

## **BILL ANALYSIS**

H.B. 3548  
By: Parker  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

According to interested parties, limiting the liability of certain persons associated with a nonprofit corporation established by the Texas Public Finance Authority to issue revenue bonds to open-enrollment charter schools for those schools to provide educational facilities would be beneficial and would bring the liability of such persons in line with similarly situated persons. H.B. 3548 seeks to apply certain immunity and liability laws to directors, officers, or employees of such a nonprofit corporation under certain circumstances.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3548 amends the Education Code to establish that the nonprofit corporation established by the Texas Public Finance Authority to act on the state's behalf in issuing revenue bonds for certain open-enrollment charter school facilities is a governmental unit as defined by the Texas Tort Claims Act. The bill subjects that nonprofit corporation to liability only as provided by that act and only in the manner that liability is provided by that act for a school district. The bill exempts a director, officer, or employee of the nonprofit corporation from personal liability for damage, loss, or injury resulting from the performance of the person's duties or on any commitment or agreement executed on behalf of the corporation.

H.B. 3548 amends the Civil Practice and Remedies Code to require the state to indemnify a person serving as a director of the nonprofit corporation, without regard to whether the person performed services for compensation, for actual damages, court costs, and attorney's fees adjudged against the person in a cause of action based on conduct for which the state would be liable.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.