

By: Representative Brown

To: Education

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1084

1 AN ACT TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE STATE BOARD OF EDUCATION TO EVALUATE AND REPORT TO THE  
3 LEGISLATIVE EDUCATION COMMITTEES REGARDING A RECOMMENDATION ON THE  
4 INCLUSION OF GRADUATION RATE AND DROPOUT RATE IN THE SCHOOL LEVEL  
5 ACCOUNTABILITY SYSTEM; TO BRING FORWARD SECTIONS 37-3-46 AND  
6 37-3-49, MISSISSIPPI CODE OF 1972, WHICH RELATE TO A STATE PROGRAM  
7 OF EDUCATIONAL ACCOUNTABILITY AND ASSESSMENT OF PERFORMANCE, FOR  
8 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Section 37-17-6, Mississippi Code of 1972, is  
11 amended as follows:

12 37-17-6. (1) The State Board of Education, acting through  
13 the Commission on School Accreditation, shall establish and  
14 implement a permanent performance-based accreditation system, and  
15 all public elementary and secondary schools shall be accredited  
16 under this system.

17 (2) \* \* \* The State Board of Education, acting through the  
18 Commission on School Accreditation, shall require school districts  
19 to provide school classroom space that is air conditioned as a  
20 minimum requirement for accreditation.

21 (3) (a) \* \* \* The State Board of Education, acting through  
22 the Commission on School Accreditation, shall require that school  
23 districts employ certified school librarians according to the  
24 following formula:

25	Number of Students	Number of Certified
26	Per School Library	School Librarians
27	0 - 499 Students	1/2 Full-time Equivalent
28		Certified Librarian
29	500 or More Students	1 Full-time Certified
30		Librarian

31           (b) The State Board of Education, however, may increase  
32 the number of positions beyond the above requirements.

33           (c) The assignment of such school librarians to the  
34 particular schools shall be at the discretion of the local school  
35 district. No individual shall be employed as a certified school  
36 librarian without appropriate training and certification as a  
37 school librarian by the State Department of Education.

38           (d) School librarians in such district shall spend at  
39 least fifty percent (50%) of direct work time in a school library  
40 and shall devote no more than one-fourth (1/4) of the workday to  
41 administrative activities which are library related.

42           (e) Nothing in this subsection shall prohibit any  
43 school district from employing more certified school librarians  
44 than are provided for in this section.

45           (f) Any additional mileage levied to fund school  
46 librarians required for accreditation under this subsection shall  
47 be included in the tax increase limitation set forth in Sections  
48 37-57-105 and 37-57-107 and shall not be deemed a new program for  
49 purposes of the limitation.

50           (4) \* \* \* The State Board of Education shall implement the  
51 performance-based accreditation system for school districts and  
52 for individual schools which shall include the following:

53           (a) High expectations for students and high standards  
54 for all schools, with a focus on the basic curriculum;

55           (b) Strong accountability for results with appropriate  
56 local flexibility for local implementation;

57           (c) A process to implement accountability at both the  
58 school district level and the school level;

59           (d) Individual schools shall be held accountable for  
60 student growth and performance;

61           (e) Set annual performance standards for each of the  
62 schools of the state and measure the performance of each school  
63 against itself through the standard that has been set for it;

64 (f) A determination of which schools exceed their  
65 standards and a plan for providing recognition and rewards to such  
66 schools;

67 (g) A determination of which schools are failing to  
68 meet their standards and a determination of the appropriate role  
69 of the State Board of Education and the State Department of  
70 Education in providing assistance and initiating possible  
71 intervention;

72 (h) Development of a comprehensive student assessment  
73 system to implement these requirements; and

74 (i) The State Board of Education may, based on a  
75 written request that contains specific reasons for requesting a  
76 waiver from the school districts affected by Hurricane Katrina of  
77 2005, hold harmless school districts from assignment of district  
78 and school level accountability ratings for the 2005-2006 school  
79 year. The State Board of Education upon finding an extreme  
80 hardship in the school district may grant the request. It is the  
81 intent of the Legislature that all school districts maintain the  
82 highest possible academic standards and instructional programs in  
83 all schools as required by law and the State Board of Education.

