

13.8142.03000

Sixty-third
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1013**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 public instruction, the state library, the school for the deaf, and North Dakota vision services -
3 school for the blind; to provide for a transfer to the general fund; to provide for the distribution of
4 funding for gifted and talented programs and other grants; to amend and reenact sections
5 15.1-02-02 and 15.1-18.1-02 of the North Dakota Century Code, relating to the salary of the
6 superintendent of public instruction and the national board certification program; to provide
7 exemptions; to provide legislative intent; to provide an effective date; and to declare an
8 emergency.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
11 as may be necessary, are appropriated out of any moneys in the general fund in the state
12 treasury, not otherwise appropriated, and from special funds derived from federal funds and
13 other income, to the department of public instruction, the school for the deaf, North Dakota
14 vision services - school for the blind, and the state library for the purpose of defraying the
15 expenses of those agencies, for the biennium beginning July 1, 2013, and ending June 30,
16 2015, as follows:

17 Subdivision 1.

18 DEPARTMENT OF PUBLIC INSTRUCTION

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
21 Salaries and wages	\$14,409,300	\$2,211,536	\$16,620,836
22 Accrued leave payments	0	0	0
23 Operating expenses	29,099,187	631,615	29,730,802
24 Funding pool for initiatives	0	2,750,000	2,750,000

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1	Grants - state school aid	918,459,478	(918,459,478)	0
2	Integrated formula payments	0	1,809,800,000	1,809,800,000
3	Grants - special education contracts	16,000,000	500,000	16,500,000
4	Grants - transportation	48,500,000	5,000,000	53,500,000
5	Grants - other grants	304,609,393	(31,903,132)	272,706,261
6	Grants - mill levy reduction	341,790,000	(341,790,000)	0
7	Rapid enrollment grants	5,000,000	(5,000,000)	0
8	Transportation efficiency	30,000	0	30,000
9	National board certification	<u>185,000</u>	<u>(65,000)</u>	<u>120,000</u>
10	Total all funds	\$1,678,082,358	\$523,675,541	\$2,201,757,899
11	Less estimated income	<u>434,485,707</u>	<u>2,758,442</u>	<u>437,244,149</u>
12	Total general fund	\$1,243,596,651	\$520,917,099	\$1,764,513,750
13	Full-time equivalent positions	99.75	0.00	99.75

14 Subdivision 2.

15 STATE LIBRARY

16			Adjustments or	
17		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18	Salaries and wages	\$3,450,359	\$482,347	\$3,932,706
19	Accrued leave payments	0	0	0
20	Operating expenses	1,695,726	200,000	1,895,726
21	Grants	<u>2,252,500</u>	<u>266,500</u>	<u>2,519,000</u>
22	Total all funds	\$7,398,585	\$948,847	\$8,347,432
23	Less estimated income	<u>2,134,610</u>	<u>266,237</u>	<u>2,400,847</u>
24	Total general fund	\$5,263,975	\$682,610	\$5,946,585
25	Full-time equivalent positions	29.75	0.00	29.75

26 Subdivision 3.

27 SCHOOL FOR THE DEAF

28			Adjustments or	
29		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
30	Salaries and wages	\$5,932,638	\$1,254,447	\$7,187,085
31	Accrued leave payments	0	0	0

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1	Operating expenses	1,633,911	274,883	1,908,794
2	Capital assets	41,700	1,152,321	1,194,021
3	Grants	<u>200,000</u>	<u>0</u>	<u>200,000</u>
4	Total all funds	\$7,808,249	\$2,681,651	\$10,489,900
5	Less estimated income	<u>1,193,277</u>	<u>1,382,391</u>	<u>2,575,668</u>
6	Total general fund	\$6,614,972	\$1,299,260	\$7,914,232
7	Full-time equivalent positions	43.94	0.67	44.61

