 (4)(a) A critical infrastructure operator with a vested critical infrastructure materials use  
 260 shall file a declaration for recording in the office of the recorder of the county in  
 261 which the vested critical infrastructure materials use is located.

262 (b) A declaration under Subsection (4)(a) shall:

263 (i) contain a legal description of the land included within the vested critical

264 infrastructure materials use; and

265 (ii) provide notice of the vested critical infrastructure materials use.

266 Section 7. Section **17-27a-1003** is amended to read:

267 **17-27a-1003 . Rights of a critical infrastructure materials operator with a vested**  
 268 **critical infrastructure materials use.**

269 (1) Notwithstanding a political subdivision's prohibition, restriction, or other limitation  
 270 on a critical infrastructure materials [~~operations~~] use adopted after the establishment of  
 271 the critical infrastructure materials [~~operations~~] use, the rights of a critical infrastructure  
 272 materials operator with a vested critical infrastructure materials [~~operations~~] use include  
 273 the right to:

274 (a) progress, extend, enlarge, grow, or expand the vested critical infrastructure materials  
 275 use to any contiguous land that the critical infrastructure materials operator owns or  
 276 controls before May 7, 2025;

277 (b) expand the vested critical infrastructure materials use to new land that is contiguous  
 278 land to the surface or subsurface land on which the critical infrastructure materials  
 279 operator has a vested critical infrastructure materials use, including the surface or  
 280 subsurface land under Subsection (1)(a);

281 [(1)] (c) use, operate, construct, reconstruct, restore, extend, expand, maintain, repair,  
 282 alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and  
 283 buildings[; and] , on any surface or subsurface land that the critical infrastructure  
 284 materials operator owns or controls before May 7, 2025;

285 (d) on any surface or subsurface land that the critical infrastructure materials operator  
 286 owns or controls before May 7, 2025:

287 (i) increase production or volume;

288 (ii) alter the method of extracting or processing, including with respect to the vested  
 289 use, the right to stockpile or hold in reserve critical infrastructure materials, to  
 290 recycle, and to batch and mix concrete and asphalt; and

291 (iii) extract or process a different or additional critical infrastructure material than  
 292 previously extracted or processed on the surface or subsurface land; and

293 [(2)] (e) discontinue, suspend, terminate, deactivate, or continue and reactivate,  
 294 temporarily or permanently, all or any part of the critical infrastructure materials [  
 295 operations] use.

296 (2)(a) As used in this Subsection (2), "applicable legislative body" means the legislative  
 297 body of each:

- 298           (i) county in whose unincorporated area the new land to be included in the vested  
299           critical infrastructure materials use is located; or
- 300           (ii) municipality in which the new land to be included in the critical infrastructure use  
301           is located.
- 302           (b) A critical infrastructure materials operator with a vested critical infrastructure  
303           materials use is presumed to have a right to expand the vested critical infrastructure  
304           materials use to new land.
- 305           (c) Before expanding a vested critical infrastructure materials use to new land, a critical  
306           infrastructure materials operator shall provide written notice:
- 307           (i) of the critical infrastructure materials operator's intent to expand the vested critical  
308           infrastructure materials use; and
- 309           (ii) to each applicable legislative body.
- 310           (d)(i) An applicable legislative body shall:
- 311                   (A) hold a public meeting or hearing at the applicable legislative body's next  
312                   available meeting that is no later than 30 days after receiving the notice under  
313                   Subsection (2)(c); and
- 314                   (B) provide reasonable, advance, written notice of the intended expansion of the  
315                   vested critical infrastructure materials use and the public meeting or hearing to  
316                   each owner of the surface estate of the new land.
- 317           (ii) A public meeting or hearing under Subsection (2)(d)(i) serves to provide  
318           sufficient public notice of the critical infrastructure materials operator's intent to  
319           expand the vested critical infrastructure materials use to the new land.
- 320           (e) After the public meeting or hearing under Subsection (2)(d)(i), a critical  
321           infrastructure materials operator may expand a vested critical infrastructure materials  
322           use to new land without any action by an applicable legislative body, unless the  
323           applicable legislative body finds by the preponderance of the evidence on the record  
324           that the expansion to new land will endanger the public health, safety, and welfare. If  
325           the applicable legislative body makes the finding of endangerment described in this  
326           Subsection (2)(e), Subsection (4) applies.
- 327           (3) If a critical infrastructure materials operator expands a vested critical infrastructure  
328           materials use to new land, as authorized under this section:
- 329           (a) the critical infrastructure materials operator's rights under the vested critical  
330           infrastructure materials use with respect to land on which the vested critical  
331           infrastructure materials use occurs apply with equal force after the expansion to the

