

HOUSE BILL 1318

O4, K3
HB 1478/06 – ECM & W&M

71r1078

By: **Delegate Davis**

Introduced and read first time: February 28, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Partnership for Innovation and Quality in Family Child Care Act**

3 FOR the purpose of authorizing family child care providers to designate which
4 provider organizations, if any, shall be the joint negotiating representative of all
5 State Purchase of Child Care Subsidy program (POC) providers; establishing
6 certain procedures for petitioning of a provider organization for recognition as
7 representative of POC providers; establishing certain procedures for the election
8 of provider organizations; establishing a certain minimum period of
9 representation for the initial designation of a provider organization; requiring
10 that a certain percentage of providers petition to request an election after the
11 initial designation period of a provider organization; requiring provider
12 organizations designated as representative to represent all POC providers in
13 the State fairly, without regard to whether or not the POC provider is a member
14 of the provider organization; requiring the State Department of Education to
15 negotiate with the representative of POC providers on certain matters;
16 requiring the State Department of Education to consult with the Department of
17 Budget and Management on certain matters; authorizing the State Department
18 of Education to negotiate with the joint negotiating representative of POC
19 providers on certain matters; limiting the service or representation fee of the
20 POC providers; authorizing a certain deduction in the membership dues of
21 providers; establishing certain procedures for the appointment of a third party
22 when there is an impasse; specifying that if certain issues agreed on by certain
23 parties would require modifications of existing regulations, the issues may not
24 become effective until the modifications to the regulations have been made in a
25 certain manner; specifying that the designation of certain State representatives
26 under this Act does not prevent provider organizations from appearing before or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 making proposals to the State Department of Education at a public meeting or
2 hearing; prohibiting the State and provider organizations from certain actions
3 against providers because of the exercise of the providers' rights to join or refuse
4 to join a provider organization; prohibiting a provider organization from calling
5 or directing a strike; declaring the legislative intent of the General Assembly as
6 it relates to the application of a certain exemption to State and federal antitrust
7 laws and participation in the POC program; providing for the application and
8 construction of this Act; defining certain terms; providing for the short title of
9 this Act; declaring that the provisions of this Act are severable; providing for the
10 delayed effective date of this Act; and generally relating to the organization of
11 family child care providers.

12 BY adding to
13 Article – Education
14 Section 27–101 through 27–112 to be under the new title “Title 27. Organization
15 of Family Child Care Providers”
16 Annotated Code of Maryland
17 (2006 Replacement Volume)

18 BY repealing and reenacting, without amendments,
19 Article – Family Law
20 Section 5–550(d) and 5–552(b)
21 Annotated Code of Maryland
22 (2006 Replacement Volume)

23 Preamble

24 WHEREAS, Quality child care is a fundamental need for Maryland families
25 with the majority of children under 6 years of age having both parents, or their sole
26 parent, in the workforce; and

27 WHEREAS, Family child care providers play a crucial role in providing quality
28 and affordable child care for young children and working parents; and

29 WHEREAS, Wages and training opportunities need to be increased in order to
30 attract a sufficient number of providers to meet statewide demand for family child
31 care services; and

32 WHEREAS, Families receiving assistance through the State Purchase of Child
33 Care Subsidy program do not control the economic and other terms of delivery of
34 services, and therefore cannot effectively address concerns common to family child
35 care providers throughout the State; and

1 WHEREAS, Empowering family child care providers to negotiate jointly with
2 the State will improve the efficiency and effectiveness of communication between
3 family child care providers and the State and help restore the competitive balance in
4 the market for family child care services, thereby providing benefits for parents and
5 the community; now, therefore,

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Education**

9 **TITLE 27. ORGANIZATION OF FAMILY CHILD CARE PROVIDERS.**

10 **27-101.**

11 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) “FAMILY CHILD CARE PROVIDER” MEANS:

14 (1) A REGISTERED PROVIDER; OR

15 (2) AN INDIVIDUAL WHO:

16 (I) PROVIDES CARE IN A FAMILY DAY CARE HOME THAT IS
17 EXEMPT FROM THE REGISTRATION REQUIREMENTS UNDER § 5-552(B) OF THE
18 FAMILY LAW ARTICLE; AND

19 (II) PARTICIPATES IN THE POC PROGRAM.

