



**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**RESOLUTION TO REPEAL AND APPOINT THE UPDATED
EL PASO COUNTY NOXIOUS WEED ADVISORY COMMISSION AND
APPROVE THE ASSOCIATED BYLAWS**

WHEREAS, El Paso County is committed to serve as responsible land stewards by protecting our lands and resources from the degrading impacts of noxious weeds; and

WHEREAS, the Colorado Noxious Weed Act (the "Act") C.R.S. § 35-5.5-101, *et seq.* requires the local governing body to appoint a local board to advise in matters of the management of undesirable plants; and

WHEREAS, the Board of County Commissioners of El Paso County ("BoCC") as empowered by the provisions of C.R.S. § 29-7-101 *et seq.*, C.R.S. § 30-11-107 (1) (e), and C.R.S. § 35-5.5-107 created the Weed Advisory Commission ("Commission") on or about February 7, 1991; and

WHEREAS, the Act requires that the local governing body appoint residents of the unincorporated portion of El Paso County and at least a majority of the local advisory board shall be landowners of over forty acres; and

WHEREAS, to be compliant with the Act, the BoCC finds and determines in accordance with state mandate that it is necessary and prudent to update the name to be the "Noxious Weed Advisory Commission" and also update the bylaws consistent with C.R.S. § 35-5.5-107.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado does hereby approve the following:

1. All previously appointed members of the Commission are hereby removed;
2. The updated bylaws attached hereto and incorporated herein as Exhibit A are adopted and approved; and
3. The following three (3) individuals are hereby appointed to serve as members of the Noxious Weed Advisory Commission in accordance with Exhibit A:
 - Sharon Pattee (owner of 40+ acres in unincorporated El Paso County)
 - Ruth Ann Steele (owner of 40+ acres in unincorporated El Paso County)
 - Jan Malvern (resident of unincorporated El Paso County)

BE IT FURTHER RESOLVED that all previous resolutions which conflict with, or in any manner are inconsistent with this Resolution and its exhibits, are hereby repealed and superseded.

BE IT FURTHER RESOLVED that Dennis Hisey, duly elected, qualified member and Chair of the Board of County Commissioners, or, Darryl Glenn, duly elected, qualified member and Vice Chair of the Board of County Commissioners, be and is hereby authorized and appointed on behalf of the BoCC to execute any and all documents necessary to carry out the intent of the BoCC as described herein.

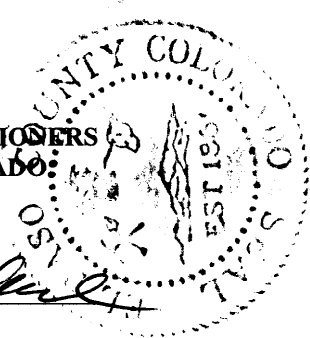
DONE THIS 23rd Day of August, 2016 at Colorado Springs, Colorado.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO**

By: Charles D. Brown
County Clerk and Recorder

By: Sallie Clark
Sallie Clark, Chair



RESOLUTION NO.
EXHIBIT A

**EL PASO COUNTY
NOXIOUS WEED ADVISORY COMMISSION
BY-LAWS**

I. AUTHORITY

The Board of County Commissioners of El Paso County (BoCC) is empowered by the provisions of C.R.S. §29-7-101, *et seq.* and C.R.S. §30-11-107 (1) (e) *et seq.* and C.R.S. § 35-5.5-107, *et seq.* to create the El Paso County Noxious Weed Advisory Commission (Commission) to advise the BoCC in matters of the management of undesirable plants.

II. APPOINTMENT AND CONSTITUTION OF THE NOXIOUS WEED ADVISORY COMMISSION

- A. The members of the Noxious Weed Advisory Commission shall be appointed by the BoCC and shall consist of three (3) members who are residents of unincorporated El Paso County. Each member shall be a resident of El Paso County for at least one (1) year prior to appointment. The majority or two (2) of the commission members shall own forty (40) acres or more.
- B. The members of the Noxious Weed Advisory Commission shall be appointed for terms of three (3) years or until a successor is appointed.
- C. At the expiration of a full or partial term, an incumbent may request reappointment; however, reappointment is not guaranteed. It is within the discretion of the BoCC to re-appoint, to re-advertise and/or re-interview for an appointment.

