

# Senate Bill 1581

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber for Oregon Education Investment Board)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Identifies positions that will be under direction and control of Chief Education Officer for matters related to design and organization of state's education system.

Requires education entities to enter into achievement compact with Oregon Education Investment Board. Describes terms that must be included in achievement compact.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to education; creating new provisions; amending ORS 326.300, 326.375, 351.075 and 351.725  
3 and sections 1, 2 and 4, chapter 519, Oregon Laws 2011; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** Section 2, chapter 519, Oregon Laws 2011, is amended to read:

6 **Sec. 2.** (1) The Oregon Education Investment Board established by section 1 [*of this 2011 Act*],  
7 **chapter 519, Oregon Laws 2011**, shall appoint a Chief Education Officer who shall serve at the  
8 pleasure of the board.

9 (2) The Chief Education Officer shall be a person who, by training and experience, is well  
10 qualified to:

11 (a) Perform the duties of the office, as determined by the board; and

12 (b) Assist in carrying out the functions of the board, as described in section 1 [*of this 2011*  
13 *Act*], **chapter 519, Oregon Laws 2011**.

14 **(3)(a) For the purpose of furthering the mission of the Oregon Education Investment**  
15 **Board to oversee a unified public education system, the Chief Education Officer shall have**  
16 **direction and control over the positions identified in paragraph (b) of this subsection for**  
17 **matters related to the design and organization of the state's education system, including**  
18 **early childhood services provided by the state.**

19 **(b) The positions over which the Chief Education Officer shall have direction and control**  
20 **are:**

21 **(A) The Commissioner for Community College Services.**

22 **(B) The Chancellor of the Oregon University System.**

23 **(C) The executive director of the Oregon Student Access Commission.**

24 **(D) The Early Childhood System Director.**

25 **(E) The executive director of the Higher Education Coordinating Commission.**

26 **(F) The Deputy Superintendent of Public Instruction.**

27 **(c) The authority of the Chief Education Officer granted under paragraph (a) of this**  
28 **subsection does not include the authority to appoint or remove a person from a position**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 identified in paragraph (b) of this subsection.

2 (d) If a person in a position identified in paragraph (b) of this subsection is appointed by  
3 an entity other than the Governor, the Governor shall resolve any dispute between the Chief  
4 Education Officer and the appointing authority of the person. The Governor's decision is  
5 final.

6 **SECTION 2.** The amendments to section 2, chapter 519, Oregon Laws 2011, by section 1  
7 of this 2012 Act do not apply to any Deputy Superintendent of Public Instruction appointed  
8 by the Superintendent of Public Instruction who was holding office on August 5, 2011.

9 **SECTION 3.** ORS 326.375 is amended to read:

10 326.375. (1) The State Board of Education shall appoint a Commissioner for Community College  
11 Services who shall:

12 (a) Serve at the pleasure of the board.

13 (b) **Serve under the direction and control of the Chief Education Officer appointed under**  
14 **section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization**  
15 **of the state's education system.**

16 (2) The commissioner shall be a person who by training and experience is well qualified to per-  
17 form the duties of the office and to assist in carrying out the functions of the board under ORS  
18 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

19 (3) The commissioner shall:

20 (a) Be the executive head of the Department of Community Colleges and Workforce  
21 Development[;].

22 (b) Direct and supervise all activities of the Department of Community Colleges and Workforce  
23 Development[;].

24 (c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties  
25 of the commissioner. The staff shall be considered employees of the Department of Community Col-  
26 leges and Workforce Development for purposes of ORS chapters 240 and 243[; and].

27 (d) Be responsible directly to:

28 (A) The State Board of Education for those duties enumerated in ORS chapter 341.