20 (C) “POC PROGRAM” MEANS THE STATE PURCHASE OF CHILD CARE
21 SUBSIDY PROGRAM.

22 (D) “POC PROVIDER” MEANS A FAMILY CHILD CARE PROVIDER WHO
23 PARTICIPATES IN THE POC PROGRAM.

24 (E) “PROVIDER ORGANIZATION” MEANS AN ORGANIZATION THAT:

25 (1) INCLUDES FAMILY CHILD CARE PROVIDERS; AND

1 **(2) HAS AS ONE OF ITS MAIN PURPOSES THE REPRESENTATION**
2 **OF FAMILY CHILD CARE PROVIDERS IN THEIR RELATIONS WITH THE STATE.**

3 **(F) “REGISTERED PROVIDER” MEANS A FAMILY DAY CARE PROVIDER AS**
4 **DEFINED IN § 5-550 OF THE FAMILY LAW ARTICLE.**

5 **27-102.**

6 **IN ACCORDING FAMILY CHILD CARE PROVIDERS AND THEIR**
7 **REPRESENTATIVES RIGHTS UNDER THIS TITLE, IT IS THE LEGISLATIVE INTENT**
8 **OF THE GENERAL ASSEMBLY:**

9 **(1) THAT THE STATE ACTION EXEMPTION TO THE APPLICATION**
10 **OF FEDERAL AND STATE ANTITRUST LAWS BE FULLY AVAILABLE TO THE**
11 **EXTENT THAT THE ACTIVITIES OF THE FAMILY CHILD CARE PROVIDERS AND**
12 **THEIR REPRESENTATIVES ARE AUTHORIZED UNDER THIS TITLE; AND**

13 **(2) THAT NO PROVISION OF ANY AGREEMENT MADE UNDER THIS**
14 **TITLE SHALL PRECLUDE AN ELIGIBLE FAMILY OR INDIVIDUAL FROM**
15 **PARTICIPATING IN THE POC PROGRAM.**

16 **27-103.**

17 **POC PROVIDERS MAY DESIGNATE, IN ACCORDANCE WITH THE**
18 **PROVISIONS OF THIS TITLE, WHICH PROVIDER ORGANIZATION, IF ANY, SHALL**
19 **BE THE JOINT NEGOTIATING REPRESENTATIVE OF ALL POC PROVIDERS IN THE**
20 **STATE.**

21 **27-104.**

22 **(A) IF A PROVIDER ORGANIZATION PETITIONS THE DEPARTMENT ON**
23 **OR BEFORE AUGUST 1 OF THE YEAR IN WHICH THE PETITION IS MADE WITH**
24 **WRITTEN AUTHORIZATION TO SERVE AS JOINT NEGOTIATING REPRESENTATIVE**
25 **FROM AT LEAST 30% OF THE TOTAL NUMBER OF POC PROVIDERS IN THE STATE**
26 **AS OF JUNE 1 OF THE YEAR IN WHICH THE PETITION IS MADE, THIS PETITION IS**
27 **A REQUEST FOR RECOGNITION AS REPRESENTATIVE OF ALL POC PROVIDERS IN**
28 **THE STATE.**

1 **(B) IF MORE THAN ONE PROVIDER ORGANIZATION PETITIONS THE**
2 **DEPARTMENT IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, AN**
3 **ELECTION SHALL BE HELD IN WHICH THE POC PROVIDERS IN THE STATE**
4 **SHALL BE OFFERED THE OPPORTUNITY TO CHOOSE:**

5 **(1) ONE OF THE PROVIDER ORGANIZATIONS AS THE JOINT**
6 **NEGOTIATING REPRESENTATIVE OF ALL POC PROVIDERS IN THE STATE; OR**

7 **(2) NOT TO HAVE REPRESENTATION.**

8 **(C) IF ONLY ONE PROVIDER ORGANIZATION PETITIONS THE**
9 **DEPARTMENT IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, AN**
10 **ELECTION SHALL BE HELD AND THE BALLOT SHALL OFFER A CHOICE BETWEEN:**

