

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 686 Session of
2005

INTRODUCED BY ERICKSON, COSTA, THOMPSON, PILEGGI, C. WILLIAMS,
HUGHES, FUMO, RHOADES, EARLL, FERLO, PICCOLA, PIPPY,
RAFFERTY, STACK, VANCE, WENGER, WONDERLING AND CONTI,
MAY 9, 2005

SENATOR RHOADES, EDUCATION, AS AMENDED, MAY 11, 2005

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," repealing provisions relating to cost
6 of tuition and maintenance of certain exceptional children in
7 approved institutions and in chartered schools for the
8 education of the deaf and the blind; and providing for cost
9 of tuition and maintenance of certain children in approved
10 private schools and in chartered schools.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Sections 1376 and 1376.1 of the act of March 10,
14 1949 (P.L.30, No.14), known as the Public School Code of 1949,
15 are repealed.

16 Section 2. The act is amended by adding sections to read:

17 Section 1376.2. Cost of Tuition and Maintenance of Eligible
18 Children in Approved Private Schools.--(a) (1) When an
19 eligible child is enrolled, with the approval of the department,
20 as a pupil in a private school approved by the department, the
21 school district in which the eligible child is a resident or,

for a student placed by a charter school, the charter school in which the student is enrolled shall pay the greater of:

(i) forty percent (40%) of the approved tuition rate as established pursuant to subsection (f) or (h); or

(ii) the school district's or charter school's tuition charges per elementary pupil or tuition charges per secondary pupil as calculated under section 2561.

(2) The Commonwealth shall pay, out of funds appropriated to the department for approved private schools, the balance of the approved tuition rate due for the cost of the eligible child's tuition and maintenance. The department shall credit the district of residence with average daily membership for the eligible child consistent with the rules of procedure developed in accordance with section 2501. If the residence of an eligible child in a particular school district cannot be determined, the Commonwealth shall pay the whole cost of tuition and maintenance of the eligible child under subsection (f) or (h).

(b) For the 2004-2005 school year, the following shall apply:

(1) Except as otherwise provided under paragraph (2), the department shall determine the payment amount for each approved private school for all students enrolled in an approved private school for the 2003-2004 school year based on the average of the following: Provided, That the calculation under this paragraph shall not include any adjustments for offsetting income:

(i) The preliminary budget submitted to the department by the approved private school for the 2004-2005 school year.7
~~excluding any adjustments for questioned costs.~~

(ii) The midyear budget submitted to the department by the approved private school for the 2003-2004 school year.

<—

1 (iii) The audit issued by the Governor's Office of the
2 Budget for the 2002-2003 school year, excluding any adjustments
3 for ~~questionable~~ QUESTIONED costs.

<—

4 (2) (i) Where the 2002-2003 audit is not available, the
5 department shall use the claim form submitted to it by the
6 approved private school for the 2002-2003 school year. In the
7 event that an approved private school has not submitted a claim
8 form for the 2002-2003 school year, the department shall use the
9 audit or, where the audit is unavailable, the claim form for the
10 2001-2002 school year.

11 (ii) For the purposes of determining the payment under
12 paragraph (1) for an approved private school that was not in
13 operation for the 2002-2003 school year, the department shall
14 utilize the approved private school's preliminary budget for the
15 2004-2005 school year instead of the audit identified under
16 paragraph (1)(iii): Provided, That the calculation under this
17 subparagraph shall not include any ~~net deductions~~ ADJUSTMENTS
18 for offsetting income.

<—

19 (3) No later than August 10, 2004, the department shall
20 notify each school district of residence or charter school of an
21 eligible child enrolled in an approved private school of its
22 payment amount under subsection (a).

23 (4) The department shall pay each approved private school
24 the total amount calculated pursuant to this subsection divided
25 into twelve (12) equal monthly payments, which shall not include
26 any adjustments for offsetting income. The department shall
27 withhold the school district or charter school payment amount
28 calculated under subsection (a) from the amount of any and all
29 State payments made to the school district or charter school. In
30 no event shall the sum of the Commonwealth's share of payments

to approved private schools under this subsection exceed the appropriation for approved private schools.

