

By: Shapleigh

S.B. No. 418

A BILL TO BE ENTITLED

AN ACT

relating to continuation and functions of the State Board for
Educator Certification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.056(a), Education Code, is amended to
read as follows:

(a) Except as provided by this subsection and Subsection
(e), a school campus or district may apply to the commissioner for a
waiver of a requirement, restriction, or prohibition imposed by
this code or rule of the board or commissioner. A waiver of a
requirement related to educator certification under Subchapter B,
Chapter 21, is governed by Section 21.0572.

SECTION 2. Section 21.003(a), Education Code, is amended to
read as follows:

(a) A person may not be employed as a teacher, teacher
intern or teacher trainee, librarian, educational aide,
administrator, educational diagnostician, or counselor by a school
district unless the person holds an appropriate certificate or
permit issued as provided by Subchapter B.

SECTION 3. Subchapter B, Chapter 21, Education Code, is
amended by adding Sections 21.0331, 21.0332, and 21.0341 to read as
follows:

Sec. 21.0331. INELIGIBILITY TO SERVE ON BOARD;
INELIGIBILITY FOR CERTAIN POSITIONS. (a) In this section, "Texas

1 trade association" means a cooperative and voluntarily joined
2 statewide association of business or professional competitors in
3 this state designed to assist its members and its industry or
4 profession in dealing with mutual business or professional problems
5 and in promoting their common interest.

6 (b) A person may not be a member of the board and may not be a
7 board employee employed in a "bona fide executive, administrative,
8 or professional capacity," as that phrase is used for purposes of
9 establishing an exemption to the overtime provisions of the federal
10 Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.),
11 if:

12 (1) the person is an officer, employee, or paid
13 consultant of a Texas trade association in the field of education;
14 or

15 (2) the person's spouse is an officer, manager, or paid
16 consultant of a Texas trade association in the field of education.

17 (c) A person may not be a member of the board or act as the
18 general counsel to the board if the person is required to register
19 as a lobbyist under Chapter 305, Government Code, because of the
20 person's activities for compensation on behalf of a profession
21 related to the operation of the board.

22 Sec. 21.0332. TRAINING PROGRAM FOR MEMBERS OF BOARD. (a) A
23 person who is appointed and qualifies for office as a member of the
24 board may not vote, deliberate, or be counted as a member in
25 attendance at a meeting of the board until the person completes a
26 training program that complies with this section.

27 (b) The training program must provide the person with

1 information regarding:

2 (1) this subchapter and the programs, functions,
3 rules, and budget of the board;

4 (2) the results of the most recent formal audit of the
5 board;

6 (3) the requirements of laws relating to open
7 meetings, public information, administrative procedure, and
8 conflicts of interest; and

9 (4) any applicable ethics policies adopted by the
10 board or the Texas Ethics Commission.

11 (c) A person appointed to the board is entitled to
12 reimbursement, as provided by the General Appropriations Act, for
13 the travel expenses incurred in attending the training program,
14 regardless of whether attendance at the program occurs before or
15 after the person qualifies for office.

16 Sec. 21.0341. REMOVAL FROM BOARD. (a) It is a ground for
17 removal from the board that a member:

18 (1) does not have at the time of taking office the
19 applicable qualifications for office under Section 21.033;

20 (2) except as provided by Subsection (b), does not
21 maintain during service on the board the applicable qualifications
22 for office under Section 21.033;

23 (3) is ineligible for membership under Section
24 21.0331;

25 (4) cannot, because of illness or disability,
26 discharge the member's duties for a substantial part of the member's
27 term; or

1 (5) is absent from more than half of the regularly
2 scheduled board meetings that the member is eligible to attend
3 during a calendar year, without an excuse approved by a majority
4 vote of the board.

5 (b) A member of the board appointed under Section
6 21.033(a)(1) who retires from teaching during the member's term of
7 office is entitled to complete the term.

8 (c) The validity of an action of the board is not affected by
9 the fact that the action was taken when a ground for removal of a
10 board member existed.

11 (d) If the executive director has knowledge that a potential
12 ground for removal exists, the executive director shall notify the
13 presiding officer of the board of the potential ground. The
14 presiding officer shall then notify the governor and the attorney
15 general that a potential ground for removal exists. If the
16 potential ground for removal involves the presiding officer, the
17 executive director shall notify the next highest ranking officer of
18 the board, who shall then notify the governor and the attorney
19 general that a potential ground for removal exists.

