House Bill 2024

Sponsored by Representative OWENS (Presession filed.)

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.

Establishes process of open enrollment by which school district may allow nonresident students to enroll in and attend schools of school district.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to open enrollment; creating new provisions; amending ORS 327.006, 339.127 and 339.133; and declaring an emergency.

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

SECTION 1. (1) As used in this section, “open enrollment” means the process described in this section by which a school district allows nonresident students to enroll in and attend the schools of the school district by giving consent to those nonresident students.

(2) Participation in open enrollment by a school district is voluntary. A school district that participates in open enrollment must comply with this section.

(3) For purposes of ORS 339.133 (5)(a)(B), a student whose legal residence is not within a school district but who attends a school in the school district is considered a resident of the school district if the student receives written consent to attend the school from the school district where the school is located and the written consent complies with this section.

(4)(a) By March 1 of each year, a district school board shall decide whether the school district will participate in open enrollment.

(b) If the district school board decides that the school district will participate in open enrollment, the district school board shall establish standards by which consent will be given to nonresident students to attend the schools of the school district. The standards must:

(A) Identify the number of students to whom consent will be given for the school year.

The district school board may limit the number of students to whom consent will be given based on school, grade or a combination of school and grade.

(B) Allow students who live within the boundaries of the school district the first opportunity to change to a different school in the school district if the district school board will be giving consent to attend that school to students who do not reside within the school district.

(5) A student seeking consent as provided by this section must request consent no later than April 1 prior to the beginning of the school year for which consent is being requested. Requests may be submitted before the district school board makes the decision and establishes the standards described in subsection (4) of this section but may not be considered by the district school board when the district school board makes the decision and establishes

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.

LC 239
(6)(a) A school district participating in open enrollment must give consent to a student who requests consent unless:

(A) The district school board decides to limit the number of students to whom consent will be given and the student was not selected to be given consent based on the selection process described in subsection (7) of this section; or

(B) The school district is not required to admit the student, as provided by ORS 339.115 (8).

(b) A school district may not deny consent or give priority based on race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student has an individualized education program, the terms of an individualized education program, income level, residence, proficiency in the English language, athletic ability or academic records.

(7) If the number of students seeking consent exceeds the number of students to whom the district school board has determined consent will be given, the school district shall give consent based on an equitable lottery selection process. The process may give priority to students who have siblings currently enrolled in a school of the school district, but a sibling may not be given priority for an opening in any school of the school district over any student who resides within the school district.

(8)(a) If a student is considered a resident of the school district as provided by this section and the student has expressed an interest in attending the schools of another school district before the end of the school year, the school district shall meet with the student and encourage the student to continue to attend the schools of the school district for the remainder of the school year.

(b) If a student is considered a resident of the school district as provided by this section, the school district may not encourage or require the student to attend the schools of another school district as a condition of avoiding a disciplinary measure, including but not limited to suspension or expulsion.

(9)(a) Except as provided by paragraphs (b) and (c) of this subsection, a student who receives consent and who is considered a resident of a school district as provided by this section shall be considered a resident of the school district for all educational purposes. A student who is considered a resident of the school district as provided by this section shall continue to be considered a resident of the school district until the student:

(A) Graduates from high school;

(B) Is no longer required to be admitted to the schools of the school district under ORS 339.115; or

(C) Enrolls in a school in a different school district.

(b) A school district is not required to provide transportation outside the boundaries of the school district to a student who is considered a resident of the school district as provided by this section, except that a school district:

(A) Must allow a student who is considered a resident of the school district as provided by this section to use existing bus routes and transportation services of the school district.

Costs incurred for transportation provided under this subparagraph are considered approved transportation costs for purposes of ORS 327.013, except for costs incurred for transportation provided solely to a student who is considered a resident of the school district as provided by this section if the transportation is provided:
(i) Outside the boundaries of the school district; and

(ii) For the purpose of transporting the student between home and school.