(c) (1) For the 2005-2006 school year and each school year thereafter, the department shall determine the payment amount for each approved private school for all students enrolled in the approved private school for the immediately preceding school year as follows:

(i) Multiply the payment determined for the immediately preceding school year by one hundred twenty-five percent (125%) of the percentage increase in the appropriation for special education for the fiscal year prior to the fiscal year in which payments under this subsection are made.

(ii) Add the product from subparagraph (i) to the payment determined for the immediately preceding school year.

(2) No later than May 10 of each year, the department shall notify each school district of residence or charter school of an eligible child enrolled in an approved private school of the school district's or charter school's payment amount under subsection (a).

(3) The department shall pay each approved private school the total amount calculated pursuant to this subsection divided into twelve (12) equal monthly payments, which shall not include any adjustments for offsetting income. The department shall withhold the school district or charter school payment amount calculated under subsection (a) from the amount of any and all State payments made to the school district or charter school. In no event shall the sum of the Commonwealth's share of payments to approved private schools under this subsection exceed the appropriation for approved private schools.

(d) When any person less than school entry age or more than

twenty-one (21) years of age and resident in this Commonwealth
who is blind or deaf, or has cerebral palsy and/or has
neurological impairment and/or has muscular dystrophy, or has
autism/pervasive developmental delay, and is enrolled, with the
approval of the department as a pupil in an approved private
school approved by the department, the Commonwealth shall pay to
the school:

(1) the approved tuition rate for the child's tuition and
maintenance; and

(2) in the case of any child less than school entry age who
is blind, the cost, as determined by the department, of
instructing the parent of the child in caring for the child.

(e) (1) Beginning with the 2004-2005 school year and each
school year thereafter, each approved private school shall
submit a completed ~~claim form~~ REPORT OF ESTIMATED EXPENDITURES <—
for the immediately preceding fiscal year to the department no
later than August 1 of each year. Each approved private school
shall submit a REPORT OF FINAL EXPENDITURES AND A separate audit <—
report prepared by an independent certified public accountant
selected by the approved private school. ~~Such~~ THE audit report <—
shall be prepared in accordance with generally accepted auditing
standards and generally accepted accounting principles. The
approved private school shall submit the REPORT OF FINAL <—
EXPENDITURES AND THE audit report to the department by November
1, 2005, and no later than November 1 of each year thereafter.

(2) Audits of cost reports submitted by approved private
schools for school years prior to the 2004-2005 school year
which have not been completed by the department as of the
effective date of this section shall be completed by an
independent certified public accountant selected by the approved

private school and shall be conducted in accordance with generally accepted auditing standards and generally accepted accounting principles as set forth in this subsection.

(3) Upon receipt of an audit report submitted pursuant to this subsection, the department shall have no more than three (3) months to review the audit report and settle any outstanding payments due to or from the approved private school.

(f) For payments made during the 2004-2005 school year, the department shall establish an approved tuition rate for each approved private school by dividing the amount calculated under subsection (b) by the full-time equivalent enrollment for the approved private school for the 2003-2004 school year. This calculation shall be adjusted for residential and nonresidential students. The approved tuition rate multiplied by the full-time equivalent enrollment shall not exceed the amount calculated under subsection (b).

(g) No later than August 15 of each year, each approved private school shall provide the department its proposed tuition rate or rates and projected full-time equivalent enrollment for the current year. An approved private school may submit separate proposed tuition rates for up to three levels of services and for day and residential students.

(h) (1) For payments made during the 2005-2006 school year and each school year thereafter, no later than January 15 of each year, the department shall establish an approved tuition rate or rates and full-time equivalent enrollment for each approved private school for the current school year.

(2) Where an approved private school has submitted one tuition rate, the approved tuition rate shall be determined by dividing the amount calculated under subsection (c) by the full-

time equivalent enrollment for the approved private school for the immediately preceding school year.

(3) Where an approved private school has submitted more than one tuition rate, the sum of the products of each approved tuition rate and corresponding full-time equivalent enrollment for the approved private school for the immediately preceding school year shall equal the amount calculated under subsection (c).

(4) An approved private school may enroll students in excess of the approved full-time equivalent enrollment. When an approved private school enrolls students in excess of the approved full-time equivalent enrollment, it shall show a corresponding decrease in its approved tuition rate for those students.

