



**Land Use & Natural Resources Steering Committee**  
**Friday, April 8, 2022 | 11:15 AM – 12:45 PM (approx.)**

Agenda as of 4/4/2022

**Welcome/Introductions**

Chair: Commissioner Mike Freeman, Weld County  
 Vice Chair: Commissioner Matt Scherr, Eagle County  
 CCI Staff: Daphne Gervais ([dgervais@ccionline.org](mailto:dgervais@ccionline.org) | M: 720-635-4705)

**New Legislation for Discussion (1 Bill)**

<b><u>HB22-1355, Producer Responsibility Program for Recycling</u></b>			
<b>H-Spon</b>	L. Cutter	<b>S-Spon</b>	K. Priola & J. Gonazles
<b>Summary</b>	<p>On or before June 1, 2023, the executive director (executive director) of the Colorado department of public health and environment (department) must designate a nonprofit organization (organization) to implement and manage a statewide program (program) that provides recycling services to covered entities in the state, which are defined as residences, businesses, schools, government buildings, and public places. The program is funded by annual dues (producer responsibility dues) paid by producers of products that use covered materials (producers). Covered materials are defined as packaging materials and paper products that are sold, offered for sale, or distributed in the state.</p> <p>The bill creates the producer responsibility program for statewide recycling advisory board (advisory board) that consists of members who have expertise in recycling programs and are knowledgeable about recycling services in the different geographic regions of the state.</p> <p>Prior to the implementation of the program, the organization must:</p> <ul style="list-style-type: none"> <li>• On or before September 1, 2023, hire an independent third party to conduct an assessment of the recycling services currently provided in the state and the recycling needs in the state that are not being met (needs assessment);</li> <li>• On or before April 1, 2024, report the results of the needs assessment to the advisory board and the executive director; and</li> <li>• On or before February 1, 2025, after soliciting input from the advisory board and other key stakeholders, submit a plan proposal for the program (plan proposal) to the advisory board and executive director.</li> </ul> <p>The plan proposal will initially cover recycling services only for residential covered entities. The plan proposal must:</p> <ul style="list-style-type: none"> <li>• Describe how the organization will meet certain convenience standards and statewide recycling, collection, and postconsumer-recycled-content rates (rates);</li> <li>• Establish a funding mechanism through the collection of producer responsibility dues that covers the organization's costs in implementing the program and the costs of the department in overseeing the program;</li> <li>• Establish an objective formula to reimburse 100% of the net recycling services costs of public and private recycling service providers (providers) performing services under the program;</li> </ul>		

	<ul style="list-style-type: none"> <li>• Provide a list of covered materials (minimum recyclable list) that providers performing services under the program must collect to be eligible for reimbursement under the program;</li> <li>• Set minimum rate targets that the state will strive to meet by January 1, 2030, and January 1, 2035, and describe how the state can meet increased rates after 2035; and</li> <li>• Describe a process and timeline, beginning no later than 2028, to expand recycling services to applicable nonresidential covered entities.</li> </ul> <p>As part of the program, the organization must:</p> <ul style="list-style-type: none"> <li>• Utilize and expand on providers' existing recycling services to provide statewide recycling services at no charge to covered entities for all covered materials on the minimum recyclable list;</li> <li>• Develop and implement a statewide education and outreach program on the recycling and reuse of covered materials;</li> <li>• Contract with an independent third party to conduct an annual audit of the program; and</li> <li>• Submit an annual report to the advisory board and the executive director describing the progress of the program (annual report).</li> </ul> <p>Effective July 1, 2025, a producer may not sell or distribute any products that use covered materials in the state unless the producer is participating in the program or, after January 1, 2029, as set forth in an additional producer responsibility program that has been approved by the executive director.</p> <p>The advisory board has the following duties:</p> <ul style="list-style-type: none"> <li>• Advise the organization on the needs assessment;</li> <li>• Review the needs assessment;</li> <li>• Review the plan proposal and make recommendations to the executive director regarding its approval or rejection;</li> <li>• Review any necessary amendments to the program, make recommendations on the amendments to the organization, and then make recommendations to the executive director regarding approval or rejection of the amendments;</li> <li>• Review the annual report submitted by the organization; and</li> <li>• Consult with the organization on the development and updating of the minimum recyclable list.</li> </ul> <p>The bill establishes an administrative penalty for the organization's or a producer's violation of the relevant statutes and rules. The collected penalties are deposited into the recycling resources economic opportunity fund.</p> <p><a href="#">View summary of revisions from draft.</a></p>
<b>Status</b>	Introduced In House - Assigned to Energy & Environment
<b>Position</b>	Pending