(B) May provide a stipend for a student who is a member of a low-income family, as defined in ORS 339.147, in an amount that does not exceed the school district's average cost per student for transportation.

(C) Must provide transportation if required by federal law. Costs incurred for transportation provided under this subparagraph are considered approved transportation costs for purposes of ORS 327.013.

(c) After the first year that a student is considered a resident of a school district as provided by this section, the district school board may transfer the student to a different school in the school district. Any transfers must be made consistent with school district policy and do not affect the status of the student as a resident of the school district.

(10) A school district shall provide written notification of the enrollment and attendance of a student who receives consent as provided by this section to the school district where the legal residence of the student is located. The school district shall provide the written notification no later than May 1 prior to the beginning of the school year for which consent is given.

(11) A school district that participates in open enrollment may not expend moneys received from the State School Fund or as Local Revenues, as described in ORS 327.011, to advertise openings for nonresident students if the advertisements are:

(a) Located outside the boundaries of the school district, including advertisements that are made by signage or billboards; or

(b) Directed to persons who are not residents of the school district, including:

(A) Advertisements that are targeted to nonresident persons through direct mail or online marketing;

(B) Television or radio advertisements; or

(C) Newspaper advertisements, unless the advertisement is in a newspaper that primarily services the residents of the school district.

(12) Nothing in this section:

(a) Requires a school district to give consent to siblings if the district school board determines that consent will not be given to any students for a school year.

(b) Prevents a school district from entering into interagency agreements to provide services to students who do not reside in the school district or are not considered residents of the school district.

(c) Prevents or otherwise limits a school district from providing consent to a student who has received consent from the district school board for the school district in which the student resides, as provided by ORS 339.133 (5)(a).

SECTION 2. (1) Section 1 of this 2021 Act first applies to the 2021-2022 school year.

(2) Notwithstanding the timeline provided in section 1 (4), (5) and (10) of this 2021 Act, a district school board may adopt an accelerated timeline for the 2021-2022 school year if, for the 2019-2020 school year, the district school board had established standards by which to give consent to nonresident students under the provisions of section 9, chapter 718, Oregon Laws 2011.

SECTION 3. ORS 339.133, as amended by section 2, chapter 21, Oregon Laws 2020 (first special session), is amended to read:
339.133. (1) As used in this section:
(a)(A) “Foster care” means substitute care for children placed by the Department of Human Services or a tribal child welfare agency away from their parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and preadoptive homes.
(B) “Foster care” does not mean care for children whose parent or guardian voluntarily placed the child outside the child's home with a public or private agency and for whom the child's parent or guardian retains legal guardianship.
(b)(A) “Person in parental relationship” means an adult who has physical custody of an individual or resides in the same household as the individual, interacts with the individual daily, provides the individual with food, clothing, shelter and incidental necessaries and provides the individual with necessary care, education and discipline.
(B) “Person in parental relationship” does not mean a person with a power of attorney or other written delegation of parental responsibilities if the person does not have other evidence of a parental relationship.
(c) “School district of origin” means the school district where an individual was a resident before:
(A) The individual was placed into foster care; or
(B) The foster care placement of the individual changed.
(d) “School of origin” means the school that an individual attended before:
(A) The individual was placed into foster care; or
(B) The foster care placement of the individual changed.
(2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages of 4 and 18 shall be considered resident for school purposes in the school district in which their parents, their guardians or persons in parental relationship to them reside.
(b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area of the school district for such reasons as attending college, military service, hospital confinement or employment away from home shall be considered resident in the district in which their parents, their guardians or persons in parental relationship to them reside.
(c) Individuals living temporarily in a school district for the primary purpose of attending a district school may not be considered resident in the district in which they are living temporarily, but shall be considered resident in the district in which they, their parents, their guardians or persons in parental relationship to them reside.
(3) Individuals considered legally emancipated from their parents shall be considered resident in the district in which they actually reside, irrespective of the residence of their parents, their guardians or persons in parental relationship.
(4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall be considered a resident of:
(A) The school district of origin; or
(B) The school district where the individual resides due to placement by the Department of Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best interest of the individual to continue attending the school of origin or any other school in the school district of origin, based on consideration of all factors relating to the individual's best interests.
(b) If a juvenile court makes a determination that it is not in the best interest of the individual
to continue attending the school of origin, the individual shall be immediately enrolled in a new
school, even if the individual is unable to produce records normally required for enrollment.

