

By: Walle

H.B. No. 3853

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

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C.S.H.B. No. 3853

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to biological and environmental research conducted on  
3 private land by a public or private institution of higher education  
4 and the eligibility of that land for appraisal for ad valorem tax  
5 purposes as qualified open-space land; authorizing a fee.

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

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

9 SUBCHAPTER PP. BIOLOGICAL AND ENVIRONMENTAL RESEARCH CONDUCTED ON  
10 PRIVATE LAND

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

17 Sec. 61.9962. REVIEW OF PROPOSED RESEARCH. (a) The board  
18 shall establish a program to review the scientific validity of  
19 proposed biological and environmental research conducted by a  
20 public or private institution of higher education on private  
21 property under an agreement with the landowner.

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

24 (1) possess scientific expertise in the area of

1 farming, ranching, or wildlife management; and

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

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

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

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

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

27 Sec. 61.9963. RESEARCH AGREEMENT AND CERTIFICATION

1 STATEMENT. (a) The board shall develop:

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

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

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

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

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

21 (3) include a space for the signatures of:

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

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

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

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

7           (2) at least three biological and environmental  
8 research projects will be conducted on the land during the tax year  
9 for which eligibility for an appraisal under Subchapter D, Chapter  
10 23, Tax Code, is sought;

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

15           (4) the scientific review committee established under  
16 Section 61.9962 has made a positive determination under Section  
17 61.9962(e) regarding the proposed biological and environmental  
18 research;

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

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

25       Sec. 61.9964. REQUIREMENT OF PHYSICAL PRESENCE. Nothing in  
26 this subchapter may be construed to require the physical presence  
27 of a researcher on land subject to this subchapter for a greater

1 number of days in a calendar year than necessary for the conduct of  
2 scientifically valid research.

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

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

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

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

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

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

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

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