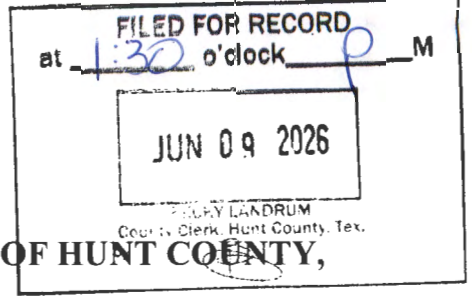


20127



RESOLUTION NO. 2026-_____
A RESOLUTION OF THE COMMISSIONERS COURT OF HUNT COUNTY,
TEXAS

Supporting the enactment of legislation granting Texas counties a narrow, temporary, evidence-based, and judicially reviewable authority to adopt a moratorium on certain high-impact development, including data centers, in the unincorporated areas of a county; reaffirming the County's petition of May 18, 2026; and requesting that the County's state legislative delegation author and support such legislation in the 90th Texas Legislature.

WHEREAS, the State of Texas has become one of the leading national centers for the development of data centers and other large electric-load facilities, and the interconnection queue maintained by the Electric Reliability Council of Texas ("ERCOT") has grown to approximately 189 gigawatts of large-load requests—on the order of forty percent of the nation's projected electricity consumption—a substantial majority of which is attributable to data centers; and

WHEREAS, Hunt County, whose county seat is Greenville and which borders Collin County to the west within commuting distance of the Dallas–Fort Worth metroplex, is among the Texas communities now experiencing significant data-center and large-load development pressure in its unincorporated areas; and

WHEREAS, the rapid siting and construction of such high-impact development can, if not adequately studied and planned for, place substantial demands upon water supplies, roads and bridges, drainage and flood-control systems, fire protection and emergency services, and the environment, and can present risks to the public health, safety, and welfare of the residents of Hunt County; and

WHEREAS, in May of 2026, the Commissioners Court of Hunt County submitted a petition to the Governor, the Lieutenant Governor, the County's state legislative delegation, and numerous state agencies, requesting that the State pause in-process data-center development while state-appointed committees define standards for this rapid expansion, and requesting that the State either regulate the industry directly or grant counties the authority to do so; and

WHEREAS, that petition identified numerous concerns of the County's residents that are not presently addressed at the county level, including limits on water and power consumption, the type of cooling systems employed, power management and curtailment, the location and size of facilities and the protection of farm and ranch land, road planning and cost, environmental mitigation and discharge, noise, fire-code regulation and the funding of volunteer fire departments, the permitting of industrial uses in unincorporated areas, and methodologies for valuation and for addressing property-tax effects when a facility closes; and

WHEREAS, Texas counties are limited-power political subdivisions of the State that may exercise only those powers expressly conferred by the Texas Constitution or by statute, together

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with those powers necessarily implied to carry out an express grant, and any reasonable doubt concerning the existence of a county power is resolved against the county; and

WHEREAS, the Legislature has never granted counties general zoning or land-use authority, and the authority to adopt a temporary development moratorium has been conferred upon municipalities only, under Subchapter E, Chapter 212, Local Government Code, and has not been extended to counties for their unincorporated areas; and

WHEREAS, as a consequence, a county that attempted to adopt a moratorium on data-center or other high-impact development in its unincorporated area would be acting without legal authority, and such an order would be ultra vires, void, and unenforceable, and would expose the county to a writ of mandamus and to potential litigation, while undermining the County's credibility in its legislative request; and

WHEREAS, the concerns relating to electric power, grid reliability, and large-load interconnection are now addressed at the state level through Senate Bill 6, enacted by the 89th Legislature in 2025, and the implementing rulemaking of the Public Utility Commission of Texas and ERCOT, and matters relating to water, discharge, and the environment rest with the Texas Commission on Environmental Quality, the Texas Water Development Board, and groundwater conservation districts, rather than with county land-use authority; and

