

By: Dutton

H.B. No. 2383

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Thurgood Marshall School of Law as an independent public institution of higher education; granting a power of eminent domain.

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

SECTION 1. AMENDMENT. Subtitle F, Title 3, Education Code, is amended by adding Chapter 112 to read as follows:

CHAPTER 112. THURGOOD MARSHALL SCHOOL OF LAW

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 112.001. THURGOOD MARSHALL SCHOOL OF LAW. The Thurgood Marshall School of Law is established in the city of Houston.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 112.051. BOARD OF REGENTS. The organization, control, and management of the Thurgood Marshall School of Law is vested in a board of nine regents appointed by the governor and confirmed by the senate.

Sec. 112.052. TERM OF OFFICE; VACANCY. (a) Members of the board of regents hold office for staggered terms of six years, with the terms of three members expiring on February 1 of each odd-numbered year.

(b) A vacancy on the board shall be filled by appointment for the unexpired portion of the term.

Sec. 112.053. QUALIFICATIONS. Each member of the board of

1 regents must be a qualified voter of this state.

2 Sec. 112.054. OFFICERS; MEETINGS. The board of regents  
3 shall elect a chair and any other officers the board considers  
4 necessary. The chair may convene the board when the chair considers  
5 it expedient to consider any business related to the school of law.

6 Sec. 112.055. EXPENSES. Members of the board of regents  
7 serve without pay but shall be reimbursed for their actual expenses  
8 incurred in attending the work of the board, subject to the approval  
9 of the board's chair.

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 112.101. GENERAL POWERS AND DUTIES. (a) The board of  
12 regents shall adopt bylaws, rules, and regulations the board  
13 considers necessary and proper for the governance of the school of  
14 law.

15 (b) The board may prescribe courses leading to customary  
16 degrees offered by other leading American schools of law and may  
17 award those degrees.

18 Sec. 112.102. GIFTS, GRANTS. The board of regents may  
19 solicit and accept from public or private sources gifts and grants  
20 of money or property for the benefit of the school of law.

21 Sec. 112.103. ACQUISITION AND DISPOSITION OF LAND. (a) The  
22 board of regents on behalf of the school of law may acquire by  
23 purchase, exchange, or otherwise any tract or parcel of land or  
24 other real property necessary or convenient for carrying out the  
25 purposes of a state-supported school of law, and may sell,  
26 exchange, or lease any land owned by the school of law.

27 (b) The proceeds from any lease of land or other real

1 property shall be added to the general funds of the school of law.  
2 The proceeds from any sale of land or other real property shall be  
3 added to the capital funds of the school.

4 (c) The board has the power of eminent domain for land  
5 acquisitions permitted by Subsection (a).

6 Sec. 112.104. SUITS. Venue for a suit against the school of  
7 law is in Harris County or Travis County. Process may be served on  
8 the school of law only by service of citation on the school of law's  
9 chief executive officer.

10 Sec. 112.105. LEGISLATIVE INTENT. The authority granted  
11 the board of regents under this subchapter is intended to be the  
12 same as the authority granted to the governing boards of The  
13 University of Texas System, The Texas A&M University System, and  
14 similar institutions with regard to the control and use of local  
15 funds.

16 SECTION 2. TRANSFER OF GOVERNANCE AND PROPERTY OF THURGOOD  
17 MARSHALL SCHOOL OF LAW. (a) Effective June 1, 2020, the  
18 governance, control, and management of the Thurgood Marshall School  
19 of Law are transferred from the board of regents of Texas Southern  
20 University to the board of regents of the Thurgood Marshall School  
21 of Law. The transfer is governed by Sections 3 through 7 of this  
22 Act.

23 (b) On the date of the transfer provided by Subsection (a)  
24 of this section, all real and personal property of Texas Southern  
25 University used primarily for the operation of the Thurgood  
26 Marshall School of Law is transferred to the Thurgood Marshall  
27 School of Law.

1           SECTION 3.   POWERS AND DUTIES; RULES AND POLICIES.  (a)  When  
2  the transfer takes effect, the board of regents of the Thurgood  
3  Marshall School of Law shall govern, operate, manage, and control  
4  the Thurgood Marshall School of Law and all real and personal  
5  property belonging to and constituting the Thurgood Marshall School  
6  of Law under the powers and duties conferred by law on the board of  
7  regents.