(c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A)
of this subsection shall:

(A) Remain in the individual's school district of origin and, if applicable, the individual's school
of origin for the duration of the individual's time in foster care; and

(B) Be provided, free of charge, transportation between the individual's home and the
individual's school district of origin or, if applicable, the individual's school of origin.

(d) The Department of Education, the Department of Human Services, tribal child welfare
agencies and school districts shall collaborate to ensure that the provisions of this subsection are
implemented.

(5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence
is not within the district but who attends school in the district is considered a resident in the district
in which the individual attends school if the individual receives written consent from:

(A) Both of the affected district school boards as provided by policies adopted by the boards[.];

or

(B) The district school board for the district in which the school is located, as provided
by section 1 of this 2021 Act.

(b) An individual whose legal residence is not within the district but who attends school in the
district is considered a resident in the district in which the individual attends school if:

(A) The legal residence of the individual had been in the district in which the individual attends
school before a boundary change was made to the district;

(B) The legal residence of the individual is no longer in the district in which the individual at-
tends school because of the boundary change; and

(C) The individual has had the same legal residence and has continuously been enrolled in a
school in the district since the boundary change.

(6)(a) Individuals who are foreign exchange students and who are residing in Oregon in a
dormitory operated by a school district are considered to be residents of the school district in which
the dormitory is located.

(b) For the purpose of this subsection:

(A) An individual may not be considered to be a foreign exchange student for more than one
school year.

(B) An individual may be considered to be a resident of a school district as provided by this
subsection only if, for the 2010-2011 school year, the school district had foreign exchange students
who would have been considered residents under the provisions of this subsection.

(C) The number of individuals who may be considered residents under the provisions of this
subsection may not increase relative to the number who would have been considered residents under
the provisions of this subsection for the 2010-2011 school year.

(c) As used in this subsection, “foreign exchange student” means an individual who attends
school in Oregon under a cultural exchange program and whose parent, guardian or person in par-
etal relationship resides in another country.

SECTION 4. ORS 339.133, as amended by sections 2 and 3, chapter 21, Oregon Laws 2020 (first
special session), is amended to read:

339.133. (1) As used in this section:

(a)(A) “Foster care” means substitute care for children placed by the Department of Human
Services or a tribal child welfare agency away from their parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions and preadoptive homes.

(B) “Foster care” does not mean care for children whose parent or guardian voluntarily placed the child outside the child’s home with a public or private agency and for whom the child’s parent or guardian retains legal guardianship.

(b)(A) “Person in parental relationship” means an adult who has physical custody of an individual or resides in the same household as the individual, interacts with the individual daily, provides the individual with food, clothing, shelter and incidental necessaries and provides the individual with necessary care, education and discipline.

(B) “Person in parental relationship” does not mean a person with a power of attorney or other written delegation of parental responsibilities if the person does not have other evidence of a parental relationship.

(c) “School district of origin” means the school district where an individual was a resident before:

(A) The individual was placed into foster care; or

(B) The foster care placement of the individual changed.

(d) “School of origin” means the school that an individual attended before:

(A) The individual was placed into foster care; or

(B) The foster care placement of the individual changed.

(2)(a) Except as provided in subsections (3) to (5) of this section, individuals between the ages of 4 and 18 shall be considered resident for school purposes in the school district in which their parents, their guardians or persons in parental relationship to them reside.

(b) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area of the school district for such reasons as attending college, military service, hospital confinement or employment away from home shall be considered resident in the district in which their parents, their guardians or persons in parental relationship to them reside.

