

## **BILL ANALYSIS**

C.S.H.B. 3798  
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Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee that in some Texas cities, including the City of Austin, property owners who remove an Ashe Juniper tree from their land without a permit can face significant mitigation fees, sometimes costing thousands of dollars, that are imposed regardless of the tree's impact on groundwater depletion, biodiversity, or allergy concerns. The bill author has also informed the committee that in some cases, property owners are required to plant new trees or pay into city-managed environmental funds as compensation for removing an Ashe Juniper tree, even though these trees consume excessive water and prevent aquifer recharge. C.S.H.B. 3798 seeks to address this issue by clarifying that municipalities cannot prohibit or impose tree mitigation fees for the removal of Ashe Juniper trees located on residential property in certain areas.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3798 amends the Local Government Code to prohibit a municipality from prohibiting the removal of or imposing a tree mitigation fee for the removal of an Ashe juniper tree located on a residential property. This prohibition does not apply to an area located in a county with a population of more than two million and within 15 miles of the boundary of a military base, defined by reference as a presently functioning federally owned or operated military installation or facility, at which an active training program is conducted.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 3798 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced specifying that the prohibition under the bill's provisions does not apply to an area located in a county with a population of

more than two million and within 15 miles of the boundary of a military base, defined by reference as a presently functioning federally owned or operated military installation or facility, at which an active training program is conducted.