

**SENATE AMENDMENTS**  
**2<sup>nd</sup> Printing**

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.

ADOPTED

MAY 26 2025

*Lately Spaw*  
Secretary of the Senate

By:

*Mayer Middleton*

~~H~~.B. No. 3556

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

By:

*Supan Hughes*

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) 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 the date 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 the date the department receives 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

1 under Subsection (c) to the person who requested review within the  
2 period required by that subsection, the construction of the project  
3 may proceed without further delay or modification.

4 (e) Not later than the 45th day after the date the person who  
5 requested review receives the recommendations under Subsection  
6 (c), the person shall provide a written response to the department  
7 accepting the recommendations or providing alternative  
8 minimization measures in place of department recommendations.

9 (f) Not later than the 45th day after the date the  
10 department receives alternative minimization measures under  
11 Subsection (e), the department may bring an action for injunctive  
12 relief as provided by Subsection (g) if the department determines  
13 that the proposed structure, if constructed utilizing the  
14 alternative minimization measures, would materially damage  
15 migratory birds in this state.

16 (g) The department may bring an action for injunctive relief  
17 for a violation of this section or as provided by Subsection (f) to  
18 limit or enjoin the construction of a structure in a district court  
19 for the county in which the structure is being or is proposed to be  
20 constructed. The court may grant appropriate injunctive relief in  
21 an action under this subsection if the court determines that:

22 (1) the person violated this section; or

23 (2) the proposed structure, if constructed utilizing  
24 the alternative minimization measures, would materially damage  
25 migratory birds in this state.

26 (h) In making a determination under Subsection (f) or  
27 (g)(2), the department or the court, as applicable, may consider

1 the cumulative impact of all structures the person proposes to  
2 construct for the project.

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

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

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

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

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

# ADOPTED

MAY 25 2025

FLOOR AMENDMENT NO. 1

*Latey Law*  
Secretary of the Senate.

*Mayer Middleton*

1 Amend C.S.H.B. 3556 (senate committee report) in SECTION 1 of  
2 the bill, in added Section 12.023, Parks and Wildlife Code (page  
3 1, line 52, through page 2, line 14), by striking Subsections (f),  
4 (g), (h), and (i), substituting the following appropriate lettered  
5 subsection, and relettering subsequent subsections of that section  
6 accordingly:

7 ( ) If the department does not agree to the alternative  
8 minimization measures received under Subsection (e), the  
9 department shall reach a final decision on the minimization  
10 measures the structure must utilize not later than the 45th day  
11 after the date the department received the alternative  
12 minimization measures. If the department requires compliance with  
13 minimization measures other than those agreed to by the person who  
14 requested review, the person is entitled to an administrative  
15 hearing.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 27, 2025**

**TO:** Honorable Dustin Burrows, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3556** by Vasut (Relating to the construction of structures exceeding a certain height in certain counties containing national wildlife refuges and in adjacent counties; authorizing injunctive relief.),  
**As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 802 Parks and Wildlife Department

**LBB Staff:** JMc, TUf, CWi, BC, SD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 22, 2025**

**TO:** Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3556** by Vasut (relating to the construction of structures exceeding a certain height in certain counties containing national wildlife refuges and in adjacent counties; authorizing injunctive relief.),  
**Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 802 Parks and Wildlife Department

**LBB Staff:** JMc, TUf, BC, CWi, SD



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 20, 2025**

**TO:** Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** **HB3556** by Vasut (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.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
---

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 802 Parks and Wildlife Department

**LBB Staff:** JMc, TUf, BC, CWi, SD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**May 2, 2025**

**TO:** Honorable Will Metcalf, Chair, House Committee on Culture, Recreation & Tourism

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3556** by Vasut (Relating to the construction of structures exceeding a certain height in certain counties containing National Wildlife Refuges and in adjacent counties; authorizing injunctive relief.),  
**Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 802 Parks and Wildlife Department

**LBB Staff:** JMc, TUf, CWi, SD, BC

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 1, 2025**

**TO:** Honorable Will Metcalf, Chair, House Committee on Culture, Recreation & Tourism

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3556** by Vasut (Relating to certain structures located near a National Wildlife Refuge.),  
**Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 802 Parks and Wildlife Department

**LBB Staff:** JMc, TUf, CWi, BC

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**April 1, 2025**

**TO:** Honorable Will Metcalf, Chair, House Committee on Culture, Recreation & Tourism

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3556** by Vasut (Relating to certain structures located near a National Wildlife Refuge.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 802 Parks and Wildlife Department

**LBB Staff:** JMc, TUf, BC, CWi