84 The State Board of Education may continue to assign school  
85 district performance levels by using a number classification and  
86 may assign individual school performance levels by using a number  
87 classification to be consistent with school district performance  
88 levels.

89 (5) Nothing in this section shall be deemed to require a  
90 nonpublic school which receives no local, state or federal funds  
91 for support to become accredited by the State Board of Education.

92 (6) The State Board of Education shall create an  
93 accreditation audit unit under the Commission on School  
94 Accreditation to determine whether schools are complying with  
95 accreditation standards.

96           (7) The State Board of Education shall be specifically  
97 authorized and empowered to withhold \* \* \* adequate education  
98 program fund allocations \* \* \* to any public school district for  
99 failure to timely report student, school personnel and fiscal data  
100 necessary to meet state and/or federal requirements.

101           (8) Deleted.

102           (9) The State Board of Education shall establish, for those  
103 school districts failing to meet accreditation standards, a  
104 program of development to be complied with in order to receive  
105 state funds, except as otherwise provided in subsection (14) of  
106 this section when the Governor has declared a state of emergency  
107 in a school district or as otherwise provided in Section 206,  
108 Mississippi Constitution of 1890. The state board, in  
109 establishing these standards, shall provide for notice to schools  
110 and sufficient time and aid to enable schools to attempt to meet  
111 these standards, unless procedures under subsection (14) of this  
112 section have been invoked.

113           (10) \* \* \* The State Board of Education shall be charged  
114 with the implementation of the program of development in each  
115 applicable school district as follows:

116                 (a) Develop an impairment report for each district  
117 failing to meet accreditation standards in conjunction with school  
118 district officials;

119                 (b) Notify any applicable school district failing to  
120 meet accreditation standards that it is on probation until  
121 corrective actions are taken or until the deficiencies have been  
122 removed. The local school district shall develop a corrective  
123 action plan to improve its deficiencies. For district academic  
124 deficiencies, the corrective action plan for each such school  
125 district shall be based upon a complete analysis of the following:  
126 student test data, student grades, student attendance reports,  
127 student drop-out data, existence and other relevant data. The  
128 corrective action plan shall describe the specific measures to be

129 taken by the particular school district and school to improve:  
130 (a) instruction; (b) curriculum; (c) professional development; (d)  
131 personnel and classroom organization; (e) student incentives for  
132 performance; (f) process deficiencies; and (g) reporting to the  
133 local school board, parents and the community. The corrective  
134 action plan shall describe the specific individuals responsible  
135 for implementing each component of the recommendation and how each  
136 will be evaluated. All corrective action plans shall be provided  
137 to the State Board of Education as may be required. The decision  
138 of the State Board of Education establishing the probationary  
139 period of time shall be final;

140 (c) Offer, during the probationary period, technical  
141 assistance to the school district in making corrective actions.

142 \* \* \* Subject to the availability of funds, the State Department  
143 of Education shall provide technical and/or financial assistance  
144 to all such school districts in order to implement each measure  
145 identified in that district's corrective action plan through  
146 professional development and on-site assistance. Each such school  
147 district shall apply for and utilize all available federal funding  
148 in order to support its corrective action plan in addition to  
149 state funds made available under this paragraph;

150 (d) Contract, in its discretion, with the institutions  
151 of higher learning or other appropriate private entities to assist  
152 school districts;

153 (e) Provide for publication of public notice at least  
154 one (1) time during the probationary period, in a newspaper  
155 published within the jurisdiction of the school district failing  
156 to meet accreditation standards, or if no newspaper is published  
157 therein, then in a newspaper having a general circulation therein.  
158 The publication shall include the following: declaration of  
159 school system's status as being on probation; all details relating  
160 to the impairment report, and other information as the State Board  
161 of Education deems appropriate. Public notices issued under this

162 section shall be subject to Section 13-3-31 and not contrary to  
163 other laws regarding newspaper publication.

164 (11) (a) If the recommendations for corrective action are  
165 not taken by the local school district or if the deficiencies are  
166 not removed by the end of the probationary period, the Commission  
167 on School Accreditation shall conduct a hearing to allow such  
168 affected school district to present evidence or other reasons why  
169 its accreditation should not be withdrawn. Subsequent to its  
170 consideration of the results of such hearing, the Commission on  
171 School Accreditation shall be authorized, with the approval of the  
172 State Board of Education, to withdraw the accreditation of a  
173 public school district, and issue a request to the Governor that a  
174 state of emergency be declared in that district.