29 (B) **The Chief Education Officer for matters related to the design and organization of the**  
30 **state's education system.**

31 (4) The commissioner, with approval of the State Board of Education, shall be responsible for  
32 the representation of community college interests to the Governor, the Legislative Assembly, state  
33 agencies and others. The commissioner, with the approval of the state board, shall be responsible  
34 for submitting community college budget requests and budget reports for the Department of Com-  
35 munity Colleges and Workforce Development to the Legislative Assembly. The state board shall  
36 [*insure*] **ensure** that the budget request for community colleges and for the Department of Commu-  
37 nity Colleges and Workforce Development are separate and distinct from its other requests to the  
38 Legislative Assembly.

39 **SECTION 4.** ORS 351.075 is amended to read:

40 351.075. (1) The State Board of Higher Education shall appoint a chief executive officer who  
41 shall be known as the Chancellor of the Oregon University System [*and who*].

42 (2) **The chancellor** shall:

43 (a) Serve at the pleasure of the board.

44 (b) **Serve under the direction and control of the Chief Education Officer appointed under**  
45 **section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization**

1 **of the state's education system.**

2 **SECTION 5.** Section 4, chapter 519, Oregon Laws 2011, is amended to read:

3 **Sec. 4.** (1) The Early Learning Council is established. The council shall function under the di-  
4 rection and control of the Oregon Education Investment Board established by section 1 [*of this 2011*  
5 *Act*], **chapter 519, Oregon Laws 2011.**

6 (2) The council is established for the purpose of assisting the board in overseeing a unified  
7 system of early childhood services, including the funding and administration of those services.

8 (3)(a) The council consists of nine members who are appointed by the Governor and serve at the  
9 pleasure of the Governor.

10 (b) When determining who to appoint to the council, the Governor shall:

11 (A) Ensure that at least one of the members is an appointed member of the Oregon Education  
12 Investment Board;

13 (B) Ensure that each congressional district of this state is represented by at least one member  
14 of the council;

15 (C) For a member who is not an appointed member of the Oregon Education Investment Board,  
16 ensure that the member meets the following qualifications:

17 (i) Demonstrates leadership skills in civics or the member's profession;

18 (ii) To the greatest extent practicable, contributes to the council's representation of the ge-  
19 ographic, ethnic, gender, racial and economic diversity of this state; and

20 (iii) Contributes to the council's expertise, knowledge and experience in early childhood devel-  
21 opment, early childhood care, early childhood education, family financial stability, populations dis-  
22 proportionately burdened by poor education outcomes and outcome-based best practices; and

23 (D) Solicit recommendations from the Speaker of the House of Representatives for at least two  
24 members and from the President of the Senate for at least two members.

25 (4) The activities of the council shall be directed and supervised by the Early Childhood System  
26 Director[, *who is*]. **The director shall:**

27 (a) **Be** appointed by the Governor and [*serves*] **serve** at the pleasure of the Governor.

28 (b) **Serve under the direction and control of the Chief Education Officer appointed under**  
29 **section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization**  
30 **of the state's education system.**

31 **SECTION 6.** ORS 351.725 is amended to read:

32 351.725. (1) The Higher Education Coordinating Commission shall appoint an executive [*officer*]  
33 **director to:**

34 (a) Serve at the pleasure of the commission.

35 (b) **Serve under the direction and control of the Chief Education Officer appointed under**  
36 **section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization**  
37 **of the state's education system.**

38 (2) The appointment of the executive [*officer*] **director** must be by written order, filed with the  
39 Secretary of State.

40 (3) Subject to any applicable provisions of ORS chapter 240, the executive [*officer*] **director** shall  
41 appoint all subordinate officers and employees of the commission, prescribe their duties and fix their  
42 compensation.

43 **SECTION 7.** ORS 326.300 is amended to read:

44 326.300. (1) As provided by section 1, Article VIII of the Oregon Constitution, the Governor is  
45 the Superintendent of Public Instruction.

1 (2)(a) The Governor, acting as Superintendent of Public Instruction, shall appoint a Deputy Su-  
 2 perintendent of Public Instruction. The deputy superintendent must have at least five years of ex-  
 3 perience in the administration of an elementary school or a secondary school. The appointment of  
 4 the deputy superintendent shall be subject to confirmation by the Senate as provided by ORS 171.562  
 5 and 171.565.

