

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2169 Session of 2021

INTRODUCED BY OWLETT, WHITE, ROTHMAN, PICKETT, HAMM, TOPPER, ROWE, MERCURI, RYAN, GLEIM, ROAE, KAIL, KAUFFMAN, BERNSTINE, M. MACKENZIE, SCHEMEL, SILVIS, ECKER, GROVE, RAPP, HERSHEY, KNOWLES, BURGOS, ZIMMERMAN, TWARDZIK, STAATS, A. BROWN AND LEWIS DELROSSO, DECEMBER 14, 2021

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 29, 2022

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," establishing the Lifeline Scholarship
6 Program.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding an
11 article to read:

ARTICLE XX-L

LIFELINE SCHOLARSHIP PROGRAM

14 Section 2001-L. Scope OF ARTICLE.

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15 This article relates to the Lifeline Scholarship Program.

16 Section 2002-L. Definitions.

17 The following words and phrases when used in this article
18 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Applicant." A parent who applies for a lifeline scholarship
3 account under section 2003-L(b) on behalf of an eligible
4 student.

5 "Average daily membership." As defined in section 2501.

6 "Department." The Treasury Department of the Commonwealth.

7 "Department of Education." The Department of Education of
8 the Commonwealth.

9 "Distance education." Instruction offered by any means where
10 a student and faculty member are in separate physical locations
11 so that in-person communication is absent and communication is
12 accomplished instead by one or more technological media. The
13 term includes real-time or delayed interaction using voice,
14 video, data or text, including instruction provided online, via
15 correspondence or via interactive video. The term does not
16 include independent study or instruction that is not instructor
17 led.

18 "Eligible postsecondary institution." The term includes all
19 of the following:

20 (1) A community college operating under Article XIX-A.

21 (2) A college established under Article XIX-G.

22 (3) A university within the State System of Higher
23 Education established under Article XX-A.

24 (4) A State-related institution.

25 (5) Thaddeus Stevens College of Technology.

26 "Eligible student." A school-age child who:

27 (1) Has not yet received a high school diploma.

28 (2) Currently resides within the attendance area of a
29 low-achieving school.

30 (3) Satisfies one of the following:

1 (i) Attended a public school in this Commonwealth in
2 the preceding school year.

3 (ii) Received funds from the program in the
4 preceding school year.

5 (iii) Will attend first grade for the first time in
6 the next school year.

7 (iv) Is currently a child in foster care as defined
8 in section 2 of the act of November 23, 2010 (P.L.1264,
9 No.119), known as the Children in Foster Care Act.

10 (v) Is a child whose adoption decree was entered not
11 more than one year prior to submission of the application
12 under section 2003-L(b).

13 (vi) Is a child whose parent is on full-time active-
14 duty status in the armed forces of the United States,
15 including a member of the National Guard and reserve on
16 active duty orders under 10 U.S.C. §§ 12301 et seq.
17 (relating to reserve components generally) and 12401 et
18 seq. (relating to Army and Air National Guard of the
19 United States: status).

20 "Institution of higher education." The term includes the
21 following:

22 (1) An eligible postsecondary institution.

23 (2) An institution of higher education located in and
24 incorporated or chartered by the Commonwealth and entitled to
25 confer degrees as specified in 24 Pa.C.S. § 6505 (relating to
26 power to confer degrees) and as provided for by the standards
27 and qualifications prescribed by the State Board of Education
28 under 24 Pa.C.S. Ch. 65 (relating to private colleges,
29 universities and seminaries).

30 (3) A private school licensed under the act of December

1 15, 1986 (P.L.1585, No.174), known as the Private Licensed
2 Schools Act.

3 (4) A foreign corporation approved to operate an
4 educational enterprise under 22 Pa. Code Ch. 36 (relating to
5 foreign corporation standards).

6 "Lifeline scholarship account." A spending account
7 established and administered by the department and controlled by
8 a parent for an eligible student with money that may only be
9 spent on a qualified education expense as provided for under
10 section 2005-L.

11 "Low-achieving school." As defined under section 2002-B.