- 332 new land; and
- 333 (b) the critical infrastructure materials protection area that includes land on which the
- 334 vested critical infrastructure materials use occurs is expanded to include the new land.
- 335 (4)(a) If the applicable legislative body makes the finding of endangerment described in
- 336 Subsection (2)(e):
- 337 (i) the critical infrastructure materials operator shall submit to the applicable
- 338 legislative body the critical infrastructure materials operator's plan for expansion
- 339 under this section;
- 340 (ii) by no later than 90 days after receipt of the plan for expansion described in
- 341 Subsection (4)(a)(i), the applicable legislative body shall notify the operator of:
- 342 (A) evidence that the expansion to new land will endanger the public health,
- 343 safety, and welfare; and
- 344 (B) proposed measures to mitigate the endangerment of the public health, safety,
- 345 and welfare; and
- 346 (iii) the applicable legislative body shall hold a public hearing by no later than 30
- 347 days after the date the applicable legislative body complies with Subsection
- 348 (4)(a)(ii) to present mitigation measures proposed under Subsection (4)(a)(ii).
- 349 (b) The applicable legislative body may impose mitigation measures under this
- 350 Subsection (4) that are reasonable and do not exceed requirements imposed by
- 351 permits issued by a state agency such as an air quality permit.
- 352 (c) A political subdivision may not prohibit the expansion of a vested critical
- 353 infrastructure use if the critical infrastructure materials operator agrees to comply with
- 354 the mitigation measures described in Subsection (4)(b).
- 355 (d) The process under this Subsection (4) is not a land use application or conditional use
- 356 application under this chapter.

357 Section 8. Section **17-27a-1005** is amended to read:

358 **17-27a-1005 . Abandonment of a vested critical infrastructure materials use.**

- 359 (1) A critical infrastructure materials operator may abandon some or all of a vested critical
- 360 infrastructure materials [~~operations~~]use only as provided in this section.
- 361 (2) To abandon some or all of a vested critical infrastructure materials [~~operations~~] use, a
- 362 critical infrastructure materials operator shall record a written declaration of
- 363 abandonment with the recorder of the county in which the vested critical infrastructure
- 364 materials [~~operations~~] use being abandoned is located.
- 365 (3) The written declaration of abandonment under Subsection (2) shall specify the vested

366 critical infrastructure materials [operations] use or the portion of the vested critical  
367 infrastructure materials [operations] use being abandoned.

368 Section 9. Section **17-41-101** is amended to read:

369 **17-41-101 . Definitions.**

370 As used in this chapter:

371 (1) "Advisory board" means:

372 (a) for an agriculture protection area, the agriculture protection area advisory board  
373 created as provided in Section 17-41-201;

374 (b) for an industrial protection area, the industrial protection area advisory board created  
375 as provided in Section 17-41-201; and

376 (c) for a critical infrastructure materials protection area, the critical infrastructure  
377 materials protection area advisory board created as provided in Section 17-41-201.

378 (2)(a) "Agriculture production" means production for commercial purposes of crops,  
379 livestock, and livestock products.

380 (b) "Agriculture production" includes the processing or retail marketing of any crops,  
381 livestock, and livestock products when more than 50% of the processed or  
382 merchandised products are produced by the farm operator.

383 (3) "Agriculture protection area" means a geographic area created under the authority of  
384 this chapter that is granted the specific legal protections contained in this chapter.

385 (4) "Applicable legislative body" means:

386 (a) with respect to a proposed agriculture protection area, industrial protection area, or  
387 critical infrastructure materials protection area:

388 (i) the legislative body of the county in which the land proposed to be included in the  
389 relevant protection area is located, if the land is within the unincorporated part of  
390 the county; or

391 (ii) the legislative body of the city or town in which the land proposed to be included  
392 in the relevant protection area is located; and

393 (b) with respect to an existing agriculture protection area, industrial protection area, or  
394 critical infrastructure materials protection area:

395 (i) the legislative body of the county in which the relevant protection area is located,  
396 if the relevant protection area is within the unincorporated part of the county; or

397 (ii) the legislative body of the city or town in which the relevant protection area is  
398 located.