6 (b) The deputy superintendent shall:

7 (A) Perform any act or duty of the office of Superintendent of Public Instruction that is desig-  
 8 nated by the Governor, and the Governor is responsible for any acts of the deputy superintendent.

9 (B) **Serve under the direction and control of the Chief Education Officer appointed under**  
 10 **section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization**  
 11 **of the state's education system.**

12 (3) The deputy superintendent may be removed from office by the Governor following consulta-  
 13 tion with the State Board of Education.

14 (4) The deputy superintendent shall receive a salary set by the Governor, and shall be reim-  
 15 bursed for all expenses actually and necessarily incurred by the deputy superintendent in the per-  
 16 formance of official duties.

17 **SECTION 8. The amendments to ORS 326.300 by section 7 of this 2012 Act do not apply**  
 18 **to any Deputy Superintendent of Public Instruction appointed by the Superintendent of**  
 19 **Public Instruction who was holding office on August 5, 2011.**

20 **SECTION 9.** ORS 326.375, as amended by section 3 of this 2012 Act, is amended to read:

21 326.375. (1) The State Board of Education shall appoint a Commissioner for Community College  
 22 Services who shall[:]

23 [(a)] serve at the pleasure of the board.

24 [(b) *Serve under the direction and control of the Chief Education Officer appointed under section*  
 25 *2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's*  
 26 *education system.*]

27 (2) The commissioner shall be a person who by training and experience is well qualified to per-  
 28 form the duties of the office and to assist in carrying out the functions of the board under ORS  
 29 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933.

30 (3) The commissioner shall:

31 (a) Be the executive head of the Department of Community Colleges and Workforce Develop-  
 32 ment.

33 (b) Direct and supervise all activities of the Department of Community Colleges and Workforce  
 34 Development.

35 (c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties  
 36 of the commissioner. The staff shall be considered employees of the Department of Community Col-  
 37 leges and Workforce Development for purposes of ORS chapters 240 and 243.

38 (d) Be responsible directly to[:]

39 [(A)] the State Board of Education for those duties enumerated in ORS chapter 341.

40 [(B) *The Chief Education Officer for matters related to the design and organization of the state's*  
 41 *education system.*]

42 (4) The commissioner, with approval of the State Board of Education, shall be responsible for  
 43 the representation of community college interests to the Governor, the Legislative Assembly, state  
 44 agencies and others. The commissioner, with the approval of the state board, shall be responsible  
 45 for submitting community college budget requests and budget reports for the Department of Com-

1 munity Colleges and Workforce Development to the Legislative Assembly. The state board shall  
 2 ensure that the budget request for community colleges and for the Department of Community Col-  
 3 leges and Workforce Development are separate and distinct from its other requests to the Legisla-  
 4 tive Assembly.

5 **SECTION 10.** ORS 351.075, as amended by section 4 of this 2012 Act, is amended to read:

6 351.075. (1) The State Board of Higher Education shall appoint a chief executive officer who  
 7 shall be known as the Chancellor of the Oregon University System.

8 (2) The chancellor shall[:]

9 [(a)] serve at the pleasure of the board.

10 [(b) *Serve under the direction and control of the Chief Education Officer appointed under section*  
 11 *2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's*  
 12 *education system.*]

13 **SECTION 11.** ORS 351.725, as amended by section 6 of this 2012 Act, is amended to read:

14 351.725. (1) The Higher Education Coordinating Commission shall appoint an executive director  
 15 to[:]

16 [(a)] serve at the pleasure of the commission.

17 [(b) *Serve under the direction and control of the Chief Education Officer appointed under section*  
 18 *2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's*  
 19 *education system.*]

20 (2) The appointment of the executive director must be by written order, filed with the Secretary  
 21 of State.

22 (3) Subject to any applicable provisions of ORS chapter 240, the executive director shall appoint  
 23 all subordinate officers and employees of the commission, prescribe their duties and fix their com-  
 24 pensation.