### Legislation with Updates (2 Bills)

<b><a href="#">HB22-1132, Regulation And Services For Wildfire Mitigation</a></b>			
<b>H-Spon</b>	R. Holtorf	<b>S-Spon</b>	L. Liston
<b>Summary</b>	The bill requires any person planning to conduct a controlled burn on private property to provide notice to the fire department that services the area where the burn would be conducted. The bill		

	<p>gives fire departments the authority to determine whether personnel must be on standby before a person can conduct a controlled burn. The bill specifies that no person is exempt from complying with any other applicable local, state, or federal laws pertaining to open burning.</p> <p>The bill allocates funding for the purchase of a mobile driver simulator unit to be used to train first responders to drive in emergencies.</p>
<b>Status</b>	House Committee on Energy & Environment Refer Amended to Appropriations
<b>Position</b>	<p>Amend</p> <p>CCI is seeking an amendment to ensure the bill's controlled burn notice requirements do not conflict with local notice procedures.</p>

<b>SB22-114, Fire Suppression Ponds Water Rights</b>			
<b>H-Spon</b>	M. Catlin & D. Roberts	<b>S-Spon</b>	T. Story & D. Hisey
<b>Summary</b>	<p>This is a CCI-priority bill that establishes a process for Boards of County Commissioners to apply to the State Engineer for the designation and preservation of fire suppression ponds.</p> <p>At a minimum, the bill requires that fire suppression ponds:</p> <ul style="list-style-type: none"> <li>- Be in existence as of 1972</li> <li>- Only have decreed storage rights if those rights are limited to use within the pond (like livestock or wildlife watering) or other non-consumptive uses</li> <li>- Not be included in a decreed plan for augmentation, an appropriate right of exchange, or a state-approved substitute water supply plan</li> <li>- Not exceed 6 surface acres</li> </ul> <p>Additional criteria for ponds will be developed through rule by the Division of Fire Prevention and Control to consider firefighting related factors, such as location, accessibility, and infrastructure requirements.</p> <p>The bill authorizes a Board of County Commissioners to apply to the State Engineer for the designation of a fire suppression pond with the following steps:</p> <ol style="list-style-type: none"> <li>1. Consult with local fire district on which ponds to evaluate as potential fire suppression ponds</li> <li>2. Provide notice to the State Engineer on location and approximate size of ponds that will be evaluated</li> <li>3. Conduct a local needs assessment that identifies and evaluates potential fire suppression ponds (based on criteria to be established through rule)</li> <li>4. Acquire landowner approval if the pond is located on private property; and</li> <li>5. Submit the assessment and proposed pond designations to the State Engineer's Office for review and approval</li> <li>6. At the time of application submission, provide notice and copy of application to the Substitute Water Supply Plan list with a summary of assessment findings (this is an email distribution list provided by the State Engineer), and a 140-day comment period</li> </ol> <p>Approved fire suppression ponds are exempt from the administration of water rights and as such, are not subject to drainage orders by the State Engineer. The State Engineer cannot designate more than 30 surface acres of fire suppression pond in any given county. Approved ponds carry an</p>		

	<p>active designation for 15 years, after which counties and fire districts would need to conduct an updated assessment and submit to the State Engineer for re-designation. Fire suppression ponds must be inspected by the county/fire district annually to ensure ongoing compliance with criteria.</p> <p>The bill allows water rights holders to petition the State Engineer's designation of a pond to the Water Court with sufficient evidence of injury, within 70 days of the designation.</p>
<b>Status</b>	Senate Second Reading Laid Over Daily - No Amendments
<b>Position</b>	<p>Support (CCI Priority Bill)</p> <p>An amendment was adopted to get additional stakeholders from the water community to a neutral position. The amendment moves water-related criteria for fire suppression ponds to the bill as opposed to developing those requirements through rulemaking. The amendment also creates a rebuttable presumption to allow water rights holders to petition the State Engineer's designation of a pond with sufficient evidence of injury. An additional amendment was adopted to provide additional clarity and protections for water rights holders. This includes setting a 30-surface acre maximum designation of fire suppression ponds per county, extending timelines to provide ample time for comments, claims of injury, and petitions to the Water Court, and reducing the designation timeline from 20 to 15 years.</p>