399 (5) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.

- 400 (6) "Critical infrastructure materials" means sand, gravel, or rock aggregate.
- 401 (7) "Critical infrastructure materials operations" means the extraction, excavation,  
402 processing, or reprocessing of critical infrastructure materials.
- 403 (8) "Critical infrastructure materials operator" means a natural person, corporation,  
404 association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary,  
405 agent, or other organization or representative, either public or private, including a  
406 successor, assign, affiliate, subsidiary, and related parent company, that:
- 407 (a) owns, controls, or manages a critical infrastructure materials operation; and  
408 (b) has produced commercial quantities of critical infrastructure materials from the  
409 critical infrastructure materials operations.
- 410 (9) "Critical infrastructure materials protection area" means a geographic area created under  
411 the authority of this chapter on or after May 14, 2019, that is granted the specific legal  
412 protections contained in this chapter.
- 413 (10) "Crops, livestock, and livestock products" includes:
- 414 (a) land devoted to the raising of useful plants and animals with a reasonable expectation  
415 of profit, including:
- 416 (i) forages and sod crops;  
417 (ii) grains and feed crops;  
418 (iii) livestock as defined in Section 59-2-102;  
419 (iv) trees and fruits; or  
420 (v) vegetables, nursery, floral, and ornamental stock; or
- 421 (b) land devoted to and meeting the requirements and qualifications for payments or  
422 other compensation under a crop-land retirement program with an agency of the state  
423 or federal government.
- 424 (11) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.
- 425 (12) "Industrial protection area" means a geographic area created under the authority of this  
426 chapter that is granted the specific legal protections contained in this chapter.
- 427 (13) "Mine operator" means a natural person, corporation, association, partnership,  
428 receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other  
429 organization or representative, either public or private, including a successor, assign,  
430 affiliate, subsidiary, and related parent company, that, [as of] before January 1, 2019:
- 431 (a) owns, controls, or manages a mining use under a large mine permit issued by the  
432 division or the board; and  
433 (b) has produced commercial quantities of a mineral deposit from the mining use.

- 434 (14) "Mineral deposit" means the same as that term is defined in Section 40-8-4.
- 435 (15) "Mining protection area" means land where a vested mining use occurs, including each  
436 surface or subsurface land or mineral estate that a mine operator with a vested mining  
437 use owns or controls on January 1, 2026.
- 438 (16) "Mining use":
- 439 (a) means:
- 440 (i) the full range of activities, from prospecting and exploration to reclamation and  
441 closure, associated with the exploitation of a mineral deposit; and
- 442 (ii) the use of the surface and subsurface and groundwater and surface water of an  
443 area in connection with the activities described in Subsection (16)(a)(i) that have  
444 been, are being, or will be conducted; and
- 445 (b) includes, whether conducted on-site or off-site:
- 446 (i) any sampling, staking, surveying, exploration, or development activity;
- 447 (ii) any drilling, blasting, excavating, or tunneling;
- 448 (iii) the removal, transport, treatment, deposition, and reclamation of overburden,  
449 development rock, tailings, and other waste material;
- 450 (iv) any removal, transportation, extraction, beneficiation, or processing of ore;
- 451 (v) any smelting, refining, autoclaving, or other primary or secondary processing  
452 operation;
- 453 (vi) the recovery of any mineral left in residue from a previous extraction or  
454 processing operation;
- 455 (vii) a mining activity that is identified in a work plan or permitting document;
- 456 (viii) the use, operation, maintenance, repair, replacement, or alteration of a building,  
457 structure, facility, equipment, machine, tool, or other material or property that  
458 results from or is used in a surface or subsurface mining operation or activity;
- 459 (ix) any accessory, incidental, or ancillary activity or use, both active and passive,  
460 including a utility, private way or road, pipeline, land excavation, working,  
461 embankment, pond, gravel excavation, mining waste, conveyor, power line,  
462 trackage, storage, reserve, passive use area, buffer zone, and power production  
463 facility;
- 464 (x) the construction of a storage, factory, processing, or maintenance facility; and
- 465 (xi) an activity described in Subsection 40-8-4(19)(a).
- 466 (17)(a) "Municipal" means of or relating to a city or town.
- 467 (b) "Municipality" means a city or town.

