

By: Kolkhorst, et al.  
(Phelan, Fallon)

S.B. No. 744

A BILL TO BE ENTITLED

AN ACT

relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.

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

SECTION 1. Subchapter Z, Chapter 212, Local Government Code, is amended by adding Section 212.905 to read as follows:

Sec. 212.905. TREE MITIGATION FEE CREDIT FOR PLANTED TREES.

(a) A municipality that imposes a tree mitigation fee for tree removal that is necessary for development or construction on a person's property must allow that person to apply for a credit for tree planting under this section to offset the amount of the fee.

(b) An application for a credit under Subsection (a) must be in the form and manner prescribed by the municipality. To qualify for a credit under this section, a tree must be:

(1) planted on property:

(A) for which the tree mitigation fee was assessed; or

(B) mutually agreed upon by the municipality and the person; and

(2) at least two inches in diameter at the point on the trunk 4.5 feet above ground.

(c) For purposes of Subsection (b)(1)(B), the municipality and the person may consult with an academic organization, state agency, or nonprofit organization to identify an area for which

1 tree planting will best address the science-based benefits of trees  
2 and other reforestation needs of the municipality.

3 (d) The amount of a credit provided to a person under this  
4 section must be:

5 (1) applied in the same manner as the tree mitigation  
6 fee assessed against the person; and

7 (2) at least 50 percent of the amount of the tree  
8 mitigation fee assessed against the person.

9 (e) As long as the municipality meets the requirement to  
10 provide a person a credit under Subsection (a), this section does  
11 not affect the ability of or require a municipality to determine:

12 (1) the size, number, and type of trees that must be  
13 planted to receive a credit under this section, except as provided  
14 by Subsection (b);

15 (2) the requirements for tree removal and  
16 corresponding tree mitigation fees, if applicable; or

17 (3) the requirements for tree planting methods and  
18 best management practices to ensure that the tree grows to the  
19 anticipated height at maturity.

20 (f) This section does not apply to property within five  
21 miles of a federal military base in active use as of September 1,  
22 2017.

23 SECTION 2. The changes in law made by this Act apply only to  
24 a tree mitigation fee assessed by a municipality on or after the  
25 effective date of this Act.

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2017.