III. COMPENSATION

Noxious Weed Advisory Commission members shall serve without pay, except they may receive reimbursement for actual, documented expenses incurred in the conduct of business of the County.

IV. REMOVAL

Noxious Weed Advisory Commission members serve at the pleasure of and may be removed by the BoCC. Reasons for removal include, without limitation, no longer a qualified landowner, nonperformance of duties, misconduct, conflict of interest, or other activities deemed detrimental to the best interests of the County.

V. RESPONSIBILITIES

- A. Primary duties of a Noxious Weed Advisory Commission member is to serve all citizens of El Paso County, the BoCC and the El Paso County Community Services Department, Environmental Division. The member shall protect the desires and interests of the entire County and shall consider all aspects of the issues at hand, analyzing all factors to determine what is in the best interest of the entire County.
- B. Noxious Weed Advisory Commission members must demonstrate an active interest in noxious weed issues in El Paso County and be willing to work with other Commission members to achieve goals and objectives.
- C. Noxious Weed Advisory Commission members have the responsibility to review and comment on items and proposals specifically related to issues concerning El Paso County's philosophy on the management of noxious weeds and to make recommendations concerning programs related to noxious weed management. The members also have the responsibility to encourage research, understanding, and education regarding noxious weeds.
- D. The Noxious Weed Advisory Commission members shall advise the El Paso County Community Services Department, Environmental Division in the control, development, management, programming, operation, and maintenance of noxious weed issues.
- E. The Noxious Weed Advisory Commission shall perform any other acts as may be delegated and/or requested by the BoCC which are in conformity with existing laws.

VI. NOXIOUS WEED ADVISORY COMMISSION ORGANIZATION AND PROCEDURES

A. Officers:

A Chairperson, Vice-chairperson and Secretary shall be elected by a quorum of the Noxious Weed Advisory Commission at the regular meeting. Each officer shall serve for a one-year term.

1. Chairperson:

- a. The Chairperson shall preside at the meetings and shall perform the duties ordinarily performed by that office.
- b. The Chairperson, Vice-Chairperson, or designated representative shall represent the Noxious Weed Advisory Commission in matters before the Board of County Commissioners which relate to the Noxious Weed Advisory Commission duties.

2. Vice-chairperson:

- a. The Vice-chairperson, in the absence of the Chairperson, shall perform all the duties of the Chairperson.

3. Secretary:

- a. The Secretary shall maintain the minutes of the meetings, and shall sign all approved minutes of the Noxious Weed Advisory Commission meetings.
- b. The Secretary shall discharge all duties incident to the office of Secretary and such other duties as may be assigned by the Chairperson.
- c. The Ex-officio Secretary of the Noxious Weed Advisory Commission shall be the El Paso Community Services Department, Environmental Division Manager or his/her designee. Duties to include: preparation of agenda, keeping a full and true record of all meetings, custodianship of all documents and written materials belonging to the Noxious Weed Advisory Commission, and issuance of notice of meetings.

4. No member shall hold more than one office at a time.

B. Meetings:

1. The Noxious Weed Advisory Commission shall hold a minimum of one (1) annual meeting, at such time and place as the Noxious Weed Advisory Commission shall decide.
2. Additional regular meetings may be held at the request of the Chairperson and/or the Community Services Department, Environmental Division Manager or his/her designee.
3. At the first meeting of every year the Noxious Weed Advisory Commission shall comply with Colorado Open Meeting Law C.R.S. § 24-6-401, *et seq.* by designating a public posting place for the meeting agenda, a meeting place, and a custodian of the Noxious Weed Advisory Commission minutes.
4. All meetings held by the Noxious Weed Advisory Commission where public business is discussed or at which formal action may be taken shall be open to the public and is subject to the Colorado Open Records Act, C.R.S. § 24-6-401, *et seq.*
5. The Noxious Weed Advisory Commission shall keep minutes of its meetings. Failure to vote and any abstentions shall be noted in the minutes. Minutes and records of the Noxious Weed Advisory Commission shall be open to the public and subject to the Colorado Open Records Act, C.R.S. §24-72-201, *et seq.*
6. Meetings shall be conducted in accordance with Robert's Rules of Order, as revised, unless waived by the Chairperson. Two members of the Commission shall constitute a quorum. A vacancy in the Commission may occur when any member resigns.

