

BILL ANALYSIS

C.S.H.B. 3556
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that 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. C.S.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. The bill requires advance notice of the construction of such structures to the Parks and Wildlife Department (TPWD) so TPWD can evaluate the structure's potential impact and seek judicial relief to limit or enjoin construction if TPWD determines that construction of the structure would materially harm wildlife in Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3556 amends the Parks and Wildlife Code to prohibit a person from constructing a structure taller than 500 feet in a certain area unless the person provides notice to the Parks and Wildlife Department (TPWD) not later than the 90th day before the date the person begins the construction. The bill applies only in a county with a population of less than 500,000 that meets one of the following criteria:

- the county borders the Gulf of Mexico and is a county in which a national wildlife refuge is wholly or partly located; or
- the county is adjacent to such a county.

The bill authorizes TPWD to bring an action for injunctive relief as provided by the bill's provisions to enjoin a violation of that prohibition. The bill requires the notice to include sufficient detail for TPWD to reasonably evaluate the potential impact of the proposed structure on wildlife.

C.S.H.B. 3556 authorizes TPWD, not later than the 90th day after the date TPWD receives the required notice, to do the following:

- review the notice and evaluate the proposed structure to determine the structure's potential impact on wildlife; and

- if TPWD determines the proposed structure will materially harm wildlife in Texas, bring an action for injunctive relief to limit or enjoin construction of the structure.

The bill authorizes TPWD to bring such an action in a district court for the county in which the structure is being constructed or is proposed to be constructed. The bill authorizes the court to grant appropriate injunctive relief if the court finds that a person began construction of the structure in violation of the bill's notice requirement or that the proposed structure will materially harm wildlife in Texas. The bill establishes that TPWD is not required to post a bond in an action for injunctive relief under the bill's provisions.

C.S.H.B. 3556 applies only to a person who begins construction of a structure on or after the 90th day after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3556 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced applied in a county that has a population of less than 500,000, borders the Gulf of Mexico, and contains a National Wildlife Refuge or in a county that has such a population and is adjacent to such a county, the substitute applies in a county with the same population that borders the Gulf of Mexico and in which a national wildlife refuge is wholly or partly located or in a county that has such a population and is adjacent to such a county.

The substitute includes a provision absent from the introduced expressly authorizing TPWD to bring an action for injunctive relief as provided by the bill to enjoin a violation of the bill's notice requirement.

Whereas the introduced authorized TPWD, upon receiving notice under the bill's provisions, to evaluate the proposed structure and, if TPWD determines that construction of the structure or structures would materially damage wildlife in Texas, to seek relief on or before the 90th day after notice is filed to limit or enjoin construction, the substitute authorizes TPWD, not later than the 90th day after the date TPWD receives the required notice, to do the following:

- review the notice and evaluate the proposed structure to determine the structure's potential impact on wildlife; and
- if TPWD determines the proposed structure will materially harm wildlife in Texas, to bring an action for injunctive relief to limit or enjoin construction of the structure.

The substitute omits an authorization present in the introduced for a person to proceed with construction if TPWD takes no action on or before the 90th day after notice is filed.

Whereas the introduced authorized a district court of a county in which the structure is proposed to be constructed to restrain and enjoin the person from constructing the structure and to grant injunctive relief on application of TPWD, the substitute authorizes TPWD to bring an action for injunctive relief in a district court for the county in which the structure is being constructed or is proposed to be constructed and authorizes the court to grant appropriate injunctive relief if the court finds that a person began construction of the structure in violation of the bill's notice requirement or that the proposed structure will materially harm wildlife in Texas.

The substitute includes a provision absent from the introduced establishing that the bill's provisions apply only to a person who begins construction of a structure on or after the 90th day after the bill's effective date.