

## **BILL ANALYSIS**

C.S.H.B. 3853  
By: Walle  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that a statutory mechanism is needed to provide access to privately owned land for environmental and biological research programs at public and private institutions of higher education. C.S.H.B. 3853 seeks to provide for such access by requiring the Texas Higher Education Coordinating Board to appoint a scientific review committee to review and approve proposals for such research, providing for an associated agreement between the applicable landowner and institution, and providing for the eligibility of affected land to be appraised as qualified open-space land.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 3853 amends the Education Code to require the Texas Higher Education Coordinating Board to establish a program to review the scientific validity of proposed biological and environmental research conducted by a public or private institution of higher education on private property under an agreement with the landowner. The bill requires the coordinating board to appoint a scientific review committee for the purposes of the program and requires the members of the committee to possess scientific expertise in the area of farming, ranching, or wildlife management and to have participated in peer review of scientific research. The bill authorizes a landowner to submit a biological and environmental research proposal developed by an institution seeking to conduct research on the landowner's land to the coordinating board for review by the committee, along with an application fee in an amount determined by the coordinating board not to exceed the coordinating board's costs in administering the bill's provisions. The bill requires the coordinating board by rule to prescribe the form for the submission of the proposal and any required accompanying documentation.

C.S.H.B. 3853 requires the committee to review each landowner proposal and determine whether the proposed research is scientifically valid and would result in the contribution of valuable scientific knowledge toward the purposes of biological and environmental research. The bill requires the committee, not later than the 90th day after the date the last item of required documentation for the proposal is submitted, to issue a written determination on the validity of the research to the submitting landowner and the institution that developed the proposal.

C.S.H.B. 3853 requires the coordinating board to develop a form for a written agreement to be

used by an institution and a landowner to govern biological and environmental research conducted by the institution on the landowner's land and, in collaboration with the comptroller of public accounts, to develop a form for a written certification statement to be submitted by an applicable landowner with the landowner's application claiming the land is eligible for appraisal as qualified open-space land. The bill sets out further requirements for each form. The bill prohibits the bill's provisions from being construed to require the physical presence of a researcher on applicable land for a greater number of days in a calendar year than necessary for the conduct of scientifically valid research. The bill authorizes the coordinating board to adopt rules as necessary to implement the bill's provisions.

C.S.H.B. 3853 amends the Tax Code to include land that is used for biological and environmental research under a research agreement among the land that is considered "qualified open-space land" for appraisal purposes. The bill requires an application that claims that land used for biological and environmental research is eligible for such appraisal to contain the information necessary to determine whether the land is subject to the executed written agreement required by the bill and to include the required executed certification statement.

### **EFFECTIVE DATE**

January 1, 2020.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3853 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the characterization of the results of the review of a proposal by the scientific review committee from a written recommendation to a written determination.

The substitute does not require the coordinating board's development of the required form for a written agreement between an institution and a landowner to be done in conjunction with the comptroller and includes a provision clarifying the purpose of the required certification statement.

The substitute makes certain minor revisions to the requirements for the written agreement form and the written certification statement.

The substitute does not include Education Code provisions relating to the appraisal status of land that is subject to an applicable agreement as qualified open-space land but includes a provision expanding the definition of "qualified open-space land" for purposes of the relevant Tax Code provisions to include such land in that definition and includes a provision setting out requirements in the Tax Code relating to an application for such appraisal status.