

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 439
101ST GENERAL ASSEMBLY

0538H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 168.021 and 168.133, RSMo, and to enact in lieu thereof four new sections relating to authorization to teach in public schools.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 168.021 and 168.133, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 168.021, 168.036, 168.029, and 168.133, to read as follows:

168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it:

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (2) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 approved by the state board, commensurate with the years of teaching experience of the
17 applicant, and based upon the following criteria:

18 (a) Recommendation of a state-approved baccalaureate-level teacher preparation
19 program;

20 (b) Successful attainment of the Missouri qualifying score on the exit assessment for
21 teachers or administrators designated by the state board of education. Applicants who have not
22 successfully achieved a qualifying score on the designated examinations will be issued a two-
23 year nonrenewable provisional certificate; and

24 (c) Upon completion of a background check as prescribed in section 168.133 and
25 possession of a valid teaching certificate in the state from which the applicant's teacher
26 preparation program was completed;

27 (4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's
28 degree, or higher degree, and a passing score for the designated exit examination, for individuals
29 whose academic degree and professional experience are suitable to provide a basis for instruction
30 solely in the subject matter of banking or financial responsibility, at the discretion of the state
31 board. Such certificate shall be limited to the major area of study of the holder and shall be
32 restricted to those certificates established under subdivision (2) of subsection 3 of this section.
33 Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act
34 under sections 168.102 to 168.130 and each school district shall have the decision-making
35 authority on whether to hire the holders of such certificates;

36 (5) By the state board, under rules and regulations prescribed by it, on the basis of
37 certification by the American Board for Certification of Teacher Excellence (ABCTE) and
38 verification of ability to work with children as demonstrated by sixty contact hours in any one
39 of the following areas as validated by the school principal: sixty contact hours in the classroom,
40 of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at
41 least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private
42 school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE
43 certificate of license to teach, except that such certificate shall not be granted for the areas of
44 early childhood education, or special education. For certification in the area of elementary
45 education, ninety contact hours in the classroom shall be required, of which at least thirty shall
46 be in an elementary classroom. Upon the completion of the **following** requirements [~~listed in~~
47 ~~paragraphs (a), (b), (c), and (d) of this subdivision~~], an applicant shall be eligible to apply for a
48 career continuous professional certificate under subdivision (3) of subsection 3 of this section:

49 (a) Completion of thirty contact hours of professional development within four years,
50 which may include hours spent in class in an appropriate college curriculum;

51 (b) Validated completion of two years of the mentoring program of the American Board
52 for Certification of Teacher Excellence or a district mentoring program approved by the state
53 board of education;

54 (c) Attainment of a successful performance-based teacher evaluation; and

55 (d) Participation in a beginning teacher assistance program; ~~or~~

56 (6) **(a)** By the state board, under rules and regulations prescribed by it, which shall issue
57 an initial visiting scholars certificate at the discretion of the board, based on the following
58 criteria:

59 ~~[(a)]~~ **a.** Verification from the hiring school district that the applicant will be employed
60 as part of a business-education partnership initiative designed to build career pathways systems
61 for students in a grade or grades not lower than the ninth grade for which the applicant's
62 academic degree or professional experience qualifies ~~him or her~~ **the applicant**;

63 ~~[(b)]~~ **b.** Appropriate and relevant bachelor's degree or higher, occupational license, or
64 industry-recognized credential;

65 ~~[(c)]~~ **c.** Completion of the application for a one-year visiting scholars certificate; and

66 ~~[(d)]~~ **d.** Completion of a background check as prescribed under section 168.133.

67 **(b)** The initial visiting scholars certificate shall certify the holder of such certificate to
68 teach for one year. An applicant shall be eligible to renew an initial visiting scholars certificate
69 a maximum of two times, based upon the completion of the requirements listed under
70 ~~[paragraphs (a), (b), and (d)]~~ **subparagraphs a., b., and d. of paragraph (a)** of this subdivision;
71 completion of professional development required by the school district and school; and
72 attainment of a satisfactory performance-based teacher evaluation; **or**

73 **(7) By the state board, upon the issuance of a school district teaching permit as**
74 **provided in section 168.029. Any certificate granted under this subdivision shall be**
75 **designated as a school district teaching permit approved by the school district issuing the**
76 **permit under section 168.029.**

77 2. All valid teaching certificates issued pursuant to law or state board policies and
78 regulations prior to September 1, 1988, shall be exempt from the professional development
79 requirements of this section and shall continue in effect until they expire, are revoked or
80 suspended, as provided by law. When such certificates are required to be renewed, the state
81 board or its designee shall grant to each holder of such a certificate the certificate most nearly
82 equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II,
83 or continuous professional certificate shall, upon expiration of ~~his or her~~ **the person's** current
84 certificate, be issued the appropriate level of certificate based upon the classification system
85 established pursuant to subsection 3 of this section.