WHEREAS, because only the Legislature can confer the authority that counties presently lack, the legally appropriate course is to seek that authority, or statewide standards, from the Legislature, as the County's May 2026 petition has already begun to do; and

WHEREAS, a bill has been proposed for introduction in the 90th Legislature, Regular Session (2027), that would add Chapter 237 to the Local Government Code to grant the commissioners court of a county a narrow, temporary, evidence-based, and judicially reviewable authority to adopt a moratorium on certain high-impact development, including data centers, in the unincorporated area of the county (the "proposed Act"); and

WHEREAS, the proposed Act is carefully and narrowly drawn in that it authorizes an initial moratorium of not more than one year upon written findings supported by a prima facie showing of one or more identified categories of potential harm to the public health, safety, or welfare; requires that any extension be supported by a showing of good cause, established by a preponderance of the evidence and reliable expert testimony, and forbids reliance solely upon the findings made for the initial moratorium; places the burden of justification upon the county throughout; provides for expedited judicial review in which the sole remedy is dissolution of the moratorium and no damages, attorney's fees, or court costs may be awarded against the county; and expressly disclaims any regulation of matters within the jurisdiction of the Public Utility Commission of Texas, ERCOT, and the State's water regulators, and any matter preempted by federal law; and

WHEREAS, the proposed Act would thereby afford counties a measured and accountable tool to protect the public health, safety, and welfare during the limited period needed to study, plan for, and develop or await standards addressing the impacts of high-impact development, while fully respecting the State's occupation of the fields of electric-grid and water regulation; and

WHEREAS, the Commissioners Court finds that enactment of the proposed Act is reasonable and is in the best interest of the residents of Hunt County and of the other counties of this State;

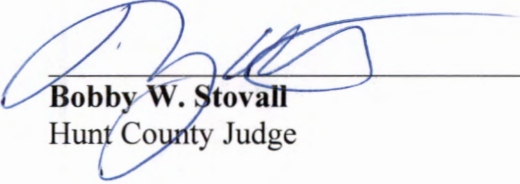
NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS, THAT:

1. The Commissioners Court hereby supports and endorses the enactment of the proposed Act adding Chapter 237 to the Local Government Code, which would grant counties a narrow, temporary, evidence-based, and judicially reviewable authority to adopt a moratorium on certain high-impact development, including data centers, in the unincorporated areas of the county.
2. The Court respectfully requests the County's State Senator, the Honorable Angela Paxton, and the County's State Representative, the Honorable Brent Money, to author, sponsor, co-sponsor, and support the proposed Act, and to work toward its passage in the 90th Texas Legislature.
3. The Court reaffirms its May 2026 petition, and renews its request that the State of Texas adopt statewide standards governing data-center and large-load development or, in the alternative or in addition, grant counties the interim authority necessary to address the impacts of such development in their unincorporated areas.
4. The Court directs that certified copies of this Resolution be transmitted to Governor Greg Abbott, Lieutenant Governor Dan Patrick, the Speaker of the Texas House of Representatives, Senator Angela Paxton, Representative Brent Money, the leadership of the Texas Senate Committee on Business & Commerce and the Texas House Committee on State Affairs, and the Texas Legislative Council, and that copies be made available to the Texas Association of Counties and to other interested counties.
5. The Court authorizes and directs the County Judge, the County's legislative liaisons, and County Counsel to continue to engage with the interim committees of the Legislature, to document concrete local impacts in support of the proposed Act, and, as appropriate, to request an opinion of the Texas Attorney General confirming the limits of existing county authority, all in furtherance of this Resolution.

6. If any provision of this Resolution is held invalid, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect, and to that end the provisions of this Resolution are severable.

7. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the Commissioners Court of Hunt County, Texas, at a duly posted meeting at which a quorum was present and voting, on this the 9th day of June, 2026.



