

1-1 By: Vasut, et al. (Senate Sponsor - Middleton) H.B. No. 3556  
1-2 (In the Senate - Received from the House May 8, 2025;  
1-3 May 14, 2025, read first time and referred to Committee on Natural  
1-4 Resources; May 22, 2025, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 2;  
1-6 May 22, 2025, sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Birdwell	X			
1-10	Zaffirini	X			
1-11	Alvarado		X		
1-12	Blanco		X		
1-13	Flores	X			
1-14	Hancock	X			
1-15	Hughes	X			
1-16	Parker	X			
1-17	Sparks	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3556 By: Hughes

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the construction of structures exceeding a certain  
1-22 height in certain counties containing national wildlife refuges and  
1-23 in adjacent counties; authorizing injunctive relief.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter A, Chapter 12, Parks and Wildlife  
1-26 Code, is amended by adding Section 12.023 to read as follows:

1-27 Sec. 12.023. NOTICE OF CONSTRUCTION OF CERTAIN STRUCTURES.

1-28 (a) This section applies only in a county with a population of less  
1-29 than 500,000 that:

1-30 (1) borders the Gulf of Mexico and in which a national  
1-31 wildlife refuge is wholly or partly located; or

1-32 (2) does not contain a municipality with a population  
1-33 greater than 300,000 and is adjacent to a county described by  
1-34 Subdivision (1).

1-35 (b) Not later than the 90th day before the date a person  
1-36 begins construction of a structure taller than 500 feet, the person  
1-37 shall submit to the department a request for the department to  
1-38 review the project under Section 12.0011(b)(3).

1-39 (c) Not later than the 45th day after the date the  
1-40 department receives a request under Subsection (b), the department  
1-41 shall recommend in writing measures to minimize the impact of the  
1-42 structure on migratory birds.

1-43 (d) If the department does not provide recommendations  
1-44 under Subsection (c) to the person who requested review within the  
1-45 period required by that subsection, the construction of the project  
1-46 may proceed without further delay or modification.

1-47 (e) Not later than the 45th day after the date the person who  
1-48 requested review receives the recommendations under Subsection  
1-49 (c), the person shall provide a written response to the department  
1-50 accepting the recommendations or providing alternative  
1-51 minimization measures in place of department recommendations.

1-52 (f) Not later than the 45th day after the date the  
1-53 department receives alternative minimization measures under  
1-54 Subsection (e), the department may bring an action for injunctive  
1-55 relief as provided by Subsection (g) if the department determines  
1-56 that the proposed structure, if constructed utilizing the  
1-57 alternative minimization measures, would materially damage  
1-58 migratory birds in this state.

1-59 (g) The department may bring an action for injunctive relief  
1-60 for a violation of this section or as provided by Subsection (f) to

limit or enjoin the construction of a structure in a district court for the county in which the structure is being or is proposed to be constructed. The court may grant appropriate injunctive relief in an action under this subsection if the court determines that:

(1) the person violated this section; or  
(2) the proposed structure, if constructed utilizing the alternative minimization measures, would materially damage migratory birds in this state.

(h) In making a determination under Subsection (f) or (g)(2), the department or the court, as applicable, may consider the cumulative impact of all structures the person proposes to construct for the project.

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

(j) Information submitted to the department under this section is not subject to Chapter 552, Government Code.

(k) This section does not apply to a facility that supports space flight activities, as defined by Section 100A.001, Civil Practice and Remedies Code.

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

SECTION 3. 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.

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