86 3. (1) Certificates of license to teach in the public schools of the state shall be based
87 upon minimum requirements prescribed by the state board of education which shall include
88 completion of a background check as prescribed in section 168.133. The state board shall
89 provide for the following levels of professional certification: an initial professional certificate
90 and a career continuous professional certificate.

91 (2) The initial professional certificate shall be issued upon completion of requirements
92 established by the state board of education and shall be valid based upon verification of actual
93 teaching within a specified time period established by the state board of education. The state
94 board shall require holders of the four-year initial professional certificate to:

95 (a) Participate in a mentoring program approved and provided by the district for a
96 minimum of two years;

97 (b) Complete thirty contact hours of professional development, which may include hours
98 spent in class in an appropriate college curriculum, or for holders of a certificate under
99 subdivision (4) of subsection 1 of this section, an amount of professional development in
100 proportion to the certificate holder's hours in the classroom, if the certificate holder is employed
101 less than full time; and

102 (c) Participate in a beginning teacher assistance program.

103 (3) (a) The career continuous professional certificate shall be issued upon verification
104 of completion of four years of teaching under the initial professional certificate and upon
105 verification of the completion of the requirements articulated in paragraphs (a)~~], (b), and~~ to (c)
106 of subdivision (2) of this subsection or paragraphs (a)~~], (b), (c), and~~ to (d) of subdivision (5) of
107 subsection 1 of this section.

108 (b) The career continuous professional certificate shall be continuous based upon
109 verification of actual employment in an educational position as provided for in state board
110 guidelines and completion of fifteen contact hours of professional development per year which
111 may include hours spent in class in an appropriate college curriculum. ~~[Should]~~ **If** the possessor
112 of a valid career continuous professional certificate ~~[fail]~~ **fails**, in any given year, to meet the
113 fifteen-hour professional development requirement, the possessor may, within two years, make
114 up the missing hours. In order to make up for missing hours, the possessor shall first complete
115 the fifteen-hour requirement for the current year and then may count hours in excess of the
116 current year requirement as make-up hours. ~~[Should]~~ **If** the possessor ~~[fail]~~ **fails** to make up the
117 missing hours within two years, the certificate shall become inactive. In order to reactivate the
118 certificate, the possessor shall complete twenty-four contact hours of professional development
119 which may include hours spent in the classroom in an appropriate college curriculum within the
120 six months prior to or after reactivating ~~[his or her]~~ **the possessor's** certificate. The requirements

121 of this paragraph shall be monitored and verified by the local school district ~~[which]~~ **that**
122 employs the holder of the career continuous professional certificate.

123 (c) A holder of a career continuous professional certificate shall be exempt from the
124 professional development contact hour requirements of paragraph (b) of this subdivision if such
125 teacher has a local professional development plan in place within such teacher's school district
126 and meets two of the three following criteria:

- 127 a. Has ten years of teaching experience as defined by the state board of education;
 - 128 b. Possesses a master's degree; or
 - 129 c. Obtains a rigorous national certification as approved by the state board of education.
- 130 4. Policies and procedures shall be established by which a teacher who was not retained
131 due to a reduction in force may retain the current level of certification. There shall also be
132 established policies and procedures allowing a teacher who has not been employed in an
133 educational position for three years or more to reactivate ~~[his or her]~~ **the teacher's** last level of
134 certification by completing twenty-four contact hours of professional development which may
135 include hours spent in the classroom in an appropriate college curriculum within the six months
136 prior to or after reactivating ~~[his or her]~~ **the teacher's** certificate.

137 5. The state board shall, upon completion of a background check as prescribed in section
138 168.133, issue a professional certificate classification in the areas most closely aligned with an
139 applicant's current areas of certification, commensurate with the years of teaching experience of
140 the applicant, to any person who is hired to teach in a public school in this state and who
141 possesses a valid teaching certificate from another state or certification under subdivision (4) of
142 subsection 1 of this section, provided that the certificate holder shall annually complete the state
143 board's requirements for such level of certification, and shall establish policies by which
144 residents of states other than the state of Missouri may be assessed a fee for a certificate of
145 license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to
146 recover any or all costs associated with the issuing of a certificate of license to teach. The board
147 shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall
148 be valid for three years and shall allow the holder to assume classroom duties pending the
149 completion of a criminal background check under section 168.133, for any applicant who:

- 150 (1) Is the spouse of a member of the Armed Forces stationed in Missouri;
- 151 (2) Relocated from another state within one year of the date of application;
- 152 (3) Underwent a criminal background check in order to be issued a teaching certificate
153 of license from another state; and
- 154 (4) Otherwise qualifies under this section.

