

S.B. No. 744

AN ACT

relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.

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

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

Sec. 212.905. TREE MITIGATION FEE CREDIT FOR PLANTED TREES.

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

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

(1) planted on property:

(A) for which the tree mitigation fee was assessed; or

(B) mutually agreed upon by the municipality and the person; and

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

(c) For purposes of Subsection (b)(1)(B), the municipality and the person may consult with an academic organization, state agency, or nonprofit organization to identify an area for which

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1 tree planting will best address the science-based benefits of trees
2 and other reforestation needs of the municipality.

3 (d) The amount of a credit provided to a person under this
4 section must be:

5 (1) applied in the same manner as the tree mitigation
6 fee assessed against the person; and

7 (2) at least 50 percent of the amount of the tree
8 mitigation fee assessed against the person.

9 (e) As long as the municipality meets the requirement to
10 provide a person a credit under Subsection (a), this section does
11 not affect the ability of or require a municipality to determine:

12 (1) the size, number, and type of trees that must be
13 planted to receive a credit under this section, except as provided
14 by Subsection (b);

15 (2) the requirements for tree removal and
16 corresponding tree mitigation fees, if applicable; or

17 (3) the requirements for tree planting methods and
18 best management practices to ensure that the tree grows to the
19 anticipated height at maturity.

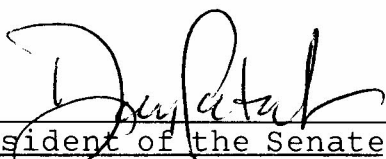
20 (f) This section does not apply to property within five
21 miles of a federal military base in active use as of September 1,
22 2017.

23 SECTION 2. The changes in law made by this Act apply only to
24 a tree mitigation fee assessed by a municipality on or after the
25 effective date of this Act.

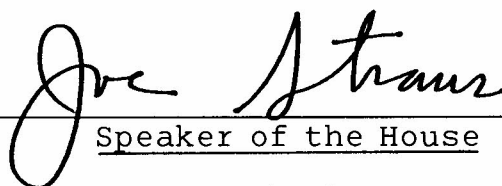
26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2017. _____

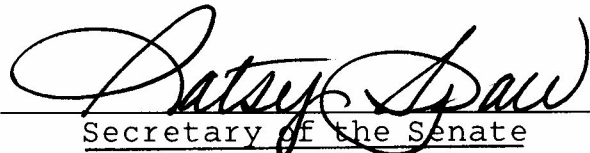


President of the Senate



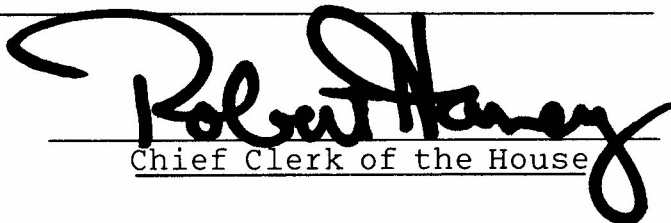
Speaker of the House

I hereby certify that S.B. No. 744 passed the Senate on April 5, 2017, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 25, 2017, by the following vote: Yeas 31, Nays 0. _____



Secretary of the Senate

I hereby certify that S.B. No. 744 passed the House, with amendments, on May 23, 2017, by the following vote: Yeas 144, Nays 2, two present not voting. _____




Chief Clerk of the House

Approved:

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3 PM O'CLOCK

JUN 15 2017


Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas
41-3535

TO ALL TO WHOM THESE PRESENTS SHALL COME:

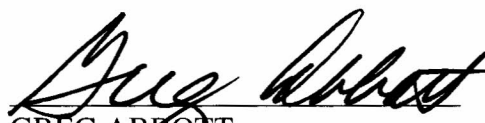
Pursuant to Article IV, Section 14, of the Texas Constitution, I, Greg Abbott, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 744 as passed by the Eighty-Fifth Texas Legislature, Regular Session, because of the following objections:

Cities telling landowners what they can and cannot do with the trees in their own backyard is an assault on private property rights. Senate Bill 744 appears to be a compromise bill that imposes a very minor restriction on some municipal tree ordinances. But in doing so, it gives the imprimatur of state law to the municipal micromanagement of private property, which should be abolished altogether. This bill was well-intentioned, but by the end of the legislative process it actually ended up doing more to protect cities than it did to protect the rights of property owners. I applaud the bill authors for their efforts, but I believe we can do better for private property owners in the upcoming special session.

Since the Eighty-Fifth Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2017.


GREG ABBOTT
Governor of Texas

ATTESTED BY:



ROLANDO B. PABLOS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3 PM O'CLOCK

JUN 15 2017

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB744 by Kolkhorst (Relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to require a municipality that imposes a fee for tree removal must allow the person to apply for a credit for tree planting to offset the amount of the fee.

The bill would take effect immediately if it receives two-thirds vote in each chamber; otherwise it would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 15, 2017

TO: Honorable Carol Alvarado, Chair, House Committee on Urban Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB744 by Kolkhorst (Relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to require a municipality that imposes a fee for tree removal must allow the person to apply for a credit for tree planting to offset the amount of the fee.

The bill would take effect immediately if it receives two-thirds vote in each chamber; otherwise it would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 29, 2017

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB744 by Kolkhorst (Relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to require a municipality that imposes a fee for tree removal must allow the person to apply for a credit for tree planting to offset the amount of the fee.

The bill would take effect immediately if it receives two-thirds vote in each chamber; otherwise it would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 17, 2017

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB744 by Kolkhorst (Relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to require a municipality that imposes a fee for tree removal must allow the person to apply for a credit for tree planting to offset the amount of the fee.

The bill would take effect immediately if it receives two-thirds vote in each chamber; otherwise it would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM