

By: Campbell

S.B. No. 86

A BILL TO BE ENTITLED

AN ACT

relating to the local regulation of trees and timber.

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

SECTION 1. Title 6, Natural Resources Code, is amended by adding Chapter 154 to read as follows:

CHAPTER 154. LOCAL REGULATION OF TREES AND TIMBER

Sec. 154.001. DEFINITIONS. In this chapter:

(1) "Governmental entity" means a political subdivision of the state, including:

(A) a municipality; and

(B) a county.

(2) "Removal of a tree" means the harvesting, cutting, or destruction of a tree, including the damaging of a tree in a way that will cause the death of the tree on or before the first anniversary of the date of the damage, as determined by a governmental entity.

Sec. 154.002. LOCAL REGULATION OF TREES AND TIMBER. (a) Notwithstanding any other law, a municipality may not regulate the trimming or removal of trees or timber in the extraterritorial jurisdiction of the municipality.

(b) This section does not affect the authority of a county to regulate the cutting of trees under Section 240.909, Local Government Code.

(c) This section does not apply to the facilities or

1 operations of an electric utility or a transmission and
2 distribution utility, as those terms are defined by Section 31.002,
3 Utilities Code.

4 Sec. 154.003. APPLICABILITY TO TREE TRIMMING OR REMOVAL IN
5 UTILITY RIGHT-OF-WAY. This chapter does not apply to the trimming
6 or removal of a tree in the easement or right-of-way of a pipeline
7 or utility line.

8 SECTION 2. This Act takes effect December 1, 2017.