

SUBJECT: Allowing the establishment of a public law school in El Paso County

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 9 ayes — Murphy, Pacheco, Cortez, Frullo, Muñoz, Ortega, Raney, C. Turner, J. Turner

0 nays

2 absent — P. King, Parker

WITNESSES: For — David Stout, El Paso County; Ray Mancera; Janet Monteros;
(*Registered, but did not testify*: Guadalupe Cuellar, City of El Paso;
Daniel Collins, El Paso County; Thomas Parkinson)

Against — None

DIGEST: HB 199 would enable the governing board of a university system to establish and operate a school of law in El Paso County.

The governing board could:

- in administering the law school, prescribe courses leading to customary degrees at leading American law schools and award those degrees;
- assign responsibility for the law school's management to a general academic teaching institution in the university system; and
- accept and administer gifts and grants from any public or private entity for the use and benefit of the law school.

The establishment of the law school would be subject to available funding, either through appropriation or from other sources. Only one law school could be established under the provisions of the bill.

A university system governing board intending to establish a law school under the bill's provisions would be required to notify the Texas Higher

Education Coordinating Board (THECB), which would have to post notice of the intention on its website and provide other governing boards a reasonable opportunity to supply similar notice. If it received multiple notices, THECB would be required to determine which governing board would be allowed to establish the law school based on appropriate criteria, including:

- community and student input;
- available system resources; and
- the feasibility of each system's specific proposal.

Before a governing board established a law school under the bill, the governing board would have to request that THECB prepare a feasibility study to determine the actions necessary to obtain accreditation for the law school. THECB would have 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 governing board of the university system that established an El Paso law school would be allowed to acquire, construct, and renovate buildings, structures, and other facilities for the law school for projects to be financed by bonds, the aggregate principal of which could not exceed \$40 million. The board could pledge to the payment of bonds all or any revenue funds, including tuition charges, of an entity within the university system. Any such pledge could not be reduced or abrogated while relevant bonds remained outstanding. Funds could be transferred from other entities within the university system in order to meet obligations related to the El Paso law school.

If the bill passed with at least a two-thirds majority vote in both legislative houses and an El Paso law school was established by a university system, the law school would be entitled to participate in the appropriate state fund for the university system that established it. The Legislature could reallocate the total amount of funding for certain institutions to allow for an allocation to the law school before the first periodic allocation of funds.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**SUPPORTERS
SAY:**

HB 199 would allow the establishment of a law school that would benefit El Paso County by making it easier for residents of the region, which suffers a shortage of legal representation, to attend law school. Specialists in specific legal areas are particularly scarce in the El Paso region, and El Paso is the only major metropolitan area in Texas without a law school. The closest existing law schools are hundreds of miles away from the county, imposing a significant burden on prospective law students from El Paso who want to remain a part of their current community. This distance also may make it less likely that individuals who leave to study law will return to El Paso and apply their law degree at home. Citizens of El Paso County have established the El Paso Law School Initiative, which has been endorsed by the county commissioners court, demonstrating clear community support for the project that HB 199 would enable.

HB 199 allows private sector actors to play a fundamental role in the process of establishing a law school in El Paso, as the bill authorizes the governing board of a university system to accept gifts and grants for the benefit of establishing a law school to meet the demonstrated need for adequate legal representation in El Paso. Texas's university systems have developed world-class institutions in this state, often with the partnership of private sector actors, because this is not a binary "public or private" process. HB 199 does not create a new university system, force the expansion of an existing university system or require a university system to establish any institution, or exclude private sector actors from this process.

**CRITICS
SAY:**

The establishment of a public law school as allowed by HB 199 would increase the scope and cost of government. Any market demand for a law school in El Paso County would be better met by a private institution.

NOTES:

According to the Legislative Budget Board, HB 199 would have a negative impact on state funds of about \$11.8 million through the

biennium ending August 31, 2023.