8 Subdivision 4.

9 NORTH DAKOTA VISION SERVICES - SCHOOL FOR THE BLIND

10			Adjustments or	
11		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
12	Salaries and wages	\$3,815,825	\$780,860	\$4,596,685
13	Accrued leave payments	0	0	0
14	Operating expenses	707,006	13,800	720,806
15	Capital assets	<u>39,500</u>	<u>3,284,900</u>	<u>3,324,400</u>
16	Total all funds	\$4,562,331	\$4,079,560	\$8,641,891
17	Less estimated income	<u>835,091</u>	<u>24,264</u>	<u>859,355</u>
18	Total general fund	\$3,727,240	\$4,055,296	\$7,782,536
19	Full-time equivalent positions	29.50	0.50	30.00

20 Subdivision 5.

21 BILL TOTAL

22			Adjustments or	
23		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
24	Grand total general fund	\$1,259,202,838	\$526,954,265	\$1,786,157,103
25	Grand total special funds	<u>438,648,685</u>	<u>4,431,334</u>	<u>443,080,019</u>
26	Grand total all funds	\$1,697,851,523	\$531,385,599	\$2,229,237,122

27 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

28 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
 29 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and
 30 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

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	<u>2011-13</u>	<u>2013-15</u>
1 <u>One-Time Funding Description</u>		
2 Department of public instruction		
3 IT application rewrite and maintenance	\$384,000	\$0
4 Education standards and practices board database	200,000	0
5 Funding pool for initiatives	0	2,750,000
6 Information technology staffing analysis	0	100,000
7 Early childhood care and education study	0	200,000
8 Governing North Dakota textbook	0	20,000
9 Education jobs fund	<u>21,517,716</u>	<u>0</u>
10 Total department of public instruction - all funds	\$22,101,716	\$3,070,000
11 Total department of public instruction - estimated income	<u>21,717,716</u>	<u>0</u>
12 Total department of public instruction - general fund	\$384,000	\$3,070,000
13 School for the deaf		
14 Extraordinary repairs	<u>\$998,530</u>	<u>\$1,002,259</u>
15 Total school for the deaf - all funds	\$998,530	\$1,002,259
16 Total school for the deaf - estimated income	<u>894,730</u>	<u>1,002,259</u>
17 Total school for the deaf - general fund	\$103,800	\$0
18 North Dakota vision services - school for the blind		
19 Equipment	\$25,500	\$20,200
20 Elevator installation	0	241,500
21 Window replacements	0	189,000
22 Extraordinary repairs	0	90,129
23 Remodel of west wing	0	2,762,000
24 Facility master plan	20,000	0
25 Instructional equipment	<u>24,500</u>	<u>0</u>
26 Total school for the blind - all funds	\$70,000	\$3,302,829
27 Total school for the blind - estimated income	<u>0</u>	<u>110,329</u>
28 Total school for the blind - general fund	\$70,000	\$3,192,500
29 Grand total - all funds	\$23,170,246	\$7,375,088
30 Grand total - estimated income	<u>22,612,446</u>	<u>1,112,588</u>
31 Grand total - general fund	\$557,800	\$6,262,500

1 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
2 2015-17 biennium. The department of public instruction, state library, school for the deaf, and
3 North Dakota vision services - school for the blind shall report to the appropriations committees
4 of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium
5 beginning July 1, 2013, and ending June 30, 2015.

6 **SECTION 3. APPROPRIATION.** There is appropriated from special funds derived from
7 federal funds the sum of \$25,000,000, or so much of the sum as may be necessary, to the
8 superintendent of public instruction for grants for the period beginning with the effective date of
9 this Act and ending June 30, 2013.

10 **SECTION 4. APPROPRIATION - TUITION APPORTIONMENT.** The sum of \$140,326,000,
11 included in the integrated formula payments line item in subdivision 1 of section 1 of this Act, is
12 from the state tuition fund in the state treasury. Any additional amount in the state tuition fund
13 that becomes available for distribution to public schools is appropriated to the department of
14 public instruction for that purpose for the biennium beginning July 1, 2013, and ending June 30,
15 2015.

