

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 639

By: Pugh

AS INTRODUCED

An Act relating to the Oklahoma Higher Learning Access Program; amending 70 O.S. 2011, Section 2602, as amended by Section 1, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2020, Section 2602), which relates to the purpose of the program; allowing the program to include certain identified postsecondary career technology programs; amending 70 O.S. 2011, Section 2603, as last amended by Section 2, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2020, Section 2603), which relates to eligibility for the program; adding reference to certain identified postsecondary vocational-technical program; directing the Executive Director of the Oklahoma Department of Commerce in certain consultation to publish certain list by certain date; providing for identification of postsecondary vocational-technical programs that correlate to certain occupation areas; requiring completion of certain program within certain time period; allowing completion of program regardless of placement on certain list; requiring repayment of award if program is not completed within certain time period; providing for promulgation of rules; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2011, Section 2602, as amended by Section 1, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2020, Section 2602), is amended to read as follows:

1 Section 2602. There is hereby created the Oklahoma Higher
2 Learning Access Program. The program shall also be known as
3 "Oklahoma's Promise". The purpose of the program is to provide an
4 award to students who meet the criteria set forth in the Oklahoma
5 Higher Learning Access Act who are pursuing studies in this state
6 leading to an associate or baccalaureate degree or who are pursuing
7 studies in a postsecondary career technology program that would meet
8 the requirements to be eligible for federal student financial aid or
9 that has been identified as a critical occupation area pursuant to
10 Section 4 of this act and is offered by a technology center school
11 supervised by the State Board of Career and Technology Education,
12 and who are in good academic standing in the institution or school
13 in which the student is enrolled, that will relieve the student of
14 the burden of paying nonguaranteed resident tuition at institutions
15 of The Oklahoma State System of Higher Education, paying tuition for
16 enrollment in postsecondary programs of the technology center
17 districts, or paying some portion of such fees or tuition, pursuant
18 to the provisions of the Oklahoma Higher Learning Access Act, as may
19 be required of enrollees at private institutions of higher education
20 which are accredited pursuant to Section 4103 of this title. The
21 further purpose of this program is to establish and maintain a
22 variety of support services whereby a broader range of the general
23 student population of this state will be prepared for success in
24 postsecondary endeavors.

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2603, as
2 last amended by Section 2, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
3 2020, Section 2603), is amended to read as follows:

4 Section 2603. A. Except as otherwise provided for in
5 subsection B of this section and elsewhere in this section, to be
6 eligible to participate in the Oklahoma Higher Learning Access
7 Program and to qualify for an award which includes payment of an
8 amount equivalent to resident tuition or other tuition pursuant to
9 Section 2604 of this title for the first semester or other academic
10 unit of postsecondary enrollment, a student shall:

11 1. Be a resident of this state or be enrolled in a school
12 district located in this state that serves students who reside in
13 both this state and an adjacent state pursuant to a contract as
14 authorized in Section 5-117.1 of this title;

15 2. Be a United States citizen or lawfully present in the United
16 States. A student who is not a United States citizen or lawfully
17 present in the United States shall not be eligible to participate in
18 the Oklahoma Higher Learning Access Program and to qualify for an
19 award notwithstanding the provisions of Section 3242 of this title.
20 The provisions of this paragraph shall not apply to any student who
21 was enrolled in the Oklahoma Higher Learning Access Program prior to
22 the end of the 2006-2007 school year;

23 3. Have a record of satisfactory compliance with agreements
24 executed pursuant to Section 2605 of this title;

- 1 4. a. have graduated within the previous three (3) years
2 from a high school accredited by the State Board of
3 Education, or the Oklahoma School of Science and
4 Mathematics with a minimum 2.5 cumulative grade point
5 average on a 4.0 scale for all work attempted in
6 grades nine through twelve,
- 7 b. have graduated within the previous three (3) years
8 from a high school not accredited by the State Board
9 of Education with a minimum 2.5 cumulative grade point
10 average on a 4.0 scale for all work attempted in
11 grades nine through twelve and have achieved a
12 composite score of 22 or higher on the ACT test, or
- 13 c. have satisfactorily completed within the previous
14 three (3) years an educational program that was
15 provided through a means other than a public or
16 private school and have achieved a composite score of
17 22 or higher on the ACT test;