C. Voting:

All voting of the Commission shall be by voice vote, except that any member may request a roll call vote on any issue. Roll call votes shall be recorded as such in the minutes of the meeting. Proxy votes and abstentions explicitly are not permitted. Votes are affirmed or denied by a majority vote meaning more than half of the three votes cast. Votes are a recommendation to the BoCC and are subject to approval, modification, rejection, or action by the BoCC. Any Officer who has a conflict of interest with any matter heard before the Noxious Weed Advisory Commission shall state those reasons before the item is heard and recuses him or herself from voting on that matter.

VII. POWERS AND DUTIES OF THE NOXIOUS WEED ADVISORY COMMISSION

- A. The powers and duties of the Noxious Weed Advisory Commission shall be exercised and performed as provided herein and in conformity with state laws, and subject to the approval and action of the BoCC.
- B. Develop a recommended management plan for the integrated management of designated noxious weeds and recommended management criteria for noxious weeds within unincorporated El Paso County. The management plan shall be reviewed at regular intervals but not less often than once every three years by the Noxious Weed Advisory Commission. The management plan and any amendments made thereto shall be transmitted to the BoCC for approval, modification, or rejection.
- C. Declare noxious weeds and any state noxious weeds designated by rule to be subject to integrated management.
- D. Recommend to the BoCC that identified landowners be required to submit an individual integrated management plan to manage noxious weeds on their property.

VIII. AMENDMENTS

- A. The Noxious Weed Advisory Commission's Bylaws may only be amended by resolution of the BoCC. The Noxious Weed Advisory Commission may make recommendations to the BoCC for bylaw amendments; however, the decision to amend these bylaws is solely with the BoCC.
- B. The Resolution is deemed to be severable. If any provision hereof is invalidated by any court of competent jurisdiction, the remaining provisions shall be suitable to implement the intent and purpose of this Resolution.

RESOLUTION NO. 09-364

EXHIBIT A

**EL PASO COUNTY
FORESTRY AND WEED NOXIOUS WEED ADVISORY COMMISSION
BY-LAWS**

I. AUTHORITY

The Board of County Commissioners of El Paso County (BoCC) is empowered by the provisions of C.R.S. §29-7-101, et seq. and C.R.S. §30-11-107 (1) (e) et seq. and C.R.S. § 35-5.5-107, et seq. to create the El Paso County ~~Forestry and Weed~~ Noxious Weed Advisory Commission to advise the BoCC in matters of the management of undesirable plants, ~~tree diseases, forestry pests, and forestry management.~~ The

~~Board of County Commissioners Resolution No. 96-57, General 24, establishes the policy for appointments/reappointments to County advisory boards, committees, commissions, and task forces.~~

II. APPOINTMENT AND CONSTITUTION OF THE NOXIOUS WEED ADVISORY COMMISSION

A. The members of the ~~Forestry and~~ Noxious Weed Advisory Commission shall be appointed by the

BoCC and shall consist of ~~nine (9)~~ three (3) members who are residents of unincorporated El Paso County. Each member shall be a resident of El Paso County for at least one (1) year prior to appointment. The majority two (2) of the commission members shall own forty (40) acres or more.

