

By: Vasut, Metcalf, et al.

H.B. No. 3556

Substitute the following for H.B. No. 3556:

By: Metcalf

C.S.H.B. No. 3556

A BILL TO BE ENTITLED

AN ACT

relating to the construction of structures exceeding a certain height in certain counties containing National Wildlife Refuges and in adjacent counties; authorizing injunctive relief.

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

(b) A person may not construct a structure taller than 500 feet unless the person provides notice to the department not later than the 90th day before the date the person begins the construction. The department may bring an action for injunctive relief as provided by Subsection (e) to enjoin a violation of this subsection.

(c) Notice provided to the department under this section must include sufficient detail for the department to reasonably evaluate the potential impact of the proposed structure on wildlife.

1 (d) Not later than the 90th day after the date the
2 department receives notice under this section, the department:

3 (1) may review the notice and evaluate the proposed
4 structure to determine the structure's potential impact on
5 wildlife; and

6 (2) if the department determines the proposed
7 structure will materially harm wildlife in this state, may bring an
8 action for injunctive relief as provided by Subsection (e) to limit
9 or enjoin construction of the structure.

10 (e) The department may bring an action for injunctive relief
11 under this section in a district court for the county in which the
12 structure is being constructed or is proposed to be constructed.
13 The court may grant appropriate injunctive relief if the court
14 finds:

15 (1) a person began construction of the structure in
16 violation of Subsection (b); or

17 (2) the proposed structure will materially harm
18 wildlife in this state.

19 (f) The department is not required to post a bond in an
20 action for injunctive relief under this section.

21 SECTION 2. Section 12.023, Parks and Wildlife Code, as
22 added by this Act, applies only to a person who begins construction
23 of a structure on or after the 90th day after the effective date of
24 this Act.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2025.