18 5. Have completed the curricular requirements for admission to
19 an institution within The Oklahoma State System of Higher Education
20 and one additional unit or set of competencies in a course that
21 meets college admission requirements. The curriculum requirements
22 shall include two units or sets of competencies in foreign or non-
23 English language or technology courses that meet the college
24 admission requirements and one unit or set of competencies of a fine

1 arts course. Students shall also have attained a 2.5 grade point
2 average in the core curriculum courses. Students who attended a
3 high school which did not offer all the core curriculum courses or
4 students who were educated by other means and were not offered all
5 the core curriculum courses shall be allowed to satisfy this
6 curriculum requirement by participating in a program approved by the
7 State Regents for remediation of high school curricular
8 deficiencies;

9 6. Have satisfied admission standards as determined by the
10 Oklahoma State Regents for Higher Education for first-time-entering
11 students for the appropriate type of institution, or, if attending a
12 private institution, have satisfied admission standards as
13 determined by the private institution. No student participating in
14 the Oklahoma Higher Learning Access Program shall be admitted into
15 an institution of higher education by special admission standards;

16 7. Have secured admission to, and enrolled in, an institution
17 which is a member of The Oklahoma State System of Higher Education,
18 a postsecondary vocational-technical program offered by a technology
19 center school that meets the requirements to be eligible for federal
20 student financial aid or that has been identified as a critical
21 occupation area pursuant to Section 4 of this act, or a private
22 institution of higher learning located within this state and
23 accredited pursuant to Section 4103 of this title; and
24

- 1 8. a. have established financial need according to the
2 provisions of subsection D of Section 2605 of this
3 title and standards and provisions promulgated by the
4 Oklahoma State Regents for Higher Education,
5 b. if the student was adopted between birth and twelve
6 (12) years of age while in the permanent custody of
7 the Department of Human Services, in the court-ordered
8 custody of a licensed private nonprofit child-placing
9 agency, or federally recognized Indian tribe, as
10 defined by the federal Indian Child Welfare Act, have
11 established financial need according to the provisions
12 of paragraph 1 of subsection E of Section 2605 of this
13 title and standards and provisions promulgated by the
14 Oklahoma State Regents for Higher Education, or
15 c. if the student was adopted between thirteen (13) and
16 seventeen (17) years of age while in the permanent
17 custody of the Department of Human Services, in the
18 court-ordered custody of a licensed private nonprofit
19 child-placing agency, or federally recognized Indian
20 tribe, as defined by the federal Indian Child Welfare
21 Act, have established financial need according to the
22 provisions of paragraph 2 of subsection E of Section
23 2605 of this title and standards and provisions
24

1 promulgated by the Oklahoma State Regents for Higher
2 Education.

3 B. 1. A student shall be eligible to participate in the
4 Oklahoma Higher Learning Access Program and to qualify for an award
5 which includes payment of an amount equivalent to resident tuition
6 or other tuition pursuant to Section 2604 of this title for the
7 first semester or other academic unit of postsecondary enrollment if
8 the student meets all of the following criteria:

9 a. is a child of any person killed after January 1, 2000,
10 in the line of duty in any branch of the United States
11 Armed Forces or who died after January 1, 2000, as a
12 result of an injury sustained while in the line of
13 duty in any branch of the United States Armed Forces
14 and the person who was killed or died filed an
15 individual or joint Oklahoma income tax return for the
16 tax year prior to the year during which the person was
17 killed or died,

18 b. is a resident of this state or is enrolled in a school
19 district located in this state that serves students
20 who reside in both this state and an adjacent state
21 pursuant to a contract as authorized in Section 5-
22 117.1 of this title,
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25