16 **SECTION 5. TRANSFER - PROPERTY TAX RELIEF SUSTAINABILITY FUND TO THE**
17 **GENERAL FUND.** The office of management and budget shall transfer the sum of
18 \$341,790,000 from the property tax relief sustainability fund to the general fund, for the
19 biennium beginning July 1, 2013, and ending June 30, 2015.

20 **SECTION 6. INTEGRATED FORMULA PAYMENTS AND SPECIAL EDUCATION**
21 **CONTRACTS EXPENDITURE AUTHORITY.** The superintendent of public instruction may
22 expend funds included in the integrated formula payments and grants - special education
23 contracts line items in subdivision 1 of section 1 of this Act in payment of grants for educational
24 services that were due in the 2011-13 biennium but which were not filed, claimed, or properly
25 supported by the education provider until after June 30, 2013.

26 **SECTION 7. GIFTED AND TALENTED PROGRAM - MEDICAID MATCHING FUNDING -**
27 **DISTRIBUTION.**

28 1. The sum of \$800,000, included in the integrated formula payments line item in
29 subdivision 1 of section 1 of this Act, must be distributed to reimburse school districts
30 or special education units for gifted and talented programs upon the submission of an
31 application that is approved in accordance with guidelines adopted by the

1 superintendent of public instruction. The superintendent of public instruction shall
2 encourage cooperative efforts for gifted and talented programs among school districts
3 and special education units.

4 2. State school aid payments for special education must be reduced by the amount of
5 matching funds required to be paid by school districts or special education units for
6 students participating in the medicaid program. Special education funds equal to the
7 amount of the matching funds required to be paid by the school district or special
8 education unit must be paid by the superintendent of public instruction to the
9 department of human services on behalf of the school district or unit.

10 **SECTION 8. REGIONAL EDUCATION ASSOCIATIONS - GRANTS.** During the 2013-15
11 biennium, the superintendent of public instruction shall expend up to \$800,000 from the
12 integrated formula payments line item in subdivision 1 of section 1 of this Act for the purpose of
13 providing an annual grant to each eligible regional education association in order to assist each
14 association with the cost of compensating a coordinator.

- 15 1. In order to receive a grant under this section, each regional education association
16 must:
- 17 a. Enter a contract with an individual to serve as a coordinator, on a full-time or a
18 part-time basis, for a duration of at least twelve months; and
- 19 b. Provide from other revenue sources at least thirty percent of the total
20 compensation payable to the coordinator.
- 21 2. The maximum grant payable to a regional education association under this section
22 during each year of the biennium is the lesser of \$50,000 or seventy percent of the
23 total compensation payable to the coordinator.

24 **SECTION 9. TRANSPORTATION GRANTS - DISTRIBUTION.**

- 25 1. During each year of the 2013-15 biennium, the superintendent of public instruction
26 shall calculate the payment to which each school district is entitled based on the state
27 transportation formula as it existed on June 30, 2001, except that the superintendent
28 shall provide reimbursement at the rate of:
- 29 a. One dollar and thirteen cents per mile for schoolbuses having a capacity of ten or
30 more passengers;

- 1 b. Fifty-two cents per mile for vehicles having a capacity of nine or fewer
2 passengers;
- 3 c. Fifty cents per mile, provided:
- 4 (1) The student being transported is a student with a disability, as defined in
5 chapter 15.1-32;
- 6 (2) The student's individualized education program plan requires that the
7 student attend a public or a nonpublic school located outside the student's
8 school district of residence;
- 9 (3) The student is transported by an adult member of the student's family;
- 10 (4) The student is transported in a vehicle furnished by the student's parents;
- 11 (5) The student's transportation is paid for by the student's parents; and
- 12 (6) The reimbursement does not exceed two round trips daily between the
13 student's home and school;
- 14 d. Fifty cents per mile, one way, provided:
- 15 (1) The student being transported resides more than two miles from the public
16 school that the student attends;
- 17 (2) The student is transported by an adult member of the student's family;
- 18 (3) The student is transported in a vehicle furnished by the student's parents;
19 and
- 20 (4) The student's transportation is paid for by the student's parents; and
- 21 e. Thirty cents per student for each one-way trip.
- 22 2. The superintendent of public instruction shall use the latest available student
23 enrollment count in each school district in applying the provisions of subsection 1.
- 24 3. If any moneys provided for transportation payments in the grants - transportation line
25 item in subdivision 1 of section 1 of this Act, remain after application of the formula
26 provided for in this section, the superintendent of public instruction shall prorate the
27 remaining amounts according to the percentage of the total transportation formula
28 amount to which each school district is entitled.
- 29 4. This section does not authorize the reimbursement of any costs incurred in providing
30 transportation for student attendance at extracurricular activities or events.

