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H.B. No. 199

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a public law school in El Paso
County.

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

SECTION 1. Subchapter C, Chapter 61, Education Code, is
amended by adding Section 61.0907 to read as follows:

Sec. 61.0907. EL PASO SCHOOL OF LAW. (a) The governing
board of a university system may establish and operate, as a
professional school of the system, a school of law in El Paso County
as the governing board considers appropriate.

(b) In administering the law school, the governing board may
prescribe courses leading to customary degrees offered at other
leading American schools of law and may award those degrees.

(c) The governing board may assign responsibility for the
management of the law school to a general academic teaching
institution in the university system.

(d) The governing board may accept and administer gifts and
grants from any public or private person or entity for the use and
benefit of the law school. Notwithstanding any other provision of
this section, establishment of a law school is subject to the
availability of funding, either through appropriation or from
another source.

(e) The governing board of a university system that intends
to establish a law school under this section shall notify the Texas

1 Higher Education Coordinating Board. If the coordinating board
2 receives notice from a governing board under this subsection, the
3 coordinating board shall provide a statement regarding that
4 intention on its Internet website and provide the other governing
5 boards with a reasonable opportunity to notify the coordinating
6 board of an intent to establish a law school under this section. If
7 the coordinating board receives notice from more than one governing
8 board under this subsection, the coordinating board, based on
9 community and student input, available system resources, the
10 feasibility of the specific proposal of each system, and other
11 appropriate criteria, shall determine which of those governing
12 boards may establish a law school under this section.

13 (f) Before a governing board establishes a law school under
14 this section, the governing board shall request the coordinating
15 board to prepare a feasibility study to determine the actions the
16 system must take to obtain accreditation of the law school. The
17 coordinating board shall deliver a copy of the study to the
18 governing board and to the chair of each legislative standing
19 committee with jurisdiction over higher education.

20 (g) Not more than one law school may be established under
21 this section.

22 SECTION 2. Subchapter B, Chapter 55, Education Code, is
23 amended by adding Section 55.178 to read as follows:

24 Sec. 55.178. UNIVERSITY SYSTEM ESTABLISHING EL PASO SCHOOL
25 OF LAW; ADDITIONAL BONDS. (a) In addition to the other authority
26 granted by this subchapter, the governing board of the university
27 system that establishes an El Paso school of law under Section

1 61.0907 may acquire, purchase, construct, improve, renovate,
2 enlarge, or equip property, buildings, structures, or other
3 facilities, including roads and related infrastructure, for the law
4 school for projects to be financed by the issuance of bonds in
5 accordance with this subchapter, including bonds issued in
6 accordance with a systemwide revenue financing program and secured
7 as provided by that program, in an aggregate principal amount not to
8 exceed \$40 million.

9 (b) The governing board may pledge irrevocably to the
10 payment of the bonds authorized by this section all or any part of
11 the revenue funds of an institution, branch, or entity of the
12 university system described by Subsection (a), including student
13 tuition charges. The amount of a pledge made under this subsection
14 may not be reduced or abrogated while the bonds for which the pledge
15 is made, or bonds issued to refund those bonds, are outstanding.

16 (c) If sufficient funds are not available to the governing
17 board to meet its obligations under this section, the board may
18 transfer funds among institutions, branches, and entities of the
19 university system described by Subsection (a) to ensure the most
20 equitable and efficient allocation of available resources for each
21 institution, branch, or entity to carry out its duties and
22 purposes.

23 SECTION 3. (a) If this Act receives a vote of at least
24 two-thirds of the membership of each house of the legislature, and
25 if an El Paso school of law is created by The University of Texas
26 System or The Texas A&M University System under Section 61.0907,
27 Education Code, as added by this Act, the El Paso school of law is

1 entitled to participate in the funding provided by Section 18,
2 Article VII, Texas Constitution, for the appropriate university
3 system.

4 (b) If this Act receives a vote of at least two-thirds of the
5 membership of each house of the legislature, and if an El Paso
6 school of law is created under Section 61.0907, Education Code, as
7 added by this Act, by a university system other than a system
8 described by Subsection (a) of this section, the El Paso school of
9 law is entitled to participate in the funding provided by Section
10 17, Article VII, Texas Constitution. Before the first periodic
11 allocation of funding under Section 17, Article VII, is made that
12 includes the El Paso school of law, the legislature may reallocate
13 the total amount allocated to institutions under that section to
14 allow for the allocation to the law school.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2021.