B. The regular voting members of the ~~Forestry and Weed~~ Noxious Weed Advisory Commission shall be appointed to have five (5) members by district, one being a resident of each of the five county commissioner districts; and one (1) appointed at large; ~~one (1) shall be appointed from a recommendation from the El Paso County Conservation District; one (1) shall be appointed from a recommendation from the El Paso County Farm Bureau; one (1) shall be the El Paso County Commissioner Liaison representing the Board of County Commissioners or his/her appointed representative. The majority five (5) of the commission members shall own forty (40) acres or more. In the event that no qualified applicant applies to fill an opening from a specific El Paso County commissioner's district, that commissioner may fill the open position with an El Paso County applicant from any other commissioner's district.~~

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C. The technical representatives and non-voting members of ~~Forestry and Weed~~ Noxious Weed Advisory Commission may be one (1) representative from each of the following agencies:

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1. Colorado State University Cooperative Extension

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2. El Paso County Public Services Department Environmental Services Division
3. El Paso County Public Services Department Transportation Division
4. USDA Natural Resources Conservation Service
5. El Paso County Public Services Department Parks Division
6. City of Colorado Springs
7. Colorado State Forest Service
8. Any other person so requested by this commission and/or the BoCC.

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~~DB. Voting Forestry and Weed Advisory Commission~~The members of the Noxious Weed Advisory Commission shall be appointed for terms of three (3) years or until a successor is appointed.

~~E. Terms of office shall be established to expire at the conclusion of the regular meeting in February of the given year.~~

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~~F. No voting member of the Forestry and Weed Advisory Commission shall serve more than two consecutive terms.~~

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~~GC. -At the expiration of the first~~a full or partial term an incumbent may request reappointment; however, reappointment is not guaranteed. The Board of County Commissioners will review the attendance record, participation and performance of each member who requests reappointment before determining whether to advertise for a replacement or for additional volunteers. It is within the discretion of the BoCC~~oard of County Commissioners to re-~~appoint, to re-advertise and/or re-interview for an appointment.

~~H. At the expiration of a second consecutive term, no voting member shall be eligible for reappointment until at least one year has passed since service on the Forestry and Weed Advisory Commission. Voting members appointed to a vacancy to complete a term which has more than one and one-half years remaining shall be reappointed to no more than one additional term.~~

~~I. The Board of County Commissioners may dismiss any member from the Forestry and Weed Advisory Commission if the member misses three scheduled meetings during any one-year period.~~

III. COMPENSATION

~~Forestry and~~Noxious Weed Advisory Commission members shall serve without pay, except they may receive reimbursement for actual, documented expenses incurred in the conduct of business of the County.

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IV. REMOVAL

~~Forestry and Noxious Weed Advisory Commission members serve at the pleasure of and may be removed by the BoCC. the Board of County Commissioners and may be removed as a member by resolution of the Board of County Commissioners. Reasons for removal include, without limitation, no longer a qualified landowner, nonperformance of duties, misconduct, conflict of interest, or other activities deemed detrimental to the best interests of the County.~~

V. RESPONSIBILITIES

A. ~~The primary responsibility of a Forestry and~~ Primary duties of a Noxious Weed Advisory Commission member is to serve all citizens of El Paso County, the ~~BoCC~~ Board of County Commissioners and the El Paso County Public ~~Community Services Department, Environmental Services Division.~~ The member shall protect the desires and interests of the entire County and shall consider all aspects of the issues at hand, analyzing all factors to determine what is in the best interest of the entire County.

B. ~~The Forestry and Noxious Weed Advisory Commission members~~ must demonstrate an active interest in ~~forestry and noxious weed issues in El Paso County and be willing to work with other Commission members to achieve goals and objectives and resolve any problems pertaining thereto.~~

C. ~~The Forestry and Noxious Weed Advisory Commission members~~ have the responsibility to review and comment on items and proposals specifically related to issues concerning the County's policies and philosophy on the management of forestry and ~~noxious weeds~~ and to make recommendations concerning the County's philosophy on the management of noxious weeds and to make recommendations concerning the El Paso County Public Services Department Environmental Services Division and /or the Board of County Commissioners concerning policies and programs related to forestry problems and to noxious weed management within the broader framework of a long term resource management goal for the County. The members also ~~has~~ have the responsibility to encourage research, understanding, and education regarding noxious weeds, tree diseases, forestry pests and forestry management, to assist in assessing the extent of forestry diseases and noxious weeds in the County, and to collaborate with municipalities and government agencies in the furtherance of forestry and noxious weed management.

D. ~~The Noxious Forestry and Weed Advisory Commission members shall advise provide advice and direction to the~~ El Paso County Public ~~Community Services Department Environmental Services Division~~ through the Forestry and Weed Advisory Commission Chairperson in the control, development, management, programming, operation, and maintenance of noxious weed issues.