175 (b) If the State Board of Education and the Commission  
176 on School Accreditation determine that an extreme emergency  
177 situation exists in a school district which jeopardizes the  
178 safety, security or educational interests of the children enrolled  
179 in the schools in that district and such emergency situation is  
180 believed to be related to a serious violation or violations of  
181 accreditation standards or state or federal law, the State Board  
182 of Education may request the Governor to declare a state of  
183 emergency in that school district. For purposes of this  
184 paragraph, such declarations of a state of emergency shall not be  
185 limited to those instances when a school district's impairments  
186 are related to a lack of financial resources, but also shall  
187 include serious failure to meet minimum academic standards, as  
188 evidenced by a continued pattern of poor student performance.

189 (c) Whenever the Governor declares a state of emergency  
190 in a school district in response to a request made under paragraph  
191 (a) or (b) of this subsection, the State Board of Education may  
192 take one or more of the following actions:

193 (i) Declare a state of emergency, under which some  
194 or all of state funds can be escrowed except as otherwise provided

195 in Section 206, Constitution of 1890, until the board determines  
196 corrective actions are being taken or the deficiencies have been  
197 removed, or that the needs of students warrant the release of  
198 funds. Such funds may be released from escrow for any program  
199 which the board determines to have been restored to standard even  
200 though the state of emergency may not as yet be terminated for the  
201 district as a whole;

202 (ii) Override any decision of the local school  
203 board or superintendent of education, or both, concerning the  
204 management and operation of the school district, or initiate and  
205 make decisions concerning the management and operation of the  
206 school district;

207 (iii) Assign an interim conservator who will have  
208 those powers and duties prescribed in subsection (14) of this  
209 section;

210 (iv) Grant transfers to students who attend this  
211 school district so that they may attend other accredited schools  
212 or districts in a manner which is not in violation of state or  
213 federal law;

214 (v) For states of emergency declared under  
215 paragraph (a) only, if the accreditation deficiencies are related  
216 to the fact that the school district is too small, with too few  
217 resources, to meet the required standards and if another school  
218 district is willing to accept those students, abolish that  
219 district and assign that territory to another school district or  
220 districts. If the school district has proposed a voluntary  
221 consolidation with another school district or districts, then if  
222 the State Board of Education finds that it is in the best interest  
223 of the pupils of the district for such consolidation to proceed,  
224 the voluntary consolidation shall have priority over any such  
225 assignment of territory by the State Board of Education;

226 (vi) For states of emergency declared under  
227 paragraph (b) only, reduce local supplements paid to school

228 district employees, including, but not limited to, instructional  
229 personnel, assistant teachers and extracurricular activities  
230 personnel, if the district's impairment is related to a lack of  
231 financial resources, but only to an extent which will result in  
232 the salaries being comparable to districts similarly situated, as  
233 determined by the State Board of Education;

234 (vii) For states of emergency declared under  
235 paragraph (b) only, the State Board of Education must take such  
236 action as prescribed in Section 37-17-13.

237 (d) At such time as satisfactory corrective action has  
238 been taken in a school district in which a state of emergency has  
239 been declared, the State Board of Education may request the  
240 Governor to declare that the state of emergency no longer exists  
241 in the district.

242 (e) Not later than July 1 of each year, the State  
243 Department of Education shall develop an itemized accounting of  
244 the expenditures associated with the management of the conservator  
245 process with regard to each school district in which a conservator  
246 has been appointed, and an assessment as to the extent to which  
247 the conservator has achieved, or failed to achieve, the goals for  
248 which the conservator was appointed to guide the local school  
249 district.

250 (12) Upon the declaration of a state of emergency in a  
251 school district under subsection (11) of this section, the  
252 Commission on School Accreditation shall be responsible for public  
253 notice at least once a week for at least three (3) consecutive  
254 weeks in a newspaper published within the jurisdiction of the  
255 school district failing to meet accreditation standards, or if no  
256 newspaper is published therein, then in a newspaper having a  
257 general circulation therein. The size of such notice shall be no  
258 smaller than one-fourth (1/4) of a standard newspaper page and  
259 shall be printed in bold print. If a conservator has been  
260 appointed for the school district, such notice shall begin as



261 follows: "By authority of Section 37-17-6, Mississippi Code of  
262 1972, as amended, adopted by the Mississippi Legislature during  
263 the 1991 Regular Session, this school district (name of school  
264 district) is hereby placed under the jurisdiction of the State  
265 Department of Education acting through its appointed conservator  
266 (name of conservator)."