### Other Business

- Updates from the Colorado Fire Commission (Commissioner Lesley Dahlkemper & Ben Tisdell)

### Past Legislation for Reference

<b><u>HB22-1007, Assistance Landowner Wildfire Mitigation</u></b>			
<b>H-Spon</b>	D. Valdez & M. Lynch	<b>S-Spon</b>	P. Lee & C. Simpson
<b>Summary</b>	<p>This is a priority bill from the Wildfire Matters Interim Review Committee that establishes a new grant program administered by the Colorado State Forest Service (CSFS) available to local governments, tribal agencies or nonprofit organizations for outreach &amp; education projects to landowners in high wildfire hazard areas. Grant applications that CSFS evaluates as having a larger potential impact would be prioritized.</p> <p>Beginning in 2030, the bill repeals an existing income tax <i>deduction</i> available to offset a landowner's costs from wildfire mitigation measures, and creates a new state income tax <i>credit</i> available beginning in 2023 to landowners with a federal taxable income at or below \$120,000 to reimburse 25% of mitigation costs, up to \$625 in any taxable year. Wildfire mitigation measures include creating defensible space, establishing fuel breaks, thinning woody vegetation, prescribed burns, chipping, etc.</p>		
<b>Status</b>	House Committee on Finance Refer Amended to Appropriations		
<b>Position</b>	Support		

<b><u>HB22-1011, Wildfire Mitigation Incentives for Local Governments</u></b>			
<b>H-Spon</b>	L. Cutter & M. Snyder	<b>S-Spon</b>	P. Lee & T. Story
<b>Summary</b>	<p>This bill is being brought forward by Healthy Air and Water Colorado (HAWC) and establishes a new grant program administered by the Colorado State Forest Service to provide state match dollars to local government revenue sources (tax, mill levy, or voter approved permanent retention of excess revenue) or long-term programs and projects that are dedicated to wildfire mitigation</p>		

	(funding projects creating fuel breaks, forest thinning, fire fuel removal, landowner outreach and education, etc.). A local government can apply for and receive a grant before having a dedicated revenue stream if local voters approve a ballot issue creating the revenue source in the same year the grant is awarded.
<b>Status</b>	House Committee on Energy & Environment Refer Amended to Appropriations
<b>Position</b>	Support (An amendment was adopted to specify that local governments without dedicated revenue can qualify for grants by demonstrating an existing local program, project, or other funding mechanism (such as recurring general fund contributions) dedicated to wildfire mitigation.)

<b><u>HB22-1012, Wildfire Mitigation &amp; Recovery</u></b>			
<b>H-Spon</b>	D. Valdez & L. Cutter	<b>S-Spon</b>	P. Lee & J. Ginal
<b>Summary</b>	This bill is being brought forward by Healthy Air and Water Colorado (HAWC) and establishes a new grant program administered by the Colorado State Forest Service to provide state match dollars to local government revenue sources (tax, mill levy, or voter approved permanent retention of excess revenue) or long-term programs and projects that are dedicated to wildfire mitigation (funding projects creating fuel breaks, forest thinning, fire fuel removal, landowner outreach and education, etc.). A local government can apply for and receive a grant before having a dedicated revenue stream if local voters approve a ballot issue creating the revenue source in the same year the grant is awarded		
<b>Status</b>	House Committee on Energy & Environment Refer Amended to Appropriations		
<b>Position</b>	Support (An amendment was adopted to fold the initial grant concept into the existing Forest Restoration and Wildfire Risk Mitigation (FRWRM) Grant Program. As such, language requiring grant recipients to ensure projects are performed in a manner that minimizes the amount of carbon released into the atmosphere was removed.)		