20 SECTION 4. Section 21.035(a), Education Code, is amended to
21 read as follows:

22 (a) The board is subject to Chapter 325, Government Code
23 (Texas Sunset Act). Unless continued in existence as provided by
24 that chapter, the board is abolished and this subchapter expires
25 September 1, 2017 [~~2005~~].

26 SECTION 5. Section 21.036, Education Code, is amended to
27 read as follows:

1 Sec. 21.036. OFFICERS. (a) The governor [~~board~~] shall
2 designate [~~elect~~] one of the board [~~its~~] members to serve as
3 presiding officer of the board [~~for a term of two years~~]. The
4 presiding officer serves at the pleasure of the governor and is
5 entitled to vote on all matters before the board.

6 (b) The board may elect other officers from among its
7 membership.

8 SECTION 6. Subchapter B, Chapter 21, Education Code, is
9 amended by adding Sections 21.0401 and 21.0402 to read as follows:

10 Sec. 21.0401. COLLECTION OF FINGERPRINTS REQUIRED. The
11 board shall obtain a complete set of fingerprints from:

12 (1) each applicant for a certificate issued under this
13 subchapter; and

14 (2) each applicant for or holder of a teaching permit
15 or provisional certificate issued under this subchapter.

16 Sec. 21.0402. INFORMATIONAL MATERIALS RELATING TO
17 CERTIFICATION REQUIREMENTS. (a) The board shall develop and
18 update as necessary informational materials regarding the
19 requirements for educator certification, including information
20 related to criminal history check requirements and the type of
21 criminal history that could prevent a person from becoming
22 certified.

23 (b) The board shall make the informational materials
24 described by Subsection (a) available to each educator preparation
25 program or alternative certification program.

26 SECTION 7. Sections 21.041(b) and (c), Education Code, are
27 amended to read as follows:

1 (b) The board shall propose rules that:

2 (1) provide for the regulation of educators and the
3 general administration of this subchapter in a manner consistent
4 with this subchapter;

5 (2) specify the classes of educator certificates to be
6 issued, including emergency certificates;

7 (3) specify the period for which each class of
8 educator certificate is valid;

9 (4) specify the requirements for the issuance and
10 renewal of an educator certificate;

11 (5) provide for the issuance of an educator
12 certificate to a person who holds a similar certificate issued by
13 another state or foreign country, subject to Section 21.052;

14 (6) provide for special or restricted certification of
15 educators, including certification of instructors of American Sign
16 Language;

17 (7) provide for the investigation of complaints of
18 disciplinary violations, including:

19 (A) a deadline for each action in the
20 investigation of a complaint;

21 (B) notification requirements for each party
22 involved in the complaint; and

23 (C) a method for designating the severity of an
24 alleged violation that allows the board to set priorities for
25 conducting investigations;

26 (8) provide for disciplinary proceedings, including
27 the suspension or revocation of an educator certificate, as

1 provided by Chapter 2001, Government Code;

2 (9) [~~(8)~~] provide for the adoption, amendment, and
3 enforcement of an educator's code of ethics;

4 (10) [~~(9)~~] provide for continuing education
5 requirements; and

6 (11) [~~(10)~~] provide for certification of persons
7 performing appraisals under Subchapter H.

8 (c) The board shall propose rules [~~a rule~~] adopting fees [~~a~~
9 ~~fee~~] for:

10 (1) the issuance and maintenance of each [~~an~~] educator
11 certificate, including a provisional certificate, that is adequate
12 to cover the cost of administration of this subchapter, including
13 any amount necessary to cover the cost of obtaining fingerprints
14 under Section 21.0401 or conducting a national criminal background
15 check under Section 22.082; and

16 (2) covering the cost of obtaining fingerprints from
17 or conducting a national criminal background check on a holder of a
18 teaching permit issued under this subchapter.

19 SECTION 8. Subchapter B, Chapter 21, Education Code, is
20 amended by adding Sections 21.0411-21.0414 to read as follows:

21 Sec. 21.0411. DEVELOPMENT OF PROPOSED RULES. (a) This
22 section applies to the process by which the State Board for Educator
23 Certification develops proposed rules for the State Board of
24 Education's consideration under Section 21.042 before the proposed
25 rules are published in the Texas Register and before the State Board
26 for Educator Certification or the State Board of Education complies
27 with the rulemaking requirements of Chapter 2001, Government Code.

