By:  Middleton S.B. No. 2598

A BILL TO BE ENTITLED

AN ACT

relating to certain structures located near a National Wildlife Refuge.

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

SECTION 1.  Chapter 26, Parks and Wildlife Code, is amended by adding Section 26.005 to read as follows:

Sec. 26.005.  NOTICE OF CONSTRUCTION. (a) This section applies only in a county that has a population of less than 500,000 and:

(1)  that:

(A)  borders the Gulf of Mexico; and

(B)  contains a National Wildlife Refuge; or

(2)  is adjacent to a county described by Subdivision (1).

(b)  A person may not construct a structure that is taller than 500 feet unless the person provides notice to the department at least 90 days before beginning construction of the structure.

(c)  Notice under this section must give sufficient detail of the structure for the department to reasonably evaluate its impact on wildlife.

(d)  Upon receiving notice under this section, the department may evaluate the proposed structure. If the department determines that construction of the structure or structures would materially damage wildlife in this state, the department may, on or before the 90th day after notice is filed, seek relief as provided by this section to limit or enjoin construction.

(e)  If the department takes no action on or before the 90th day after notice is filed, the person may proceed with construction.

(f)  A district court of a county in which the structure is proposed to be constructed may restrain and enjoin the person from constructing the structure.

(g)  The court may grant injunctive relief on application of the department.

(h)  The department is not required to post a bond when seeking injunctive relief under this section.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.