25 **SECTION 12.** ORS 326.300, as amended by section 7 of this 2012 Act, is amended to read:

26 326.300. (1) As provided by section 1, Article VIII of the Oregon Constitution, the Governor is  
 27 the Superintendent of Public Instruction.

28 (2)(a) The Governor, acting as Superintendent of Public Instruction, shall appoint a Deputy Su-  
 29 perintendent of Public Instruction. The deputy superintendent must have at least five years of ex-  
 30 perience in the administration of an elementary school or a secondary school. The appointment of  
 31 the deputy superintendent shall be subject to confirmation by the Senate as provided by ORS 171.562  
 32 and 171.565.

33 (b) The deputy superintendent shall[:]

34 [(A)] perform any act or duty of the office of Superintendent of Public Instruction that is des-  
 35 ignated by the Governor, and the Governor is responsible for any acts of the deputy superintendent.

36 [(B) *Serve under the direction and control of the Chief Education Officer appointed under section*  
 37 *2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's*  
 38 *education system.*]

39 (3) The deputy superintendent may be removed from office by the Governor following consulta-  
 40 tion with the State Board of Education.

41 (4) The deputy superintendent shall receive a salary set by the Governor, and shall be reim-  
 42 bursed for all expenses actually and necessarily incurred by the deputy superintendent in the per-  
 43 formance of official duties.

44 **SECTION 13.** The amendments to ORS 326.300, 326.375, 351.075 and 351.725 by sections 9  
 45 to 12 of this 2012 Act become operative on March 15, 2016.

1       **SECTION 14.** (1) For the purposes of this section:

2       (a) “Achievement compact” means an agreement entered into between the Oregon Edu-  
3 cation Investment Board and the governing body of an education entity as described in this  
4 section.

5       (b) “Education entity” means:

6       (A) A school district, as defined in ORS 332.002;

7       (B) An education service district operated under ORS chapter 334;

8       (C) A community college district or community college service district operated under  
9 ORS chapter 341;

10       (D) The Oregon University System established by ORS 351.011; or

11       (E) The health professions and graduate science programs of the Oregon Health and  
12 Science University operated under ORS chapter 353.

13       (2)(a) Prior to the beginning of each fiscal year, each education entity must enter into  
14 an achievement compact with the Oregon Education Investment Board for the fiscal year.

15       (b) Education entities identified in subsection (1)(b)(A) to (C) of this section shall enter  
16 into achievement compacts as part of the budgeting process under ORS 294.305 to 294.565 and  
17 shall submit achievement compacts to the board prior to July 1 of each year.

18       (c) The board shall specify a process for adoption and a timeline for submission of  
19 achievement compacts for education entities identified in subsection (1)(b)(D) and (E) of this  
20 section.

21       (3) The board shall establish the terms for achievement compacts, which may include:

22       (a) A description of goals for performance outcomes that are consistent with the educa-  
23 tional goals identified in ORS 329.015, the findings described in ORS 351.003 and the mission  
24 of education provided in ORS 351.009

25       (b) A description of the outcomes and measures of progress that will allow each educa-  
26 tion entity to quantify:

27       (A) Completion rates for critical stages of learning and programs of study and for the  
28 attainment of diplomas, certificates and degrees by the students of the education entity;

29       (B) Validations of the quality of knowledge and skills acquired by students of the educa-  
30 tion entity; and

31       (C) The relevance of the knowledge and skills acquired by the students of the education  
32 entity and the means by which those skills and knowledge will contribute to the workforce,  
33 the economy and society as described in state policy.

34       (c) Other information suggested by an education entity and approved by the board.

35       (4) Each education entity shall identify a target number and percentage of students for  
36 achievement of the outcomes, measures of progress and goals specified in the achievement  
37 compact for the fiscal year.

38       (5) As part of the process of entering into an achievement compact, an education entity  
39 shall ensure that open communications are provided to parents, students, teachers or fac-  
40 ulty, employees, exclusive bargaining representatives and community representatives for the  
41 purposes of explaining and discussing the target outcomes, measures of progress and goals  
42 specified in the achievement compact for the fiscal year.

