

By: Walle

H.B. No. 3853

A BILL TO BE ENTITLED

AN ACT

relating to the administration by the Texas Higher Education Coordinating Board of proposed biological and environmental research by institutions of higher education on private property.

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

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

SUBCHAPTER LL. BIOLOGICAL AND ENVIRONMENTAL RESEARCH BY  
INSTITUTION OF HIGHER EDUCATION ON PRIVATE PROPERTY.

Sec. 61.9851. DEFINITION. In this subchapter, "biological and environmental research" means research in furtherance of farming, ranching, or wildlife management purposes and includes such activities as site visits, surveys, data and sample collection, monitoring, site manipulation, and periods of idleness between those activities. Biological and environmental research does not require the physical presence of a researcher on the land for a greater number of days in a calendar year than necessary for scientifically valid research.

Sec. 61.9852. REVIEW OF BIOLOGICAL AND ENVIRONMENTAL RESEARCH. (a) The board shall 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 agreement with the landowner.

(b) The board shall appoint a scientific review committee to

1 consider proposed biological and environmental research by  
2 institutions of higher education on private property. Members of  
3 the committee must have scientific expertise in the areas of  
4 farming, ranching, or wildlife management and have participated in  
5 peer review of scientific research.

6 (c) Under the program, the landowner of private property  
7 shall submit a biological and environmental research proposal  
8 developed by an institution of higher education seeking to conduct  
9 biological and environmental research on the property to the  
10 scientific review committee for evaluation along with an  
11 application fee in an amount determined by the board not to exceed  
12 the board's costs in administering this subchapter. The board by  
13 rule shall prescribe the form of the proposal and any documentation  
14 required to accompany the proposal.

15 (d) The committee shall review each proposal and determine  
16 whether the proposed biological and environmental research is  
17 scientifically valid and would result in valuable scientific  
18 knowledge in the field of biological and environmental research.

19 (e) Not later than the 90th day after the date the last item  
20 of required documentation for the proposal is submitted to the  
21 committee, the committee shall issue a written recommendation to  
22 the submitting landowner and the institution of higher education  
23 that developed the proposal on the results of its review under  
24 Subsection (d) and a brief synopsis of the reasons for its  
25 recommendation.

26 Sec. 61.9853. FORMS FOR PROGRAM. (a) In conjunction with  
27 the comptroller, the board shall develop the form of:

1           (1) a written agreement to be used by an institution of  
2 higher education and a landowner who seeks to devote land  
3 principally to biological and environmental research; and

4           (2) a written statement to be filed by the landowner  
5 with the chief appraiser of the central appraisal district in which  
6 the land is located.

7           (b) The form for the written agreement under Subsection  
8 (a)(1) must:

9           (1) contain statements that:

10           (A) allow the public or private institution of  
11 higher education to engage in biological and environmental research  
12 on the land throughout the year, subject to reasonable notice; and

13           (B) require that other uses of the land are  
14 subordinate to biological and environmental research; and

15           (2) contain space for the signatures of:

16           (A) the owner of the land that is the subject of  
17 the agreement or the owner's designee; and

18           (B) an administrative official of an institution  
19 of higher education who has the authority to enter into a binding  
20 contract on behalf of the institution.

21           (c) The form under Subsection (a)(2) must allow the  
22 supervising faculty member from the public or private institution  
23 of higher education allowed to engage in biological and  
24 environmental research on the land to affirm that:

25           (1) the tract of land that will be the subject of  
26 the research consists of 20 or more acres;

27           (2) at least three biological and environmental

1 research projects will be conducted on the land during the tax year  
2 for which an appraisal as qualified open-space land is sought;

3 (3) the biological and environmental research to be  
4 conducted on the land is in furtherance of farming, ranching, or  
5 wildlife management purposes;

6 (4) the proposed biological and environmental  
7 research has been reviewed and recommended by the scientific review  
8 committee established under Sec. 61.9852;

9 (5) other uses of the land are subordinate to the  
10 biological and environmental research; and

11 (6) site visits to the land will be conducted in a  
12 number that is scientifically valid and generally acceptable in the  
13 field of biological and environmental research.

14 Sec. 61.9854. EFFECT ON LAND ON WHICH BIOLOGICAL AND  
15 ENVIRONMENTAL RESEARCH OCCURS. Land that consists of 20 or more  
16 acres which is the subject of an agreement to perform biological and  
17 environmental research under this subchapter is eligible for  
18 appraisal as qualified open-space land under Subchapter D, Chapter  
19 23, Tax Code, if the land is subject to an executed written  
20 agreement described by Sec. 61.9853(a)(1) and the landowner files  
21 the written statement described by Sec. 61.9853(a)(2) for the tax  
22 year for which the qualified open-space land appraisal is sought.

23 Sec. 61.9855 RULES. The board may adopt rules as necessary  
24 to implement this subchapter.

25 SECTION 4. This Act takes effect January 1, 2020.