- 468 (18) "New land" means surface or subsurface land or mineral estate that a mine operator  
469 gains ownership or control of on or before January 1, 2026, regardless of whether that  
470 land or mineral estate is included in the mine operator's large mine permit.
- 471 (19) "Off-site" means the same as that term is defined in Section 40-8-4.
- 472 (20) "On-site" means the same as that term is defined in Section 40-8-4.
- 473 (21) "Planning commission" means:
- 474 (a) a countywide planning commission if the land proposed to be included in the  
475 agriculture protection area, industrial protection area, or critical infrastructure  
476 materials protection area is within the unincorporated part of the county and not  
477 within a planning advisory area;
- 478 (b) a planning advisory area planning commission if the land proposed to be included in  
479 the agriculture protection area, industrial protection area, or critical infrastructure  
480 materials protection area is within a planning advisory area; or
- 481 (c) a planning commission of a city or town if the land proposed to be included in the  
482 agriculture protection area, industrial protection area, or critical infrastructure  
483 materials protection area is within a city or town.
- 484 (22) "Political subdivision" means a county, city, town, school district, special district, or  
485 special service district.
- 486 (23) "Proposal sponsors" means the owners of land in agricultural production, industrial  
487 use, or critical infrastructure materials operations who are sponsoring the proposal for  
488 creating an agriculture protection area, industrial protection area, or critical  
489 infrastructure materials protection area.
- 490 (24) "State agency" means each department, commission, board, council, agency,  
491 institution, officer, corporation, fund, division, office, committee, authority, laboratory,  
492 library, unit, bureau, panel, or other administrative unit of the state.
- 493 (25) "Unincorporated" means not within a city or town.
- 494 (26) "Vested mining use" means a mining use:
- 495 (a) by a mine operator; and
- 496 (b) that existed or was conducted or otherwise engaged in before a political subdivision  
497 prohibits, restricts, or otherwise limits a mining use.
- 498 Section 10. Section **17-41-402** is amended to read:
- 499 **17-41-402 . Limitations on local regulations.**
- 500 (1) A political subdivision within which an agriculture protection area, industrial protection  
501 area, or critical infrastructure materials protection area is created or with a mining

- 502 protection area within its boundary shall encourage the continuity, development, and  
503 viability of agriculture use, industrial use, critical infrastructure materials operations, or  
504 mining use, within the relevant protection area by not enacting a local law, ordinance, or  
505 regulation that, unless the law, ordinance, or regulation bears a direct relationship to  
506 public health or safety, would unreasonably restrict:
- 507 (a) in the case of an agriculture protection area, a farm structure or farm practice;  
508 (b) in the case of an industrial protection area, an industrial use of the land within the  
509 area;  
510 (c) in the case of a critical infrastructure materials protection area, critical infrastructure  
511 materials operations; or  
512 (d) in the case of a mining protection area, a mining use within the protection area.
- 513 (2) A political subdivision may not change the zoning designation of or a zoning regulation  
514 affecting land within an agriculture protection area unless the political subdivision  
515 receives written approval for the change from all the landowners within the agriculture  
516 protection area affected by the change.
- 517 (3) Except as provided by Section 19-4-113, a political subdivision may not change the  
518 zoning designation of or a zoning regulation affecting land within an industrial  
519 protection area unless the political subdivision receives written approval for the change  
520 from all the landowners within the industrial protection area affected by the change.
- 521 (4) A political subdivision may not change the zoning designation of or a zoning regulation  
522 affecting land within a critical infrastructure materials protection area unless the political  
523 subdivision receives written approval for the change from each critical infrastructure  
524 materials operator within the relevant area.
- 525 (5) A political subdivision may not change the zoning designation of or a zoning regulation  
526 affecting land within a mining protection area unless the political subdivision receives  
527 written approval for the change from each mine operator within the area.
- 528 (6) A county, city, or town may not:
- 529 (a) adopt, enact, or amend an existing land use regulation, ordinance, or regulation that  
530 would prohibit, restrict, regulate, or otherwise limit critical infrastructure materials  
531 operations~~[, including]~~ with a vested critical infrastructure materials [operations] use  
532 as defined in Section 10-9a-901 or 17-27a-1001; or  
533 (b) initiate proceedings to amend the county's, city's, or town's land use ordinances as  
534 described in Subsection 10-9a-509(1)(a)(ii) or 17-27a-508(1)(a)(ii) as it regards the  
535 rights of a critical infrastructure materials operator with a vested critical

536 infrastructure materials use.

