

By: Bettencourt

S.B. No. 898

A BILL TO BE ENTITLED

AN ACT

relating to the ownership and local regulation of trees and timber.

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

SECTION 1. Title 6, Natural Resources Code, is amended by adding Chapter 154 to read as follows:

CHAPTER 154. OWNERSHIP AND LOCAL REGULATION OF TREES AND TIMBER

Sec. 154.001. DEFINITIONS. In this chapter:

(1) "Governmental entity" means a political subdivision of the state, including:

(A) a municipality; and

(B) a county.

(2) "Removal of a tree" means the harvesting, cutting, or destruction of a tree, including the damaging of a tree in a way that will cause the death of the tree on or before the first anniversary of the date of the damage, as determined by a governmental entity.

Sec. 154.002. OWNERSHIP OF TREES AND TIMBER. A landowner owns all trees and timber located on the landowner's land as a part of the real property until cut or otherwise removed from the land, unless otherwise provided by a contract, bill of sale, deed, mortgage, deed of trust, or other legally binding document.

Sec. 154.003. LOCAL REGULATION OF TREES AND TIMBER. (a) A governmental entity may not prohibit a landowner from trimming or removing trees or timber located on the landowner's land.

1        (b) Notwithstanding any other law, a municipality may not  
2 regulate the trimming or removal of trees or timber in the  
3 extraterritorial jurisdiction of the municipality.

4        (c) This section does not affect the authority of a county  
5 to regulate the cutting of trees under Section 240.909, Local  
6 Government Code.

7        (d) This section does not apply to the facilities or  
8 operations of an electric utility or a transmission and  
9 distribution utility, as those terms are defined by Section 31.002,  
10 Utilities Code.

11        Sec. 154.004. APPLICABILITY TO TREE TRIMMING OR REMOVAL IN  
12 UTILITY RIGHT-OF-WAY. This chapter does not apply to the trimming  
13 or removal of a tree in the easement or right-of-way of a pipeline  
14 or utility line.

15        SECTION 2. This Act takes effect September 1, 2017.