267 The notice also shall include, in the discretion of the State  
268 Board of Education, any or all details relating to the school  
269 district's emergency status, including the declaration of a state  
270 of emergency in the school district and a description of the  
271 district's impairment deficiencies, conditions of any  
272 conservatorship and corrective actions recommended and being  
273 taken. Public notices issued under this section shall be subject  
274 to Section 13-3-31 and not contrary to other laws regarding  
275 newspaper publication.

276 Upon termination of the state of emergency in a school  
277 district, the Commission on School Accreditation shall cause  
278 notice to be published in the school district in the same manner  
279 provided in this section, to include any or all details relating  
280 to the corrective action taken in the school district which  
281 resulted in the termination of the state of emergency.

282 (13) The State Board of Education or the Commission on  
283 School Accreditation shall have the authority to require school  
284 districts to produce the necessary reports, correspondence,  
285 financial statements, and any other documents and information  
286 necessary to fulfill the requirements of this section.

287 Nothing in this section shall be construed to grant any  
288 individual, corporation, board or conservator the authority to  
289 levy taxes except in accordance with presently existing statutory  
290 provisions.

291 (14) (a) Whenever the Governor declares a state of  
292 emergency in a school district in response to a request made under  
293 subsection (11) of this section, the State Board of Education, in

294 its discretion, may assign an interim conservator to the school  
295 district who will be responsible for the administration,  
296 management and operation of the school district, including, but  
297 not limited to, the following activities:

298           (i) Approving or disapproving all financial  
299 obligations of the district, including, but not limited to, the  
300 employment, termination, nonrenewal and reassignment of all  
301 certified and noncertified personnel, contractual agreements and  
302 purchase orders, and approving or disapproving all claim dockets  
303 and the issuance of checks; in approving or disapproving  
304 employment contracts of superintendents, assistant superintendents  
305 or principals, the interim conservator shall not be required to  
306 comply with the time limitations prescribed in Sections 37-9-15  
307 and 37-9-105;

308           (ii) Supervising the day-to-day activities of the  
309 district's staff, including reassigning the duties and  
310 responsibilities of personnel in a manner which, in the  
311 determination of the conservator, will best suit the needs of the  
312 district;

313           (iii) Reviewing the district's total financial  
314 obligations and operations and making recommendations to the  
315 district for cost savings, including, but not limited to,  
316 reassigning the duties and responsibilities of staff;

317           (iv) Attending all meetings of the district's  
318 school board and administrative staff;

319           (v) Approving or disapproving all athletic, band  
320 and other extracurricular activities and any matters related to  
321 those activities;

322           (vi) Maintaining a detailed account of  
323 recommendations made to the district and actions taken in response  
324 to those recommendations;

325           (vii) Reporting periodically to the State Board of  
326 Education on the progress or lack of progress being made in the

327 district to improve the district's impairments during the state of  
328 emergency; and

329 (viii) Appointing a parent advisory committee,  
330 comprised of parents of students in the school district, which may  
331 make recommendations to the conservator concerning the  
332 administration, management and operation of the school district.

333 Except when, in the determination of the State Board of  
334 Education, the school district's impairment is related to a lack  
335 of financial resources, the cost of the salary of the conservator  
336 and any other actual and necessary costs related to the  
337 conservatorship paid by the State Department of Education shall be  
338 reimbursed by the local school district from other than adequate  
339 education program funds. The department shall submit an itemized  
340 statement to the superintendent of the local school district for  
341 reimbursement purposes, and any unpaid balance may be withheld  
342 from the district's minimum or adequate education program funds.

343 At such time as the Governor, pursuant to the request of the  
344 State Board of Education, declares that the state of emergency no  
345 longer exists in a school district, the powers and  
346 responsibilities of the interim conservator assigned to such  
347 district shall cease.