155 6. The state board may assess to holders of an initial professional certificate a fee, to be
156 deposited into the excellence in education revolving fund established pursuant to section

157 160.268, for the issuance of the career continuous professional certificate. However, such fee
158 shall not exceed the combined costs of issuance and any criminal background check required as
159 a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any
160 fees associated with the program leading to the issuance of the certificate, but nothing in this
161 section shall prohibit a district from developing a policy that permits fee reimbursement.

162 7. Any member of the public school retirement system of Missouri who entered covered
163 employment with ten or more years of educational experience in another state or states and held
164 a certificate issued by another state and subsequently worked in a school district covered by the
165 public school retirement system of Missouri for ten or more years who later became certificated
166 in Missouri shall have that certificate dated back to ~~[his or her]~~ **the member's** original date of
167 employment in a Missouri public school.

168 8. Within thirty days of receiving an application from a spouse of an active duty member
169 of the Armed Forces of the United States who has been transferred or is scheduled to be
170 transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred
171 to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state
172 of Missouri on a permanent change-of-station basis and has successfully completed the
173 background check described under subsection 5 of this section and section 168.133, the state
174 board shall issue to such applicant a full certificate of license to teach, provided that the applicant
175 has paid all necessary fees and has otherwise met all requirements to be issued such a certificate.

**168.029. 1. As provided in this section, any school district may issue a school
2 district teaching permit to any individual who does not hold a teaching certificate issued
3 by the state board of education.**

**4 2. (1) A school district may employ any individual to whom the district issues a
5 school district teaching permit.**

**6 (2) Any school district that issues a school district teaching permit under this
7 section shall develop a policy listing the qualifications an individual shall meet to be eligible
8 for the teaching permit. The qualifications required in the school district's policy shall
9 include, but not be limited to:**

10 (a) Attainment of a bachelor's degree;

**11 (b) Participation in professional development in lesson planning and classroom
12 management;**

13 (c) Participation in a mentorship program for the permitted teacher; and

14 (d) Completion of a background check as required in section 168.133.

15

**16 The policy described in this subdivision must be submitted to the Department of
17 Elementary and Secondary Education. The policy described in this subdivision is not**

18 subject to approval or disapproval by the Department of Elementary and Secondary
19 Education.

20 (3) Immediately after employing an individual under this section, the school district
21 shall send to the state board of education a written statement identifying the individual, the
22 individual's qualifications as a teacher, and the subject or class the individual will teach.

23 3. No individual authorized to teach under this section shall be authorized to teach
24 in another school district unless the other district issues teaching permits under this section
25 and recognizes the issuing district's teaching permit. Any teaching permit issued under
26 this section shall be valid in the school district issuing the teaching permit and in any
27 school district recognizing the teaching permit as provided in this section. Any teaching
28 permit issued under this section shall remain valid unless the issuing district revokes the
29 teaching permit for cause.

30 4. The percentage of a school district's teachers issued any teaching permit under
31 this section and employed by the school district shall not exceed fifteen percent of the total
32 number of teachers employed by the school district.

33 5. Any individual issued a teaching permit under this section shall be issued a
34 teaching certificate by the state board of education as provided in subdivision (7) of
35 subsection 1 of section 168.021. Any individual issued a teaching permit under this section
36 may be issued a teaching certificate by the state board of education under the applicable
37 provisions of subdivisions (1) to (6) of subsection 1 of section 168.021 if the individual has
38 taught with a teaching permit issued under this section for at least four years and meets
39 the qualifications established in chapter 168.

40 6. No school district issuing teaching permits under this section shall be deemed a
41 teacher training institution or teacher education program for purposes of section 161.097.

42 7. Any individual issued a teaching permit under this section shall be deemed a
43 teacher for purposes of minimum salary requirements in section 163.172, the teacher
44 tenure act in sections 168.102 to 168.130, and the public school retirement systems created
45 in sections 169.010 to 169.141, 169.270 to 169.400, and 169.410 to 169.540.

168.036. 1. In addition to granting certificates of license to teach in public schools
2 of the state as provided in section 168.021, the state board of education shall grant
3 substitute teacher certificates as provided in this section to any individual seeking to
4 substitute teach in any public school in this state.

