

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Local Government.

HB22-1301 be amended as follows:

1 Amend printed bill, page 2, lines 3 and 4, strike "(1.6)(a)(VI),  
2 (1.6)(b)(III), and (3.3)" and substitute "(3.3) and (6.2)".

3 Page 2, strike lines 7 and 8 and substitute:

4 "(1.1) (a) "Agricultural and livestock products" means plant or  
5 animal products in a raw or unprocessed state that are".

6 Page 3, strike lines 3 through 9 and substitute:

7 "(b) ON AND AFTER JANUARY 1, 2023, FOR THE PURPOSES OF THIS  
8 SUBSECTION (1.1), "AGRICULTURAL AND LIVESTOCK PRODUCTS" INCLUDES  
9 CROPS GROWN WITHIN A CONTROLLED ENVIRONMENT AGRICULTURAL  
10 FACILITY IN A RAW OR UNPROCESSED STATE FOR HUMAN OR LIVESTOCK  
11 CONSUMPTION. FOR THE PURPOSES OF THIS SUBSECTION (1.1)(b),  
12 "AGRICULTURAL AND LIVESTOCK PRODUCTS" DOES NOT INCLUDE  
13 MARIJUANA, AS DEFINED IN SECTION 18-18-102 (18)(a), OR ANY OTHER  
14 NONFOOD CROP AGRICULTURAL PRODUCTS."

15 Page 3, strike lines 20 through 27 and substitute:

16 "(III) ANY PERSONAL PROPERTY WITHIN A FACILITY, WHETHER  
17 ATTACHED TO A BUILDING OR NOT, THAT IS CAPABLE OF BEING REMOVED  
18 FROM THE FACILITY, AND IS USED IN DIRECT CONNECTION WITH THE  
19 OPERATION OF A CONTROLLED ENVIRONMENT AGRICULTURAL FACILITY,  
20 WHICH FACILITY IS USED SOLELY FOR PLANTING, GROWING, OR  
21 HARVESTING CROPS IN A RAW OR UNPROCESSED STATE."

22 Page 4, strike lines 1 through 3.

23 Page 4, lines 5 and 6, strike "STRUCTURE OF NO LESS THAN ONE  
24 THOUSAND SQUARE FEET" and substitute "NONRESIDENTIAL STRUCTURE".

25 Page 4, line 8, strike "HYDROPONIC PLANT GROWING," and substitute  
26 "HYDROPONICS,".

27 Page 4, line 10, strike "PRIMARY" and substitute "SOLE".

28 Page 4, after line 13, insert:

29 "(6.2) "HYDROPONICS" MEANS A SYSTEM IN WHICH WATER

1 SOLUBLE PRIMARY OR SECONDARY PLANT NUTRIENTS OR  
2 MICRONUTRIENTS, OR A COMBINATION OF SUCH NUTRIENTS, ARE PLACED  
3 IN INTIMATE CONTACT WITH A PLANT'S ROOT SYSTEM THAT IS BEING  
4 GROWN IN WATER OR AN INERT SUPPORTIVE MEDIUM THAT SUPPLIES  
5 PHYSICAL SUPPORT FOR THE ROOTS."

6 Page 4, line 27, after "**valuation** -" insert "**affidavit** -".

7 Page 5, strike lines 3 through 8 and substitute:

8 "(2) A CEA FACILITY IS VALUED FOR ASSESSMENT PURPOSES AS  
9 ALL OTHER AGRICULTURAL PROPERTY USING THE COST, MARKET, AND  
10 INCOME APPROACHES TO VALUE."

11 Page 5, line 9, strike "PRIMARY" and substitute "SOLE".

12 Page 5, strike lines 11 and 12 and substitute "PROPERTY IS CLASSIFIED  
13 AND VALUED FOR ASSESSMENT PURPOSES BASED ON ACTUAL USE.

14 (4) AS PART OF THE PERSONAL DECLARATION THE OWNER OF A  
15 CEA FACILITY SIGNS AND RETURNS TO THE COUNTY ASSESSOR PURSUANT  
16 TO SECTIONS 39-5-107 AND 39-5-108, THE OWNER SHALL INCLUDE AN  
17 AFFIDAVIT EXECUTED BY THE OWNER IN WHICH THE OWNER AFFIRMS THAT  
18 THE CEA FACILITY MEETS THE REQUIREMENTS OF SECTION 39-1-102(3.3),  
19 INCLUDING THE REQUIREMENTS THAT THE FACILITY OPTIMIZES  
20 HYDROPONICS AND THAT THE SOLE PURPOSE OF THE CEA FACILITY IS TO  
21 OBTAIN A MONETARY PROFIT FROM THE WHOLESALE OF PLANT-BASED  
22 FOOD FOR HUMAN OR LIVESTOCK COMPENSATION. IF THE CROP GROWN IN  
23 THE CEA FACILITY IS HEMP, THE OWNER MUST ALSO INCLUDE A COPY OF  
24 A LICENSE TO VERIFY TO THE ASSESSOR THAT THE CROP IS NOT  
25 MARIJUANA.

26 (5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CEA  
27 FACILITY SHALL NOT VIOLATE THE TERMS AND CONDITIONS OF ANY  
28 APPLICABLE WATER COURT DECREE ISSUED PURSUANT TO ARTICLE 92 OF  
29 TITLE 37 AND SHALL NOT MATERIALLY INJURE WATER RIGHTS OR  
30 CONDITIONAL WATER RIGHTS GRANTED UNDER ARTICLE 92 OF TITLE 37."

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