1 This section does not affect any duty to comply with the rulemaking
2 requirements of that law.

3 (b) The State Board for Educator Certification shall
4 establish a checklist of methods that, to the extent appropriate,
5 the board will follow to obtain early in the rule development
6 process the advice and opinions of the public and of persons who
7 will be most affected by a proposed rule. The checklist must
8 include methods for identifying persons who will be most affected
9 and for soliciting at a minimum the advice and opinions of the
10 agency, other state agency personnel, educators, school district
11 administrators, and, to the extent appropriate, parents. The
12 checklist may include negotiated rulemaking, informal conferences,
13 advisory committees, and any other appropriate method.

14 (c) A rule proposed by the State Board for Educator
15 Certification and adopted by the State Board of Education may not be
16 challenged on the grounds that the State Board for Educator
17 Certification did not comply with this section.

18 (d) This section does not apply to the proposal of an
19 emergency rule to be adopted in accordance with Section 2001.034,
20 Government Code.

21 Sec. 21.0412. PUBLIC TESTIMONY. The board shall develop
22 and implement policies designed to provide the public with a
23 reasonable opportunity to appear before the board and to speak on
24 any issue under the board's jurisdiction.

25 Sec. 21.0413. NEGOTIATED RULEMAKING AND ALTERNATIVE
26 DISPUTE RESOLUTION. (a) The board shall develop and implement a
27 policy to encourage the use of:

1 (1) negotiated rulemaking procedures under Chapter
2 2008, Government Code, for the proposal of board rules; and

3 (2) appropriate alternative dispute resolution
4 procedures under Chapter 2009, Government Code, to assist in the
5 resolution of internal and external disputes under the board's
6 jurisdiction.

7 (b) The board's procedures relating to alternative dispute
8 resolution must conform, to the extent possible, to any model
9 guidelines issued by the State Office of Administrative Hearings
10 for the use of alternative dispute resolution by state agencies.

11 (c) The board shall designate a trained person to:

12 (1) coordinate the implementation of the policy
13 adopted under Subsection (a);

14 (2) serve as a resource for any training needed to
15 implement the procedures for negotiated rulemaking and alternative
16 dispute resolution; and

17 (3) collect data concerning the effectiveness of those
18 procedures, as implemented by the board.

19 Sec. 21.0414. TECHNOLOGY POLICY. The board shall
20 implement a policy requiring the board to use appropriate
21 technological solutions to improve the board's ability to perform
22 its functions. The policy must ensure that the public is able to
23 interact with the board on the Internet.

24 SECTION 9. Section 21.042, Education Code, is amended to
25 read as follows:

26 Sec. 21.042. APPROVAL OF RULES. (a) The State Board for
27 Educator Certification must submit a written copy of each rule it

1 proposes to adopt to the State Board of Education for review.

2 (b) By a vote of at least two-thirds of the members present
3 and voting, the [The] State Board of Education may:

4 (1) reject a portion of a proposed rule; or

5 (2) reject an entire [a] proposed rule [by a vote of at
6 least two-thirds of the members of the board present and voting].

7 (c) If the State Board of Education fails to reject a
8 proposal before the 90th day after the date on which it receives the
9 proposal, the proposal takes effect as a rule of the State Board for
10 Educator Certification as provided by Chapter 2001, Government
11 Code.

12 (d) Except as provided by Subsection (b)(1), the [The] State
13 Board of Education may not modify a rule proposed by the State Board
14 for Educator Certification.

15 SECTION 10. Subchapter B, Chapter 21, Education Code, is
16 amended by adding Section 21.0421 to read as follows:

17 Sec. 21.0421. ACCEPTANCE OF GIFTS, DONATIONS, AND GRANTS.

18 (a) The board may solicit and accept for the purposes of this
19 subchapter:

20 (1) gifts and donations from any source the board
21 considers appropriate; and

22 (2) grants from any source, other than the federal
23 government, the board considers appropriate.

