

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

1 before the 90th day after notice is filed, seek relief as provided  
2 by this section to limit or enjoin construction.

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

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

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

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

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