5 2. (1) The state board shall not grant a certificate of license to teach under this
6 section to any individual who has not completed a background check as described in
7 section 168.133.

8 (2) A background check conducted under this subsection shall be valid for four
9 years for purposes of the certificate granted under this section and shall be transferrable
10 from one school district to another district except as provided in subdivision (3) of this
11 subsection.

12 (3) A school district employing a substitute teacher who has a certificate granted
13 under this section may require the teacher to complete the background check annually.
14 A school district may require the background check required in this section for a newly
15 hired substitute teacher to be conducted at the teacher's expense.

16 (4) The state board may refuse to issue or renew, suspend, or revoke any certificate
17 sought or issued under this section in the same manner and for the same reasons as
18 provided in section 168.071.

19 3. The state board may grant a certificate under this section to any individual who
20 has completed the background check required in this section and who has completed:

21 (1) At least thirty-six semester hours at an accredited institution of higher
22 education and the orientation required in subsection 6 of this section; or

23 (2) The twenty-hour online training program required in this section and who
24 possesses a high school diploma or the equivalent thereof.

25 4. The state board may grant a certificate under this section to any highly qualified
26 individual with expertise in a technical or business field or with experience in the Armed
27 Forces of the United States who has completed the background check required in this
28 section but does not meet any of the qualifications in subdivision (1) or (2) of subsection 3
29 of this section if the superintendent of the school district sponsors such individual and the
30 school board of the school district in which the individual seeks to substitute teach votes
31 to approve such individual to substitute teach.

32 5. (1) An individual to whom the state board grants a certificate under this section
33 may be a substitute teacher in any public school in the state if a school district
34 superintendent, school district assistant superintendent, or public school principal in this
35 state agrees to employ the individual as a substitute teacher.

36 (2) No individual to whom the state board grants a certificate under this section
37 and who is under twenty years of age shall be a substitute teacher in grades nine to twelve.

38 6. An individual to whom the state board grants a certificate under this section
39 shall complete an orientation developed and offered by the school district for which the
40 individual originally teaches. The orientation for such individual shall contain at least two
41 hours of subjects appropriate for substitute teachers and shall contain instruction on the
42 school district's best practices for classroom management. Such orientation completed in
43 any school district may be accepted by any subsequent district in which the individual

44 **substitute teaches. A subsequent school district may require the individual to complete a**
45 **separate and distinct local orientation for the particular school district before the**
46 **individual may substitute teach in the subsequent school district.**

47 **7. A certificate granted under this section shall be valid for four years. A certificate**
48 **granted under this section shall expire at the end of any calendar year in which the**
49 **individual fails to substitute teach for at least five days or forty hours of in-seat instruction.**

50 **8. The department of elementary and secondary education shall develop an online**
51 **training program for individuals granted a certificate under subdivision (2) of subsection**
52 **3 of this section. The training program shall consist of twenty hours of training related to**
53 **subjects appropriate for substitute teachers as determined by the department. A substitute**
54 **teacher shall complete an orientation for substitute teachers provided by the school district**
55 **in which the substitute teacher teaches.**

56 **9. Any individual possessing a valid certificate of license to teach granted by the**
57 **state board shall be deemed to be a substitute teacher under this section if the individual**
58 **has completed a background check as required in this section.**

59 **10. The state board may exercise the board's authority as provided in chapter 161**
60 **to promulgate all necessary rules and regulations necessary for the administration of this**
61 **section.**

168.133. 1. As used in this section, "screened volunteer" shall mean any person who
2 assists a school by providing uncompensated service and who may periodically be left alone with
3 students. The school district shall ensure that a criminal background check is conducted for all
4 screened volunteers, who shall complete the criminal background check prior to being left alone
5 with a student. Screened volunteers include, but are not limited to, persons who regularly assist
6 in the office or library, mentor or tutor students, coach or supervise a school-sponsored activity
7 before or after school, or chaperone students on an overnight trip. Screened volunteers [~~may~~
8 ~~only~~] **shall** access student education records **only** when necessary to assist the district and while
9 supervised by staff members. Volunteers [~~that~~] **who** are not screened shall not be left alone with
10 a student or have access to student records.