(c) Individuals living temporarily in a school district for the primary purpose of attending a district school may not be considered resident in the district in which they are living temporarily, but shall be considered resident in the district in which they, their parents, their guardians or persons in parental relationship to them reside.

(3) Individuals considered legally emancipated from their parents shall be considered resident in the district in which they actually reside, irrespective of the residence of their parents, their guardians or persons in parental relationship.

(4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall be considered a resident of:

(A) The school district of origin; or

(B) The school district where the individual resides due to placement by the Department of Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best interest of the individual to continue attending the school of origin or any other school in the school district of origin, based on consideration of all factors relating to the individual’s best interests.

(b) If a juvenile court makes a determination that it is not in the best interest of the individual to continue attending the school of origin, the individual shall be immediately enrolled in a new school, even if the individual is unable to produce records normally required for enrollment.
(c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A) of this subsection shall:

(A) Remain in the individual’s school district of origin and, if applicable, the individual’s school of origin for the duration of the individual’s time in foster care; and

(B) Be provided, free of charge, transportation between the individual’s home and the individual’s school district of origin or, if applicable, the individual’s school of origin.

(d) The Department of Education, the Department of Human Services, tribal child welfare agencies and school districts shall collaborate to ensure that the provisions of this subsection are implemented.

(5)(a) Except as provided in ORS 327.006 (6) and 335.090, an individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if the individual receives written consent from:

(A) Both of the affected district school boards as provided by policies adopted by the boards[.]; or

(B) The district school board for the district in which the school is located, as provided by section 1 of this 2021 Act.

(b) An individual whose legal residence is not within the district but who attends school in the district is considered a resident in the district in which the individual attends school if:

(A) The legal residence of the individual had been in the district in which the individual attends school before a boundary change was made to the district;

(B) The legal residence of the individual is no longer in the district in which the individual attends school because of the boundary change; and

(C) The individual has had the same legal residence and has continuously been enrolled in a school in the district since the boundary change.

SECTION 5. ORS 327.006 is amended to read:

327.006. As used in ORS 327.006 to 327.133, 327.348 and 327.731:

(1) “Aggregate days membership” means the sum of days present and absent, according to the rules of the State Board of Education, of all resident pupils when school is actually in session during a certain period. The aggregate days membership of kindergarten pupils shall be calculated on the basis of a half-day program for half-day kindergarten and on the basis of a full-day program for full-day kindergarten.

(2)(a) “Approved transportation costs” means those costs as defined by rule of the State Board of Education and is limited to those costs attributable to transporting or room and board provided in lieu of transporting:

(A) Elementary school students who live at least one mile from school;

(B) Secondary school students who live at least 1.5 miles from school;

(C) Any student required to be transported for health or safety reasons, according to supplemental plans from districts that have been approved by the state board identifying students who are required to be transported for health or safety reasons, including special education;

(D) Preschool children with disabilities requiring transportation for early intervention services provided pursuant to ORS 343.224 and 343.533;

(E) Students who require payment of room and board in lieu of transportation;

(F) A student transported from one school or facility to another school or facility when the student attends both schools or facilities during the day or week; and

(G) Students participating in school-sponsored field trips that are extensions of classroom
learning experiences.

(b) “Approved transportation costs” does not include the cost of constructing boarding school facilities.

(3) “Average daily membership” or “ADM” means the aggregate days membership of a school during a certain period divided by the number of days the school was actually in session during the same period. However, if a district school board adopts a class schedule that operates throughout the year for all or any schools in the district, average daily membership shall be computed by the Department of Education so that the resulting average daily membership will not be higher or lower than if the board had not adopted such schedule.

(4) “Kindergarten” means a kindergarten program that conforms to the standards and rules adopted by the State Board of Education.

(5) “Net operating expenditures” means the sum of expenditures of a school district in kindergarten through grade 12 for administration, instruction, attendance and health services, operation of plant, maintenance of plant, fixed charges and tuition for resident students attending in another district, as determined in accordance with the rules of the State Board of Education, but net operating expenditures does not include transportation, food service, student body activities, community services, capital outlay, debt service or expenses incurred for nonresident students.

