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Amendment Floor Report for SB 7 – Thursday, May 16, 2019

Autor: Creighton | Alvarado | Bettencourt | Buckingham | Flores | Hinojosa | Huffman | Kolkhorst | Lucio | Miles | Nelson | Nichols | Perry | Taylor

Sponsor: Phelan

(Relating to flood planning, mitigation, and infrastructure projects; making an appropriation.)

This amendment strikes and replaces the entirety of SB 7. The legislation puts into place language that is similar to Rep. Phelan's HB 13. Among the things achieved by this amendment is the creation of:

- a new definition for flood control planning
- additional guidelines for allowances of flood control planning funds
- the Flood Infrastructure Fund (FIF)
- the Texas Infrastructure Resiliency Fund (TIRF)
- the Texas Infrastructure Resiliency Fund Advisory Board
- the Hurricane Harvey Account
- the Flood Plan Implementation Account
- a relocation of the Floodplain Management Account

Phelan
861690

Definitions

This amendment defines "flood control planning" as any work related to planning for flood protection, preparing for and obtaining regulatory approvals at various levels of the government, administrative and legal proceedings by certain regulatory agencies, and preparing plans for flood mitigation and drainage. The amendment also requires the Water Development Board (hereafter referred to as "the Board") to add to existing criteria for flood control planning money to allow greater importance to counties whose median income is less than 85 percent of the state median household income.

Flood Infrastructure Fund

This amendment creates a Flood Infrastructure Fund (FIF) for which certain definitions are provided:

- *eligible political subdivision* - certain special districts, municipalities, or counties (hereafter referred to as "municipalities")
- *flood project* - drainage, flood mitigation, or flood control project which may include planning, design, preparation for regulatory approval, or construction
 - The amendment offers two competing definitions for this on page 2 and page 7. The definition on page 7 also includes any federally authorized project to deepen a ship channel that has been affected by a flooding event.

According to this amendment, the Legislature found that the creation of such an Infrastructure Fund would encourage flood mitigation projects and would

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benefit both the state and the municipalities which would receive financial assistance from the Board through the provisions of this amendment. The Flood Infrastructure Fund will be a special fund in the state treasury outside of the general revenue fund. The FIF can only be accessed and used by the Board within the guidelines of statute. The FIF will be composed of:

- appropriations from the Legislature
- proceeds of certain general obligation bonds
- any dedicated fees or other Legislature-dedicated revenue sources
- repayments of loans made from the FIF
- interest on money in the FIF
- depository interest to the infrastructure fund
- any gifts, grants, or donations
- income from revenue bonds or other Board-dedicated revenue sources

The Board is only authorized to use the FIF to provide financing for flood projects included in the state flood plan. This includes authorization for the Board to:

- make a loan at or below market interest rate to municipalities for an ancillary costs for a flood project
 - Principal and interest payments for these loans may not be deferred for more than 10 years or until the project is completed, whichever comes first.
- make a grant, low interest loan, or zero interest loan to municipalities for certain flood projects in a metropolitan or an economically distressed area
- make a matching fund grant to municipalities to allow for participation in a federal program for a flood project
- as a source of revenue or security for payment of principal and interest on bonds issued by the Board
- pay necessary and reasonable expenses of the Board in administering the FIF

This amendment also institutes application requirements and guidelines that determine the eligibility for municipalities who desire financial assistance from the FIF. An eligible application must show that:

- the municipality has cooperated and collaborated with other municipalities to address the flood control needs of their area
- the municipalities submitting the application have participated in the process of developing the proposed flood project
- the applying municipalities have held public meetings to accept comment and input on proposed flood projects from stakeholders
- the technical requirements for the proposed flood project have been completed
- the proposed flood project has been compared against other potential flood projects in the area

Each application must also include analysis of whether the proposed flood project could take advantage of floodwater capture techniques for water supply purposes.

Once an application has been reviewed by the Executive Administrator, the Board is required to ensure that an approved applications have:

- met the requirements of related statute and Board rules
- demonstrated cooperation between all municipalities affected by the flood project
- sufficient funding, whether in taxes and/or other revenue, to meet the needs and obligations taken on by the municipality

Any district, including a river authority, is eligible to participate in cooperative flood planning with the purpose of receiving financial assistance from FIF. The amendment releases municipalities from civil liability for a flood project that arises solely due to cooperation in flood planning with the purpose of receiving financial assistance from FIF. The Board is also authorized to award funds to multiple municipalities for the same flood project.