537 Section 11. Section **17-41-502** is amended to read:

538 **17-41-502 . Rights of a mine operator with a vested mining use -- Expanding**  
539 **vested mining use.**

540 (1) Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a  
541 mining use adopted after the establishment of the mining use, the rights of a mine  
542 operator with a vested mining use include the rights to:

543 (a) progress, extend, enlarge, grow, or expand the vested mining use to any surface or  
544 subsurface land or mineral estate that the mine operator owns or controls on January  
545 1, 2026;

546 (b) expand the vested mining use to any new land that:

547 (i) is contiguous and related in mineralization to surface or subsurface land or a  
548 mineral estate that the mine operator already owns or controls;

549 (ii) contains minerals that are part of the same mineral trend as the minerals that the  
550 mine operator already owns or controls; or

551 (iii) is a geologic offshoot to surface or subsurface land or a mineral estate that the  
552 mine operator already owns or controls;

553 (c) use, operate, construct, reconstruct, restore, extend, expand, maintain, repair, alter,  
554 substitute, modernize, upgrade, and replace equipment, processes, facilities, and  
555 buildings on any surface or subsurface land or mineral estate that the mine operator  
556 owns or controls;

557 (d) increase production or volume, alter the method of mining or processing, and mine  
558 or process a different or additional mineral than previously mined or owned on any  
559 surface or subsurface land or mineral estate that the mine operator owns or controls;  
560 and

561 (e) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily  
562 or permanently, all or any part of the mining use.

563 (2)(a) As used in this Subsection (2), "applicable legislative body" means the legislative  
564 body of each:

565 (i) county in whose unincorporated area the new land to be included in the vested  
566 mining use is located; and

567 (ii) municipality in which the new land to be included in the vested mining use is  
568 located.

569 (b) A mine operator with a vested mining use is presumed to have a right to expand the

- 570 vested mining use to new land.
- 571 (c) Before expanding a vested mining use to new land, a mine operator shall provide  
572 written notice:
- 573 (i) of the mine operator's intent to expand the vested mining use; and  
574 (ii) to each applicable legislative body.
- 575 (d)(i) An applicable legislative body shall:
- 576 (A) hold a public meeting or hearing at its next available meeting that is more than  
577 10 days after receiving the notice under Subsection (2)(c); and
- 578 (B) provide reasonable, advance, written notice:
- 579 (I) of:
- 580 (Aa) the intended expansion of the vested mining use; and  
581 (Bb) the public meeting or hearing; and
- 582 (II) to each owner of the surface estate of the new land.
- 583 (ii) A public meeting or hearing under Subsection (2)(d)(i) serves to provide  
584 sufficient public notice of the mine operator's intent to expand the vested mining  
585 use to the new land.
- 586 (e) After the public meeting or hearing under Subsection (2)(d)(ii), a mine operator may  
587 expand a vested mining use to new land without any action by an applicable  
588 legislative body, unless the applicable legislative body finds that there is clear and  
589 convincing evidence in the record that the expansion to new land will imminently  
590 endanger the public health, safety, and welfare. If the applicable legislative body  
591 makes the finding of endangerment described in this Subsection (2)(e), Subsection (4)  
592 applies.
- 593 (3) If a mine operator expands a vested mining use to new land, as authorized under this  
594 section:
- 595 (a) the mine operator's rights under the vested mining use with respect to land on which  
596 the vested mining use occurs apply with equal force after the expansion to the new  
597 land; and
- 598 (b) the mining protection area that includes land on which the vested mining use occurs  
599 is expanded to include the new land.
- 600 (4)(a) If the applicable legislative body makes the finding of endangerment described in  
601 Subsection (2)(e):
- 602 (i) the mining operator shall submit to the applicable legislative body the mining  
603 operator's plan for expansion under this section;