(6)(a) “Resident pupil” means any pupil:

(A) Whose legal school residence is within the boundaries of a school district reporting the pupil, if the district is legally responsible for the education of the pupil, except that “resident pupil” does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the district does not pay tuition for placement outside the district; or

(B) Whose legal residence is not within the boundaries of the district reporting the pupil but who attends school in the district [with the written consent of the district school board where the school is located] as provided by ORS 339.133 (5)(a).

(b) A pupil is not considered to be a resident pupil under paragraph (a)(A) of this subsection if the pupil is attending school in another school district pursuant to a contract under ORS 339.125 and in the prior year was considered to be a resident pupil in another school district under paragraph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another school district under paragraph (a)(B) of this subsection.

(c) A pupil is not considered to be a resident pupil under paragraph (a)(B) of this subsection if the pupil is attending school in a school district pursuant to ORS 339.133 (5)(a) and in the prior year was considered to be a resident pupil under paragraph (a)(A) of this subsection because the pupil was attending school in another school district pursuant to a contract under ORS 339.125. The pupil shall continue to be considered a resident pupil under paragraph (a)(B) of this subsection.

(d) “Resident pupil” includes a pupil who is:

(A) Admitted to a school district under ORS 339.115 (7); or

(B) Considered a resident under ORS 339.133 (5)(b).

(7) “Standard school” means a school meeting the standards set by the rules of the State Board of Education.

(8) “Tax” and “taxes” includes all taxes on property, excluding exempt bonded indebtedness, as those terms are defined in ORS 310.140.

SECTION 6. ORS 339.127 is amended to read:

339.127. (1) A district school board that admits nonresident students by giving consent as described in ORS 339.133 [(5)(a)] (5)(a)(A) may not consider race, religion, sex, sexual orientation,
ethnicity, national origin, disability, health, whether a student has an individualized education pro-
gram, the terms of an individualized education program, income level, residence, proficiency in the
English language, athletic ability or academic records when:
   (a) Determining whether to give consent; or
   (b) Establishing any terms of consent.
(2) A district school board that is considering whether to admit a nonresident student by giving
consent may require only the following information prior to deciding whether to give consent:
   (a) The name, contact information, date of birth and grade level of the student;
   (b) Information about whether the school district may be prevented or otherwise limited from
providing consent as provided by ORS 339.115 (8);
   (c) Information about whether the student may be given priority as provided by subsection (4)
of this section; and
   (d) Information about which schools the student prefers to attend.
(3)(a) A district school board that is considering whether to admit a nonresident student by
giving consent may not:
   (A) Request or require any person to provide or have provided any of the following information
related to a student prior to the district school board deciding whether to give consent to the stu-
dent:
      (i) Information about the student’s race, religion, sex, sexual orientation, ethnicity, national or-
origin, disability, health, whether a student has an individualized education program, the terms of an
individualized education program, income level, residence, proficiency in the English language or
athletic ability; or
      (ii) Academic records, including eligibility for or participation in a talented and gifted program
or special education and related services.
   (B) Request or require the student to participate in an interview, to tour any of the schools or
facilities of the school district or to otherwise meet with any representatives of a school or a school
district prior to the district school board deciding whether to give consent to the student.
   (C) Request any information used to supplement the information described in subsection (2) of
this section prior to deciding whether to give consent to the student.
   (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
facilities of a school district or from requesting or receiving any information from a school or the
school district.
(4)(a) A district school board that gives consent as described in ORS 339.133 [(5)(a)] (5)(a)(A)
may limit the number of students to whom consent is given. The district school board must make
the determination whether to limit the number of students to whom consent is given by an annual
date established by the board.
   (b) If the number of students seeking consent exceeds any limitations imposed by the district
school board, the board must give consent to students based on an equitable lottery selection pro-
cess. The process may give priority to students who:
      (A) Have siblings currently enrolled in a school of the same school district for which the student
seeks admission;
      (B) Previously had received consent as provided by subsection (10) of this section because of a
change in legal residence; or
      (C) Attended a public charter school located in the same district for which the student seeks
admission for at least three consecutive years, completed the highest grade offered by the public
charter school and did not enroll in and attend school in another district following completion of
the highest grade offered by the public charter school.