This amendment requires the Board to create necessary rules including those establishing procedures for applications and for the awarding of financial assistance, relating to money investment, and relating to administration of FIF. The amendment also requires the Board to consolidate information regarding various sources of funding through state or federal programs. This will allow the Board to act as a clearinghouse for such information.

Texas Infrastructure Resiliency Fund

This amendment also establishes the Texas Infrastructure Resiliency Fund (TIRF) which will be a special fund in the state treasury outside the general revenue fund and will be administered by the Board. The Board is authorized to invest money in the resiliency fund as allowed by state law for the investment of public funds. Any earnings or interest accrued on these investments, as well as any interest made on loans granted from this fund shall be deposited back into the resiliency fund.

Texas Infrastructure Resiliency Fund Advisory Board

This amendment creates the Texas Infrastructure Resiliency Fund Advisory Board. The Board will be composed of the same seven members who serve on the State Water Implementation Fund for Texas Advisory Committee. The Director of TDEM will serve as a nonvoting member of the TIRF advisory board. Members of the advisory board will not be compensated or reimbursed. However, any member of the advisory board who is a member of the legislature will be entitled to reimbursement and benefits for legislative service.

The amendment explicitly forbids the advisory board from taking formal action at any meeting without a quorum.

Under the provisions of this amendment, the advisory board will be:

- allowed to submit comments and recommendation to the board for the use of the Resiliency Fund
- required to review the resiliency fund twice a year and provide appropriate comments and recommendations
- authorized to adopt any rules, procedures, or policy it deems necessary for the implementation of its responsibilities
- required to make recommendations to the board about what information should be posted on the Board's website
- authorized to evaluate and provide comments or recommendations on the feasibility of state owned flood projects
- given an annual report from the board regarding the Board's compliance with annual goals relating to historically underutilized businesses and the participation level of historically underutilized businesses projects funded by the Resiliency Fund
 - If the levels of participation by historically underutilized businesses don't meet the statewide annual goals, the advisory committee shall make recommendations for the improvement of the participation level
- provided staff support from the Board

Resiliency Fund: Floodplain Management Account

Currently a Floodplain Management Account (FMA) exists in the Water Code of Texas statute. This amendment moves the FMA into the newly created TIRF resiliency fund account. Current statute allots \$3.05 million of all state-imposed maintenance taxes on eligible authorized insurers. The FMA account shall include money allocated from the maintenance taxes (as established in current statute), money appropriated to the Board, and money received in the form of gifts or grants. Money from the Floodplain Management Account may be used by the board to finance collection and analysis of flood data; flood planning, protection and mitigation; educational or outreach program to disperse flood information to the public; or evaluating responses to and mitigation of flood incidents that affected any residential property.

Resiliency Fund: Hurricane Harvey Account

This amendment would also establish a new Hurricane Harvey account within the Resiliency Fund. Funds from this account may be used by the Board to finance flood projects related to Hurricane Harvey. Such financing may include:

- matching funds to municipalities in the form of grants, low-interest loans, or zero-interest loans for the purpose of a hazard mitigation project or a public assistance project that are created within the guidelines provided by the Federal Emergency Management Agency (FEMA) or the Texas Division of Emergency Management (TDEM)
- a loan at or below market interest rates to a municipality for ancillary flood project costs

An applicant for a grant or loan awarded from the Hurricane Harvey Account must demonstrate that all other available federal, state, and insurance funds have been exhausted. Additionally, such a grant or loan may not provide for more than 75 percent of the cost the project less any awarded federal dollars.

This amendment requires the Board to collaborate with TDEM to create a point system to rank flood project applications through the Hurricane Harvey Account. The language requires for this point system to include a standard to determine qualification for funding as well as a method to determine the relative need of each applicant municipality. The point system should give preference to flood projects that will have a substantial effect such as projects that are recommended by TDEM or ones that meets emergency needs in a county within a governor-declared state of disaster area.