- 1 c. enrolls in an institution within The Oklahoma State
2 System of Higher Education prior to reaching the age
3 of twenty-one (21),
- 4 d. has satisfied admission standards as determined by the
5 Oklahoma State Regents for Higher Education for first-
6 time-entering students for the appropriate type of
7 institution, or, if attending a private institution,
8 has satisfied admission standards as determined by the
9 private institution. No student participating in the
10 Oklahoma Higher Learning Access Program shall be
11 admitted into an institution of higher education by
12 special admission standards,
- 13 e. has secured admission to, and enrolled in, an
14 institution which is a member of The Oklahoma State
15 System of Higher Education, a postsecondary
16 vocational-technical program offered by a technology
17 center school that meets the requirements to be
18 eligible for federal student financial aid or that has
19 been identified as a critical occupation area pursuant
20 to Section 4 of this act, or a private institution of
21 higher learning located within this state and
22 accredited pursuant to Section 4103 of this title, and
- 23 f. executes an agreement pursuant to subsection C of
24 Section 2605 of this title.

1 2. A student who is eligible to participate in the program
2 pursuant to this subsection shall not be required to meet the
3 eligibility requirements set forth in subsection A of this section.

4 C. To retain eligibility while pursuing the program of higher
5 learning in which enrolled, the student shall:

6 1. Meet the requirements for retention and degree completion as
7 established by the institution in which the student is enrolled;

8 2. Maintain good academic standing and satisfactory academic
9 progress according to standards of the Oklahoma State Regents for
10 Higher Education;

11 3. Maintain satisfactory academic progress as required for
12 eligibility for federal Title IV student financial aid programs.
13 The provisions of this paragraph shall become effective for the
14 2012-2013 school year;

15 4. Comply with the standards related to maintenance of
16 eligibility as promulgated by the Oklahoma State Regents for Higher
17 Education; and

18 5. Refrain from conduct that leads to expulsion or suspension
19 of more than one semester from an institution of higher education.
20 A student who violates the provisions of this paragraph shall
21 permanently lose eligibility for program benefits. The provisions
22 of this paragraph shall become effective January 1, 2008.

23 D. The Oklahoma State Regents for Higher Education and the
24 State Board of Career and Technology Education shall promulgate

1 rules relating to maintenance of eligibility under the Oklahoma
2 Higher Learning Access Act by a student.

3 E. It is the intent of the Legislature that students in the
4 ninth grade for the 1992-93 school year who are determined to be
5 eligible Oklahoma Higher Learning Access students pursuant to the
6 Oklahoma Higher Learning Access Act shall be the first students
7 eligible for benefits from the Oklahoma Higher Learning Access Trust
8 Fund.

9 F. The Oklahoma State Regents for Higher Education are
10 authorized to study, develop and propose criteria for determining
11 award eligibility based upon the completion of seven semesters of
12 high school coursework by a student.

13 SECTION 3. AMENDATORY 70 O.S. 2011, Section 2605, as
14 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
15 2020, Section 2605), is amended to read as follows:

16 Section 2605. A. Each school year, every fifth- through ninth-
17 grade student in the public and private schools of this state and
18 students who are educated by other means and are in the equivalent
19 of the fifth through ninth grade shall be apprised, together with
20 the parent, custodial parent, or guardian of the student, of the
21 opportunity for access to higher learning under the Oklahoma Higher
22 Learning Access Program. The Oklahoma State Regents for Higher
23 Education and the State Board of Education shall develop, promote,
24 and coordinate a public awareness program to be utilized in making

1 students and parents aware of the Oklahoma Higher Learning Access
2 Program.

3 B. On a form provided by the Oklahoma State Regents for Higher
4 Education, every public school district shall designate at least one
5 Oklahoma Higher Learning Access Program contact person, who shall be
6 a counselor or teacher, at each public school site in this state in
7 which eighth-, ninth- or tenth-grade classes are taught. When
8 requested by the State Regents, the State Board of Education shall
9 assist the State Regents to ensure the designation of contact
10 persons. Private schools shall also designate at least one school
11 official as a contact person. For students who are educated by
12 other means, a parent or guardian or other person approved by the
13 State Regents shall be designated the contact person.