Bobby W. Stovall
Hunt County Judge

ATTEST:



Hunt County Clerk

By: _____

H.B./S.B. No. _____
(90th Legislature, Regular Session)

**A BILL TO BE ENTITLED
AN ACT**

relating to the authority of the commissioners court of a county to adopt a temporary moratorium on certain high-impact development, including data centers, in the unincorporated area of the county; to the standards for and judicial review of such a moratorium; and to the limitations on relief in an action challenging such a moratorium.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. FINDINGS AND PURPOSE. (a) The legislature finds that:

- (1) this state has become one of the leading national centers for the development of data centers and other large electric-load facilities, and the amount of new large load seeking interconnection to the electric grid in this state, much of it attributable to data centers, is measured in the tens of gigawatts;
- (2) much of this development is proposed for the unincorporated area of counties, where a county has no general zoning authority and may exercise only those regulatory powers expressly granted by the legislature;
- (3) the rapid siting and construction of high-impact development can, if not adequately studied and planned for, place substantial demands on water supplies, roads and bridges, drainage and flood-control systems, fire protection and emergency services, and the environment, and can present risks to the public health, safety, and welfare of county residents;
- (4) the legislature has granted municipalities a limited authority to adopt temporary moratoriums on property development under Subchapter E, Chapter 212, but has not extended a comparable authority to counties for the unincorporated area;
- (5) a temporary, evidence-based, and time-limited moratorium that pauses the acceptance, processing, and approval of applications for certain high-impact development, and the commencement of construction of that development, in the unincorporated area of a county, while the county or the state studies, plans for, or develops standards to address identified potential harms, is a reasonable exercise of the police power; and
- (6) it is the intent of the legislature that a moratorium adopted under this Act be temporary, be supported by evidence, and be no broader than reasonably necessary to accomplish its stated purpose.

(b) The purpose of this Act is to grant counties a narrow, temporary, and judicially reviewable authority to adopt a moratorium on certain high-impact development in the unincorporated area of the county, to place on the county the burden of justifying the moratorium

by evidence, and to provide an expedited judicial remedy, limited to dissolution of the moratorium, for a person aggrieved by it.

SECTION 2. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 237 to read as follows:

**CHAPTER 237. COUNTY AUTHORITY TO ADOPT A TEMPORARY
MORATORIUM ON CERTAIN HIGH-IMPACT DEVELOPMENT
IN UNINCORPORATED AREAS**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 237.001. DEFINITIONS. In this chapter:

- (1) “Commissioners court” means the commissioners court of a county.
- (2) “Covered development” means development described by Section 237.003.
- (3) “Data center” means a facility, or a group of facilities at a single location or on contiguous or nearby parcels under common ownership or control, used primarily to house computer systems, servers, and associated equipment for the processing, storage, management, or distribution of data, including a facility used primarily for cryptocurrency mining or other high-density computing.
- (4) “Development application” means an application, plat, plan, permit, or other request for an approval, authorization, or other action by a county that is required before a person may commence construction of, or otherwise proceed with, a development.
- (5) “Expert” means a person who is qualified as an expert by knowledge, skill, experience, training, or education in a manner consistent with Rule 702, Texas Rules of Evidence.
- (6) “Moratorium” means a temporary suspension, adopted by order of a commissioners court under this chapter, of the acceptance, processing, granting, or approval of development applications for, or of the commencement of construction of, one or more types of covered development in all or part of the unincorporated area of the county.
- (7) “Unincorporated area” means the area of a county that is outside the corporate boundaries of a municipality.

Sec. 237.002. APPLICABILITY. (a) This chapter applies to each county.

(b) A moratorium adopted under this chapter may apply only to the unincorporated area of the county.

(c) This chapter does not authorize a county to regulate development within the corporate boundaries or extraterritorial jurisdiction of a municipality, except to the extent the county is authorized to act in the extraterritorial jurisdiction under an agreement or other authority described by Chapter 242.