Applications for financial assistance through the Hurricane Harvey fund should be reviewed by the Executive Administrator of the Board with input from the TDEM Director. After this preliminary approval, the Board is only authorized to approve an application which:

- met the requirements of related statute and Board rules
- demonstrated cooperation between all municipalities affected by the flood project
- sufficient funding, whether in taxes and/or other revenue, to meet the needs and obligations taken on by the municipality

The Board is authorized to award funds to multiple municipalities for the same flood project. Any municipality that receives a grant for a flood project is also eligible to receive a loan from the account. In addition, principal and interest payments for any awarded loans may not be deferred for more than 10 years or until the project is completed, whichever comes first.

The Hurricane Harvey Account will expire on September 1, 2031. Any remaining funds in the account at that point will transfer to the Flood Plan Implementation Account.

Resiliency Fund: Federal Matching Account

This amendment creates a Federal Matching Account within the Resiliency Fund. The Board may only use this account to meet matching requirements for projects funded partially by federal funds. The Board may also use this account to make a loan to a municipality to provide financing for the local share of a federally authorized ship channel project.

Resiliency Fund: Flood Plan Implementation Account

This amendment creates the Flood Plan Implementation Account under the Resiliency Fund. Funds in this account may only be used to provide financing for projects included in the state flood plan, but money may be awarded to multiple municipalities for the same flood project.

Reports

This amendment states that any state agency using or disbursing federal money for flood-related work shall submit a report to the Board every quarter. This report should include information regarding the federal money used or disbursed including the original total of received federal funds, the amount of federal funds used or dispersed, and the eligibility requirements met for receiving the federal money.

For the sake of transparency, the Board is required to post and regularly update certain information on their website including descriptions and progress of flood projects, a listing of municipalities who have been awarded funds, statuses of loan repayments, certain expenses, and a description of the point system for flood projects. The Board may include any other information to be included.

This amendment also includes clean up language to ensure the consistency of the Code.

Amendment Floor Report for SB 604 – Thursday, May 16, 2019

Author: Buckingham | Birdwell Sponsor: Paddie

(Texas Department of Motor Vehicles Sunset Bill)

<p>Canales 861648</p>	<p>This amendment is similar to HB 2834 which did not make it out of calendars. Information confidentiality is important during investigations and joint investigations. TxDMV gets complaints about dealerships they license or credential as household goods movers, for example. When the complaint is sufficient, TxDMV will open an investigation to look into what is going on. TxDMV would like to protect individuals who complain as well as entities they license. One example would look like: someone purchased a used car from a dealership and was unhappy with how they were treated on the premises. The dealership could become defensive and want to know who complained but releasing that information could hinder an investigation more than help it. TxDMV doesn't currently have the authority to withhold the information even though it can be in the best interest of the parties submitting or receiving the complaint. Amendment 648 simply allows information related to ongoing investigations to be kept confidential until the investigation is dismissed or finally resolved.</p>	<p><u>Favorable</u></p>
<p>Fierro 861669</p>	<p>SB 604 requires county assessor-collectors to provide an electronic system for motor vehicle dealers to submit title and registration applications online in the name of the purchaser but some of the bigger counties in Texas use private offices to contract this work out so implementing this legislation would leave Texans unemployed and counties left with the bill to implement this process. Impacted counties already comply with specific contracts that require state/county funds accountability, security of state/county assets, quality of work performance, and employee training to prevent and lessen any fraud, waste, or abuse. This is a standard practice in counties with private contracted offices such as El Paso and Bexar Counties. So, re-bidding of existing contracts is un-warranted since Counties already comply with current Local Government Code and require County Commissioner's Court approval.</p> <p>Amendment 699 amends the Sunset Bill for the Texas Department of Motor Vehicles (TxDMV), SB 604, to exempt Hidalgo and El Paso Counties from the new requirements for county assessor-collectors to design an electronic system for motor vehicle dealers to submit title and registration applications online in the name of the motor vehicle purchaser and the requirement for county assessor collectors to comply with state contracting standards and re-bid existing county contracts.</p>	<p><u>Favorable</u></p>
<p>Minjarez 861650</p>	<p>This amendment allows certain counties to administer an additional \$10 vehicle registration fee if approved by the voters with the goal to incorporate all stand-alone legislation filed this session regarding optional vehicle registration fees (Optional VRFs). Bexar, Cameron, El Paso, Hidalgo, and Webb counties have had authority to impose Optional VRFs since 2007. This means that certain counties can add an additional \$10 vehicle registration fee that will go to regional mobility authorities to fund long-term transportation projects.</p> <p>Amendment 650 allows Brazos County (HB 642 by Representative Raney which was passed out of the house on May 2nd, 2019), Williamson County (HB 3353 by Representative Bucy), and Dimmit, Frio, Kinney, Maverick, Uvalde, Val Verde, and Zavala Counties (HB 333 by Chair Nevarez, passed out of the house on April 23rd, 2019) to impose Optional VRFs not to exceed \$10 through an order adopted by the county commissioners court.</p> <p>Amendment 650 would also allow Bexar County (HB 130 by Representative Minjarez/SB 2434 by Senator Menendez) and El Paso County (HB 2769 by Representative Ortega/SB 2184 by Senator Rodriguez) to increase their fees to a maximum of \$20 if approves by the county in an election—these counties already have the authorization to implement \$10 Optional VRFs.</p> <p>Amendment 650 allows Nueces County (SB 2273 by Senator Hinojosa and the House floor amendment to HB 333 by Chair Canales) to implement the \$10 Optional VRFs through an order adopted by the county commissioners court AND increase the amount to a maximum of \$20 with the approval of the county voters in an election.</p>	<p><u>Favorable</u></p>