12 "Nonpublic school." A nonprofit school, other than a public
13 school, located in this Commonwealth where a resident of this
14 Commonwealth may legally fulfill the compulsory attendance
15 requirements of this act that complies with section 1521 and
16 meets the applicable requirements of Title VI of the Civil
17 Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

18 "Parent." An individual who:

19 (1) is a current resident of this Commonwealth; and

20 (2) either:

21 (i) has legal custody or guardianship of an eligible
22 student; or

23 (ii) keeps in the individual's home an eligible
24 student and supports the student gratis as if the student
25 were a lineal descendant of the individual.

26 "Participating entity."

27 (1) Any of the following where an eligible student
28 receives instruction or support:

29 (i) A nonpublic school for grade one through grade
30 twelve, or a combination of grades.

1 (ii) An institution of higher education.
2 (iii) A distance learning program.
3 (iv) A tutor who is a teacher certified in a state,
4 has tutored or taught at an eligible postsecondary
5 institution or an eligible nonpublic school or is a
6 subject matter expert or a tutor or tutoring agency
7 otherwise approved by the Department of Education.

8 (v) A school counselor who is certified by the
9 Commonwealth to work with school-aged children.

10 (vi) A provider of curriculum that adheres to
11 education laws of the Commonwealth.

12 (2) The term does not include a parent to the extent
13 that the parent provides educational services directly to the
14 parent's child.

15 "Program." The Lifeline Scholarship Program established
16 under section 2003-L(a).

17 "Public school." A school district, charter school, cyber
18 charter school, regional charter school, intermediate unit or
19 area career and technical school.

20 "Resident school district." The school district in which an
21 eligible student currently resides.

22 "School-age child." An individual six to 21 years of age who
23 currently resides in this Commonwealth.

24 "State-related institution." The Pennsylvania State
25 University, including the Pennsylvania College of Technology,
26 the University of Pittsburgh, Temple University and Lincoln
27 University, and any other institution designated as State-
28 related by the Commonwealth.

29 "Student with special needs." A child who:

30 (1) is subject to an individualized education program

1 under the Individuals with Disabilities Education Act (Public
2 Law 91-230, 20 U.S.C. § 1400 et seq.) and 22 Pa. Code Ch. 14
3 (relating to special education services and programs);

4 (2) is subject to a section 504 service agreement under
5 section 504 of the Rehabilitation Act of 1973 (Public Law 93-
6 112, 29 U.S.C. § 701 et seq.) and 22 Pa. Code Ch. 15
7 (relating to protected handicapped students);

8 (3) is subject to a gifted individualized education plan
9 under 22 Pa. Code Ch. 16 (relating to special education for
10 gifted students); or

11 (4) meets the definition of "child with a disability"
12 under the Individuals with Disabilities Education Act or
13 meets the definition of a "handicapped person" under section
14 504 of the Rehabilitation Act of 1973 and its implementing
15 regulations at 34 CFR § 104.3(j) (relating to definitions).
16 This paragraph includes a student for whom an evaluation is
17 pending under either the Individuals with Disabilities
18 Education Act or the Rehabilitation Act of 1973.

19 Section 2003-L. Establishment, application and agreement.

20 (a) Establishment.--Beginning with the 2022-2023 school
21 year, the Lifeline Scholarship Program is established as a
22 program of the department.

23 (b) Application form.--By ~~May 1~~ JULY 15, 2022, the <--
24 department shall develop an application form that can be
25 accessed from and submitted electronically on the department's
26 publicly accessible Internet website. The form may not exceed
27 one page that measures 8.5 inches by 11 inches.

28 (c) Review, approval and appeal.--

29 (1) An application must be submitted by the applicant to
30 the department for review. An eligible student shall be

1 accepted into the program if the student meets the
2 requirements of this article.

3 (2) Within 30 days of receipt of an application, the
4 department shall notify the resident school district and the
5 parent of a student's acceptance or nonacceptance into the
6 program.

7 (3) A parent may appeal the department's decision to
8 deny acceptance into the program within 30 days of issuance
9 of the decision. The appeal shall be governed by 2 Pa.C.S.
10 Chs. 1 (relating to general provisions), 5 (relating to
11 practice and procedure) and 7 (relating to judicial review).

