

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Farney, Villalba, Fallon

H.B. No. 1170

A BILL TO BE ENTITLED

AN ACT

relating to the applicability to open-enrollment charter schools of certain laws regarding local governments and political subdivisions.

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

SECTION 1. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1058 to read as follows:

Sec. 12.1058. APPLICABILITY OF OTHER LAWS. (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; and

(3) a political subdivision for purposes of Chapter 172, Local Government Code.

(b) An open-enrollment charter school may elect to extend workers' compensation benefits to employees of the school through any method available to a political subdivision under Chapter 504, Labor Code. An open-enrollment charter school that elects to extend workers' compensation benefits as permitted under this subsection is considered to be a political subdivision for all purposes under Chapter 504, Labor Code. An open-enrollment charter

1 school that self-insures either individually or collectively under  
2 Chapter 504, Labor Code, is considered to be an insurance carrier  
3 for purposes of Subtitle A, Title 5, Labor Code.

4         SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2015.

ADOPTED

MAY 27 2015

*Leta Spaw*  
Secretary of the Senate

By: Farnley

H.B. No. 1170

Substitute the following for H.B. No. 1170:

By: Casey Lewis, Jr.

C.S. H.B. No. 1170

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2 relating to the applicability to open-enrollment charter schools  
3 of certain laws regarding local governments and political  
4 subdivisions.

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

6 SECTION 1. Subchapter D, Chapter 12, Education Code, is  
7 amended by adding Section 12.1058 to read as follows:

8 Sec. 12.1058. APPLICABILITY OF OTHER LAWS. (a) An open-  
9 enrollment charter school is considered to be:

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

12 (2) a local government for purposes of Chapter 2259,  
13 Government Code, except that an open-enrollment charter school  
14 may not issue public securities as provided by Section  
15 2259.031(b), Government Code;

16 (3) a political subdivision for purposes of Chapter  
17 172, Local Government Code; and

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

20 (b) An open-enrollment charter school may elect to extend  
21 workers' compensation benefits to employees of the school  
22 through any method available to a political subdivision under  
23 Chapter 504, Labor Code. An open-enrollment charter school that  
24 elects to extend workers' compensation benefits as permitted

1 under this subsection is considered to be a political  
2 subdivision for all purposes under Chapter 504, Labor Code. An  
3 open-enrollment charter school that self-insures either  
4 individually or collectively under Chapter 504, Labor Code, is  
5 considered to be an insurance carrier for purposes of Subtitle  
6 A, Title 5, Labor Code.

7 (c) Notwithstanding Subsection (a) or (b), an open-  
8 enrollment charter school operated by a tax exempt entity as  
9 described by Section 12.101(a)(3) is not considered to be a  
10 political subdivision, local government, or local governmental  
11 entity unless the applicable statute specifically states that  
12 the statute applies to an open-enrollment charter school.

13 SECTION 2. This Act takes effect immediately if it  
14 receives a vote of two-thirds of all the members elected to each  
15 house, as provided by Section 39, Article III, Texas  
16 Constitution. If this Act does not receive the vote necessary  
17 for immediate effect, this Act takes effect September 1, 2015.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 28, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1170** by Farney (Relating to the applicability to open-enrollment charter schools of certain laws regarding local governments and political subdivisions.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

The bill would amend the Education Code to give open enrollment charter schools certain rights and duties extended to open governments under the Government Code.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 701 Central Education Agency

**LBB Staff:** UP, SD, JBi, JLi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 21, 2015**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1170** by Farney (relating to the applicability to open-enrollment charter schools of certain laws regarding local governments and political subdivisions.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Education Code to give open enrollment charter schools certain rights and duties extended to open governments under the Government Code.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 701 Central Education Agency

**LBB Staff:** UP, JBi, JLi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 18, 2015**

**TO:** Honorable Larry Taylor, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1170** by Farney (Relating to the applicability to open-enrollment charter schools of certain laws regarding local governments and political subdivisions.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Education Code to give open enrollment charter schools certain rights and duties extended to open governments under the Government Code.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 701 Central Education Agency

**LBB Staff:** UP, JBi, JLi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 3, 2015**

**TO:** Honorable Jimmie Don Aycock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1170** by Farney (Relating to the applicability to open-enrollment charter schools of certain laws regarding local governments and political subdivisions.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Education Code to give open enrollment charter schools certain rights and duties extended to open governments under the Government Code.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 701 Central Education Agency

**LBB Staff:** UP, JBi, JLi