

1-1 By: Kolkhorst, Nichols S.B. No. 744  
1-2 (In the Senate - Filed February 3, 2017; February 21, 2017,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; March 30, 2017, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 1;  
1-6 March 30, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14			X	
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 744 By: Campbell

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to a tree planting credit to offset tree mitigation fees  
1-20 imposed by a municipality.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter Z, Chapter 212, Local Government  
1-23 Code, is amended by adding Section 212.905 to read as follows:

1-24 Sec. 212.905. TREE MITIGATION FEE CREDIT FOR PLANTED TREES.

1-25 (a) A municipality that imposes a tree mitigation fee for tree  
1-26 removal that is necessary for development or construction on a  
1-27 person's property that is located in the municipality must allow  
1-28 that person to apply for a credit for tree planting under this  
1-29 section to offset the amount of the fee.

1-30 (b) An application for a credit under Subsection (a) must be  
1-31 in the form and manner prescribed by the municipality. To qualify  
1-32 for a credit under this section, a tree must be:

1-33 (1) planted on property:

1-34 (A) for which the tree mitigation fee was  
1-35 assessed; or

1-36 (B) mutually agreed upon by the municipality and  
1-37 the person; and

1-38 (2) at least two inches in diameter at the point on the  
1-39 trunk 4.5 feet above ground.

1-40 (c) For purposes of Subsection (b)(1)(B), the municipality  
1-41 and the person may consult with an academic organization, state  
1-42 agency, or nonprofit organization to identify an area for which  
1-43 tree planting will best address the science-based benefits of trees  
1-44 and other reforestation needs of the municipality.

1-45 (d) The amount of a credit provided to a person under this  
1-46 section must be applied in the same manner as the tree mitigation  
1-47 fee assessed against the person. If the amount of the tree  
1-48 mitigation fee is based on the size of the tree being removed, the  
1-49 amount of the credit must be based on at least 50 percent of the  
1-50 projected size of the planted tree at full maturity, as determined  
1-51 by the municipality.

1-52 (e) As long as the municipality meets the requirement to  
1-53 provide a person a credit under Subsection (a), this section does  
1-54 not affect the ability of a municipality to determine:

1-55 (1) the size and number of trees that must be planted  
1-56 to receive a credit under this section, except as provided by  
1-57 Subsection (b); or

1-58 (2) the requirements for tree removal and  
1-59 corresponding tree mitigation fees, if applicable.

1-60 (f) This section does not apply to property within five

2-1 miles of a federal military base in active use as of September 1,  
2-2 2017.

2-3 SECTION 2. The changes in law made by this Act apply only to  
2-4 a tree mitigation fee assessed by a municipality on or after the  
2-5 effective date of this Act.

2-6 SECTION 3. This Act takes effect immediately if it receives  
2-7 a vote of two-thirds of all the members elected to each house, as  
2-8 provided by Section 39, Article III, Texas Constitution. If this  
2-9 Act does not receive the vote necessary for immediate effect, this  
2-10 Act takes effect September 1, 2017.

2-11

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