12 (d) Agreement.--

13 (1) If the department approves an application, the
14 department shall enter into an agreement with the applicant.
15 The agreement shall provide the following:

16 (i) The eligible student shall withdraw from public
17 school and receive instruction in this Commonwealth from
18 a participating entity for the school year for which the
19 agreement applies.

20 (ii) The eligible student may not accept a
21 scholarship in the educational improvement tax credit
22 program under Article XX-B or the opportunity scholarship
23 tax credit program under Article XX-B.

24 (iii) The parent will receive a grant on behalf of
25 the eligible student, in the form of money deposited
26 under section 2004-L in the lifeline scholarship account.

27 (iv) The money in the lifeline scholarship account
28 may be expended only as authorized under this article.

29 (2) Failure of a parent to enter into an agreement on
30 behalf of the eligible student for a school year shall not

1 preclude the parent from entering into an agreement with the
2 department for a subsequent school year if the student is an
3 eligible student.

4 (e) Term of agreement.--Except as otherwise provided under
5 this article, an agreement entered into under subsection (d)
6 shall be valid for one school year.

7 (f) Termination.--

8 (1) Notwithstanding subsection (g), an agreement entered
9 into under subsection (d) may be terminated early by either
10 the parent or the department.

11 (2) If an agreement is terminated early, all available
12 money in the lifeline scholarship account shall be repaid to
13 the resident school district within 15 business days after
14 termination.

15 (g) Automatic termination.--

16 (1) An agreement entered into under subsection (d) shall
17 terminate automatically if the student no longer resides in
18 this Commonwealth.

19 (2) The parent shall notify the department if the
20 student no longer resides in this Commonwealth within 15 days
21 of the change of residence.

22 (3) After the student's parent notifies the department
23 under paragraph (2), money remaining in the lifeline
24 scholarship account shall be repaid to the resident school
25 district within 15 business days after notification.

26 (h) Renewal.--

27 (1) Subject to subsection (k), an agreement entered into
28 under subsection (d) may be renewed for each school year for
29 the eligible student.

30 (2) Failure of a parent to renew an agreement for a

1 school year shall not preclude a parent from renewing the
2 agreement for a subsequent school year if the student remains
3 an eligible student.

4 (i) Multiple agreements.--A parent may enter into separate
5 agreements under subsection (d) for each eligible student of the
6 parent. Not more than one lifeline scholarship account may be
7 established for an eligible student.

8 (j) Explanation.--Upon entering into an agreement under
9 subsection (d) or renewing an agreement under subsection (h),
10 the department shall provide the parent with a written
11 explanation of the authorized uses of the money in the lifeline
12 scholarship account and the responsibilities of the parent and
13 the department under the agreement and this article.

14 (k) Application and renewal period.--

15 (1) For the 2022-2023 school year, a parent may apply
16 between ~~May 1~~ JULY 15, 2022, and ~~June 1~~ AUGUST 15, 2022, for <--
17 acceptance to the program.

18 (2) For each school year thereafter, a parent may apply
19 or seek renewal between ~~January~~ MARCH 1 and April 1 for the <--
20 following school year.

21 (3) The department shall notify parents and school
22 districts of approved applications within 30 days of receipt
23 of an application.

24 Section 2004-L. Lifeline scholarship account.-- <--

25 (a) Establishment.--If an agreement is entered into under
26 section 2003-L(d), the department shall establish a lifeline
27 scholarship account for the eligible student. The account shall
28 be administered by the department in accordance with this
29 article.

30 (b) Deposit of grant.--

1 (1) Upon establishment of a lifeline scholarship
2 account, the State Treasurer shall deposit a grant for that
3 school year in the scholarship account for the eligible
4 student in accordance with subsection (c). The amount of the
5 grant shall be as follows:

6 (i) For a student who is not a student with special
7 needs, the grant amount shall be equal to the total State
8 revenue received by all school districts minus total
9 State transportation subsidies received by all school
10 districts divided by the average daily membership of all
11 school districts based on the most recent annual
12 financial report published by the Department of
13 Education.

14 (ii) For an eligible student who is a student with
15 special needs for which expenditures have been reported
16 under section 1372(8), the grant amount shall be
17 calculated by multiplying the amount in subparagraph (i)
18 by the category weight multiplier assigned to the student
19 to determine the weighted special education student
20 headcount under section 2509.5(bbb).

