

BILL ANALYSIS

C.S.H.B. 91
By: Martinez, "Mando"
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to the Economic Research Services of the United States Depart of Agriculture, the Rio Grande Valley is one the fastest growing regions in Texas, as well as the United States, with a population approximating 1.2 million people and a growth rate since 2000 of approximately 21 percent, compared to a state growth rate of approximately 15 percent. Currently, the closest law schools to the Rio Grande Valley are in San Antonio (approximately 260 miles way), Austin (approximately 305 miles away), and Houston (approximately 340 miles away).

According to the Texas Borderlands 2009 Report, "Keeping Hope Alive," the ratio of lawyers to population in Texas is above the national average, approximately 1:300 versus 1:350 for the rest of the nation. Along the Texas-Mexico border, however, that ratio is disproportionately low. This is a function of the fact that none of the major law schools in Texas are located in the border region of Texas.

Attorney Population Density, 2005-2006	
<i>approx. ratio of 1 attorney per hundred people, based on Texas Borderlands 2009 Report, "Keeping Hope Alive"</i>	
Non-Border Area	Border Area
Austin/Round Rock 1:168	El Paso 1:656
Houston/Sugar Land/Baytown 1:239	Laredo 1:754
Dallas/Fort Worth/Arlington 1:278	Brownsville/Harlingen 1:788
San Antonio 1:355	McAllen/Edinburg/Mission 1:821

The bill attempts to solve the problem by authorizing The University of Texas System board of regents to establish a law school in the Rio Grande Valley in Cameron County or Hidalgo County. The bill requires the board of regents to request the Texas Higher Education Coordinating Board to prepare a feasibility study to determine the actions needed to obtain accreditation of the proposed law school.

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

C.S.H.B. 91 amends the Education Code to authorize The University of Texas System board of regents to establish and operate as a professional school of the system a law school in Cameron County or Hidalgo County, as the board considers appropriate. The bill authorizes the board to prescribe courses leading to customary degrees offered at other leading American law schools and to award those degrees. The bill requires the system's board of regents, before it establishes the law school, to request the Texas Higher Education Coordinating Board to prepare a feasibility study to determine the actions the system must take to obtain accreditation of the law school. The bill requires the coordinating board to deliver a copy of the study to the board of regents and to the chair of each legislative standing committee or subcommittee with jurisdiction over higher education. The bill prohibits any funds for a state fiscal biennium ending on or before August 31, 2015, from being appropriated for the purposes of the bill. The bill defines "board" to mean the board of regents of The University of Texas System.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 91 differs from the original by requiring The University of Texas System board of regents to request the Texas Higher Education Coordinating Board to prepare a feasibility study, whereas the original required the coordinating board to prepare the study without reference to a request from the board of regents. The substitute removes a provision in the original requiring the coordinating board to prepare the study not later than June 1, 2010. The substitute adds a provision not in the original prohibiting any funds for a state fiscal biennium ending on or before August 31, 2015, from being appropriated for the purposes of the bill.