14 C. 1. Students who qualify on the basis of financial need
15 according to subsection D or E of this section or who meet the
16 eligibility qualification set forth in subparagraph a of paragraph 1
17 of subsection B of Section 2603 of this title prior to entering the
18 tenth grade or prior to reaching the age of fifteen (15) and the
19 standards and provisions promulgated by the Oklahoma State Regents
20 for Higher Education shall be given the opportunity throughout the
21 eighth-, ninth-, and tenth-grade years, for students enrolled in a
22 public or private school, or between the ages of thirteen (13) and
23 fifteen (15), for students who are educated by other means, to enter
24

1 into participation in the program by agreeing to, throughout the
2 remainder of their school years or educational program:

- 3 a. attend school or an educational program regularly and
4 do homework regularly,
- 5 b. refrain from substance abuse,
- 6 c. refrain from commission of crimes or delinquent acts,
- 7 d. have school work and school records reviewed by
8 mentors designated pursuant to the program,
- 9 e. provide information requested by the Oklahoma State
10 Regents for Higher Education or the State Board of
11 Education, and
- 12 f. participate in program activities.

13 2. Students who meet the eligibility qualification set forth in
14 subparagraph a of paragraph 1 of subsection B of Section 2603 of
15 this title after completing the tenth grade or after reaching the
16 age of sixteen (16) shall be given the opportunity prior to reaching
17 the age of twenty-one (21) to enter into participation in the
18 program and shall execute an agreement with provisions as determined
19 by the Oklahoma State Regents for Higher Education.

20 3. The contact person shall maintain the agreements, which
21 shall be executed on forms provided by the Oklahoma State Regents
22 for Higher Education and managed according to regulations
23 promulgated by the Oklahoma State Regents for Higher Education, and
24 the contact person shall monitor compliance of the student with the

1 terms of the agreement. The Oklahoma State Regents for Higher
2 Education are authorized to process student agreements and verify
3 compliance with the agreements. Students failing to comply with the
4 terms of the agreement shall not be eligible for the awards provided
5 in Section 2604 of this title.

6 D. Except as otherwise provided for in subsection E of this
7 section and except for students who qualify pursuant to subsection B
8 of Section 2603 of this title, a student shall not be found to be in
9 financial need for purposes of the Oklahoma Higher Learning Access
10 Program if:

11 1. At the time the student applies for participation in the
12 program during the eighth, ninth or tenth grade for students
13 enrolled in a public or private school, or between the ages of
14 thirteen (13) and fifteen (15), for students who are educated by
15 other means, the income from taxable and nontaxable sources of the
16 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per
17 year;

18 2. Beginning with eighth-, ninth- or tenth-grade students who
19 are enrolled in a public or private school or students between the
20 ages of thirteen (13) and fifteen (15) who are educated by other
21 means who apply for participation in the program in the 2017-2018
22 school year, the federal adjusted gross income of the student's
23 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

1 3. Beginning with eighth-, ninth- or tenth-grade students who
2 are enrolled in a public or private school or students between the
3 ages of thirteen (13) and fifteen (15) who are educated by other
4 means who apply for participation in the program in the 2021-2022
5 school year, the federal adjusted gross income of the student's
6 parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per year;

7 4. At the time the student begins postsecondary education and
8 prior to receiving any Oklahoma Higher Learning Access Program
9 benefit award, the federal adjusted gross income of the student's
10 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
11 year; and

12 5. Beginning with the 2018-2019 academic year, prior to
13 receiving any Oklahoma Higher Learning Access Program benefit award
14 for any year during which the student is enrolled in an institution
15 which is a member of The Oklahoma State System of Higher Education,
16 a postsecondary vocational-technical program offered by a technology
17 center school that meets the requirements to be eligible for federal
18 student financial aid or that has been identified as a critical
19 occupation area pursuant to Section 4 of this act, or a private
20 institution of higher learning located within this state and
21 accredited pursuant to Section 4103 of this title, the federal
22 adjusted gross income of the student's parent(s) exceeds One Hundred
23 Thousand Dollars (\$100,000.00) per year.
24

1 The determination of financial qualification as set forth in
2 paragraphs 4 and 5 of this subsection shall be based on the income
3 of the student, not the income of the parent(s), if a student:

- 4 a. is determined to be independent of the student's
5 parents for federal financial aid purposes,
- 6 b. was in the permanent custody of the Department of
7 Human Services at the time the student enrolled in the
8 program, or
- 9 c. was in the court-ordered custody of a federally
10 recognized Indian tribe, as defined by the federal
11 Indian Child Welfare Act, at the time the student
12 enrolled in the program.