1 **SECTION 10. CONTINUING EDUCATION GRANTS - FUNDING - DISTRIBUTION.** The
2 sum of \$150,000, or so much of the sum as may be necessary, included in the grants - other
3 grants line item in subdivision 1 of section 1 of this Act is provided for continuing education
4 grants, for the biennium beginning July 1, 2013, and ending June 30, 2015.

- 5 1. The superintendent of public instruction shall award grants in amounts up to \$1,200 to
6 eligible recipients in chronological order, based on the date of an individual's
7 application. An eligible recipient must:
- 8 a. (1) Be licensed to teach by the education standards and practices board;
 - 9 (2) Have taught in this state during each of the last three school years; and
 - 10 (3) Be enrolled at an institution of higher education in this state in either a
11 master of education program in educational leadership or a program leading
12 to a specialist diploma in educational leadership;
 - 13 b. Be pursuing the requirements for a certificate in career development facilitation;
 - 14 or
 - 15 c. Be pursuing a school counselor credential.
- 16 2. If any of the amount appropriated for this purpose remains after the superintendent of
17 public instruction has awarded grants to all eligible recipients, the superintendent shall
18 distribute that amount as an additional per student payment on a prorated basis,
19 according to the latest available average daily membership of each school district.

20 **SECTION 11. SUPERINTENDENT - SCHOOL FOR THE DEAF - AUTHORIZATION -**
21 **CONTINGENT FUNDING.** The salaries and wages line item in subdivision 3 of section 1 of this
22 Act includes \$142,242 from the general fund to provide funding for a full-time superintendent at
23 the school for the deaf. The school for the deaf may use the funding to fill a full-time
24 superintendent position as directed by the superintendent of public instruction. This funding is
25 contingent on the superintendent of public instruction certifying to the director of the office of
26 management and budget that the position has been filled by a full-time superintendent. The
27 office of management and budget shall prorate the amount of funding available to the school for
28 the deaf based on the retirement date of the current superintendent of the school for the deaf.

29 **SECTION 12. SUPERINTENDENT - SCHOOL FOR THE BLIND - AUTHORIZATION -**
30 **CONTINGENT FUNDING.** The salaries and wages line item in subdivision 4 of section 1 of this
31 Act includes \$144,670 from the general fund to provide funding for a full-time superintendent at

1 the school for the blind. In addition, a .5 full-time equivalent position is added, which is
2 contingent on a determination made by the superintendent of public instruction that the position
3 should be filled by a full-time superintendent. The school for the blind may use the funding to fill
4 a full-time superintendent position as directed by the superintendent of public instruction. This
5 funding is contingent on the superintendent of public instruction certifying to the director of the
6 office of management and budget that the position has been filled by a full-time superintendent.
7 The office of management and budget shall prorate the amount of funding available to the
8 school for the blind based on the retirement date of the current superintendent of the school for
9 the blind.

10 **SECTION 13. INDIRECT COST ALLOCATION.** Notwithstanding section 54-44.1-15, the
11 department of public instruction may deposit indirect cost recoveries in its operating account.

12 **SECTION 14. EXEMPTION - FUNDING POOL FOR INITIATIVES - LINE ITEM**
13 **TRANSFER.** Notwithstanding the provisions of section 54-16-04, the superintendent of public
14 instruction shall transfer funding from the funding pool for initiatives line item in subdivision 1 of
15 section 1 of this Act, to the extent necessary, to the appropriate line item for expending the
16 funds for each initiative. The superintendent of public instruction shall report to the office of
17 management and budget regarding all transfers from the funding pool for initiatives line item.