11 **(1) REPRESENTATION BY THE PROVIDER ORGANIZATION; AND**

12 **(2) NOT TO HAVE REPRESENTATION.**

13 **(D) (1) ON RECEIPT OF ANY PETITIONS REQUESTING RECOGNITION**
14 **UNDER THIS SECTION, THE DEPARTMENT SHALL REQUEST THE AMERICAN**
15 **ARBITRATION ASSOCIATION TO:**

16 **(I) VERIFY THE NUMBER OF FAMILY CHILD CARE**
17 **PROVIDERS THAT HAVE AUTHORIZED A PROVIDER ORGANIZATION ON THE DATE**
18 **OF THE PETITION REQUESTING RECOGNITION; AND**

19 **(II) AFTER VERIFYING PROVIDER AUTHORIZATION OF THE**
20 **PETITIONING PROVIDER ORGANIZATION, HOLD ELECTIONS UNDER THIS**
21 **SECTION AND CERTIFY THEIR RESULTS ON OR BEFORE OCTOBER 1 OF THE**
22 **YEAR IN WHICH THE PETITION IS MADE.**

23 **(2) IF THE AMERICAN ARBITRATION ASSOCIATION IS UNABLE OR**
24 **UNWILLING TO VERIFY PROVIDER AUTHORIZATION OR HOLD ELECTIONS UNDER**
25 **PARAGRAPH (1) OF THIS SUBSECTION:**

26 **(I) THE AMERICAN ARBITRATION ASSOCIATION SHALL**
27 **NOTIFY THE DEPARTMENT NO LATER THAN 15 DAYS AFTER RECEIVING A**
28 **REQUEST FROM THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS**
29 **SUBSECTION; AND**

1 (II) ON RECEIPT OF NOTICE FROM THE AMERICAN
2 ARBITRATION ASSOCIATION UNDER ITEM (I) OF THIS PARAGRAPH, THE
3 DEPARTMENT SHALL APPOINT A NEUTRAL THIRD PARTY TO CARRY OUT THE
4 ELECTION AND VERIFICATION PROCESS.

5 (3) THE ELECTIONS SHALL BE HELD IN A MANNER ASSURING THE
6 SECRECY OF THE BALLOT.

7 (4) (I) THE COSTS OF THE ELECTION SHALL BE EQUALLY
8 SHARED BY EACH PROVIDER ORGANIZATION PLACED ON THE BALLOT.

9 (II) IF ONLY ONE PROVIDER ORGANIZATION IS PLACED ON
10 THE BALLOT, THAT PROVIDER ORGANIZATION SHALL PAY ALL COSTS OF THE
11 ELECTION.

12 (5) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
13 IN ANY ELECTION HELD UNDER THIS SECTION, THE PROVIDER ORGANIZATION
14 THAT RECEIVES THE LARGEST NUMBER OF VOTES CAST SHALL BE DESIGNATED
15 TO BE THE REPRESENTATIVE OF ALL FAMILY CHILD CARE PROVIDERS IN THE
16 PETITIONED-FOR GROUP.

17 (II) IF THE LARGEST NUMBER OF VOTES IN THE ELECTION
18 IS CAST NOT TO HAVE REPRESENTATION, A REPRESENTATIVE MAY NOT BE
19 DESIGNATED FOR THE PETITIONED-FOR GROUP.

20 **27-105.**

21 (A) (1) THE INITIAL DESIGNATION OF A REPRESENTATIVE SHALL BE
22 FOR 3 OR MORE YEARS.

23 (2) AFTER THIS INITIAL PERIOD, THE DESIGNATED PROVIDER
24 ORGANIZATION SHALL BE THE REPRESENTATIVE UNTIL ANOTHER ELECTION IS
25 HELD.

26 (B) (1) AFTER THE INITIAL PERIOD OF REPRESENTATION IS
27 CONCLUDED, AN ELECTION CHALLENGING THE DESIGNATION OF THE JOINT
28 NEGOTIATING REPRESENTATIVE MAY BE HELD ONLY ON PETITION SIGNED BY
29 MORE THAN 30% OF POC PROVIDERS IN THE STATE.