- 604           (ii) by no later than 30 days after receipt of the plan for expansion described in  
605           Subsection (4)(a)(i), the applicable legislative body shall notify the operator of:  
606           (A) evidence that the expansion to new land will endanger the public health,  
607           safety, and welfare; and  
608           (B) proposed measures to mitigate the endangerment of the public health, safety,  
609           and welfare; and  
610           (iii) the applicable legislative body shall hold a public hearing by no later than 30  
611           days after the date the applicable legislative body complies with Subsection  
612           (4)(a)(ii) to present mitigation measures proposed under Subsection (4)(a)(ii).  
613       (b) The applicable legislative body may impose mitigation measures under this  
614           Subsection (4) that are reasonable and do not exceed requirements imposed by  
615           permits issued by a state agency such as an air quality permit.  
616       (c) A political subdivision may not prohibit the expansion of a vested mining use if the  
617           mining operator agrees to comply with the mitigation measures described in  
618           Subsection (4)(b).  
619       (d) The process under this Subsection (4) is not a land use application or conditional use  
620           application under Title 10, Chapter 9a, Municipal Land Use, Development, and  
621           Management Act, or Chapter 27a, County Land Use, Development, and Management  
622           Act.

623       Section 12. Section **78B-6-1101** is amended to read:

624           **78B-6-1101 . Definitions -- Nuisance -- Right of action -- Agriculture operations.**

- 625       (1) A nuisance is anything that is injurious to health, indecent, offensive to the senses, or an  
626           obstruction to the free use of property, so as to interfere with the comfortable enjoyment  
627           of life or property. A nuisance may be the subject of an action.  
628       (2) A nuisance may include the following:  
629           (a) drug houses and drug dealing as provided in Section 78B-6-1107;  
630           (b) gambling as provided in Title 76, Chapter 10, Part 11, Gambling;  
631           (c) criminal activity committed in concert with three or more persons as provided in  
632           Section 76-3-203.1;  
633           (d) criminal activity committed for the benefit of, at the direction of, or in association  
634           with any criminal street gang as defined in Section 76-9-802;  
635           (e) criminal activity committed to gain recognition, acceptance, membership, or  
636           increased status with a criminal street gang as defined in Section 76-9-802;  
637           (f) party houses that frequently create conditions defined in Subsection (1); and

- 638 (g) prostitution as provided in Title 76, Chapter 10, Part 13, Prostitution.
- 639 (3) A nuisance under this part includes tobacco smoke that drifts into a residential unit a  
640 person rents, leases, or owns, from another residential or commercial unit and the smoke:  
641 (a) drifts in more than once in each of two or more consecutive seven-day periods; and  
642 (b) creates any of the conditions under Subsection (1).
- 643 (4) Subsection (3) does not apply to:  
644 (a) a residential rental unit available for temporary rental, such as for a vacation, or  
645 available for only 30 or fewer days at a time; or  
646 (b) a hotel or motel room.
- 647 (5) Subsection (3) does not apply to a unit that is part of a timeshare development, as  
648 defined in Section 57-19-2, or subject to a timeshare interest as defined in Section  
649 57-19-2.
- 650 (6) An action may be brought by a person whose property is injuriously affected, or whose  
651 personal enjoyment is lessened by the nuisance.
- 652 (7) An action for nuisance against an agricultural operation is governed by Title 4, Chapter  
653 44, Agricultural Operations Nuisances Act.
- 654 (8) "Critical infrastructure materials operations" means the same as [~~that term~~] the term  
655 "critical infrastructure materials use" is defined in Section 10-9a-901.
- 656 (9) "Manufacturing facility" means a factory, plant, or other facility including its  
657 appurtenances, where the form of raw materials, processed materials, commodities, or  
658 other physical objects is converted or otherwise changed into other materials,  
659 commodities, or physical objects or where such materials, commodities, or physical  
660 objects are combined to form a new material, commodity, or physical object.

661 Section 13. **Repealer.**

662 This bill repeals:

663 Section **17-41-102, Study of critical infrastructure materials operations and related**  
664 **mining.**

665 Section 14. **Effective Date.**

666 This bill takes effect on May 7, 2025.