<b><u>HB22-1104, Powerline Trails</u></b>			
<b>H-Spon</b>	A.Boesenecker	<b>S-Spon</b>	K. Priola
<b>Summary</b>	<p>The bill seeks to promote the development of recreational trails in electric transmission corridors (powerline trails) throughout the state by requiring transmission providers to notify public entities (the state and local governments) when there is an opportunity to build a powerline trail. Notices would include informational resources on powerline trails (design options, safety requirements, and examples of existing powerline trails in the state). The construction of any powerline trail is up to the local government– the bill does not require any county to build, allow or consider a powerline trail.</p> <p>The bill authorizes transmission providers to enter into contract with public entities (the state, local governments, and special districts) and private landowners for the construction of powerline trails.</p> <p>As amended, the bill makes clear that transmission operators are not required to allow a trail or other facility in their rights-of-way, and that landowners with property adjacent to or inclusive of a transmission line right-of-way are not required to allow access to any portion of their property, including the transmission right-of-way, for the construction of a trail.</p> <p>Requires the public utilities commission to amend its rules to also require electric public utilities in the state to consider plans for the construction of new powerline trails and with the requirement to develop and maintain informational resources on powerline trails;</p>		

	Requires the Colorado electric transmission authority (CETA) to arrange for the continuation of any existing powerline trail contracts before entering into a project or divesting a facility; and requires the CETA to give priority for project solicitations to electric utilities and other entities that demonstrate an interest in continuing or creating a powerline trail.
<b>Status</b>	House Considered Senate Amendments - Result was to Concur - Repass
<b>Position</b>	Monitor  An amendment was adopted to (1) strike the possible contractual provisions, (2) specify that transmission operators are not required to allow a trail or other facility in their rights-of-way, (3) specify that landowners with property adjacent to or inclusive of a transmission line right-of-way are not required to allow access to any portion of their property, including the transmission right-of-way, (4) strike the allowance for transmission providers to increase their rates.

<b><u>HB22-1151, Turf Replacement Program</u></b>			
<b>H-Spon</b>	M. Catlin & D. Roberts	<b>S-Spon</b>	J. Bridges & C. Simpson
<b>Summary</b>	The bill requires the Colorado water conservation board (board) to develop a statewide program to provide financial incentives for the voluntary replacement of irrigated turf with water-wise landscaping (turf replacement program). The bill defines water-wise landscaping as a water- and plant-management practice that emphasizes using plants with lower water needs. Local governments, certain districts, Native American tribes, and nonprofit organizations with their own turf replacement programs may apply to the board for money to help finance their turf replacement programs. The board will contract with one or more third parties to administer one or more turf replacement programs in areas where local turf replacement programs do not exist.		
<b>Status</b>	House Committee on Agriculture, Livestock, & Water Refer Amended to Appropriations		
<b>Position</b>	Support		

<b><u>HB22-1218, Resource Efficiency Buildings Electric Vehicles</u></b>			
<b>H-Spon</b>	Valdez, A.	<b>S-Spon</b>	
<b>Summary</b>	Section 1 of the bill relocates existing statutes that require contractors to offer certain resource efficiency options when constructing certain buildings. Section 1 also requires commercial buildings and multifamily residences to include electric vehicle charging for at least 10% of the parking spaces if the building is 25,000 square feet or more or if the building is part of a project that is 40,000 square feet or more of floor space in more than one building, with a total of 25 or more sets of living quarters or commercial units among all the buildings. These buildings must also have: <ul style="list-style-type: none"> <li>• The space in the electrical facilities to increase electric vehicle charging to 50% of the parking spaces; and</li> <li>• Conduit run to increase electric vehicle charging to 50% of the parking spaces.</li> </ul> Section 3 requires a master electrician to follow these requirements when planning, laying out, and supervising the installation of wiring in a building. Section 4 requires an architect to follow these requirements when planning, drafting plans for, and supervising the construction of a building. Continuing education requirements are put in place to educate master electricians and architects about these requirements.		
<b>Status</b>	House Committee on Business Affairs & Labor Refer Unamended to Energy & Environment		
<b>Position</b>	Monitor		