43       (6) The board shall specify the format of the achievement compacts and provide model  
44 achievement compacts to each education entity.

45       (7) The board may adopt a timeline and method for education entities to provide the

1 board with a report at the end of a fiscal year that describes the achievements made by the  
 2 education entities during the fiscal year. The achievements may be reported in numbers and  
 3 percentages and in relation to the outcomes, measures of progress and goals specified in the  
 4 achievement compact for the fiscal year.

5 **SECTION 15.** (1) For the purpose of entering into achievement compacts under section  
 6 14 of this 2012 Act and achieving the outcomes, performance measures and goals described  
 7 in achievement compacts, the Oregon Education Investment Board:

8 (a) May direct the State Board of Education, the State Board of Higher Education and  
 9 any other state agency, and the executive directors or officers executing the policies of state  
 10 agencies, to waive state laws or compliance reporting requirements as specified by the  
 11 Oregon Education Investment Board and as permitted by federal or state law.

12 (b) Shall direct the State Board of Education to waive for the 2012-2013 fiscal year com-  
 13 pliance reporting requirements that are adopted by the State Board of Education pursuant  
 14 to rules adopted under ORS 327.103 and that are related to standards that school districts  
 15 are required to meet.

16 (2) If the Oregon Education Investment Board directs that a state law or a compliance  
 17 reporting requirement be waived as provided by subsection (1) of this section, the state  
 18 agency and any executive directors or officers executing the policies of the state agency may  
 19 not find an education entity, as defined in section 14 of this 2012 Act, deficient or nonstand-  
 20 ard or otherwise penalize the education entity for failure to comply with the waived state law  
 21 or compliance reporting requirement.

22 **SECTION 16.** Sections 14 and 15 this 2012 Act are repealed on July 1, 2015.

23 **SECTION 17.** Section 1, chapter 519, Oregon Laws 2011, as amended by section 8, chapter 519,  
 24 Oregon Laws 2011, is amended to read:

25 **Sec. 1.** (1) The Oregon Education Investment Board is established for the purpose of ensuring  
 26 that all public school students in this state reach the education outcomes established for the state.  
 27 The board shall accomplish this goal by overseeing a unified public education system that begins  
 28 with early childhood services and continues throughout public education from kindergarten to  
 29 post-secondary education.

30 (2)(a) The board consists of 13 members as follows:

31 (A) The Governor, or the designee of the Governor; and

32 (B) Twelve members who are appointed by the Governor, subject to confirmation by the Senate  
 33 in the manner provided in ORS 171.562 and 171.565, and who serve at the pleasure of the Governor.

34 (b) When determining who to appoint to the board, the Governor shall:

35 (A) Ensure that each congressional district of this state is represented by at least one member  
 36 of the board; and

37 (B) Solicit recommendations from the Speaker of the House of Representatives for at least two  
 38 members and from the President of the Senate for at least two members.

39 (3) The Governor, or the Governor's designee, shall serve as chairperson of the Oregon Educa-  
 40 tion Investment Board.

41 (4) The duties of the board include:

42 (a) Ensuring that early childhood services are streamlined and connected to public education  
 43 from kindergarten through grade 12 and that public education from kindergarten through grade 12  
 44 is streamlined and connected to post-secondary education. To assist the board in fulfilling this duty,  
 45 the board shall oversee:

1 (A) The Early Learning Council established by section 4 [of this 2011 Act], **chapter 519, Oregon**  
 2 **Laws 2011.**

3 (B) The Higher Education Coordinating Commission established by [section 1, chapter 637,  
 4 Oregon Laws 2011] **ORS 351.715.**

5 (b) Recommending strategic investments in order to ensure that the public education budget is  
 6 integrated and is targeted to achieve the education outcomes established for the state.

