

By: Gervin-Hawkins

H.B. No. 3610

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the applicability of certain laws to open-enrollment
3 charter schools.

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

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

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

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

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

14 (3) a political subdivision for purposes of Chapter
15 172, Local Government Code; ~~and~~

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

18 (5) a political subdivision for purposes of Section
19 16.061, Civil Practice and Remedies Code, with respect to any
20 property purchased, leased, constructed, renovated, or improved
21 with state funds under Section 12.128 of this code after September
22 1, 2001; and

23 (6) a political subdivision for purposes of Section
24 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.