348 (b) In order to provide loans to school districts under  
349 a state of emergency which have impairments related to a lack of  
350 financial resources, the School District Emergency Assistance Fund  
351 is created as a special fund in the State Treasury into which  
352 monies may be transferred or appropriated by the Legislature from  
353 any available public education funds. The maximum amount that may  
354 be appropriated or transferred to the School District Emergency  
355 Assistance Fund for any one (1) emergency shall be Two Million  
356 Dollars (\$2,000,000.00), and the maximum amount that may be  
357 appropriated during any fiscal year shall be Three Million Dollars  
358 (\$3,000,000.00).

359           The State Board of Education may loan monies from the School  
360 District Emergency Assistance Fund to a school district that is  
361 under a state of emergency in such amounts, as determined by the  
362 board, which are necessary to correct the district's impairments  
363 related to a lack of financial resources. The loans shall be  
364 evidenced by an agreement between the school district and the  
365 State Board of Education and shall be repayable in principal,  
366 without necessity of interest, to the State General Fund or the  
367 Education Enhancement Fund, depending on the source of funding for  
368 such loan, by the school district from any allowable funds that  
369 are available. The total amount loaned to the district shall be  
370 due and payable within five (5) years after the impairments  
371 related to a lack of financial resources are corrected. If a  
372 school district fails to make payments on the loan in accordance  
373 with the terms of the agreement between the district and the State  
374 Board of Education, the State Department of Education, in  
375 accordance with rules and regulations established by the State  
376 Board of Education, may withhold that district's minimum program  
377 funds in an amount and manner that will effectuate repayment  
378 consistent with the terms of the agreement; such funds withheld by  
379 the department shall be deposited into the State General Fund or  
380 the Education Enhancement Fund, as the case may be.

381           If the State Board of Education determines that an extreme  
382 emergency exists, simultaneous with the powers exercised in this  
383 subsection, it shall take immediate action against all parties  
384 responsible for the affected school districts having been  
385 determined to be in an extreme emergency. Such action shall  
386 include, but not be limited to, initiating civil actions to  
387 recover funds and criminal actions to account for criminal  
388 activity. Any funds recovered by the State Auditor or the State  
389 Board of Education from the surety bonds of school officials or  
390 from any civil action brought under this subsection shall be

391 applied toward the repayment of any loan made to a school district  
392 hereunder.

393 (15) In the event a majority of the membership of the school  
394 board of any school district resigns from office, the State Board  
395 of Education shall be authorized to assign an interim conservator,  
396 who shall be responsible for the administration, management and  
397 operation of the school district until such time as new board  
398 members are selected or the Governor declares a state of emergency  
399 in that school district under subsection (11), whichever occurs  
400 first. In such case, the State Board of Education, acting through  
401 the interim conservator, shall have all powers which were held by  
402 the previously existing school board, and may take such action as  
403 prescribed in Section 37-17-13 and/or one or more of the actions  
404 authorized in this section.

405 (16) \* \* \* The State Board of Education, acting through the  
406 Commission on School Accreditation, shall require each school  
407 district to comply with standards established by the State  
408 Department of Audit for the verification of fixed assets and the  
409 auditing of fixed assets records as a minimum requirement for  
410 accreditation.

411 (17) Before December 1, 1999, the State Board of Education  
412 shall recommend a program to the Education Committees of the House  
413 of Representatives and the Senate for identifying and rewarding  
414 public schools that improve or are high performing. The program  
415 shall be described by the board in a written report, which shall  
416 include criteria and a process through which improving schools and  
417 high-performing schools will be identified and rewarded.

418 The State Superintendent of Education and the State Board of  
419 Education also shall develop a comprehensive accountability plan  
420 to ensure that local school boards, superintendents, principals  
421 and teachers are held accountable for student achievement. \* \* \*

422 (18) Before January 2, 2008, the State Board of Education  
423 shall evaluate and report to the Education Committees of the House

424 of Representatives and the Senate a recommendation on the  
425 inclusion of the graduation rate and the dropout rate in the  
426 school level accountability system.

427         **SECTION 2.** Section 37-3-46, Mississippi Code of 1972, is  
428 brought forward as follows:

429         37-3-46. The State Department of Education, in regard to any  
430 district not meeting Level 4 or 5 accreditation standards, as  
431 defined by the State Board of Education, shall:

432             (a) Provide to local school districts financial,  
433 training and other assistance to implement and maintain a state  
434 program of educational accountability and assessment of  
435 performance.