(c) A district school board may revise the maximum number of students to whom consent will
be given at a time other than the annual date established by the board if there are no pending ap-
lications for consent.

(5) A district school board that is requested to give consent to allow a resident student to be
admitted by another school district as described in ORS 339.133 [(5)(a)(A) (5)(a)(A) may not consider
race, religion, sex, sexual orientation, ethnicity, national origin, disability, health, whether a student
has an individualized education program, the terms of an individualized education program, income
level, residence, proficiency in the English language, athletic ability or academic records when de-
termining whether to give consent.

(6) If a district school board decides to not give consent to a student, the board must provide
a written explanation to the student.

(7)(a) For a nonresident student who receives consent to be admitted to a school district as de-
scribed in ORS 339.133 [(5)(a)] (5)(a)(A), a district school board may:
(A) Determine the length of time for which consent is given; and
(B) Revoke consent for failure to comply with minimum standards for behavior or attendance,
but may not revoke consent for failure to meet standards for academics.

(b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-
section, must be applied consistently among all students to whom consent is given. The length of
time for which consent is given shall not be affected by any changes in the legal residence of the
student if the student wishes to continue to attend the schools of the school district.

(c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-
quest consent from the same school district that revoked the consent for the school year following
the school year in which the consent was revoked.

(8) For a resident student who receives consent to be admitted to another school district as
described in ORS 339.133 [(5)(a)] (5)(a)(A), a district school board may not impose any limitations
on the length of time for which consent is given to the student. The board may not require the
student to receive consent more than one time to be admitted to the same school district, regardless
of any time limitations imposed by the district school board under [paragraph (a) of this subsection
subsection (7)(a)(A) of this section.

(9)(a) A school district that provides consent to nonresident students to attend the schools of
the school district may not expend moneys received from the State School Fund or as Local Re-
venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
tisements are:
(A) Located outside the boundaries of the school district, including advertisements that are
made by signage or billboards; or
(B) Directed to nonresident students, including:
(i) Advertisements that are targeted to nonresident students through direct mail or online mar-
keting;
(ii) Television or radio advertisements; or
(iii) Newspaper advertisements, unless the advertisement is in a newspaper that primarily serves
the residents of the school district.

(b) Notwithstanding paragraph (a)(A) of this subsection, if a school is located outside the
boundaries of the school district, the school district may advertise openings for nonresident students
on the property of the school.

(c) Nothing in this subsection:
(A) Prohibits a school district from providing information or advertisements to nonresident students if the parents of the students request the information or advertisements.
(B) Prohibits a public charter school from advertising openings.

(10) Notwithstanding any other provision of this section, a district school board that is requested to give consent as described in ORS 339.133 (5)(a) must give consent to a student whose legal residence changes to a different school district:
(a) During the school year, to enable the student to complete the school year in the school district; or
(b) During the summer prior to the school year, to enable the student to complete the school year following the summer in the school district.

(11) Nothing in this section:
(a) Requires a district school board to admit students for whom priority may be given under subsection (4)(b) of this section if the board imposes limitations on the number of students admitted by consent.
(b) Prevents a district school board from denying admission to a nonresident student as provided by ORS 339.115 (8).
(c) Prevents a district school board from requesting information or giving consent to a student in the event of:
(A) An emergency to protect the health, safety or welfare of the student; or
(B) A hardship of the student, as determined based on rules adopted by the State Board of Education.
(d) Prevents a district school board from establishing minimum standards for behavior and attendance that a student must maintain to remain enrolled in the schools of the school district.

SECTION 7. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.