13 The provisions of this paragraph shall apply to any student who
14 has received an Oklahoma Higher Learning Access Program benefit
15 award after the 2017-2018 school year;

16 6. The Oklahoma State Regents for Higher Education shall review
17 the determination of financial qualification as set forth in
18 paragraphs 1, 2 and 3 of this subsection if the income from taxable
19 and nontaxable sources of the student's parent(s) includes income
20 received from nontaxable military benefits or income received from
21 the federal Social Security Administration due to the death or
22 disability of the student's parent(s). If the income from taxable
23 and nontaxable sources of the student's parent(s), excluding income
24 received from nontaxable military benefits or income received from

1 the federal Social Security Administration due to the death or
2 disability of the student's parent(s), does not exceed the
3 limitations set forth by paragraphs 1, 2 and 3 of this subsection,
4 the student shall be determined to have met the financial
5 qualification set forth in paragraphs 1, 2 and 3 of this subsection.

6 E. 1. A student who was adopted between birth and twelve (12)
7 years of age while in the permanent custody of the Department of
8 Human Services, in the court-ordered custody of a licensed private
9 nonprofit child-placing agency, or federally recognized Indian
10 tribe, as defined by the federal Indian Child Welfare Act, shall not
11 be found to be in financial need for purposes of the Oklahoma Higher
12 Learning Access Program if at the time the student begins
13 postsecondary education and prior to receiving any Oklahoma Higher
14 Learning Access Program benefit award, the federal adjusted gross
15 income of the student's parent(s) exceeds One Hundred Fifty Thousand
16 Dollars (\$150,000.00) per year. The provisions of this paragraph
17 shall not apply to any student who has received an Oklahoma Higher
18 Learning Access Program benefit award prior to the 2012-2013 school
19 year.

20 2. A student who was adopted between thirteen (13) and
21 seventeen (17) years of age while in the permanent custody of the
22 Department of Human Services, in the court-ordered custody of a
23 licensed private nonprofit child-placing agency, or federally
24 recognized Indian tribe, as defined by the federal Indian Child

1 Welfare Act, shall not be found to be in financial need for purposes
2 of the Oklahoma Higher Learning Access Program if at the time the
3 student begins postsecondary education and prior to receiving any
4 Oklahoma Higher Learning Access Program benefit award, the federal
5 adjusted gross income of the student's parent(s) exceeds Two Hundred
6 Thousand Dollars (\$200,000.00) per year. The provisions of this
7 paragraph shall not apply to any student who has received an
8 Oklahoma Higher Learning Access Program benefit award prior to the
9 2012-2013 school year.

10 3. Except for students who qualify pursuant to subsection B of
11 Section 2603 of this title, the determination of financial
12 qualification as set forth in this subsection shall be based on the
13 income of the student, not the income of the parent(s), if the
14 student is determined to be independent of the student's parent(s)
15 for federal financial aid purposes. A determination of financial
16 qualification shall not be required for the student who meets the
17 criteria set forth in this subsection at the time the student
18 applies for participation in the program. The provisions of this
19 paragraph shall not apply to any student who has received an
20 Oklahoma Higher Learning Access Program benefit award prior to the
21 2008-2009 school year.

22 F. The financial qualification of a student as set forth in
23 subsections D and E of this section shall be certified by the
24 contact person or by the Oklahoma State Regents for Higher Education

1 on the agreement form provided by the Oklahoma State Regents for
2 Higher Education. The form shall be retained in the permanent
3 record of the student and a copy forwarded to the Oklahoma State
4 Regents for Higher Education.