1 **(2) IF THERE IS AN AGREEMENT IN EFFECT BETWEEN THE**
2 **DEPARTMENT AND THE PROVIDER ORGANIZATION DESIGNATED AS THE JOINT**
3 **NEGOTIATING REPRESENTATIVE, A PETITION MAY NOT BE FILED EXCEPT**
4 **DURING THE PERIOD NOT LESS THAN 60 AND NOT MORE THAN 90 DAYS BEFORE**
5 **THE EXPIRATION OF THE AGREEMENT.**

6 **(C) PROVIDER AUTHORIZATION SHALL BE VERIFIED AND ANY**
7 **ELECTION UNDER THIS SECTION SHALL:**

8 **(1) BE HELD IN THE SAME MANNER AS PROVIDED IN § 27-104 OF**
9 **THIS TITLE; AND**

10 **(2) BE COMPLETED WITHIN 60 DAYS OF A QUALIFYING PETITION.**

11 **(D) ALL SIGNATURES ON A PETITION REQUESTING AN ELECTION AFTER**
12 **THE INITIAL PERIOD SHALL BE OBTAINED WITHIN 90 DAYS BEFORE THE DATE**
13 **THE PETITION IS FILED.**

14 **27-106.**

15 **(A) A PROVIDER ORGANIZATION DESIGNATED AS THE REPRESENTATIVE**
16 **OF THE POC PROVIDERS SHALL BE THE JOINT NEGOTIATING REPRESENTATIVE**
17 **OF ALL POC PROVIDERS.**

18 **(B) A PROVIDER ORGANIZATION DESIGNATED AS THE JOINT**
19 **NEGOTIATING REPRESENTATIVE SHALL REPRESENT ALL POC PROVIDERS IN**
20 **THE STATE FAIRLY AND WITHOUT DISCRIMINATION, WHETHER OR NOT THE**
21 **POC PROVIDERS ARE MEMBERS OF THE PROVIDER ORGANIZATION.**

22 **(C) (1) THE DEPARTMENT, IN CONSULTATION WITH THE**
23 **DEPARTMENT OF BUDGET AND MANAGEMENT, SHALL NEGOTIATE WITH THE**
24 **PROVIDER ORGANIZATION DESIGNATED AS THE REPRESENTATIVE OF POC**
25 **PROVIDERS A REASONABLE SERVICE OR REPRESENTATION FEE TO BE CHARGED**
26 **NONMEMBERS FOR REPRESENTING THEM IN NEGOTIATIONS, CONTRACT**
27 **ADMINISTRATION, INCLUDING GRIEVANCES, AND OTHER ACTIVITIES AS ARE**
28 **REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.**

1 **(2) THE SERVICE OR REPRESENTATION FEE MUST BE LESS THAN**
2 **THE ANNUAL DUES OF THE MEMBERS OF THE PROVIDER ORGANIZATION.**

3 **(3) THE DEPARTMENT MAY DEDUCT MEMBERSHIP DUES AND ANY**
4 **SERVICE FEES FROM THE PAYMENTS TO POC PROVIDERS AND REMIT THE FEES**
5 **MONTHLY TO THE PROVIDER ORGANIZATION.**

6 **27-107.**

7 **(A) IN THIS SECTION, "NEGOTIATE" INCLUDES THE DUTY TO:**

8 **(1) CONFER IN GOOD FAITH, AT ALL REASONABLE TIMES, WITH**
9 **THE INTENTION OF REACHING AGREEMENT ON RATES OF PAY AND OTHER**
10 **TERMS AND CONDITIONS OF POC PROVIDER PARTICIPATION IN THE POC**
11 **PROGRAM; AND**

12 **(2) REDUCE TO WRITING THE MATTERS AGREED ON AS A RESULT**
13 **OF THE NEGOTIATIONS.**

14 **(B) THE AGREEMENTS MADE UNDER THIS SECTION BETWEEN THE**
15 **DEPARTMENT AND THE REPRESENTATIVE OF THE PROVIDER ORGANIZATION**
16 **MAY PROVIDE FOR BINDING ARBITRATION OF THE GRIEVANCES ARISING UNDER**
17 **THE AGREEMENT THAT THE PARTIES HAVE AGREED TO BE SUBJECT TO**
18 **ARBITRATION.**