(i) No later than May 1 of each school year, the department shall annually publish a report on the department's publicly accessible Internet website that shall include, but not be limited to:

(1) The approved tuition rate or rates for each approved private school for the current school year.

(2) A description of the exceptionalities each approved private school is approved to serve.

(3) A description of all programs and services offered by each approved private school.

(j) (1) Except as otherwise provided under paragraph (2), no private institution receiving payment in accordance with this section may impose any charge on a student or parent who is a Pennsylvania-approved reimbursable resident for a program of individualized instruction and maintenance appropriate to the child's needs.

1 (2) Charges for services not part of the program may be made
2 if agreed to by the parent.

3 (k) The State Board of Education shall promulgate final-
4 omitted regulations, under the act of June 25, 1982 (P.L.633,
5 No.181), known as the Regulatory Review Act, where such
6 regulations are necessary to further define "eligible child" and
7 "allowable administrative expenditures," which expenditures
8 shall not exceed ten percent (10%) of each ~~chartered~~ APPROVED <—
9 PRIVATE school's budget, AND to implement subsections (a), (d), <—
10 (f) and (h).

11 (l) As used in this section, the following words and phrases
12 shall have the meanings given to them in this subsection unless
13 the context clearly indicates otherwise:

14 "Approved full-time equivalent enrollment" means the full-
15 time equivalent enrollment set by the Department of Education
16 under the provisions of subsection (f) or (h).

17 "Approved tuition rate" means the final tuition rate set by
18 the Department of Education under the provisions of subsection
19 (f) or (h).

20 "Audit," for the purpose of subsection (b), means the fiscal
21 audit issued by the Governor's Office of the Budget, excluding
22 questioned costs.

23 "Claim form," for the purpose of subsection (b), means the
24 form that an approved private school submitted following the end
25 of a fiscal year showing the final costs claimed for the fiscal
26 year.

27 "Current school year" means the school year in which payment
28 is being made.

29 "Department" means the Department of Education of the
30 Commonwealth.

1 "Eligible child" means a child between school entry age and
2 twenty-one (21) years of age and is a resident in this
3 Commonwealth who is blind or deaf, or has cerebral palsy and/or
4 neurological impairment and/or muscular dystrophy and/or is
5 mentally retarded and/or has a serious emotional disturbance
6 and/or has autism/pervasive developmental disorder.

7 "Full-time equivalent enrollment" means the number of
8 eligible children enrolled in an approved private school under
9 subsection (a) or (d).

10 "Immediately preceding school year" means the year for which
11 payment is made during the current year.

12 "Independent certified public accountant" means a member of
13 the American Institute of Certified Public Accountants that has
14 a minimum of five (5) years' verifiable experience in performing
15 audits of government funds for nonprofit organizations with a
16 comparable or larger annual budget.

17 "Midyear budget," for the purpose of subsection (b), means
18 the adjusted budget for the 2003-2004 school year submitted by
19 an approved private school in January 2004.

20 "Preliminary budget," for the purpose of subsection (b),
21 means the budget for the 2004-2005 school year submitted by an
22 approved private school in June 2004.

23 "Proposed tuition rate" means the amount submitted by an
24 approved private school to the Department of Education to be
25 used in establishing the cost that the approved private school
26 incurred to provide instructional and residential services for
27 each full-time equivalent student. An approved private school
28 may submit information to establish costs for up to three (3)
29 levels of services and for day and residential students.