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	The portion of fee revenue from the additional vehicle registration fees will go to long-term transportation projects in the counties the fees are collected in or other counties participating in the regional mobility authority. If there is no regional mobility authority, the collected revenue goes to the county.	
Paddie 861652	<p>This amendment is introduced in a bill, as well, HB 1711 by Representative Paddie. Amendment 852 provides the option for issuance of digital license plates. The purpose is to add functionality regarding motor vehicle license plates. Digital license plates have GPS capabilities, Radio Frequency ID technology that can link with toll booths and parking meters, automatic registration renewal, ability to purchase multiple specialty license plates (revenue stream) and ability to post public safety notices. Furthermore, digital license plates use E-ink technology which is reflective and visible during day and night. There is one vendor providing this technology.</p> <p>Law enforcement agencies rely on plate readers and their technology systems are not built for digital license plates. However, the Radio Frequency ID technology works better in some ways—officers can acquire registration and license plate information without reading the plate. This doesn't force digital license plates on Texans, it allows citizens to acquire them. They are relatively expensive due to the E-ink technology (\$400+).</p>	<u>Favorable</u>
Paddie 861654	<p>Currently, SB 604 requires TxDMV to establish education and training requirements for applicants to become independent motor vehicle dealers. This is important because currently there are instances where people become independent motor vehicle dealers without proper education on what they are getting into. Then, individuals attain their licenses and end up with violations. SB 604 requires applicants to complete the education and training before acquiring their first license and every two years when they renew their licenses, as well.</p> <p>Amendment 654 deletes that section and substitutes requirements for independent motor vehicle dealers to complete web-based education and training developed by TxDMV including information on laws and board rules applicable to independent motor vehicle dealers and the consequences of violating those rules. The biggest change is that Amendment 654 does not require applicants to complete additional training for subsequent renewal of the applicant's license, so they will only have to complete the education and training once.</p>	<u>Favorable</u>
<p>Amendment Floor Report for SB 615 – Thursday, May 16, 2019 Author: Buckingham Birdwell Hall Nichols Watson Sponsor: Paddie (Texas Windstorm Insurance Association Sunset Bill)</p>		
Herrero 861699	<p>This amendment would lay out in statute that if a claim against Texas Windstorm Insurance Association (TWIA) is litigated or in the process of litigation and the association accepts in part or all of the previously denied claim, the claimant is entitled to compensation of attorney or legal fees incurred during the litigation process of appeal of the claim.</p> <p>This amendment provides more consumer protection and prevents a claimant from being blind-sided when denied claims are accepted and the consumer is left with copious amounts of legal fees.</p>	<u>Favorable</u>
Herrero 861701	<p>This amendment would require that the Governor, not the Insurance Commissioner, make TWIA appointments and board would also increase from 9 to 11 members. Additionally, five of the members would be required to reside in the first-tier coastal counties as of the date of the appointment. This amendment also requires the members who reside in the first tier coastal counties other than the one member required to be a licensed property and casualty agent and not a captive agent to be TWIA policyholders nominated by the Office of Public Insurance Counsel (OPIC) and prohibits such members from being property and casualty agents. OPIC is an independent counsel that represents the interests of insurance consumers. The appointment from OPIC would ensure these members are representative of the community and not the industry.</p>	<u>Favorable</u>