21 (iii) For a student with special needs for which
22 expenditures are not reported under section 1372(8), the
23 grant amount shall be calculated using the Category 1
24 multiplier under section 2509.5(bbb).

25 (2) For an eligible student receiving a grant, the
26 amount of State subsidies paid by the Department of Education
27 to the resident school district shall be reduced by the grant
28 amount calculated for the eligible student.

29 (3) A student receiving a grant under this section shall
30 be included in the average daily membership of the student's

1 resident school district for the purpose of providing State
2 subsidies under Article XXV.

3 (4) Nothing in this section shall be construed to reduce
4 a school district's revenue originating from Federal or local
5 sources or sources other than State revenue.

6 (c) Installments.--The department shall deposit the money
7 for each grant on a schedule determined by the department in
8 consultation with the Department of Education.

9 (d) Disposition.--The following shall apply to money
10 remaining in a lifeline scholarship account:

11 (1) For money remaining in a lifeline scholarship
12 account at the end of a school year, the money may be carried
13 forward to an ensuing school year for the eligible student if
14 the agreement entered into under section 2003-L(d) is
15 renewed.

16 (2) Subject to paragraph (3), money remaining in a
17 lifeline scholarship account when an agreement entered into
18 under section 2003-L(d) is not renewed or is terminated shall
19 be repaid to the resident school district within 15 business
20 days of nonrenewal or termination.

21 (3) Money remaining in a lifeline scholarship account
22 after the eligible student graduates from high school may
23 only be used for qualified education expenses at an eligible
24 post-secondary institution for a two-year period after
25 graduation subject to the following:

26 (i) The parent or eligible student shall notify the
27 department of the student's intent to utilize money
28 remaining in the account for qualified education expenses
29 at an eligible post-secondary institution within 30 days
30 of graduation from high school.

1 (ii) If notification is not received within the 30-
2 day time period, the lifeline scholarship account shall
3 be terminated and the money remaining in the scholarship
4 account shall be repaid to the resident school district
5 within 15 days from the end of the notification period.

6 (iii) Upon the expiration of the two-year time
7 period under this paragraph, the lifeline scholarship
8 account shall be terminated and the money remaining in
9 the scholarship account shall be repaid to the resident
10 school district within 15 days from the expiration date.

11 Section 2005-L. Qualified education expenses.--

12 (a) General rule.--Money deposited in a lifeline scholarship
13 account may be used to pay for any of the following qualified
14 expenses incurred by or associated with the eligible student:

15 (1) Tuition, fees and uniforms required by a
16 participating entity.

17 (2) Textbooks or uniforms required by a participating
18 entity.

19 (3) Fees for tutoring or other teaching services
20 provided by a participating entity.

21 (4) Fees for a nationally norm-referenced test, advanced
22 placement or similar examination or standardized examination
23 required for admission to an institution of higher education
24 and career and technical education examination fees.

25 (5) Curriculum, textbooks or other instructional
26 materials.

27 (6) Hardware, software and Internet connectivity
28 associated with instruction or a qualifying expense described
29 in this subsection.

30 (7) If the eligible student is a student with a

1 disability, fees for special instruction or special services
2 provided to the eligible student, including occupational,
3 physical, speech and behavioral therapies.

4 (8) Costs associated with evaluation and identification
5 of special needs.

6 (9) Other valid educational expenses approved by the
7 department.

8 (b) Prohibitions.--A participating entity that receives a
9 payment for qualified education expenses authorized under
10 subsection (a) may not refund, rebate or otherwise directly
11 share any portion of the payment with the parent who made the
12 payment.

13 (c) Refund.--A participating entity shall deposit into the
14 lifeline scholarship account a refund for an item that is being
15 returned or an item or service that has not been provided
16 directly to the lifeline scholarship account of the eligible
17 student from which payment for the item or service was made.

18 (d) Payment system.--The department shall develop a system
19 that enables a parent to pay for services provided by
20 participating entities under the program by electronic money
21 transfer.

22 (e) Source of payment.--

23 (1) An individual may not deposit personal money into or
24 otherwise make gifts or contributions of private money to a
25 lifeline scholarship account.

