

House Bill 3556
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 of the project may proceed without further delay or modification.

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

SENATE VERSION (IE)

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

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

CONFERENCE

House Bill 3556
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(f) [Deleted by FA1]
(g) [Deleted by FA1]
(h) [Deleted by FA1]
(i) [Deleted by FA1]
() If the department does not agree to the alternative minimization measures received under Subsection (e), the department shall reach a final decision on the minimization measures the structure must utilize not later than the 45th day after the date the department received the alternative minimization measures. If the department requires compliance with minimization measures other than those agreed to by the person who requested review, the person is entitled to an administrative hearing. [FA1]

(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.

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

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 180th day after the effective date of this Act.

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

SECTION 3. Same as House version.

House Bill 3556
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

SENATE VERSION (IE)

CONFERENCE