24 (b) Not later than December 31 of each year, the board shall
25 report to the lieutenant governor and the speaker of the house of
26 representatives:

27 (1) the source and amount of each gift, donation, and

1 grant accepted under this section; and

2 (2) the source and amount of each gift, donation, or
3 grant offered to but not accepted by the board.

4 SECTION 11. Subchapter B, Chapter 21, Education Code, is
5 amended by adding Sections 21.0485 and 21.0521 to read as follows:

6 Sec. 21.0485. EXAMINATION RESULTS. (a) Not later than the
7 30th day after the date a person takes a certification examination
8 under this subchapter, the board shall notify the person of the
9 examination results.

10 (b) If the examination is graded or reviewed by a testing
11 service:

12 (1) the board shall notify the person of the
13 examination results not later than the 14th day after the date the
14 board receives the results from the testing service; and

15 (2) if notice of the examination results will be
16 delayed for longer than 90 days after the examination date, the
17 board shall notify the person of the reason for the delay before the
18 90th day.

19 (c) The board may require a testing service to notify a
20 person of the results of the person's examination.

21 (d) If requested in writing by a person who fails a
22 certification examination administered under this subchapter, the
23 board shall furnish the person with an analysis of the person's
24 performance on the examination.

25 Sec. 21.0521. PROVISIONAL CERTIFICATE. (a) After a
26 satisfactory review of an applicant's educator credentials, the
27 board may issue a provisional certificate to an applicant who is

1 currently certified or licensed in good standing as an educator in
2 another jurisdiction, including a foreign country, that has
3 certification or licensing requirements that are substantially
4 equivalent to the requirements of this subchapter but who has not
5 passed an examination determined by the board to be similar to and
6 at least as rigorous as the examination prescribed under Section
7 21.048.

8 (b) A provisional certificate issued under this section is
9 valid for not longer than 12 months from the effective date of the
10 provisional certificate.

11 (c) The board shall issue a standard certificate under this
12 subchapter to the provisional certificate holder if the person is
13 eligible to be certified under Section 21.052.

14 SECTION 12. Sections 21.055(c) and (d), Education Code, are
15 amended to read as follows:

16 (c) Promptly after employing a person under this section, a
17 school district shall send to the board the person's fingerprints
18 and [commissioner] a written statement identifying the person, the
19 person's qualifications as a teacher, and the subject or class the
20 person will teach. The person may teach the subject or class
21 pending action by the board [~~commissioner~~].

22 (d) Not later than the 30th day after the date the board
23 [~~commissioner~~] receives the statement under Subsection (c), the
24 board [~~commissioner~~] may inform the district in writing that the
25 board [~~commissioner~~] finds the person is not qualified to teach.
26 The person may not teach if the board [~~commissioner~~] finds the
27 person is not qualified. If the board [~~commissioner~~] fails to act

1 within the time prescribed by this subsection, the district may
2 issue to the person a school district teaching permit and the person
3 may teach the subject or class identified in the statement.

4 SECTION 13. Section 21.057(d), Education Code, is amended
5 to read as follows:

6 (d) For purposes of this section, "inappropriately
7 certified or uncertified teacher":

8 (1) includes:

9 (A) an individual serving on an emergency
10 certificate issued under Section 21.041(b)(2); or

11 (B) an individual who does not hold any
12 certificate or permit issued under this chapter and is not employed
13 as specified by Subdivision (2)(E); and

14 (2) does not include an individual:

15 (A) who is a certified teacher assigned to teach
16 a class or classes outside the individual's [~~his or her~~] area of
17 certification, as determined by rules proposed by the board in
18 specifying the certificate required for each assignment;

19 (B) serving on a certificate issued due to a
20 hearing impairment under Section 21.048;

21 (C) serving on a certificate issued pursuant to
22 enrollment in an approved alternative certification program under
23 Section 21.049;

24 (D) certified by another state or country and
25 serving on a certificate issued under Section 21.052 or a
26 provisional certificate issued under Section 21.0521;

27 (E) serving on a school district teaching permit

1 issued under Section 21.055; or

2 (F) employed under a waiver granted by the board
3 ~~[commissioner]~~ pursuant to Section 21.0572 ~~[7.056]~~.