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	<p>This amendment would increase the transparency of TWIA policy as well as bring coastal policyholder representation by having an increased number of members who are required to reside in these coastal communities.</p> <p>In addition, current law requires that three members of the board must be representatives of the insurance industry who actively write and renew windstorm and hail insurance in the first-tier coast counties. This amendment would change that requirement to allow for those members to be representatives of the insurance industry who actively write and renew tornado insurance or wildfire insurance.</p> <p>Furthermore, the amendment also defines “wildfire”, “wildfire insurance”, and “tornado insurance”.</p>	
<p>King, Ken 861704</p>	<p>This amendment adds an additional chapter in the Insurance Code, establishing the Texas Tornado and Wildfire Insurance Association (TTWIA). The purpose of TTWIA is to offer coverage of tornado and wildfire loss for those who cannot gain coverage from the private market. Provisions included would be that insurers who offer private coverage are mandated to become a member of the board and there would be an incentive plan to encourage coverage of enrollees, resulting in reduced use of the association.</p> <p>This amendment would create an insurer of last resort as Texas Windstorm Insurance Association (TWIA) acts for the coast, TTWIA would act in such a manner for those who are prone to wildfires and tornados.</p>	<p><u>Will of the House</u></p>
<p>King, Ken 861705</p>	<p>The Texas Windstorm Insurance Association (TWIA) currently provides wind and hail insurance to 14 counties and a portion of Harris County. This amendment would expand TWIA to also provide coverage of wildfire and tornado insurance policies.</p> <p>This amendment makes appropriate changes in the Insurance Code where references to “windstorm and hail insurance” are made, and adds language to also include “tornado insurance” and “wildfire insurance”.</p>	<p><u>Will of the House</u></p>
<p>Lucio III 861697</p>	<p>Language is included to prohibit the TWIA from using net gains from subsequent year’s premiums for the current disaster year shortfall due to disaster. Additionally, this amendment requires TWIA to create a Legislative Funding and Funding Structure Oversight Board and create a report on current funding and funding structures of the association. This is to ensure efficient use of funds. The provision of board creation and study shall expire on September 1, 2021.</p> <p>This amendment offers more protection and relief to coastal consumers who would see continuous hikes in premiums. The ability for TWIA to have increased oversight and the chance to work on funding shortfalls would be felt as direct relief to the devastated coastal communities.</p>	<p><u>Favorable</u></p>
<p>Middleton 861693</p>	<p>This amendment would require member insurers in the TWIA assessment pool to provide reinsurance at no cost to TWIA. With the burden of purchasing reinsurance being lifted from TWIA, the cost relief will be seen in premiums for consumers.</p>	<p><u>Favorable</u></p>
<p>Middleton 861694</p>	<p>This amendment would allow for an enrollee with TWIA to receive or renew coverage without providing evidence that the property is covered by a flood insurance policy. TWIA would not be able to require proof of private flood coverage. This would apply to the application of properties that are found to be insurable in the private market.</p>	<p><u>Favorable</u></p>