8           (b)  The Thurgood Marshall School of Law may continue to  
9  award degrees in the same disciplines and of the same academic  
10 standing after the transfer authorized by this Act as those in which  
11 degrees were awarded by the Thurgood Marshall School of Law before  
12 the transfer, subject to the authority of the Texas Higher  
13 Education Coordinating Board regarding existing degree programs.

14          (c)  Rules and policies adopted by the board of regents of  
15 Texas Southern University to govern the Thurgood Marshall School of  
16 Law that are in effect when the transfer takes effect are continued  
17 in effect until adopted, repealed, or superseded by the board of  
18 regents of the Thurgood Marshall School of Law.  The board of  
19 regents of the Thurgood Marshall School of Law may adopt rules and  
20 policies applicable to the school of law in anticipation of the  
21 transfer authorized by this Act.

22          SECTION 4.  CONTRACTS AND WRITTEN OBLIGATIONS, INCLUDING  
23 BONDS.  Contracts and written obligations of every kind and  
24 character entered into by the board of regents of Texas Southern  
25 University for and on behalf of the Thurgood Marshall School of Law,  
26 including bonds, are considered ratified, confirmed, and validated  
27 by the board of regents of the Thurgood Marshall School of Law on

1 the effective date of the transfer. In those contracts and written  
2 obligations, the board of regents of the Thurgood Marshall School  
3 of Law is substituted for and stands and acts in the place of the  
4 board of regents of Texas Southern University to the extent  
5 permitted by law.

6 SECTION 5. EFFECT OF TRANSFER ON STUDENTS AND EMPLOYEES.

7 (a) The transfer of the governance of the Thurgood Marshall School  
8 of Law under this Act does not affect the status of any student of  
9 the school of law enrolled at the school of law when the transfer  
10 takes effect.

11 (b) The transfer of the governance of the Thurgood Marshall  
12 School of Law under this Act does not affect the employment status  
13 or accrued benefits of any person employed by the school of law when  
14 the transfer takes effect.

15 SECTION 6. CURRENT FUNDING. All funds that, on the  
16 effective date of the transfer, have been appropriated or dedicated  
17 to or are held for the use and benefit of the Thurgood Marshall  
18 School of Law under the governance of the board of regents of Texas  
19 Southern University are transferred to the board of regents of the  
20 Thurgood Marshall School of Law for the use and benefit of the  
21 school of law.

22 SECTION 7. LEGISLATIVE INTENT; ROLE OF COORDINATING BOARD.

23 It is the intent of the legislature that the transfer of the  
24 governance of the Thurgood Marshall School of Law from the board of  
25 regents of Texas Southern University to the board of regents of the  
26 Thurgood Marshall School of Law be made without disrupting the  
27 students, faculty, staff, or programs of the school of law. If

1 those boards of regents are unable to agree as to any matter  
2 relating to the transfer, the Texas Higher Education Coordinating  
3 Board on application of either board of regents shall resolve the  
4 disagreement consistent with the intent of this section and the  
5 provisions of this Act as the coordinating board determines is in  
6 the best interest of this state and the institutions under the  
7 governance of the boards of regents. The coordinating board may  
8 issue any orders or take any other action the coordinating board  
9 considers appropriate to enforce this section or to facilitate the  
10 transfer consistent with this Act and the intent of the  
11 legislature.

12 SECTION 8. APPOINTMENT OF INITIAL BOARD OF REGENTS. Not  
13 later than December 1, 2019, the governor shall appoint the initial  
14 members of the board of regents of the Thurgood Marshall School of  
15 Law under Chapter 112, Education Code, as added by this Act. The  
16 governor shall appoint:

- 17 (1) three members whose terms expire February 1, 2021;  
18 (2) three members whose terms expire February 1, 2023;  
19 and  
20 (3) three members whose terms expire February 1, 2025.

21 SECTION 9. EFFECTIVE DATE. This Act takes effect September  
22 1, 2019.