26 (2) Nothing in this section shall be construed to
27 prohibit a parent or eligible student from paying for
28 qualified education expenses from a source other than the
29 lifeline scholarship account.

30 (f) Tax consequences and status of awards.--

1 (1) The money in a lifeline scholarship account is not
2 taxable income to the parent or eligible student.

3 (2) An award made to or funds expended from a lifeline
4 scholarship account may not be construed to be an
5 appropriation or financial assistance to the eligible
6 student's chosen school.

7 Section 2006-L. Duties of the department.

8 The department shall:

9 (1) Develop guidelines, in consultation with the
10 Department of Education, as necessary for the administration
11 of this article within 60 days of the effective date of this
12 section.

13 (2) Determine whether to solicit requests for proposals
14 from private financial management firms to manage some or all
15 parts of the program.

16 (3) In the department's discretion, deduct an amount
17 from the grants to lifeline scholarship accounts necessary to
18 pay the costs of overseeing the accounts and administering
19 the program up to a limit of 3% of the grants.

20 (4) Establish reasonable fees for private financial
21 management firms that manage the accounts based upon market
22 rates.

23 (5) Make payments to the accounts on a schedule to be
24 determined by the department, in consultation with the
25 Department of Education, each year of participation in the
26 program.

27 (6) Develop a system to allow parents to pay for
28 services by electronic funds transfer, including debit cards,
29 electronic payment systems or other means of electronic
30 payment that the department determines to be commercially

1 viable, cost effective and easily understandable and usable
2 by parents. The department shall not adopt a system that
3 exclusively requires parents to be reimbursed for out-of-
4 pocket expenses.

5 (7) Develop a process by which participating schools may
6 inform the department of their interest in participating in
7 the program and demonstrate their compliance with the
8 requirements of this article.

9 (8) Ensure that eligible students and their parents are
10 informed annually of the participating schools in the program
11 by posting a list of participating schools on the
12 department's publicly accessible Internet website by ~~May 1~~ <--
13 JULY 15, 2022, and by March 1 of each year thereafter. <--

14 Section 2007-L. Duties of the Auditor General.

15 The Auditor General shall:

16 (1) Conduct random audits of lifeline scholarship
17 accounts on an annual basis.

18 (2) Refer cases of suspected fraudulent misuse of
19 lifeline scholarship accounts to law enforcement agencies for
20 investigation.

21 (3) Notify the department of cases of suspected
22 fraudulent misuse that are referred to law enforcement.

23 (4) If a parent is found to have engaged in fraudulent
24 misuse of a lifeline scholarship account, the account shall
25 be terminated and the eligible student shall be ineligible
26 for future participation in the program.

27 (5) Upon a finding that a parent engaged in fraudulent
28 misuse of a lifeline scholarship account, the remaining money
29 in the lifeline scholarship account shall be repaid to the
30 resident school district within 15 business days.

1 (6) A parent may appeal the department's decision
2 regarding termination and student eligibility within 30 days
3 of issuance of the decision. The appeal shall be governed by
4 2 Pa.C.S. Chs. 1 (relating to general provisions), 5
5 (relating to practice and procedure) and 7 (relating to
6 judicial review).

7 Section 2008-L. Accountability standards for a participating
8 entity.

9 (a) Duties of participating entities.--A participating
10 entity shall:

11 (1) Hold a valid occupancy permit if required by the
12 municipality in which the participating entity is located.

13 (2) Comply with the nondiscrimination policies specified
14 in 42 U.S.C. § 1981 (relating to equal rights under the law)
15 and with section 1521.

16 (3) Comply with the provisions of sections 111 and
17 111.1.

18 (b) Financial accountability standards.--

19 (1) A participating entity shall provide parents with a
20 receipt for all qualifying expenses incurred by the
21 participating entity.

22 (2) The department may require a participating entity
23 that expects to receive at least \$10,000 in payments from
24 lifeline scholarship accounts during the school year to file
25 financial viability documentation. The financial viability
26 documentation may include:

27 (i) a surety bond payable to the Commonwealth in an
28 amount equal to the aggregate amount of money from the
29 lifeline scholarship accounts expected to be paid during
30 the school year on behalf of eligible students admitted

1 at the participating entity; or

2 (ii) financial information that demonstrates that
3 the participating entity has the ability to pay an
4 aggregate amount equal to the amount of money from the
5 lifeline scholarship accounts expected to be paid during
6 the school year on behalf of eligible students admitted
7 to the participating entity.