436             (b) Provide to local school districts technical  
437 assistance and training in the development, implementation and  
438 administration of a personnel appraisal and compensation system  
439 for all school employees.

440             (c) Provide to local school districts technical  
441 assistance in the development, implementation and administration  
442 of programs designed to keep children in school voluntarily and to  
443 prevent dropouts.

444         **SECTION 3.** Section 37-3-49, Mississippi Code of 1972, is  
445 brought forward follows:

446         37-3-49. (1) The State Department of Education shall  
447 provide an instructional program and establish guidelines and  
448 procedures for managing such program in the public schools as part  
449 of the State Program of Educational Accountability and Assessment  
450 of Performance as prescribed in Section 37-3-46. Public school  
451 districts may (a) elect to adopt the instructional program and  
452 management system provided by the State Department of Education,  
453 or (b) elect to adopt an instructional program and management  
454 system which meets or exceeds criteria established by the State  
455 Department of Education for such. This provision shall begin with  
456 the courses taught in Grades K-8 which contain skills tested

457 through the Mississippi Basic Skills Assessment Program and shall  
458 proceed through all secondary school courses mandated for  
459 graduation and all secondary school courses in the Mississippi  
460 end-of-course testing program. Other state core objectives must  
461 be included in the district's instructional program as they are  
462 provided by the State Department of Education along with  
463 instructional practices, resources, evaluation items and  
464 management procedures. Districts are encouraged to adapt this  
465 program and accompanying procedures to all other instructional  
466 areas. The department shall provide that such program and  
467 guidelines, or a program and guidelines developed by a local  
468 school district which incorporates the core objectives from the  
469 curriculum structure are enforced through the performance-based  
470 accreditation system. It is the intent of the Legislature that  
471 every effort be made to protect the instructional time in the  
472 classroom and reduce the amount of paperwork which must be  
473 completed by teachers. The State Department of Education shall  
474 take steps to insure that school districts properly use staff  
475 development time to work on the districts' instructional  
476 management plans.

477 (2) The State Department of Education shall provide such  
478 instructional program and management guidelines which shall  
479 require for every public school district that:

480 (a) All courses taught in Grades K-8 which contain  
481 skills which are tested through the Mississippi Basic Skills  
482 Assessment Program, all secondary school courses mandated for  
483 graduation, and all courses in the end-of-course testing program  
484 shall include the State Department of Education's written list of  
485 learning objectives.

486 (b) The local school board must adopt the objectives  
487 that will form the core curriculum which will be systematically  
488 delivered throughout the district.

489           (c) The set of objectives provided by the State  
490 Department of Education must be accompanied by suggested  
491 instructional practices and resources that would help teachers  
492 organize instruction so as to promote student learning of the  
493 objectives. Objectives added by the school district must also be  
494 accompanied by suggested instructional practices and resources  
495 that would help teachers organize instruction. The instructional  
496 practices and resources that are identified are to be used as  
497 suggestions and not as requirements that teachers must follow.  
498 The goal of the program is to have students to achieve the desired  
499 objective and not to limit teachers in the way they teach.

500           (d) Standards for student performance must be  
501 established for each core objective in the local program and those  
502 standards establish the district's definition of mastery for each  
503 objective.

504           (e) There shall be an annual review of student  
505 performance in the instructional program against locally  
506 established standards. When weaknesses exist in the local  
507 instructional program, the district shall take action to improve  
508 student performance.

509           (3) The State Board of Education and the board of trustees  
510 of each school district shall adopt policies to limit and reduce  
511 the number and length of written reports that classroom teachers  
512 are required to prepare.

513           (4) This section shall not be construed to limit teachers  
514 from using their own professional skills to help students master  
515 instructional objectives, nor shall it be construed as a call for  
516 more detailed or complex lesson plans or any increase in testing  
517 at the local school district level.

518           (5) Districts meeting Level 4 or 5 accreditation standards,  
519 as defined by the State Board of Education, shall be exempted from  
520 the provisions of subsection (2) of this section.



521           **SECTION 4.** This act shall take effect and be in force from  
522 and after July 1, 2007.