Sec. 237.003. COVERED DEVELOPMENT. (a) In this chapter, “covered development” means development in the unincorporated area of a county that is:

- (1) a data center, without regard to its electrical or water demand; or
- (2) other commercial or industrial development that, as proposed:
 - (A) will require 75 megawatts or more of new electrical load at the point of interconnection, determined by aggregating the load of facilities that are part of a common development or that are located on contiguous parcels under common ownership or control;
 - (B) will require 1,000,000 gallons or more per day of new consumptive water use; or
 - (C) is substantially similar to a data center in its electrical or water demand and in its potential to cause one or more of the categories of potential harm described by Section 237.052.

(b) An order adopting a moratorium must specify the type or types of covered development to which the moratorium applies. A moratorium may apply to all covered development or to one or more specified types of covered development.

Sec. 237.004. RELATIONSHIP TO OTHER LAW. (a) A moratorium adopted under this chapter is not a zoning regulation, and a county may adopt a moratorium under this chapter notwithstanding Section 232.152(b) or the absence of authority to adopt zoning regulations.

(b) The authority granted by this chapter is in addition to any other authority of a county, and a county is not required to exercise or exhaust any other authority before adopting a moratorium under this chapter.

(c) This chapter does not authorize a county to regulate, and a moratorium adopted under this chapter does not apply to:

- (1) the generation, transmission, distribution, sale, or pricing of electricity, the interconnection of load or generation to the electric grid, or the reliability or operation of the electric grid, including any matter within the jurisdiction of the Public Utility Commission of Texas, an independent organization certified under Section 39.151, Utilities Code, or otherwise governed by the Utilities Code;
- (2) the appropriation, use, sale, or quality of surface water or groundwater, including any matter within the jurisdiction of the Texas Commission on Environmental Quality, the Texas Water Development Board, or a groundwater conservation district; or
- (3) any matter preempted by federal law.

(d) A moratorium adopted under this chapter regulates only the timing of county action on development applications, and the timing of the commencement of construction, for covered development in the unincorporated area of the county.

SUBCHAPTER B. ADOPTION OF INITIAL MORATORIUM

Sec. 237.051. AUTHORITY TO ADOPT INITIAL MORATORIUM. The commissioners court of a county may, in the manner provided by this subchapter, adopt by order an initial moratorium for a period not to exceed one year.

Sec. 237.052. CATEGORIES OF POTENTIAL HARM. A moratorium under this chapter must be directed to one or more of the following categories of potential harm to the public health, safety, or welfare of the residents of the county, as supported by evidence:

- (1) inadequate water supply, or adverse effects on groundwater or surface water supplies, available to existing or planned users;
- (2) inadequate capacity or safety of roads, bridges, or other transportation infrastructure;
- (3) increased risk of flooding or inadequate drainage or stormwater management;
- (4) inadequate fire protection or emergency response capability;
- (5) adverse environmental effects, including effects relating to discharges, emissions, or contamination, that the county is authorized to consider;
- (6) noise affecting residential areas;
- (7) other identified threats to public health and safety; or
- (8) any other substantial and identifiable adverse effect on the public health, safety, or welfare that is supported by evidence and not by speculation.

Sec. 237.053. PRIMA FACIE SHOWING; REQUIRED FINDINGS. (a) Before adopting an initial moratorium, the commissioners court must make written findings, supported by a prima facie showing, that covered development to which the moratorium will apply poses one or more of the categories of potential harm described by Section 237.052.

- (b) The written findings must:
- (1) identify each category of potential harm on which the moratorium is based and the factual basis for the finding as to that category;
 - (2) describe the geographic area of the unincorporated area to which the moratorium applies;
 - (3) specify the type or types of covered development to which the moratorium applies;
 - (4) state the duration of the moratorium, which may not exceed one year, and the date on which it expires;
 - (5) state the purpose of the moratorium, which must be to provide time for the county or the state to study, plan for, or develop or await standards or other measures to address the identified potential harm; and

(6) state that the moratorium is reasonably necessary to accomplish its purpose and is no broader than reasonably necessary in geographic scope, in the types of covered development affected, and in duration.