18 **SECTION 15. INFORMATION TECHNOLOGY STAFFING ANALYSIS.** Subdivision 1 of
19 section 1 of this Act includes \$100,000 from the general fund for the superintendent of public
20 instruction to contract with the information technology department and a private consultant to
21 conduct an information technology staffing analysis for the biennium beginning July 1, 2013,
22 and ending June 30, 2015. The analysis must include a review of the department of public
23 instruction information technology staffing duties, responsibilities, and staffing levels and must
24 consider the feasibility and desirability of transferring additional information technology positions
25 to the information technology department and must provide recommendations regarding the
26 appropriate level of information technology staff for the department of public instruction.

27 **SECTION 16. OTHER GRANTS - REPORTING.** The superintendent of public instruction
28 shall develop a format for reporting on the cost per participant and the outcomes of other grants
29 and report to the sixty-fourth legislative assembly regarding participation, cost, and outcomes of
30 these grants.

1 **SECTION 17. LEGISLATIVE INTENT - REIMBURSEMENT OF TITLE FUNDING DUE TO**
2 **FEDERAL SEQUESTRATION.** If, as a result of the federal sequestration order for fiscal year
3 2013, issued pursuant to section 251A of the Balanced Budget and Emergency Deficit Control
4 Act, as amended [2 U.S.C. 901A], school districts experience a reduction in funds provided
5 under title I, part A of the Elementary and Secondary Education Act of 1965, as amended
6 [20 U.S.C. 6301, et seq.], it is the intent of the legislative assembly that the superintendent of
7 public instruction introduce legislation to the sixty-fourth legislative assembly seeking state
8 funding for school districts to offset these federal funding reductions.

9 **SECTION 18. STATE AID TO PUBLIC LIBRARIES.** The line item entitled grants in
10 subdivision 2 of section 1 of this Act includes \$1,766,500 for aid to public libraries, of which no
11 more than one-half is to be expended during the fiscal year ending June 30, 2014.

12 **SECTION 19. FEES DEPOSITED IN NORTH DAKOTA VISION SERVICES - SCHOOL**
13 **FOR THE BLIND OPERATING FUND.** Any moneys included in the estimated income line item
14 in subdivision 4 of section 1 of this Act, collected for subscription fees or braille fees, must be
15 deposited in the North Dakota vision services - school for the blind operating fund in the state
16 treasury and may be spent subject to appropriation by the legislative assembly.

17 **SECTION 20. SCHOOL FOR THE DEAF - HIGHER EDUCATION INTERPRETER GRANT**
18 **PROGRAM.** The grants line item contained in subdivision 3 of section 1 of this Act is for the
19 purpose of providing grants to assist institutions under the control of the state board of higher
20 education with the cost of interpreters and real-time captioning for students who are deaf or
21 hard of hearing, for the biennium beginning July 1, 2013, and ending June 30, 2015. Moneys
22 appropriated for this program are not subject to section 54-44.1-11. Funds shall be distributed
23 pursuant to the provisions of this section:

- 24 1. The school for the deaf shall develop a formula to determine the grant amount for
25 which an institution is eligible. The formula must be based on a uniform hourly
26 reimbursement.
- 27 2. To obtain a grant under this section, an institution shall submit to the school for the
28 deaf, at the time and in the manner directed by the school, invoices showing the
29 amount expended for interpreters and real-time captioning for students who are deaf
30 or hard of hearing.

- 1 3. The school for the deaf may not distribute more than fifty percent of the amount
- 2 appropriated during the first year of the biennium.
- 3 4. If any grant moneys remain undistributed at the end of the biennium, the school for the
- 4 deaf shall provide additional prorated grants to institutions that incurred, during the
- 5 biennium, hourly expenses in excess of the formula reimbursement level.
- 6 5. At the request of an institution under the control of the state board of higher education,
- 7 the school for the deaf shall consult with the institution and provide advice regarding
- 8 the provision of services most appropriate to meet a student's needs.