11 2. The school district shall ensure that a criminal background check is conducted on any
12 person employed after January 1, 2005, authorized to have contact with pupils and prior to the
13 individual having contact with any pupil. Such persons include, but are not limited to,
14 administrators, teachers, **substitute teachers**, aides, paraprofessionals, assistants, secretaries,
15 custodians, cooks, screened volunteers, and nurses. The school district shall also ensure that a
16 criminal background check is conducted for school bus drivers. The district may allow such
17 drivers to operate buses pending the result of the criminal background check. For bus drivers,
18 the school district shall be responsible for conducting the criminal background check on drivers

19 employed by the school district. For drivers employed by a pupil transportation company under
20 contract with the school district, the criminal background check shall be conducted pursuant to
21 section 43.540 and conform to the requirements established in the National Child Protection Act
22 of 1993, as amended by the Volunteers for Children Act. Personnel who have successfully
23 undergone a criminal background check and a check of the family care safety registry as part of
24 the professional license application process under section 168.021 and who have received
25 clearance on the checks within one prior year of employment shall be considered to have
26 completed the background check requirement. A criminal background check under this section
27 shall include a search of any information publicly available in an electronic format through a
28 public index or single case display.

29 3. In order to facilitate the criminal history background check, the applicant shall submit
30 a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol.
31 The fingerprints shall be used by the highway patrol to search the criminal history repository and
32 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal
33 history files.

34 4. The applicant shall pay the fee for the state criminal history record information
35 pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee
36 determined by the Federal Bureau of Investigation for the federal criminal history record when
37 ~~[he or she]~~ **the applicant** applies for a position authorized to have contact with pupils pursuant
38 to this section. The department shall distribute the fees collected for the state and federal
39 criminal histories to the Missouri highway patrol.

40 5. **For each school district that is not enrolled in the Missouri Rap Back program**
41 **under chapter 43**, the department of elementary and secondary education shall facilitate an
42 annual check of employed persons holding current active certificates under ~~[section]~~ **sections**
43 **168.021 and 168.036** against criminal history records in the central repository under section
44 43.530, the sexual offender registry under sections 589.400 to 589.426, and child abuse central
45 registry under sections 210.109 to 210.183. The department of elementary and secondary
46 education shall facilitate procedures for school districts to submit personnel information annually
47 for persons employed by the school districts who do not hold a current valid certificate who are
48 required by subsection 1 of this section to undergo a criminal background check, sexual offender
49 registry check, and child abuse central registry check. The Missouri state highway patrol shall
50 provide ongoing electronic updates to criminal history background checks of those persons
51 previously submitted, both those who have an active certificate and those who do not have an
52 active certificate, by the department of elementary and secondary education. This shall fulfill
53 the annual check against the criminal history records in the central repository under section
54 43.530.

55 6. The school district may adopt a policy to provide for reimbursement of expenses
56 incurred by an employee for state and federal criminal history information pursuant to section
57 43.530.

58 7. If, as a result of the criminal history background check mandated by this section, it is
59 determined that the holder of a certificate issued pursuant to ~~[section]~~ **sections 168.021 and**
60 **168.036** has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed
61 in section 168.071, or a similar crime or offense committed in another state, the United States,
62 or any other country, regardless of imposition of sentence, such information shall be reported to
63 the department of elementary and secondary education.

64 8. Any school official making a report to the department of elementary and secondary
65 education in conformity with this section shall not be subject to civil liability for such action.

66 9. For any teacher who is employed by a school district on a substitute or part-time basis
67 within one year of such teacher's retirement from a Missouri school, the state of Missouri shall
68 not require such teacher to be subject to any additional background checks prior to having
69 contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise
70 restricting a school district from requiring additional background checks for such teachers
71 employed by the school district.

72 10. A criminal background check and fingerprint collection conducted under subsections
73 1 to 3 of this section shall be valid for at least a period of one year and transferrable from one
74 school district to another district. A school district may, in its discretion, conduct a new criminal
75 background check and fingerprint collection under subsections 1 to 3 **of this section** for a newly
76 hired employee at the district's expense. A teacher's change in type of certification shall have no
77 effect on the transferability or validity of such records.

78 11. Nothing in this section shall be construed to alter the standards for suspension,
79 denial, or revocation of a certificate issued pursuant to this chapter.

80 12. **Beginning on January 1, 2022, any substitute teacher may, at the time such**
81 **substitute teacher submits the fingerprints and information required for the Missouri**
82 **criminal record review under subsections 2 and 3 of this section, designate up to five school**
83 **districts to which the results of the substitute teacher's criminal history background check**
84 **and fingerprint collection shall be disseminated. The substitute teacher shall pay an**
85 **additional five-dollar fee for such records to be disseminated to the second and third school**
86 **districts and an additional five-dollar fee for such records to be disseminated to the fourth**
87 **and fifth school districts.**

88 13. The state board of education may promulgate rules for criminal history background
89 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in
90 section 536.010, that is created under the authority delegated in this section shall become

91 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
92 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
93 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
94 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
95 rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and
96 void.

✓