8 (c) Academic accountability standards.--

9 (1) A parent of an eligible student shall ensure that
10 the department is informed of the eligible student's
11 graduation from high school.

12 (2) The department shall:

13 (i) Ensure compliance with all student privacy laws,
14 including the Family Educational Rights and Privacy Act
15 of 1974 (Public Law 90-247, 20 U.S.C. § 1232g).

16 (ii) Administer an annual parental satisfaction
17 survey that shall ask parents of eligible students
18 participating in the program to express:

19 (A) The parent's satisfaction with the program.

20 (B) The number of years the eligible student has
21 participated in the program.

22 (C) The parent's opinions on other topics, items
23 or issues that the department determines would elicit
24 information about the effectiveness of the program.

25 (d) Participating entity autonomy.--

26 (1) For purposes of this article, a participating entity
27 shall be autonomous and is not an agent of the department or
28 the Commonwealth.

29 (2) Neither the department nor other State agency may
30 regulate the educational program of a participating entity

1 that accepts money from a lifeline scholarship account.

2 (3) The establishment of the program may not be
3 construed to expand the regulatory authority of the State,
4 the officers of the State or a school district to impose
5 additional regulations of a participating entity beyond those
6 necessary to enforce the requirements of the program.

7 Section 2009-L. Bar of certain participating entities.

8 (a) General rule.--The department may bar a participating
9 entity from participation in the program if the department
10 establishes that the participating entity has:

11 (1) routinely failed to comply with the accountability
12 standards established in section 2008-L; or

13 (2) failed to provide an eligible student with the
14 educational services funded by the eligible student's
15 lifeline scholarship account.

16 (b) Notice.--If the department bars a participating entity
17 from participation in the program, the department shall post the
18 decision on the department's publicly accessible Internet
19 website.

20 (c) Appeal.--A participating entity may appeal the
21 department's decision to bar its participation in the program
22 within 30 days of issuance of the decision. The appeal shall be
23 governed by 2 Pa.C.S. Chs. 1 (relating to general provisions), 5
24 (relating to practice and procedure) and 7 (relating to judicial
25 review).

26 Section 2010-L. Duties of resident school districts.

27 (a) School records.--A resident school district shall
28 provide a participating entity that has admitted an eligible
29 student participating in the program with a complete copy of the
30 student's school records immediately upon the student's

1 enrollment or when services in the participating entity begin,
2 subject to the Family Educational Rights and Privacy Act of 1974
3 (Public Law 90-247, 20 U.S.C. § 1232g).

4 (b) Transportation.--A resident school district shall
5 provide transportation for an eligible student to and from the
6 participating entity under the same conditions as the resident
7 school district provides transportation of other resident
8 students to nonpublic schools under section 1361. The resident
9 school district shall qualify for State transportation
10 reimbursement for each eligible student transported.

11 Section 2011-L. Legal proceedings.

12 (a) Liability.--No liability shall arise on the part of the
13 agency, the Commonwealth or a public school or school district
14 based on the award or use of a lifeline scholarship account
15 under this article.

16 (b) Challenges.--If any part of this article is challenged
17 in a State court as violating either the Constitution of the
18 United States or the Constitution of Pennsylvania, parents of
19 eligible students and students who previously had a lifeline
20 scholarship account shall be permitted to intervene as of right
21 in the lawsuit for the purposes of defending the program's
22 constitutionality. For the purposes of judicial administration,
23 a court may require that all parents file a joint brief but may
24 not require all parents to join a brief filed on behalf of a
25 named State defendant.

26 (c) Severability.--If any provision of this article or the
27 application thereof to any person or circumstance is held
28 invalid, the invalidity shall not affect other provisions or
29 applications of this article which can be given effect without
30 the invalid provision or application and to this end the

1 provisions of this article are declared to be severable.

2 Section 2. This act shall take effect immediately.