<b><u>HB22-1242, Regulate Tiny Home Manufacture Sale &amp; Install</u></b>			
<b>H-Spon</b>	C. Kipp & T. Exum	<b>S-Spon</b>	J. Ginal & D. Hisey
<b>Summary</b>	<p>HB 1242 is being initiated by Larimer County and seeks to create a legal pathway for permanent occupancy of tiny homes by establishing a state regulatory regime in a manner that upholds structural, fire, electrical, and gas safety. The bill creates a class for tiny homes to be regulated in a similar way as factory-built structures and manufactured homes. It defines tiny homes for permanent residential use, and adds tiny homes to the scope of authority of the Division of Housing and State Housing Board.</p> <p>The bill adds two tiny home industry representative, and one energy conservation specialist, to the advisory committee that assists the State Housing Board in promulgating standards for tiny home manufacture and connection to utilities. The bill specifies that the Board can adopt a national or international standard once one is created and can modify that standard as needed. The Board is directed to regulate the foundation for manufactured homes and factory-built structures where no construction standards exist.</p> <p>The bill allows local governments to require inspection of a tiny home installed prior to a state standard, and allows local governments or the state electrical or plumbing inspector (where there is no such local inspection) to approve the connection to electrical and plumbing. The bill makes clear that local governments have the authority to approve connections of tiny homes that comply with the bill's provisions.</p> <p>The bill declares the sale or installation of a tiny home out of compliance with the bill a deceptive trade practices, subject to damages in a lawsuit, a class 1 misdemeanor, and civil penalties up to \$50,000 per violation.</p> <p>Finally, the bill also folds tiny homes into the mobile home park regulatory regime related to notice requirements, lease termination limits and requirements, security deposit regulations, entry fee prohibitions, antitrust prohibitions, selling fee prohibitions, kickback prohibitions, retaliation prohibitions, regulation of how and if park rules are established, a right of first refusal when the owner wants to sell the mobile home park, a peaceful enjoyment right, and remedy provisions. Tiny homes are added to the current sales and use tax exemption that applies to manufactured homes.</p>		
<b>Status</b>	House Committee on Finance Refer Amended to Appropriations		
<b>Position</b>	Support		

<b><u>SB22-002, Resources for Volunteer Firefighters</u></b>			
<b>H-Spon</b>	L. Cutter & P. Will	<b>S-Spon</b>	J. Ginal & T. Story
<b>Summary</b>	<p>The bill allows fire departments, including fire protection districts and volunteer fire departments, to be compensated from state funding sources (Governor's Emergency Fund and the Wildland Cost Recovery Fund) for wildland fire suppression activities. Fire departments are eligible for reimbursement after performing wildland fire suppression activities if (1) the fire department relies primarily on volunteer firefighters, (2) a fire event exceeds the department's capacity to extinguish or control, <i>and</i> (3) the period of mutual aid has ended.</p> <p>As necessary, the bill requires county sheriff's offices to modify any intergovernmental agreements (IGAs) to allow for this type of reimbursement, and also authorizes Boards of County Commissioners (BOCCs) to reimburse fire departments from county funds in the same</p>		

	<p>circumstances. Fire departments must use money received to compensate volunteer firefighters as directed by the Division of Fire Prevention and Control (DFPC).</p> <p>The bill allocates \$5 million to the Local Firefighter Safety and Disease Prevention Fund grant program, and authorizes the Division of Fire Prevention &amp; Control to use a portion of this appropriation to directly purchase and distribute protective equipment to governing bodies and volunteer fire departments, or to directly pay for firefighter training (this includes reimbursements without grant applications to governing bodies and volunteer departments for their costs of equipment and training).</p> <p>Funding priority is given to applicants that:</p> <ul style="list-style-type: none"> <li>- Have lost tax revenue as a result of decreased assessment values due to a wildland fire in the previous 5 years;</li> <li>- Rely solely or primarily on volunteer firefighters and serve communities affected by wildland fires;</li> <li>- Demonstrate the greatest need for additional funding to ensure the safety of volunteer firefighters</li> </ul> <p>The bill creates a trust to fund behavioral and mental health services to firefighters (similar to existing trusts for cancer and heart diseases). This trust will require employers, including county protection districts, to participate and contribute to the trust, and the state is required to reimburse all contributions to the trust. If at any point reimbursement funding becomes insufficient, employer participation in the trust becomes voluntary.</p>
<b>Status</b>	Senate Committee on Local Government Refer Amended to Appropriations
<b>Position</b>	Support
	An amendment was adopted to remove the Emergency Fire Fund as a reimbursement source, since this is a county-funded source. CCI worked with bill sponsors on the added provisions creating a trust to fund mental health services for firefighters. An amendment is expected to ensure no mandatory financial contributions from local governments.