19 **(C) SUBJECT TO THE AVAILABILITY OF FUNDING NECESSARY TO FUND**
20 **THE AGREEMENT, PARTIES THAT NEGOTIATE UNDER THE TERMS OF THIS**
21 **SECTION SHALL BE BOUND BY THE TERMS AND CONDITIONS AGREED ON**
22 **THROUGH THE NEGOTIATION PROCESS.**

23 **(D) (1) (I) ON REQUEST, REPRESENTATIVES OF THE DEPARTMENT**
24 **SHALL MEET AND NEGOTIATE WITH REPRESENTATIVES OF THE PROVIDER**
25 **ORGANIZATION THAT IS DESIGNATED AS THE JOINT NEGOTIATING**
26 **REPRESENTATIVE OF POC PROVIDERS ON ALL MATTERS THAT RELATE TO POC**
27 **REIMBURSEMENT RATES, RULES AND REGULATIONS GOVERNING THE POC**
28 **PROGRAM, AND OTHER TERMS AND CONDITIONS OF PARTICIPATION IN THE**
29 **POC PROGRAM.**

1 **(II) THE DEPARTMENT SHALL CONSULT WITH THE**
2 **DEPARTMENT OF BUDGET AND MANAGEMENT REGARDING ANY NEGOTIATIONS**
3 **ON POC REIMBURSEMENT RATES.**

4 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
5 **SUBSECTION, REPRESENTATIVES OF THE DEPARTMENT MAY NEGOTIATE WITH**
6 **REPRESENTATIVES OF THE PROVIDER ORGANIZATION THAT IS DESIGNATED AS**
7 **THE JOINT NEGOTIATING REPRESENTATIVE OF POC PROVIDERS ON OTHER**
8 **MATTERS THAT ARE MUTUALLY AGREED TO BY THE DEPARTMENT AND THE**
9 **PROVIDER ORGANIZATION.**

10 **(3) THE DEPARTMENT MAY NOT NEGOTIATE ANY MATTER THAT**
11 **IS PRECLUDED BY APPLICABLE STATUTORY LAW.**

12 **(4) (I) IF THE TERMS OR CONDITIONS AGREED ON BY THE**
13 **PARTIES TO THE NEGOTIATIONS WOULD REQUIRE MODIFICATION OF EXISTING**
14 **REGULATIONS, THE TERMS MAY NOT BECOME EFFECTIVE UNTIL THE**
15 **MODIFICATIONS HAVE BEEN MADE BY THE DEPARTMENT AND HAVE TAKEN**
16 **EFFECT IN ACCORDANCE WITH TITLE 10 OF THE STATE GOVERNMENT**
17 **ARTICLE.**

18 **(II) THE TERMS OR CONDITIONS OF AN AGREEMENT**
19 **REACHED UNDER THIS SECTION THAT REQUIRE MODIFICATIONS OF EXISTING**
20 **REGULATIONS:**

21 **1. ARE CONTINGENT ON THE SUCCESSFUL**
22 **COMPLETION OF THE RULEMAKING PROCESS UNDER THE MARYLAND**
23 **ADMINISTRATIVE PROCEDURE ACT; AND**

24 **2. MAY REQUIRE RECONSIDERATION OF, OR**
25 **MODIFICATION TO, ANY CONTINGENT AGREEMENT AS PART OF THAT**
26 **RULEMAKING PROCESS.**

27 **(E) (1) REPRESENTATIVES OF THE DEPARTMENT OR THE PROVIDER**
28 **ORGANIZATION MAY REQUEST THE CREATION OF A PANEL TO AID IN RESOLVING**
29 **AN IMPASSE IF:**

30 **(I) NEGOTIATIONS HAVE NOT COMMENCED 90 DAYS AFTER**
31 **CERTIFICATION OF THE JOINT NEGOTIATING REPRESENTATIVE; OR**

1 (II) NO AGREEMENT HAS BEEN SIGNED AFTER 90 DAYS OF
2 GOOD FAITH NEGOTIATIONS OVER THE TERMS OF AN AGREEMENT.

