

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the management of wildlife and wildlife habitat by a municipality; authorizing a fee.

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

SECTION 1. Title 10, Health and Safety Code, is amended by adding Chapter 830 to read as follows:

CHAPTER 830. WILDLIFE AND WILDLIFE HABITAT WITHIN MUNICIPALITIES

Sec. 830.001. DEFINITIONS. In this chapter:

(1) "Animal control officer" has the meaning assigned by Section 829.001.

(2) "Animal rescue nonprofit organization" means an organization that:

(A) is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code; and

(B) is primarily engaged in the rehabilitation of sick, injured, or orphaned wildlife located in the area served by the organization.

(3) "Animal shelter" has the meaning assigned by Section 823.001.

(4) "Development project" means a project to develop a site, or improve a developed site, for profit.

Sec. 830.002. DEDICATED WILDLIFE OFFICER. (a) A municipality may establish the position of dedicated wildlife officer.

(b) A dedicated wildlife officer must be an animal control officer employed at an animal shelter in the municipality that provides services in the municipality and the unincorporated areas of the county in which the municipality is wholly or primarily located.

(c) A dedicated wildlife officer shall perform the duties determined by the municipality, which must include:

(1) resolving conflicts between humans and wildlife in a humane and scientifically based manner;

(2) responding to inquiries regarding wildlife and wildlife habitat; and

(3) educating the public on issues related to interactions between humans and wildlife.

Sec. 830.003. IMPOSITION OF MITIGATION FEE. (a) A home-rule municipality may impose on the developer of a development project located within the corporate boundaries of the municipality or the extraterritorial jurisdiction of the municipality a fee not to exceed \$100 for each acre or portion of an acre on which natural

vegetation is removed as part of the project.

(b) Chapter 395, Local Government Code, does not apply to a fee imposed under this section.

Sec. 830.004. EXPENDITURE OF MONEY FROM FEE. A municipality may spend money collected from a fee authorized by Section 830.003 only to:

(1) support the rehabilitation of wildlife by an animal rescue nonprofit organization located in the municipality;

(2) fund the position of dedicated wildlife officer described by Section 830.002; or

(3) mitigate the damage done to wildlife by a development project's temporary or permanent removal of wildlife habitat.

SECTION 2. Section 830.003, Health and Safety Code, as added by this Act, applies only to a development project, as defined by Section 830.001, Health and Safety Code, as added by this Act, for which the first permit or other written approval by a municipality for the project is granted on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2021.