

BILL ANALYSIS

C.S.S.B. 956
By: West
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Dallas-Fort Worth area is the fifth largest Standard Metropolitan Statistical Area in the United States and the only one that does not have a public law school. Texas' population has increased from 14.3 million to 22.5 million with no additional law schools being added, limiting the opportunities for Texans to attain an affordable legal education in Texas. With the continuing growth of the Dallas-Fort Worth region, the need for legal knowledge is increasing. Currently, Dallas must import 30 percent of its attorneys from out-of-state law schools.

C.S.S.B. 956 authorizes the University of North Texas System board of regents to establish and operate a school of law in the city of Dallas as a professional school of the University of North Texas System for five years and as a professional school of the University of North Texas at Dallas after that period. The bill grants the board of regents additional bonding authority to finance capital acquisitions, construction, and improvements for the law school, and entitles the law school, under certain conditions, to participate in the higher education fund provided by the Texas Constitution.

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.S.B. 956 amends the Education Code to authorize the University of North Texas System board of regents to establish and operate a school of law in the city of Dallas as a professional school of the University of North Texas System. The bill authorizes the board, in administering the law school, to prescribe courses leading to customary degrees offered at other leading American schools of law and to award those degrees. The bill requires the board to administer the law school as a professional school of the system until the University of North Texas at Dallas has been administered as a general academic teaching institution for five years and requires the law school to become a professional school of the University of North Texas at Dallas after that period. The bill establishes that the law school, until becoming a professional school of the university, is considered an institution of higher education and is entitled to formula funding as if the law school were a professional school of a general academic teaching institution. The bill requires the Texas Higher Education Coordinating Board, before The University of North Texas System board of regents establishes the law school, but not later than June 1, 2010, 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 chair of each legislative standing committee or subcommittee with jurisdiction over higher education.

C.S.S.B. 956 grants the University of North Texas System board of regents up to \$40 million in additional bonding authority to finance the acquisition, purchase, construction, improvement, renovation, enlargement, or equipping of property, buildings, structures, or other facilities,

including roads and related infrastructure, for the law school established in the city of Dallas by the University of North Texas System. The bill authorizes the board of regents to pledge irrevocably to the payment of the bonds all or any part of the revenue funds of an institution, branch, or entity of the University of North Texas System, including student tuition charges, and prohibits any reduction or abrogation in the amount of such a pledge while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding. The bill authorizes the board, if sufficient funds are not available to the board of regents to meet its obligations, to transfer funds among institutions, branches, and entities of the University of North Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duty and purposes.

C.S.S.B. 956 adds the University of North Texas College of Law to the list of component institutions of the University of North Texas System.

C.S.S.B. 956 establishes that venue for a suit filed solely against the law school or against officers or employees of the law school is in Dallas County. The bill provides that in case of a conflict between the above provision and any other law, the above provision controls.

C.S.S.B. 956 entitles the college of law to participate in the higher education fund provided by the Texas Constitution for institutions of higher education if this bill receives a vote of at least two-thirds of the membership of each house of the legislature.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 956 differs from the original by referring to the University of North Texas College of Law, whereas the original refers to the University of North Texas at Dallas College of Law. The substitute removes a provision authorizing the University of North Texas System board of regents to accept gifts, grants, and donations from any public or private source for the purposes of the law school. The substitute removes a provision in the original establishing that the bill does not make an appropriation and that the bill takes effect only if a specific appropriation is provided. The substitute adds provisions not in the original relating to the grant of additional bonding authority to the University of North Texas System board of regents to finance capital acquisitions, construction, and improvements of facilities and infrastructure for the law school.