3 (2) THE PANEL SHALL CONTAIN THREE INDIVIDUALS CHOSEN AS
4 FOLLOWS:

5 (I) ONE MEMBER IS TO BE NAMED BY THE DEPARTMENT
6 WITHIN 3 DAYS AFTER THE REQUEST;

7 (II) ONE MEMBER IS TO BE NAMED BY THE PROVIDER
8 ORGANIZATION WITHIN 3 DAYS AFTER THE REQUEST; AND

9 (III) ONE MEMBER IS TO BE CHOSEN BY THE OTHER TWO
10 MEMBERS WITHIN 10 DAYS AFTER THE REQUEST.

11 (3) THE PANEL SELECTED SHALL MEET WITH THE PARTIES TO
12 AID IN RESOLVING THE IMPASSE AND, IF THE MATTER IS NOT RESOLVED, SHALL
13 MAKE A WRITTEN REPORT AND RECOMMENDATION WITHIN 30 DAYS AFTER THE
14 REQUEST.

15 (4) A COPY OF THE REPORT SHALL BE SENT TO THE
16 REPRESENTATIVES OF THE DEPARTMENT AND THE PROVIDER ORGANIZATION.

17 (5) ALL COSTS OF MEDIATION SHALL BE SHARED EQUALLY BY
18 THE DEPARTMENT AND THE PROVIDER ORGANIZATION.

19 **27-108.**

20 (A) IN THIS SECTION, "STATE" INCLUDES:

21 (1) A UNIT OF THE STATE; AND

22 (2) AN EMPLOYEE OF THE STATE.

23 (B) THE STATE AND PROVIDER ORGANIZATIONS MAY NOT INTERFERE
24 WITH, INTIMIDATE, RESTRAIN, COERCE, OR DISCRIMINATE AGAINST ANY
25 FAMILY CHILD CARE PROVIDER BECAUSE OF THE EXERCISE OF THE FAMILY

1 **CHILD CARE PROVIDER’S RIGHTS TO JOIN OR REFUSE TO JOIN A PROVIDER**
2 **ORGANIZATION.**

3 **27-109.**

4 **THE DESIGNATION OF REPRESENTATIVES BY THE DEPARTMENT UNDER**
5 **THIS TITLE DOES NOT PREVENT THE DESIGNATED PROVIDER ORGANIZATION OR**
6 **ANY OTHER ORGANIZATION OR INDIVIDUAL FROM APPEARING BEFORE OR**
7 **MAKING PROPOSALS TO THE DEPARTMENT AT A PUBLIC MEETING OR HEARING**
8 **OR AT ANY OTHER DEPARTMENT FORUM.**

9 **27-110.**

10 **A PROVIDER ORGANIZATION MAY NOT CALL OR DIRECT A STRIKE.**

11 **27-111.**

12 **THIS TITLE MAY NOT BE CONSTRUED TO MAKE FAMILY CHILD CARE**
13 **PROVIDERS EMPLOYEES OF THE STATE.**

14 **27-112.**

15 **THIS TITLE MAY BE CITED AS THE “MARYLAND PARTNERSHIP FOR**
16 **INNOVATION AND QUALITY IN FAMILY CHILD CARE ACT”.**

17 **Article – Family Law**

18 **5-550.**

19 (d) “Family day care provider” means an individual who cares for no more
20 than eight children in a registered family day care home.

21 **5-552.**

22 (b) A family day care home is not required to be registered if the day care
23 provider:

24 (1) is related to each child by blood or marriage;

1 (2) is a friend of each child's parents or legal guardian and the care is
2 provided on an occasional basis; or

3 (3) has received the care of the child from a child placement agency
4 licensed by the Administration or by a local department.

5 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
6 Act or the application thereof to any person or circumstance is held invalid for any
7 reason in a court of competent jurisdiction, the invalidity does not affect other
8 provisions or any other application of this Act which can be given effect without the
9 invalid provision or application, and for this purpose the provisions of this Act are
10 declared severable.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2008.