

BILL ANALYSIS

Senate Research Center

H.B. 3556
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas is home to several national wildlife refuges along the Gulf Coast that provide a sanctuary for migrating birds and other wildlife. According to the U.S. Fish and Wildlife Service, birds are particularly susceptible to collisions with tall structures, with collision risk increasing as structures reach heights commonly used by birds during migration movements.

H.B. 3556 seeks to mitigate the impact on wildlife, including birds, of construction of structures taller than 500 feet in certain counties bordering the Gulf of Mexico and in which a national refuge is wholly or partly located, as well as adjacent counties. This bill requires advance notice of the construction of such structures to the Texas Parks and Wildlife Department (TPWD) so TPWD can evaluate the structure's potential impact.

H.B. 3556 amends current law relating to measures to minimize the impact on migratory birds of structures exceeding a certain height in certain counties containing National Wildlife Refuges and in adjacent counties.

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 A, Chapter 12, Parks and Wildlife Code, by adding Section 12.023, as follows:

Sec. 12.023. NOTICE OF CONSTRUCTION OF CERTAIN STRUCTURES. (a) Provides that this section applies only in a county with a population of less than 500,000 that:

(1) borders the Gulf of Mexico and in which a national wildlife refuge is wholly or partly located; or

(2) does not contain a municipality with a population greater than 300,000 and is adjacent to a county described by Subdivision (1).

(b) Requires a person, not later than the 90th day before the person begins construction of a structure taller than 500 feet, to submit to the Texas Parks and Wildlife Department (TPWD) a request for TPWD to review the project under Section 12.0011(b)(3) (relating to providing that TPWD's resource protection activities include providing information on fish and wildlife resources to certain entities).

(c) Requires TPWD, not later than the 45th day after a request under Subsection (b), to recommend in writing measures to minimize the impact of the structure on migratory birds.

(d) Authorizes the construction of the project, if TPWD does not provide recommendations to the requestor under Subsection (c) within 45 days, to proceed without further delay or modification.

(e) Requires the requestor, not later than the 45th day after receiving the recommendations under Subsection (c), to provide a written response to TPWD accepting the recommendations or providing alternative minimization measures in place of TPWD recommendations not feasible based on considerations including technology or engineering limitations and cost.

(f) Provides that information submitted to TPWD under this section is not subject to Chapter 552 (Public Information), Government Code, and is prohibited from being disclosed to any person, including a state or federal agency, without the written consent of the person submitting the information.

SECTION 2. Makes application of Section 12.023, Parks and Wildlife Code, as added by this Act, prospective to the 180th day after the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2025.