<p>Middleton 861695</p>	<p>This amendment would prevent TWIA from raising rates without commissioner approval. Provisions are also included to ensure a rate freeze of current premiums for policies issued after September 1, 2019. This provision will expire September 1, 2021.</p>	<p><u>Favorable</u></p>
<p>Amendment Floor Report for SB 616 – Thursday, May 16, 2019 Author: Birdwell Sponsor: Paddie (Department of Public Safety Sunset Bill)</p>		
<p>Calanni 861696</p>	<p>The amendment reinstates and adds language to require security salespeople to obtain licenses as well as the owner of the security companies to become licensed. They are currently required to get background checks, but SB 616 removed the licensing requirement which in turn removes the background check requirement.</p>	<p><u>Favorable</u></p>
<p>Davis, Yvonne 861698</p>	<p>The amendment reinstates into the bill that a committee member is entitled to a per diem for each day the member engages in the business of the committee as well as reimbursement for travel for committee business.</p>	<p><u>Favorable</u></p>
<p>Davis, Yvonne 861700</p>	<p>The amendment reinstates some of the licensure requirements that the sunset commission recommended should be abolished such as dog trainers, employees of consulting companies, and security salespeople. This is to be able to conduct background checks on employees that may have access to critical infrastructure facilities.</p>	<p><u>Favorable</u></p>
<p>Davis, Yvonne 861702</p>	<p>Known as Berkshire Hathaway Guard Insurance Companies, the business stands as a prominent subsidiary of Berkshire Hathaway, providing commercial (and, most recently, personal lines) insurance coverage and services to businesses of all types in the US.</p> <p>The amendment adds that insurance policy for licenses who act as guard companies must contain limits of \$1 million dollars for personal injuries and \$2 million dollars for all occurrences. This allows the security officers and company owners to have proper liability insurance to face terroristic threats.</p>	<p><u>Favorable</u></p>
<p>Davis, Yvonne 861703</p>	<p>This amendment restores original language relating to the identification of a manager. Private security companies, with a private security force, request the designation of a company manager to serve as contacts for the DPS. Additionally, this amendment strikes the word <i>noncommissioned</i> and replaces it with <i>commissioned</i> to clarify and emphasize that commissioned officers have the appropriate knowledge and expertise to properly serve in the role of private security.</p>	<p><u>Favorable</u></p>
<p>Paddie 861713</p>	<p>This amendment clarifies, for the private sector board, that a committee member may not receive compensation for service on the advisory committee but is also entitled for reimbursement for travel.</p>	<p><u>Favorable, with Concerns</u></p>

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<p>Paddie 861714</p>	<p>This amendment is relating to a cleanup on the study for driver’s license transfers and strikes the portion that would allow the comptroller to procure a contract with a third party for the study. This amendment designates the proper authority to the Department of Public Safety to solicit contractors.</p>	<p><u>Favorable</u></p>
<p>Israel 861709</p>	<p>The amendment adds that voter registration must be provided to anyone who renews their license in person or online. The data from an online voter registration must be prescribed by the secretary of state and be made available to any U.S. Citizen that renews their license. The amendment allows citizens to register to vote online when renewing a license.</p>	<p><u>Favorable</u></p>
<p>Amendment Floor Report for SB 619 – Thursday, May 16, 2019 Author: Birdwell Buckingham Hall Nichols Watson Sponsor: Paddie (Texas Sunset Safety Net Bill)</p>		
<p>Meyer 861711</p>	<p>This amendment seeks to require a sunset review of the way the Texas Education Agency (TEA) administers special education functions. The Sunset Commission will review the efficacy and effectiveness of their functions and review how they monitor the implementation of special services.</p> <p>In 2018, the Office of Special Education Programs (OSEP) identified that TEA failed to comply with certain areas of the Individuals with Disabilities Education Act (IDEA). OSEP determined that TEA failed to: appropriately identify, evaluate, and provide special education services to children in Texas, provide free appropriate public education to all children (ages 3-21) with disabilities, and appropriately oversee and monitor that school districts were implementing IDEA as required. This amendment requires a review of the agency’s actions taken to correct noncompliance issues as identified by OSEP and whether their strategic plan appropriately addressed the necessary changes. This amendment states that the special services functions of TEA are not subject to abolishment.</p> <p>This review will be conducted in the same review cycle as agencies which are set to be abolished in 2021. Texas has had many problems with oversight of special education services and this amendment will give Texas the opportunity to review TEAs implementation of special services prior to the TEAs full sunset review currently set for 2025. In addition, this amendment will ensure TEA is taking appropriate steps to be in compliance with federal law.</p>	<p><u>Favorable</u></p>
<p>Meyer 861712</p>	<p>This amendment seeks to require a sunset review of the way Texas Education Agency (TEA) administers special education functions. The Sunset Commission will review the efficacy and effectiveness of their functions and review how they monitor the implementation of special services. This amendment states that these functions are not subject to abolishment. This review will be conducted in the same review cycle as agencies which are set to be abolished in 2021. Texas has had many problems with oversight of special education services and this amendment will give Texas the opportunity to review TEAs implementation of special services prior to the TEAs full sunset review currently set for 2025.</p>	<p><u>Favorable</u></p>

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