

BILL ANALYSIS

H.B. 199
By: Ortega
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

On average, the four largest metropolitan areas in Texas have 2.5 times as many lawyers per capita as compared to El Paso. One of the reasons for this shortage of legal representation may be the lack of a law school in the El Paso area, with the closest law school located 260 miles away in Albuquerque, New Mexico. H.B. 199 seeks to address this shortage by allowing the governing board of a university system to establish and operate a law school in El Paso County. The bill provides for the request of a feasibility study and the issuance of bonds to finance the establishment of a law school.

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. 199 amends the Education Code to authorize the governing board of a university system to establish and operate a 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 law school's management to a general academic teaching institution in the university system and to accept and administer gifts and grants from any public or private person or entity for the law school's use and benefit. The bill subjects the establishment of the law school to funding availability, either through appropriation or from another source.

H.B. 199 requires the governing board of a university system that intends to establish an El Paso law school to notify the Texas Higher Education Coordinating Board (THECB) and sets out requirements for the THECB with regard to posting a statement of that governing board's intent online, providing other governing boards with opportunity to provide notice of intent, and, if applicable, determining which of the governing boards may establish the law school. The bill requires a governing board, before establishing a law school under the bill's provisions, to request that the THECB prepare a feasibility study to determine the actions the system must take to obtain accreditation of the law school. The bill requires the THECB to deliver a copy of the study to the governing board and to 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. 199 authorizes the governing board of the university system that establishes an El Paso 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 provides for the governing board's authority to pledge system revenue funds to the payment of such bonds and for the transfer of funds among the system's institutions, branches, and entities if sufficient funds are not available to meet the governing board's obligations.

H.B. 199 entitles the law school to funding as follows, provided the bill receives a vote of at least two-thirds of the membership of each house of the legislature:

- if the law school is created by The University of Texas System or The Texas A&M University System, the law school is entitled to participate in the funding provided by the permanent university fund for the appropriate university system; or
- if the law school is created by another university system, the law school is entitled to participate in the funding provided by the higher education fund.

If the source of funding is the higher education fund, the legislature may, before the first periodic allocation from that fund that includes the law school, 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, 2021.