7 (c) Providing an integrated, statewide, student-based data system that monitors expenditures and  
 8 outcomes to determine the return on statewide education investments. The board shall provide the  
 9 data system described in this paragraph by:

10 (A) Developing the data system or identifying or modifying an existing data system that ac-  
 11 complishes the goals of the data system; and

12 (B) Ensuring that the data system is maintained.

13 **(d) Entering into achievement compacts and administering sections 14 and 15 of this 2012**  
 14 **Act.**

15 (5) An appointed member of the board is entitled to compensation and expenses as provided in  
 16 ORS 292.495.

17 (6) A majority of the members of the board constitutes a quorum for the transaction of business.

18 (7) The board shall meet at such times and places specified by the call of the chairperson or of  
 19 a majority of the members of the board.

20 (8) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules  
 21 necessary for the administration of the laws that the board is charged with administering, including  
 22 any rules necessary for the oversight of the direction and control of the Higher Education Coordi-  
 23 nating Commission.

24 **SECTION 18.** Section 1, chapter 519, Oregon Laws 2011, as amended by section 8, chapter 519,  
 25 Oregon Laws 2011, and section 17 of this 2012 Act, is amended to read:

26 **Sec. 1.** (1) The Oregon Education Investment Board is established for the purpose of ensuring  
 27 that all public school students in this state reach the education outcomes established for the state.  
 28 The board shall accomplish this goal by overseeing a unified public education system that begins  
 29 with early childhood services and continues throughout public education from kindergarten to  
 30 post-secondary education.

31 (2)(a) The board consists of 13 members as follows:

32 (A) The Governor, or the designee of the Governor; and

33 (B) Twelve members who are appointed by the Governor, subject to confirmation by the Senate  
 34 in the manner provided in ORS 171.562 and 171.565, and who serve at the pleasure of the Governor.

35 (b) When determining who to appoint to the board, the Governor shall:

36 (A) Ensure that each congressional district of this state is represented by at least one member  
 37 of the board; and

38 (B) Solicit recommendations from the Speaker of the House of Representatives for at least two  
 39 members and from the President of the Senate for at least two members.

40 (3) The Governor, or the Governor's designee, shall serve as chairperson of the Oregon Educa-  
 41 tion Investment Board.

42 (4) The duties of the board include:

43 (a) Ensuring that early childhood services are streamlined and connected to public education  
 44 from kindergarten through grade 12 and that public education from kindergarten through grade 12  
 45 is streamlined and connected to post-secondary education. To assist the board in fulfilling this duty,



1 the board shall oversee:

2 (A) The Early Learning Council established by section 4, chapter 519, Oregon Laws 2011.

3 (B) The Higher Education Coordinating Commission established by ORS 351.715.

4 (b) Recommending strategic investments in order to ensure that the public education budget is  
5 integrated and is targeted to achieve the education outcomes established for the state.

6 (c) Providing an integrated, statewide, student-based data system that monitors expenditures and  
7 outcomes to determine the return on statewide education investments. The board shall provide the  
8 data system described in this paragraph by:

9 (A) Developing the data system or identifying or modifying an existing data system that ac-  
10 complishes the goals of the data system; and

11 (B) Ensuring that the data system is maintained.

12 *[(d) Entering into achievement compacts and administering sections 14 and 15 of this 2012 Act.]*

13 (5) An appointed member of the board is entitled to compensation and expenses as provided in  
14 ORS 292.495.

15 (6) A majority of the members of the board constitutes a quorum for the transaction of business.

16 (7) The board shall meet at such times and places specified by the call of the chairperson or of  
17 a majority of the members of the board.

18 (8) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules  
19 necessary for the administration of the laws that the board is charged with administering, including  
20 any rules necessary for the oversight of the direction and control of the Higher Education Coordi-  
21 nating Commission.

22 **SECTION 19. The amendments to section 1, chapter 519, Oregon Laws 2011, by section**  
23 **18 of this 2012 Act become operative on July 1, 2015.**

24 **SECTION 20. This 2012 Act being necessary for the immediate preservation of the public**  
25 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**  
26 **on its passage.**

27