

By: Gervin-Hawkins, Sanford, Middleton

H.B. No. 3610

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of certain laws to open-enrollment charter schools.

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

SECTION 1. Section 12.1058(a), Education Code, is amended to read as follows:

(a) An open-enrollment charter school is considered to be:

(1) a local government for purposes of Chapter 791, Government Code;

(2) a local government for purposes of Chapter 2259, Government Code, except that an open-enrollment charter school may not issue public securities as provided by Section 2259.031(b), Government Code;

(3) a political subdivision for purposes of Chapter 172, Local Government Code; ~~and~~

(4) a local governmental entity for purposes of Subchapter I, Chapter 271, Local Government Code;

(5) a political subdivision for purposes of Section 16.061, Civil Practice and Remedies Code, with respect to any property purchased, leased, constructed, renovated, or improved with state funds under Section 12.128 of this code after September 1, 2001; and

(6) a political subdivision for purposes of Section 11.11, Tax Code.

1 SECTION 2. Sections 12.128(a) and (a-1), Education Code,  
2 are amended to read as follows:

3 (a) Property purchased with funds received by a charter  
4 holder under Section 12.106 after September 1, 2001:

5 (1) is considered to be public property for all  
6 purposes under state law;

7 (2) is property of this state held in trust by the  
8 charter holder for the benefit of the students of the  
9 open-enrollment charter school; ~~and~~

10 (3) may be used only for a purpose for which a school  
11 district may use school district property; and

12 (4) is exempt from ad valorem taxation as provided by  
13 Section 11.11, Tax Code.

14 (a-1) Property leased with funds received by a charter  
15 holder under Section 12.106 after September 1, 2001:

16 (1) is considered to be public property for all  
17 purposes under state law;

18 (2) is property of this state held in trust by the  
19 charter holder for the benefit of the students of the  
20 open-enrollment charter school; ~~and~~

21 (3) may be used only for a purpose for which a school  
22 district may use school district property; and

23 (4) is exempt from ad valorem taxation as provided by  
24 Section 11.11, Tax Code.

25 SECTION 3. This Act takes effect September 1, 2021.