30 Section 1376.3. Cost of Tuition and Maintenance of Eligible

1 Children in Chartered Schools FOR THE DEAF AND BLIND.--(a) (1) <—
2 When any child of school age resident in this Commonwealth, who
3 is blind or deaf, is enrolled with the approval of the
4 Department of Education as a pupil in a ~~charter~~ CHARTERED school <—
5 in accordance with standards and regulations promulgated by the
6 State Board of Education, the school district or ~~chartered~~ <—
7 CHARTER school payment shall be the greater of: <—
8 (i) forty percent (40%) of the approved tuition rate
9 established in ~~subsection (f.1) or (f.3)~~ PURSUANT TO SUBSECTION <—
10 (F) OR (H); or
11 (ii) the school district's or charter school's "tuition
12 charges per elementary pupil" or "tuition charges per secondary
13 pupil" as calculated under section 2561.
14 (2) The Commonwealth shall pay out of funds appropriated to
15 the department for chartered schools the balance of the approved
16 tuition rate due for such child's tuition and maintenance. The
17 department shall credit the district of residence with average
18 daily membership for the eligible child consistent with the
19 rules of procedure developed in accordance with section 2501. If
20 the residence of the eligible child in a particular school
21 district cannot be determined, the Commonwealth shall pay the
22 whole cost of tuition and maintenance of the eligible child as
23 established under subsection ~~(f.1) or (f.3)~~ (F) OR (H). <—
24 (b) For the 2004-2005 school year, the following shall
25 apply:
26 (1) Except as otherwise provided under paragraph (2), the
27 department shall determine the payment amount for each chartered
28 school for all students enrolled in a chartered school for the
29 2003-2004 school year based on the average of the following:
30 Provided, That the calculation under this paragraph shall not

1 include any adjustments for offsetting income:

2 (i) The preliminary budget submitted to the department by
3 the chartered school for the 2004-2005 school year.

4 (ii) The midyear budget submitted to the department by the
5 chartered school for the 2003-2004 school year.

6 (iii) The audit issued by the Governor's Office of the
7 Budget for the 2002-2003 school year, excluding any adjustments
8 for questioned costs.

9 (2) ~~(i)~~ Where the 2002-2003 audit is not available, the <—
10 department shall use the claim form submitted to it by the
11 chartered school for the 2002-2003 school year. In the event
12 that a chartered school has not submitted a claim form for the
13 2002-2003 school year, the department shall use the audit or,
14 where the audit is unavailable, the claim form for the 2001-2002
15 school year.

16 ~~(ii) For the purposes of determining the payment under~~ <—
17 ~~paragraph (1) for a chartered school that was not in operation~~
18 ~~for the 2002-2003 school year, the department shall utilize the~~
19 ~~chartered school's preliminary budget for the 2004-2005 school~~
20 ~~year instead of the audit identified under paragraph (1)(iii):~~
21 ~~Provided, That the calculation under this subparagraph shall not~~
22 ~~include any net deductions for offsetting income.~~

23 (3) No later than August 10, 2004, the department shall
24 notify each school district of residence or charter school of an
25 eligible child enrolled in a chartered school of its payment
26 amount under subsection (a).

27 (4) The department shall pay each ~~approved private~~ CHARTERED <—
28 school the total amount calculated pursuant to this subsection
29 divided into twelve (12) equal monthly payments, which shall not
30 include any adjustments for offsetting income. The department

shall withhold the school district or charter school payment amount calculated under subsection (a) from the amount of any and all State payments made to the school district or charter school. In no event shall the sum of the Commonwealth's share of payments to chartered schools under this subsection exceed the appropriation for chartered schools.

(c) (1) For the 2005-2006 school year and each school year thereafter, the department shall determine the payment amount for each chartered school for all students enrolled in the chartered school for the immediately preceding school year as follows:

(i) Multiply the payment determined for the immediately preceding school year by one hundred twenty-five percent (125%) of the percentage increase in the appropriation for special education for the fiscal year prior to the fiscal year in which payments under this subsection are made.

(ii) Add the product from subparagraph (i) to the payment determined for the immediately preceding school year.

(2) No later than May 10 of each year, the department shall notify each school district of residence or charter school of an eligible child enrolled in a chartered school of the school district's or charter school's payment amount under subsection (a).

(3) The department shall pay each chartered school the total amount calculated pursuant to this subsection divided into twelve (12) equal monthly payments, which shall not include any adjustments for offsetting income. The department shall withhold the school district or charter school payment amount calculated under subsection (a) from the amount of any and all State payments made to the school district or charter school. In no

event shall the sum of the Commonwealth's share of payments to chartered schools under this subsection exceed the appropriation for chartered schools.

