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

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

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

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

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

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

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

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

(1)  contain statements that:

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

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

(2)  contain space for the signatures of:

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

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

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

(1)  the tract of land that will be the subject of

the 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 an appraisal as qualified open-space land is sought;

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

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

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

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

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

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

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