9 **SECTION 21. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **15.1-02-02. Salary.**

12 The annual salary of the superintendent of public instruction is one hundred ~~two~~ten
13 thousand ~~eight~~one hundred ~~sixty-eight~~ninety-two dollars through June 30, ~~2012~~2014, and one
14 hundred ~~five~~fourteen thousand ~~nine~~six hundred ~~fifty-four dollars thereafter.~~

15 **SECTION 22. AMENDMENT.** Section 15.1-18.1-02 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-18.1-02. National board certification program - Recertification - Board duties.**

- 18 1. The board shall:
 - 19 a. Inform teachers of the national board certification program and the scholarships
 - 20 and services the national board provides to teachers seeking certification.
 - 21 b. Collect and review in the order received scholarship applications from individuals
 - 22 who are licensed to teach by the board or approved to teach by the board.
 - 23 c. (1) Approve no more than seventeen applications per year under this
 - 24 subsection;
 - 25 (2) During each year of the biennium, reserve three of the available
 - 26 scholarships under this subsection until October first for individuals teaching
 - 27 at low-performing schools. At that time, the three slots, if not filled, become
 - 28 available to all other applicants;
 - 29 (3) Require the recipient for a scholarship under this subsection to serve during
 - 30 the school year as a full-time classroom teacher in a public or nonpublic
 - 31 school in this state; and

- 1 (4) If available, require the recipient for a scholarship under this subsection to
2 participate in mentoring programs developed and implemented in the
3 employing school or school district.
- 4 d. Ensure that all scholarship recipients under this subsection receive adequate
5 information regarding the level of commitment required to acquire certification.
- 6 2. The board shall collect and review in the order received scholarship applications for
7 national board recertification from individuals who are licensed to teach by the board
8 or approved to teach by the board and:
- 9 a. Approve no more than three scholarship applications per year under this
10 subsection;
- 11 b. Require each recipient for a scholarship under this subsection to serve during the
12 school year as a full-time classroom teacher in a public or nonpublic school in
13 this state; and
- 14 c. If available, require each recipient for a scholarship under this subsection to
15 participate in mentoring programs developed and implemented in the employing
16 school or school district.
- 17 3. If any individual who receives a scholarship under this section does not complete the
18 certification process within the time allotted by the board, the individual must
19 reimburse the state an amount equal to one-half of the amount awarded to the
20 individual as a scholarship.
- 21 4. ~~The board shall pay to any individual who received national board certification before~~
22 ~~July 1, 2007, one thousand dollars for each year the individual has maintained and~~
23 ~~continues to maintain national board certification, provided the individual continues to~~
24 ~~be employed by a school district in this state. An individual may not receive more than~~
25 ~~four thousand dollars under this subsection.~~
- 26 5. a. At the conclusion of each school year after an individual receives national board
27 certification, the board shall pay to an individual an additional one thousand five
28 hundred dollars for the life of the national board certificate if:
- 29 (4)a. The individual was employed during the school year as a full-time classroom
30 teacher by a school district in this state; and

1 ~~(2)~~b. The individual participated in any efforts of the employing school district to
2 develop and implement teacher mentoring programs.

3 ~~b.~~ ~~The payment provided for in this subsection is available beginning with the~~
4 ~~2007-08 school year.~~

5 6-5. A contract negotiated under chapter 15.1-16 may not preclude or limit the ability of a
6 school district or any other entity, public or private, from providing any remuneration to
7 a teacher who has obtained national board certification. Any remuneration received by
8 a teacher as a consequence of having obtained national board certification is in
9 addition to any other compensation otherwise payable as a result of any contract
10 negotiated under chapter 15.1-16.

11 **SECTION 23. EFFECTIVE DATE.** Section 22 of this Act becomes effective July 1, 2015.

12 **SECTION 24. EMERGENCY.** Section 3 of this Act is declared to be an emergency
13 measure.