

BILL ANALYSIS

Senate Research Center
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S.B. 744
By: Kolkhorst
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many Texas cities regulate the removal of trees from private property as development occurs. Some cities require the property owner to pay the city a mitigation fee as a condition for the issuance of a permit to remove a tree. Many cities have adopted ordinances and rules that calculate mitigation fees based on the cost of replacing a tree or a multiple of the replacement cost. Property owners who want to remove a tree are compelled to compensate the municipality as if the city owned the tree. The methods and values used to calculate tree removal mitigation fees and appeal rights vary greatly among cities. Currently, the only remedy an aggrieved person can pursue is to file a lawsuit.

S.B. 744 requires a municipality that imposes a tree mitigation fee to allow the developer to apply for a credit for tree planting to offset the fee. A developer would be allowed to plant a tree somewhere else in the city on land that they either owned or in a place to which the city agrees instead of paying the fee. If the city bases their mitigation on the size of the tree, then S.B. 744 requires the amount of the credit to be based on at least 60 percent of the projected size of the planted tree at full maturity.

As proposed, S.B. 744 amends current law relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 212, Local Government Code, by adding Section 212.905, as follows:

Sec. 212.905. TREE MITIGATION FEE CREDIT FOR PLANTED TREES. (a) Requires a municipality that imposes a tree mitigation fee for tree removal that is necessary for development or construction on a person's property that is located in the municipality to allow that person to apply for a credit for tree planting under this section to offset the amount of the fee.

(b) Requires an application for a credit under Subsection (a) to be in the form and manner prescribed by the municipality. Requires the tree to be planted on property located in the municipality either owned by the person or mutually agreed upon by the municipality and the person.

(c) 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. Requires the amount of the credit, if the amount of the tree mitigation fee is based on the size of the tree being removed, to be based on at least 60 percent of the projected size of the planted tree at full maturity.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2017.