

By: Eckhardt

S.B. No. 1721

A BILL TO BE ENTITLED

AN ACT

relating to the management of wildlife and wildlife habitat by a home-rule municipality; authorizing a fee.

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

SECTION 1. Title 10, Health and Safety Code, is amended by adding Chapter 830 to read as follows:

CHAPTER 830. WILDLIFE AND WILDLIFE HABITAT WITHIN MUNICIPALITIES

Sec. 830.001. DEFINITIONS. In this chapter:

(1) "Animal rescue nonprofit organization" means an organization that:

(A) is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt organization under Section 501(c)(3) of that code; and

(B) is primarily engaged in the rehabilitation of sick, injured, or orphaned wildlife located in the area served by the organization.

(2) "Development project" means a project to develop a site, or improve a developed site, for profit.

Sec. 830.002. IMPOSITION OF MITIGATION FEE. (a) A home-rule municipality may impose on the developer of a development project located within the corporate boundaries of the municipality or the extraterritorial jurisdiction of the municipality a fee not to exceed \$100 for each acre or portion of an acre on which natural

1 vegetation is removed as part of the project.

2 (b) Chapter 395, Local Government Code, does not apply to a
3 fee imposed under this section.

4 Sec. 830.003. EXPENDITURE OF MONEY COLLECTED FROM FEE. A
5 municipality may spend money collected from a fee authorized by
6 Section 830.002 only to:

7 (1) support the rehabilitation of wildlife by an
8 animal rescue nonprofit organization that provides services in the
9 municipality; or

10 (2) mitigate the damage done to wildlife by a
11 development project's temporary or permanent removal of wildlife
12 habitat.

13 SECTION 2. Chapter 830, Health and Safety Code, as added by
14 this Act, applies only to a development project for which the first
15 permit or other written approval is granted by a municipality on or
16 after the effective date of this Act. A development project for
17 which the first permit or other written approval is granted by a
18 municipality before the effective date of this Act is governed by
19 the law in effect when the permit or other written approval was
20 granted, and the former law is continued in effect for that purpose.

21 SECTION 3. This Act takes effect September 1, 2021.