86R27155 MM-F

By:  Walle H.B. No. 3853

Substitute the following for H.B. No. 3853:

By:  Walle C.S.H.B. No. 3853

A BILL TO BE ENTITLED

AN ACT

relating to biological and environmental research conducted on private land by a public or private institution of higher education and the eligibility of that land for appraisal for ad valorem tax purposes as qualified open-space land; authorizing a fee.

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

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

SUBCHAPTER PP. BIOLOGICAL AND ENVIRONMENTAL RESEARCH CONDUCTED ON PRIVATE LAND

Sec. 61.9961.  DEFINITION. In this subchapter, "biological and environmental research" means research and related activities conducted in furtherance of farming, ranching, and wildlife management and conducted using site visits, surveys, data collection, sample collection, monitoring, site manipulation, and periods of idleness between those activities.

Sec. 61.9962.  REVIEW OF PROPOSED 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 an agreement with the landowner.

(b)  The board shall appoint a scientific review committee for the purposes of the program. Members of the committee must:

(1)  possess scientific expertise in the area of farming, ranching, or wildlife management; and

(2)  have participated in peer review of scientific research.

(c)  Under the program, a landowner may submit a biological and environmental research proposal developed by a public or private institution of higher education seeking to conduct biological and environmental research on the landowner's land to the board for review by the scientific review committee.

(d)  The board by rule shall prescribe a form for submission of a research proposal described by Subsection (c) and any documentation required to accompany the proposal. A submission must include an application fee in an amount determined by the board not to exceed the board's costs in administering this subchapter.

(e)  The scientific review committee shall review each proposal submitted under Subsection (c) and determine whether the proposed biological and environmental research is scientifically valid and would result in the contribution of valuable scientific knowledge toward the purposes of biological and environmental research.

(f)  Not later than the 90th day after the date the last item of required documentation for the proposal is submitted to the scientific review committee, the committee shall issue a written determination under Subsection (e), including the reasons for the committee's determination, to the submitting landowner and the public or private institution of higher education that developed the proposal.

Sec. 61.9963.  RESEARCH AGREEMENT AND CERTIFICATION STATEMENT. (a) The board shall develop:

(1)  a form for a written agreement to be used by a public or private institution of higher education and a landowner to govern biological and environmental research conducted by the institution on the landowner's land; and

(2)  in collaboration with the comptroller, a form for a written certification statement to be submitted by a landowner who enters into an agreement described by Subdivision (1) with the landowner's application under Subchapter D, Chapter 23, Tax Code, claiming the land is eligible for appraisal under that subchapter.

(b)  The agreement form developed under Subsection (a)(1) must:

(1)  provide that the public or private institution of higher education may engage in biological and environmental research on the land that is the subject of the agreement throughout the year, subject to reasonable notice;

(2)  provide that other uses of the land are subordinate to the biological and environmental research conducted by the public or private institution of higher education that is subject to the agreement; and

(3)  include a space for the signatures of:

(A)  the landowner who is subject to the agreement or the landowner's designee; and

(B)  an administrative official of the public or private institution of higher education that is subject to the agreement who has the authority to enter into an agreement on behalf of the institution.

(c)  The form for the certification statement developed under Subsection (a)(2) must include a space for the supervising faculty member from the public or private institution of higher education subject to the agreement to certify that:

(1)  the tract of land that will be the subject of the biological and environmental research consists of 20 or more acres;

(2)  at least three biological and environmental research projects will be conducted on the land during the tax year for which eligibility for an appraisal under Subchapter D, Chapter 23, Tax Code, is sought;

(3)  the biological and environmental research to be conducted on the land will result in the contribution of valuable scientific knowledge toward the purposes of biological and environmental research;

(4)  the scientific review committee established under Section 61.9962 has made a positive determination under Section 61.9962(e) regarding the proposed biological and environmental research;

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

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

Sec. 61.9964.  REQUIREMENT OF PHYSICAL PRESENCE. Nothing in this subchapter may be construed to require the physical presence of a researcher on land subject to this subchapter for a greater number of days in a calendar year than necessary for the conduct of scientifically valid research.

Sec. 61.9965.  RULES. The board may adopt rules as necessary to implement this subchapter.

SECTION 2.  Section 23.51(1), Tax Code, is amended to read as follows:

(1)  "Qualified open-space land" means land that is currently devoted principally to agricultural use to the degree of intensity generally accepted in the area and that has been devoted principally to agricultural use or to production of timber or forest products for five of the preceding seven years, [~~or~~] land that is used principally as an ecological laboratory by a public or private college or university, or land that is used for biological and environmental research under an agreement under Subchapter PP, Chapter 61, Education Code.  Qualified open-space land includes all appurtenances to the land.  For the purposes of this subdivision, appurtenances to the land means private roads, dams, reservoirs, water wells, canals, ditches, terraces, and other reshapings of the soil, fences, and riparian water rights.  Notwithstanding the other provisions of this subdivision, land that is currently devoted principally to wildlife management as defined by Subdivision (7)(B) or (C) to the degree of intensity generally accepted in the area qualifies for appraisal as qualified open-space land under this subchapter regardless of the manner in which the land was used in any preceding year.

SECTION 3.  Section 23.54, Tax Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  To be approved, an application claiming that land used for biological and environmental research under an agreement under Subchapter PP, Chapter 61, Education Code, is eligible for appraisal under this subchapter must:

(1)  contain the information necessary to determine whether the land is subject to an executed written agreement described by Section 61.9963, Education Code; and

(2)  include an executed certification statement applicable to the research described by Section 61.9963, Education Code.

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