4 SECTION 14. Subchapter B, Chapter 21, Education Code, is
5 amended by adding Sections 21.0571-21.0575 to read as follows:

6 Sec. 21.0571. COMPLAINTS. (a) The board shall maintain a
7 system to promptly and efficiently act on complaints filed with the
8 board. The board shall maintain information about parties to the
9 complaint, the subject matter of the complaint, a summary of the
10 results of the review or investigation of the complaint, and its
11 disposition.

12 (b) The board shall make information available describing
13 its procedures for complaint investigation and resolution.

14 (c) The board shall periodically notify the complaint
15 parties of the status of the complaint until final disposition.

16 Sec. 21.0572. WAIVER OF CERTIFICATION REQUIREMENT. A
17 school district may apply to the board for a waiver of a requirement
18 under this subchapter that prohibits a teacher from teaching
19 outside the teacher's area of certification.

20 Sec. 21.0573. EXPIRATION OF CERTIFICATES. The board by
21 rule may adopt a system under which certificates expire on various
22 dates during the year. For the year in which the certificate
23 expiration date is changed, the board shall prorate certification
24 fees on a monthly basis so that each certificate holder pays only
25 that portion of the fee that is allocable to the number of months
26 during which the certificate is valid. On renewal of the
27 certificate on the new expiration date, the total renewal fee is

1 payable.

2 Sec. 21.0574. CERTIFICATE RENEWAL. (a) A person who is
3 otherwise eligible to renew a certificate may renew an unexpired
4 certificate by paying the required renewal fee to the board before
5 the expiration date of the certificate. A person whose certificate
6 has expired may not engage in activities that require a certificate
7 until the certificate has been renewed.

8 (b) A person whose certificate has been expired for 90 days
9 or less may renew the certificate by paying to the board a renewal
10 fee that is equal to one and one-half times the normally required
11 renewal fee.

12 (c) A person whose certificate has been expired for more
13 than 90 days but less than one year may renew the certificate by
14 paying to the board a renewal fee that is equal to two times the
15 normally required renewal fee.

16 (d) A person whose certificate has been expired for one year
17 or more may not renew the certificate. The person may obtain a new
18 certificate by complying with the requirements and procedures,
19 including the examination requirements, for obtaining an original
20 certificate.

21 (e) A person who held a certificate in this state, moved to
22 another state, and currently holds a certificate and has been in
23 practice in the other state for the two years preceding the date of
24 application may obtain a new certificate without reexamination.
25 The person must pay to the board a fee that is equal to two times the
26 normally required renewal fee for the certificate.

27 (f) Not later than the 30th day before the date a person's

1 certificate is scheduled to expire, the board shall send written
2 notice of the impending expiration to the person at the person's
3 last known address according to the records of the board.

4 Sec. 21.0575. REVOCATION, MODIFICATION, OR SUSPENSION OF
5 CERTIFICATE GENERALLY. (a) The board shall revoke, suspend, or
6 refuse to renew a certificate or reprimand a certificate holder for
7 a violation of this subchapter or a rule of the board.

8 (b) The board may place on probation a person whose
9 certificate has been suspended. If a certificate suspension is
10 probated, the board may require the person:

11 (1) to report regularly to the board on matters that
12 are the basis of the probation;

13 (2) to limit activities to the areas prescribed by the
14 board; or

15 (3) to continue or review professional education until
16 the person attains a degree of skill satisfactory to the board in
17 those areas that are the basis of the probation.

18 SECTION 15. Section 21.058(b), Education Code, is amended
19 to read as follows:

20 (b) Notwithstanding Section 21.041(b)(8) [~~21.041(b)(7)~~],
21 not later than the fifth day after the date the board receives
22 notice under Article 42.018, Code of Criminal Procedure, of the
23 conviction of a person who holds a certificate under this
24 subchapter, the board shall:

25 (1) revoke the certificate held by the person; and

26 (2) provide to the person and to any school district or
27 open-enrollment charter school employing the person at the time of

1 revocation written notice of:

2 (A) the revocation; and

3 (B) the basis for the revocation.

4 SECTION 16. Section 22.0512(b), Education Code, is amended
5 to read as follows:

6 (b) In this section, "disciplinary proceeding" means:

7 (1) an action brought by the school district employing
8 a professional employee of a school district to discharge or
9 suspend the employee or terminate or not renew the employee's term
10 contract; or

11 (2) an action brought by the State Board for Educator
12 Certification to enforce the educator's code of ethics adopted
13 under Section 21.041(b)(9) [~~21.041(b)(8)~~].

