

## **BILL ANALYSIS**

S.B. 744  
By: Kolkhorst  
Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that a tree mitigation fee for tree removal imposed by a municipality could harm the residential construction and development industry's ability to provide affordable housing. S.B. 744 seeks to address this issue by requiring a municipality that imposes such a fee to allow a person to apply for a credit for tree planting to offset the amount of the fee.

### **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**

S.B. 744 amends the Local Government Code to require a municipality that imposes a tree mitigation fee for tree removal that is necessary for development or construction on a person's property to allow that person to apply for a credit for tree planting to offset the amount of the fee. The bill requires the application for a credit to be in the form and manner prescribed by the municipality. The bill requires a tree, to qualify for a credit, to be planted on property for which the tree mitigation fee was assessed or be planted on property mutually agreed upon by the municipality and the person, and requires the tree to be at least two inches in diameter at the point on the trunk 4.5 feet above ground. For purposes of a tree to be planted on property mutually agreed upon by the municipality and the person, the bill authorizes the municipality and the person to consult with an academic organization, state agency, or nonprofit organization to identify an area for which tree planting will best address the science-based benefits of trees and other reforestation needs of the municipality. The bill requires the amount of a credit provided to a person to be applied in the same manner as the tree mitigation fee assessed against the person and be at least 50 percent of the amount of the tree mitigation fee assessed against the person. The bill establishes that as long as a municipality meets the requirement to provide a person a credit the bill expressly does not affect the ability of or require a municipality to determine the size, number, and type of trees required to be planted to receive a credit, except as otherwise provided; the requirements for tree removal and corresponding tree mitigation fees, if applicable; or the requirements for tree planting methods and best management practices to ensure that the tree grows to the anticipated height at maturity. The bill exempts from its provisions property within five miles of a federal military base in active use as of September 1, 2017.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.