

BILL ANALYSIS

H.B. 327
By: Ortega
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the El Paso area suffers from a shortage of available legal representation as compared to other large metropolitan areas in Texas, as well as an absence of attorneys certified in many specialized law areas. H.B. 327 seeks to address this issue by providing for the establishment of a public law school in the El Paso area.

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. 327 amends the Education Code to authorize the governing board of a public university system to establish and operate, as a professional school of the system, a public law school in El Paso County, to prescribe courses leading to customary degrees offered at other leading American law schools, and to award those degrees. The bill authorizes the governing board to assign responsibility for the management of the law school to a general academic teaching institution in the system and to accept and administer gifts and grants from any public or private person or entity for the use and benefit of the law school. The bill subjects the establishment of the law school to the availability of funding, either through appropriation or from another source.

H.B. 327 requires a governing board of a university system that intends to establish a law school under the bill's provisions to notify the Texas Higher Education Coordinating Board and sets out requirements for the coordinating board on receiving such notice with regard to posting that intention on its website, providing the other governing boards a reasonable opportunity to provide notice of intent to establish the law school, and determining which of those governing boards may establish the law school. The bill provides for a required feasibility study conducted by the coordinating board regarding actions necessary to obtain accreditation before the applicable governing board establishes the law school and for the delivery of the study to the governing board and the chair of each legislative standing committee with jurisdiction over higher education. The bill prohibits the establishment of more than one law school under the bill's provisions.

H.B. 327 authorizes the governing board of the university system that establishes the law school to acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, or other facilities for the law school for projects to be financed by the issuance of bonds in an aggregate principal amount not to exceed \$40 million. The bill sets out provisions

relating to the governing board's authority to pledge system revenue funds irrevocably to the payment of the bonds and to transfer funds among the system's institutions, branches, and entities when sufficient funds are not available to meet the governing board's obligations.

H.B. 327 entitles the law school, if the bill receives a vote of at least two-thirds of the membership of each house of the legislature and if the law school is created by The University of Texas System or The Texas A&M University System, to participate in the funding provided by the permanent university fund for the appropriate university system. The bill entitles the law school, if the bill receives that vote and if the law school is created by another university system, to participate in the funding provided by the higher education fund. The bill authorizes the legislature, before the first periodic allocation of funding from that fund that includes the law school, to reallocate the total amount allocated to other institutions under that fund to allow for the allocation to the law school.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.