(c) In this chapter, “prima facie showing” means evidence that, if not rebutted, would be sufficient to establish the matter asserted. A prima facie showing does not require the commissioners court to resolve conflicting evidence or to establish a matter by a preponderance of the evidence, and may be based on competent evidence, including studies, data, maps, models, reports of governmental agencies, or analyses or opinions of persons with relevant knowledge.

(d) The written findings and the evidence supporting them are part of the public record of the moratorium.

Sec. 237.054. NOTICE AND HEARING. (a) Before adopting an initial moratorium, the commissioners court must hold a public hearing.

(b) Notice of the hearing must be published in a newspaper of general circulation in the county and posted on the county's Internet website not later than the 15th day before the date of the hearing. The notice must describe the geographic area and the type or types of covered development to which the proposed moratorium would apply.

(c) The commissioners court shall also provide notice of the hearing to each applicant that has a development application pending with the county for covered development in the area to which the proposed moratorium would apply, at the address shown in the application.

(d) A defect in the notice provided to a particular person does not invalidate a moratorium if the county substantially complied with the notice requirements of this section, except that the moratorium may not be enforced against a person who did not receive a required individual notice until that person has been given notice and a reasonable opportunity to be heard.

Sec. 237.055. ORDER; EFFECTIVE DATE. (a) An initial moratorium is adopted by an order of the commissioners court that incorporates the findings and information required by Section 237.053.

(b) The order takes effect on the date stated in the order, which may not be earlier than the date the order is adopted.

Sec. 237.056. EFFECT OF MORATORIUM; TOLLING. (a) While a moratorium is in effect, the county and its officers and employees may not accept, process, grant, or approve a development application for the type or types of covered development, and a person may not commence construction of that covered development, in the area to which the moratorium applies.

(b) Notwithstanding Chapter 232, Chapter 245, or any other law, during the period a moratorium is in effect each period prescribed by law for county action on a development application for covered development to which the moratorium applies, including a period prescribed by Section 232.0025, is tolled, and a development application is not approved by operation of law during that period.

(c) Notwithstanding Chapter 245, during the period a moratorium is in effect the running of each period, and the accrual or vesting of each right, under Chapter 245 with respect to covered development to which the moratorium applies is suspended.

(d) A period tolled or suspended under this section resumes running on the date the moratorium expires or is otherwise dissolved as to the covered development.

Sec. 237.057. LIMITATIONS; EXEMPTIONS. A moratorium adopted under this chapter may not:

- (1) require the cessation of construction lawfully commenced before the effective date of the moratorium;
- (2) apply to a covered development for which all required county approvals were finally granted before the effective date of the moratorium;
- (3) prohibit work necessary to address an imminent threat to public health or safety, or repair or maintenance work; or
- (4) apply to a use that is protected from county regulation under other law, including a use related to agriculture.

SUBCHAPTER C. EXTENSION OF MORATORIUM

Sec. 237.101. AUTHORITY TO EXTEND. (a) The commissioners court may extend a moratorium for one or more additional periods, each not to exceed one year.

(b) An extension may be adopted only before the moratorium then in effect expires, and only after notice and a public hearing conducted in the manner provided by Section 237.054.

Sec. 237.102. GOOD CAUSE SHOWN BY EXPERT EVIDENCE. (a) The commissioners court may adopt an extension only if the court makes written findings, by a preponderance of the evidence and supported by expert testimony or written expert reports, that:

- (1) one or more of the categories of potential harm on which the moratorium is based continue to exist with respect to the covered development to which the moratorium applies;
- (2) the identified potential harm has not been adequately addressed by standards or other measures adopted by the state or the county or by enforceable commitments of affected developers; and
- (3) continuation of the moratorium is reasonably necessary, and is no broader than reasonably necessary in geographic scope, in the types of covered development affected, and in duration, to accomplish its purpose.