**SB22-015, Douglas County On Urban Drainage Flood Control District**

<b>H-Spon</b>	B. Titone	<b>S-Spon</b>	C. Holbert
<b>Summary</b>	The bill adds to the board of directors of the urban drainage and flood control district one director from Douglas county to be appointed by the governor as with existing director appointments representing various counties.		
<b>Status</b>	House Third Reading Passed - No Amendments		
<b>Position</b>	Governor Signed		

**SB22-110, Equip Wind Turbine Aircraft Detection Lighting System**

<b>H-Spon</b>	R. Pelton	<b>S-Spon</b>	J. Sonnenberg
<b>Summary</b>	The bill requires owners and operators of wind-powered energy generation facilities to install aircraft detection lighting systems on new facilities constructed after April 2022. Detection systems must meet Federal Aviation Administration (FAA) standards, and be sensor-based to only deploy a warning light when an approaching aircraft is detected. The owner or operator of the facility is responsible for the cost of installing, operating, or maintaining the system.		



	<p>The bill gives local governments enforcement authority by allowing counties to impose civil penalties for non-compliance up to \$1,000 per day.</p> <p>The bill requires that the FAA approves installation of light mitigation technology, and only requires installation of the equipment on 30% of a wind farm's turbines. It specifies that time extensions must be granted and no penalties can be issued if the pricing or availability of equipment limits the ability of an owner and operator to comply with the bill's timeline.</p>
<b>Status</b>	Senate Third Reading Reconsidered - No Amendments
<b>Position</b>	Support

<b><u>SB22-138, Reduce Greenhouse Gas Emissions in Colorado</u></b>			
<b>H-Spon</b>	A. Valdez	<b>S-Spon</b>	C. Hansen
<b>Summary</b>	<p>SB 138 is a greenhouse gas (GHG) emissions reduction measure that does the following:</p> <ol style="list-style-type: none"> <li>1. The bill updates the statewide GHG emission reduction goals to add a 40% reduction for 2028, and a 65% reduction goal for 2035 compared to 2005 GHG pollution levels.</li> <li>2. It provides financial incentives to promote the replacement of small, gas-powered equipment with electric alternatives by creating a state income tax credit equal to 30% of the purchase price for lawn equipment (defined as lawn mowers, leaf blowers and trimmers) under 10 horsepower for purchases made in 2023 through 2029.</li> <li>3. The bill gives the Colorado Oil &amp; Gas Conservation Commission (COGCC) authority over class VI injection wells used for sequestration of GHG, including through the issuance and enforcement of permits, and requires operators of a class VI well to provide adequate financial assurance demonstrating that the operator is financially capable of fulfilling obligations imposed on the operator, including the cost of corrective action, well plugging, post-injection site care, site closure, etc.</li> <li>4. It requires the Commissioner of Agriculture, in consultation with an institution of higher education, to conduct a study on carbon reduction and sequestration opportunities in Colorado's agricultural sector, including the potential development of certified carbon offset programs or credit instruments. The Commissioner is required to submit a study report with any legislative recommendations by December 2022, and can adopt rules in consultation with the Air Quality Control Commission and the Colorado Energy Office, to implement recommendations from the study.</li> <li>5. The bill authorizes the Colorado Agriculture Value-Added Development Board to provide grants or loans for agricultural research on agrivoltaics. For awarded research projects, the Director of the Division of Parks and Wildlife is required to provide consultation on agrivoltaic impacts to wildlife. The bill also updates the statutory definition of agrivoltaics to include additional agricultural land uses where solar panels can be collocated, including land used for animal husbandry, cover cropping for soil health, and carbon sequestration.</li> <li>6. The bill amends the definition of solar energy facility to include agrivoltaics in determining the valuation of public utilities for property tax purposes.</li> <li>7. Finally, the bill defines a climate-risk assessment as a determination of the economic and business risks that climate change poses to an investment. It requires insurance companies</li> </ol>		

	to prepare and file an annual report with the insurance commissioner providing a climate-risk assessment for the insurance company's investment portfolio from the previous 12 months, and requires the Board of Trustees of the Public Employees' Retirement Association (PERA Board) to prepare a similar annual report to be posted on their website.
<b>Status</b>	Senate Committee on Transportation & Energy Refer Amended to Finance
<b>Position</b>	Amend  CCI convened a bipartisan workgroup to think through requested amendments to this bill. The workgroup unanimously agreed that Section 4 on the phasing out of small, gas-powered equipment should be limited to incentives, and the prohibition on the sale of this equipment in nonattainment areas should be removed.

**Adjourn**