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E. The Noxious Weed Advisory Commission shall perform any other acts as may be delegated and/or requested by the BoCC which are in conformity with existing laws.

**VI. ~~FORESTRY AND~~ NOXIOUS WEED ADVISORY COMMISSION ORGANIZATION
AND
PROCEDURES**

A. Officers:

A Chairperson, Vice-chairperson and Secretary shall be elected by a quorum of the ~~Forestry and Noxious~~ Weed Advisory Commission at the regular ~~February~~ meeting. Each officer shall serve for a one-year term. ~~In the absence of a Chairperson and Vice-chairperson at a regular commission meeting, the Commission shall elect a chairperson pro tempore.~~

1. Chairperson:

- a. The Chairperson shall preside at the Commission meetings and shall perform the duties ordinarily performed by that office.
- b. The Chairperson, Vice-Chairperson, or designated representative shall represent the ~~Forestry and Noxious~~ Weed Advisory Commission in matters before the Board of County Commissioners which relate to the ~~Forestry and Noxious~~ Weed Advisory Commission's responsibilities. Commission duties.
- c. ~~The Chairperson shall make appointments of committee chairpersons and committee members in consultation with the Vice-chairperson. The Vice-chairperson shall be an ex-officio member of all committees created by the Forestry and Weed Advisory Commission.~~

2. Vice-chairperson:

- a. The Vice-chairperson, in the absence of the Chairperson, shall perform all the duties of the Chairperson.
- b. ~~The Vice-chairperson shall counsel the Chairperson and act in his or her behalf, when requested, and perform other duties as designated by the Chairperson or the Commission.~~

3. Secretary:

- a. The Secretary shall maintain the minutes of the Commission meetings, and shall sign all approved minutes of the ~~commission meeting~~ Noxious Weed Advisory Commission meeting.
- b. The Secretary shall discharge all duties incident to the office of Secretary and such other duties as may be assigned by the Chairperson ~~or the Commission.~~

- e. The Ex-officio Secretary of the Noxious Weed Advisory Commission shall be the El Paso Community Services Department, Environmental Division Manager or his or her designee. shall be an El Paso County employee and shall be designated at the first meeting of each year by a vote of the Commission members. The duties shall to include: issuance and posting of meeting notices, preparation of meeting agendas, keeping a full and true record of all meetings, maintenance of all minutes and records of Commission meetings and custodianship of all documents and written materials of the Commission. Agendas for the Commission meetings shall be prepared by the ex-officio Secretary with the Chairperson's consent. Submission of items to be included in the agenda packet shall be received not less than five working days prior to any meeting of the Commission.
- c. belonging to the Noxious Weed Advisory Commission, and issuance of notice of meetings.

4. No member shall hold more than one office at a time, and no member shall be eligible to serve more than two consecutive terms in the same office.

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B. Meetings:

Meetings of the Forestry and Weed Advisory Commission shall be held at the call of the Chairperson and shall be conducted in accordance with the following requirements:

1. The Forestry and Noxious Weed Advisory Commission shall hold a minimum of one (1) monthly regular annual meeting, at such time and place as the Forestry and Noxious Weed Advisory Commission shall decide and may, upon the call of the Chairperson or of any five (5) Forestry and Weed Advisory Commission members, hold special meetings. Any regular meeting may be canceled by a simple majority of the Forestry and Weed Advisory Commission or by the Chairperson for good cause.
2. Additional regular meeting may be held at the request of the Chairperson and/or the Community Services Department Environmental Division Manager or his or her designee.
3. At the first meeting of every year the Noxious Weed Advisory Commission shall comply with the All regular and special meetings held by the Forestry and Weed Advisory Commission where public business is discussed or at which formal action may be taken shall be open to the public and subject to the Colorado Colorado Open Meetings Law C.R.S. § 24-6-401, et seq Provisions of the Colorado Sunshine Act of 1972, as enacted by S.B. 91-23, by designating a public posting place for the meeting agenda, a meeting place, and a custodian of the Noxious Weed Advisory Commission minutes.
2. All meetings held by the Noxious Weed Advisory Commission where public business is discussed or at which formal action may be taken shall be open to the public and is

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subject to the Colorado Open Records Law Act, C.R.S. § 24-6-401, et seq., and Board Resolutions #92-201198, General 1074, and #91-219, General 109, as the same may be amended from time to time.