14 SECTION 17. Section 22.082, Education Code, is amended to
15 read as follows:

16 Sec. 22.082. ACCESS TO CRIMINAL HISTORY RECORDS BY STATE
17 BOARD FOR EDUCATOR CERTIFICATION. The State Board for Educator
18 Certification shall obtain from any law enforcement or criminal
19 justice agency all state and national criminal history record
20 information that relates to an applicant for or holder of a
21 certificate or permit issued under Subchapter B, Chapter 21. The
22 board shall require an applicant or holder to pay any costs related
23 to obtaining criminal history information under this section.

24 SECTION 18. Subchapter C, Chapter 22, Education Code, is
25 amended by adding Section 22.0821 to read as follows:

26 Sec. 22.0821. INITIATION OF CRIMINAL HISTORY CHECK BY
27 CERTAIN STUDENTS. The State Board for Educator Certification may

1 allow a person enrolled in an educator preparation program or an
2 alternative certification program to, before the person completes
3 the program or submits an application for certification, submit
4 fingerprints in accordance with Section 21.0401 and request that
5 the board begin to obtain criminal history information relating to
6 the person as required by Section 22.082.

7 SECTION 19. Section 411.090, Government Code, is amended to
8 read as follows:

9 Sec. 411.090. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION
10 AND FINGERPRINTS: STATE BOARD FOR EDUCATOR CERTIFICATION. (a) The
11 State Board for Educator Certification is entitled to obtain from
12 the department any criminal history record information maintained
13 by the department about a person who has applied or intends to apply
14 ~~[to the board]~~ for a certificate or permit under Subchapter B,
15 Chapter 21, Education Code.

16 (b) Criminal history record information obtained by the
17 board under Subsection (a):

18 (1) may be used for any purpose related to the
19 issuance, denial, suspension, or cancellation of a certificate or
20 permit under Subchapter B, Chapter 21, Education Code ~~[issued by~~
21 ~~the board]~~; and

22 (2) may not be released to any person except on court
23 order or with the consent of the applicant for a certificate or
24 permit ~~[, and~~

25 ~~[(3) shall be destroyed by the board after the~~
26 ~~information is used for the authorized purposes].~~

27 (c) The State Board for Educator Certification may keep on

1 file with the department all fingerprints obtained by the board
2 under Section 21.0401, Education Code. The department shall notify
3 the board of the arrest of any educator who has fingerprints on file
4 with the department.

5 (d) In this section, "educator" has the meaning assigned by
6 Section 5.001, Education Code.

7 SECTION 20. Section 21.035(c), Education Code, is repealed.

8 SECTION 21. (a) Not later than January 1, 2006, the State
9 Board for Educator Certification shall propose rules governing the
10 certification of educational diagnosticians. Section 21.003(a),
11 Education Code, as amended by this Act, applies only to the
12 employment of an educational diagnostician by a school district on
13 or after September 1, 2006.

14 (b) Sections 21.0331 and 21.0332, Education Code, as added
15 by this Act, do not affect the entitlement of a person serving as a
16 member of the State Board for Educator Certification immediately
17 before September 1, 2005, to continue to serve and function as a
18 member of the board for the remainder of the person's term.
19 Sections 21.0331 and 21.0332, Education Code, as added by this Act,
20 apply only to a person appointed to the State Board for Educator
21 Certification on or after September 1, 2005.

22 (c) Section 21.0485, Education Code, as added by this Act,
23 applies only to an examination administered under Subchapter B,
24 Chapter 21, Education Code, on or after September 1, 2005.

25 (d) Section 21.0571, Education Code, as added by this Act,
26 applies only to a complaint filed with the State Board for Educator
27 Certification on or after September 1, 2005, regardless of whether

1 the conduct or act that is the subject of the complaint occurred or
2 was committed before, on, or after that date.

3 (e) Section 21.0574, Education Code, as added by this Act,
4 applies to fees for renewal of a certificate under Subchapter B,
5 Chapter 21, Education Code, that expires on or after September 1,
6 2005. Fees for renewal of a certificate that expired before that
7 date are governed by the law in effect on the date the certificate
8 expired, and the former law is continued in effect for that purpose.

9 SECTION 22. This Act takes effect September 1, 2005.