~~(d) When any person less than school entry age or more than twenty one (21) years of age and resident in this Commonwealth who is blind or deaf, or has cerebral palsy and/or has neurological impairment and/or has muscular dystrophy, or has autism/pervasive developmental delay, and is enrolled, with the approval of the department as a pupil in a chartered school approved by the department, the Commonwealth shall pay to the school:~~

~~(D) WHEN ANY PERSON LESS THAN SCHOOL AGE RESIDENT IN THIS COMMONWEALTH, WHO IS BLIND OR DEAF, IS ENROLLED WITH THE APPROVAL OF THE DEPARTMENT, AS A RESIDENTIAL PUPIL IN ANY OF THE FOUR (4) CHARTERED SCHOOLS, THE COMMONWEALTH SHALL PAY TO THE SCHOOL:~~

~~(1) the approved tuition rate for the child's tuition and maintenance; and~~

~~(2) in the case of any child less than school entry age who is blind, the cost, as determined by the department, of instructing the parent of the child in caring for the child.~~

~~(D.1) NONE OF THE CHARTERED SCHOOLS RECEIVING PAYMENT IN ACCORDANCE WITH THIS SECTION SHALL IMPOSE ANY CHARGE ON THE STUDENT AND/OR PARENTS WHO ARE APPROVED REIMBURSABLE RESIDENTS FOR A PROGRAM OF INSTRUCTION AND MAINTENANCE APPROPRIATE TO THE CHILD'S NEEDS; EXCEPT THAT CHARGES FOR PROGRAMS NOT PART OF THE NORMAL SCHOOL YEAR MAY BE MADE.~~

~~(e) (1) Beginning with the 2004-2005 school year and each school year thereafter, each chartered school shall submit a completed claim form~~ REPORT OF ESTIMATED EXPENDITURES for the

immediately preceding fiscal year to the department no later
than August 1 of each year. Each chartered school shall submit a
REPORT OF FINAL EXPENDITURES AND A separate audit report <—
prepared by an independent certified public accountant selected
by the chartered school. ~~Such~~ THE audit report shall be prepared <—
in accordance with generally accepted auditing standards and
generally accepted ~~auditing~~ ACCOUNTING principles. The chartered <—
school shall submit the REPORT OF FINAL EXPENDITURES AND THE <—
audit report to the department by November 1, 2005, and no later
than November 1 of each year thereafter.

(2) Audits of cost reports submitted by chartered schools
for school years prior to the 2004-2005 school year which have
not been completed by the department as of the effective date of
this section shall be completed by an independent certified
public accountant selected by the chartered school and shall be
conducted in accordance with generally accepted auditing
standards and generally accepted ~~auditing~~ ACCOUNTING principles <—
as set forth in this subsection.

(3) Upon receipt of an audit report submitted pursuant to
this subsection, the department shall have no more than three
(3) months to review the audit report and settle any outstanding
payments due to or from the chartered school.

(f) For payments made during the 2004-2005 school year, the
department shall establish an approved tuition rate for each
chartered school by dividing the amount calculated under
subsection (b) by the full-time equivalent enrollment for the
chartered school for the 2003-2004 school year. This calculation
shall be adjusted for residential and nonresidential students.
The approved tuition rate multiplied by the full-time equivalent
enrollment shall not exceed the amount calculated under

1 subsection (b).

2 (g) No later than August 15 of each year, each chartered
3 school shall provide the department its proposed tuition rate or
4 rates and projected full-time equivalent enrollment for the
5 current year. ~~A chartered school may submit separate proposed~~ <—
6 ~~tuition rates for up to three levels of services and for day and~~
7 ~~residential students.~~

8 (h) (1) For payments made during the 2005-2006 school year
9 and each school year thereafter, no later than January 15 of
10 each year, the department shall establish an approved tuition
11 rate ~~or rates~~ and full-time equivalent enrollment for each <—
12 chartered school for the current school year.

13 ~~(2) Where a chartered school has submitted one tuition rate,~~ <—
14 ~~the~~ THE approved tuition rate shall be determined by dividing <—
15 the amount calculated under subsection (c) by the full-time
16 equivalent enrollment for the chartered school for the
17 immediately preceding school year. THIS CALCULATION SHALL BE <—
18 ADJUSTED FOR RESIDENTIAL AND NONRESIDENTIAL STUDENTS.

19 ~~(3) Where a chartered school has submitted more than one~~ <—
20 ~~tuition rate, the sum of the products of each approved tuition~~
21 ~~rate and corresponding full time equivalent enrollment for the~~
22 ~~chartered school for the immediately preceding school year shall~~
23 ~~equal the amount calculated under subsection (c).~~

24 ~~(4)~~ (3) A chartered school may enroll students in excess of <—
25 the approved full-time equivalent enrollment. When a chartered
26 school enrolls students in excess of the approved full-time
27 equivalent enrollment, it shall show a corresponding decrease in
28 its approved tuition rate for those students.