5 G. Agreements shall be witnessed by the parent, custodial
6 parent, or guardian of the student, who shall further agree to:

7 1. Assist the student in achieving compliance with the
8 agreements;

9 2. Confer, when requested to do so, with the school contact
10 person, other school personnel, and program mentors;

11 3. Provide information requested by the Oklahoma State Regents
12 for Higher Education or the State Board of Education; and

13 4. Assist the student in completing forms and reports required
14 for program participation, making applications to institutions and
15 schools of higher learning, and filing applications for student
16 grants and scholarships.

17 H. Students who are enrolled in a school district located in
18 this state that serves students who reside in both this state and an
19 adjacent state pursuant to a contract as authorized in Section 5-
20 117.1 of this title, are in the eleventh and twelfth grades during
21 the 2006-2007 school year, and who were denied participation in the
22 program shall be allowed to enter or reenter into participation in
23 the program by entering into agreements as set forth in subsections
24 C and D of this section by June 1, 2008.

1 I. The Oklahoma State Regents for Higher Education shall
2 promulgate rules for the determination of student compliance with
3 agreements made pursuant to this section.

4 J. The Oklahoma State Regents for Higher Education shall
5 designate personnel to coordinate tracking of program records for
6 the years when students participating in the program are still in
7 the schools or are being educated by other means, provide staff
8 development for contact persons in the schools, and provide liaison
9 with the State Board of Education and local organizations and
10 individuals participating in the program.

11 K. The school district where an Oklahoma Higher Learning Access
12 Program student is enrolled when the student begins participation in
13 the program and any subsequent school district where the student
14 enrolls shall forward information regarding participation by the
15 student in the program to a school to which the student transfers
16 upon the request of the school for the records of the student.

17 L. Students participating in the Oklahoma Higher Learning
18 Access Program shall provide their Social Security number or their
19 student identification number used by their school to the Oklahoma
20 State Regents for Higher Education. The Regents shall keep the
21 numbers confidential and use them only for administrative purposes.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2607 of Title 70, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The Executive Director of the Oklahoma Department of
2 Commerce, in consultation with the Oklahoma State Regents for Higher
3 Education, shall publish no later than October 1, 2021, and June 30
4 each subsequent year a list of critical occupation areas that meet
5 the guidelines of the identified core competencies of the state
6 based on wealth generation, growth potential and competitive
7 advantage.

8 B. The State Regents for Higher Education, in consultation with
9 the State Board of Career and Technology Education, shall identify
10 postsecondary vocational-technical programs that correlate to
11 critical occupation areas identified by the executive director
12 pursuant to this section.

13 C. 1. Beginning with the 2022-2023 academic year, a student
14 who receives an award pursuant to Section 2604 of Title 70 of the
15 Oklahoma Statutes and enrolls in a postsecondary vocational-
16 technical program that has been identified as a critical occupation
17 area pursuant to this section shall complete the program within five
18 (5) years after the student's first semester of postsecondary
19 enrollment.

20 2. A student who receives an award pursuant to Section 2604 of
21 Title 70 of the Oklahoma Statutes and enrolls in a postsecondary
22 vocational-technical program that has been identified as a critical
23 occupation area pursuant to this section may complete prescribed
24 coursework for program completion regardless of whether the program

1 is included on the most current list published by the Executive
2 Director of the Department of Commerce as long as program completion
3 is achieved within five (5) years of the student's enrollment.

4 3. If a student does not complete the postsecondary vocational-
5 technical program that has been identified as a critical occupation
6 area pursuant to this section within five (5) years, the student
7 shall be required to repay the full amount of the award provided
8 pursuant to this section. The Oklahoma State Regents for Higher
9 Education shall enter into a repayment agreement with the student.
10 Loan repayments shall be deposited into the Oklahoma Higher Learning
11 Access Trust Fund.

12 D. The State Regents for Higher Education and the State Board
13 of Career and Technology Education may promulgate rules to implement
14 the provisions of this section.

15 SECTION 5. This act shall become effective July 1, 2021.

16 SECTION 6. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.
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21 58-1-82

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