

By: Vasut, Metcalf, et al.

H.B. No. 3556

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Subchapter A, Chapter 12, Parks and Wildlife Code, is amended by adding Section 12.023 to read as follows:

Sec. 12.023. NOTICE OF CONSTRUCTION OF CERTAIN STRUCTURES.

(a) 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) Not later than the 90th day before a person begins construction of a structure taller than 500 feet, the person shall submit to the department a request for the department to review the project under Section 12.0011(b)(3).

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

(d) If the department does not provide recommendations to the requestor under Subsection (c) within 45 days, the construction

1 of the project may proceed without further delay or modification.

2 (e) Not later than the 45th day after receiving the
3 recommendations under Subsection (c), the requestor shall provide a
4 written response to the department accepting the recommendations or
5 providing alternative minimization measures in place of department
6 recommendations not feasible based on considerations including
7 technology or engineering limitations and cost.

8 (f) Information submitted to the department under this
9 section is not subject to Chapter 552, Government Code, and may not
10 be disclosed to any person, including a state or federal agency,
11 without the written consent of the person submitting the
12 information.

13 SECTION 2. Section 12.023, Parks and Wildlife Code, as
14 added by this Act, applies only to a person who begins construction
15 of a structure on or after the 180th day after the effective date of
16 this Act.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2025.