29 (i) No later than May 1 of each school year, the department
30 shall annually publish a report on the department's publicly

accessible Internet website that shall include, but not be
limited to:

(1) The approved tuition rate or rates for each chartered
school for the current school year.

(2) A description of the exceptionalities each chartered
school is approved to serve.

(3) A description of all programs and services offered by
each chartered school.

(j) (1) Except as otherwise provided under paragraph (2),
no private institution receiving payment in accordance with this
section may impose any charge on a student or parent who is a
Pennsylvania-approved reimbursable resident for a program of
individualized instruction and maintenance appropriate to the
child's needs.

(2) Charges for services not part of the program may be made
if agreed to by the parent.

(k) The State Board of Education shall promulgate final-
omitted regulations, under the act of June 25, 1982 (P.L.633,
No.181), known as the Regulatory Review Act, where such
regulations are necessary to further define "eligible child" and
"allowable administrative expenditures", which expenditures
shall not exceed ten percent (10%) of each chartered school's
budget, AND to implement subsections (a), (d), (f) and (h).

(l) As used in this section, the following words and phrases
shall have the meanings given to them in this subsection unless
the context clearly indicates otherwise:

"Approved full-time equivalent enrollment" means the full-
time equivalent enrollment set by the Department of Education
under the provisions of subsection (f) or (h).

"Approved tuition rate" means the final tuition rate set by

1 the Department of Education under the provisions of subsection
2 (f) or (h).

3 "Audit," for the purpose of subsection (b), means the fiscal
4 audit issued by the Governor's Office of the Budget, excluding
5 questioned costs.

6 "Chartered school" means any of the following chartered
7 schools for the education of the deaf or the blind:

8 (1) The Pennsylvania School for the Deaf.

9 (2) The Overbrook School for the Blind.

10 (3) The Western Pennsylvania School for Blind Children.

11 (4) The Western Pennsylvania School for the Deaf.

12 "Claim form," for the purpose of subsection (b), means the
13 form that a chartered school submitted following the end of a
14 fiscal year showing the final costs claimed for the fiscal year.

15 "Current school year" means the school year in which payment
16 is being made.

17 "Department" means the Department of Education of the
18 Commonwealth.

19 ~~"Eligible child" means a child between school entry age and~~ <—
20 ~~twenty one (21) years of age and is a resident in this~~
21 ~~Commonwealth who is blind or deaf, or has cerebral palsy and/or~~
22 ~~neurological impairment and/or muscular dystrophy and/or is~~
23 ~~mentally retarded and/or has a serious emotional disturbance~~
24 ~~and/or has autism/pervasive developmental disorder.~~

25 "Full-time equivalent enrollment" means the number of
26 eligible children enrolled in a chartered school under
27 subsection (a) or (d).

28 "Immediately preceding school year" means the year for which
29 payment is made during the current year.

30 "Independent certified public accountant" means a member of

1 the American Institute of Certified Public Accountants that has
2 a minimum of five (5) years' verifiable experience in performing
3 audits of government funds for nonprofit organizations with a
4 comparable or larger annual budget.

5 "Midyear budget," for the purpose of subsection (b), means
6 the adjusted budget for the 2003-2004 school year submitted by a
7 chartered school in January 2004.

8 "Preliminary budget," for the purpose of subsection (b),
9 means the budget for the 2004-2005 school year submitted by a
10 chartered school in June 2004.

11 "Proposed tuition rate" means the amount submitted by a
12 chartered school to the Department of Education to be used in
13 establishing the cost that the chartered school incurred to
14 provide instructional and residential services for each full-
15 time equivalent student. A chartered school may submit
16 information to establish costs for up to three (3) levels of
17 services and for day and residential students.

18 ~~Section 3. This act shall take effect July 1, 2004, or~~
19 ~~immediately, whichever is sooner.~~

20 SECTION 3. THIS ACT SHALL BE RETROACTIVE TO JULY 1, 2004.

21 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.