4.

3. Executive sessions shall be held in strict compliance with the aforesaid statutory provisions and Board resolutions.

4. The Forestry and Noxious Weed Advisory Commission shall keep minutes of its respective proceedings showing the presence or absence of each member meetings. Failure to vote and any abstentions shall be noted in the minutes. Minutes and records of the Forestry and Noxious Weed Advisory Commission shall be open to the public and subject to the Colorado Open Records Act, C.R.S. §24-72-201, et seq., and Board Resolution #92-198, General 104, as the same may be amended from time to time.

5.

5.6. Meetings shall be conducted in accordance with Robert's Rules of Order, as revised, unless waived by the Chairperson. Five Two members of the commission shall constitute a quorum. A vacancy in the Commission may occur when any member fails to be present at three consecutive regular meetings, or twenty five percent (25%) of the regular meetings in a calendar year, unless such absence is excused by the Commission, or when the member resigns from the Commission.

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C. Voting:

All voting of the Commission shall be by voice vote, except that any member may request a roll call vote on any issue. Roll call votes shall be recorded as such in the minutes of the meeting. Proxy votes and abstentions explicitly are not permitted. Votes are affirmed or denied by a majority vote meaning more than half of the three votes cast. All votes are a recommendations to the BoCC and are subject to approval, modification, rejection, or action by the BoCC. Any officer who has a conflict of interest with any matter heard before the Noxious Weed Advisory Commission shall state those reasons before the item is heard and recues him or herself from voting on that matter.

VII. POWERS AND DUTIES OF THE FORESTRY AND NOXIOUS WEED ADVISORY COMMISSION

A. The powers and duties of the Forestry and Noxious Weed Advisory Commission shall be exercised and performed as provided herein and in conformity with state laws, and subject to the approval and action of the Board of County Commissioners.

B. Develop a recommended management plan for the integrated management of designated noxious weeds and recommended management criteria for noxious weed within unincorporated El Paso County. The management plan shall be reviewed at regular intervals but not less often than once every three years by the Noxious Weed Advisory Commission.

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The management plan and any amendments made thereto shall be transmitted to the BoCC for approval, modification, or rejection.

C. Declare noxious weeds and any state noxious weeds designated by rule to be subject to integrated management.

D. Recommend to the BoCC that identified landowners be required to submit an individual integrated management plan to manage noxious weeds on their property.

~~The Forestry and Weed Advisory Commission shall advise the El Paso County Public Services Department Environmental Services Division in the control, development, management, programming, operation and maintenance of forestry and weed issues.~~

~~C. The Forestry and Weed Advisory Commission shall advise the El Paso County Public Services Department Environmental Services Division on matters relative to forestry and weed issues including the annual budget, management, control measures, safety, economic costs relative to long term benefit, sustainability of practices, and mandates of law.~~

~~D. The Forestry and Weed Advisory Commission shall perform any other acts as may be delegated and/or requested by the Board of County Commissioners which are in conformity with existing laws.~~

VIII. AMENDMENTS

A. ~~The is resolution containing the Noxious Forestry and Weed Advisory Commission Bylaws may be only be~~
amended by resolution of the Board of County Commissioners. The Noxious Weed Advisory Commission may make recommendations to the BOCC by bylaw amendments; however, the decision to amend these bylaws is solely with the BoCC.

B. ~~This~~ resolution is deemed to be severable. If any provision hereof is invalidated by any court of competent jurisdiction, the remaining provisions shall be suitable to implement the intent and purpose of this resolution.

IX. STATUS

~~The Forestry and Weed Advisory Commission is a non-profit, volunteer organization dedicated to the furtherance of forestry and noxious weeds management in compliance with House Bill 81-1099, House Bill 90-1175, and House Bill 96-1003, et seq.~~