(b) Expert testimony or a written expert report relied on under this section must be based on sufficient facts or data and on reliable principles and methods, and must be part of the public record of the extension.

(c) In adopting an extension, the commissioners court may not rely solely on the showing or findings made in support of the initial moratorium or a prior extension; each extension must be supported by the evidence required by this section as of the time of the extension.

SUBCHAPTER D. JUDICIAL REVIEW

Sec. 237.151. STANDING. An action under this subchapter may be brought only by a person who:

- (1) has a development application pending with the county for covered development to which the moratorium applies; or
- (2) owns, or holds a contractual or option right to acquire, real property in the area to which the moratorium applies and proposes in good faith to develop covered development on that property.

Sec. 237.152. VENUE; EXPEDITED PROCEEDING. (a) An action under this subchapter must be brought in a district court of the county that adopted the moratorium, and may be brought at any time while the moratorium or an extension is in effect.

(b) The court shall hear and determine the action as expeditiously as practicable.

Sec. 237.153. BURDEN OF PROOF; STANDARD OF REVIEW. (a) In an action under this subchapter, the county has the burden of proof.

(b) With respect to an initial moratorium, the court shall uphold the moratorium if the county establishes that the record before the commissioners court contained the prima facie showing required by Section 237.053 and that the county complied with the procedural requirements of Subchapter B. If the county does not do so, the court shall dissolve the moratorium.

(c) With respect to an extension, the court shall determine, on the record before the commissioners court and any additional competent evidence admitted by the court, whether the county established the good cause required by Section 237.102 by a preponderance of the evidence supported by expert evidence. If the county does not do so, the court shall dissolve the extension.

(d) The court may dissolve a moratorium or extension in whole or in part, including by narrowing the geographic area, the types of covered development affected, or the duration of the moratorium or extension.

Sec. 237.154. RELIEF; NO DAMAGES OR FEES. (a) The sole remedy in an action under this subchapter is a judgment dissolving or invalidating the moratorium or extension, in whole or in part, and, as appropriate, enjoining its enforcement.

(b) In an action under this subchapter, a court may not award, against a county or an officer or employee of a county, damages, attorney's fees, court costs, or any other monetary relief. This chapter does not create a cause of action for damages.

(c) Governmental immunity of a county is waived only to the extent necessary to permit the declaratory and injunctive relief authorized by this section, and is not otherwise waived by this chapter.

(d) The remedy provided by this subchapter is the exclusive remedy for a claim that a moratorium or extension does not comply with this chapter. This chapter does not enlarge or waive governmental immunity for, and does not apply to, a claim for compensation under Section 17, Article I, Texas Constitution, or under the Fifth Amendment to the United States Constitution, which claim, if any, lies outside this chapter.

Sec. 237.155. EFFECT OF JUDGMENT. (a) A judgment dissolving an extension does not invalidate the initial moratorium or any prior period of the moratorium that has already taken effect.

(b) If a provision of a moratorium or extension is held invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provision, and to this end the provisions of a moratorium are severable.

Sec. 237.156. NO TOLLING FROM SUIT. The filing or pendency of an action under this subchapter does not toll or extend the duration of a moratorium or extension.

SECTION 3. Section 245.004, Local Government Code, is amended by amending Subdivision (11) and adding Subdivision (12) to read as follows:

Sec. 245.004. EXEMPTIONS. This chapter does not apply to:

- (1) a permit that is at least two years old, is issued for the construction of a building or structure intended for human occupancy or habitation, and is issued under laws, ordinances, procedures, rules, or regulations adopting only:
 - (A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; or
 - (B) local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons;
- (2) municipal zoning regulations that do not affect landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by a municipality;
- (3) regulations that specifically control only the use of land in a municipality that does not have zoning and that do not affect landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage, or building size;
- (4) regulations for sexually oriented businesses;
- (5) municipal or county ordinances, rules, regulations, or other requirements affecting colonias;

- (6) fees imposed in conjunction with development permits;
- (7) regulations for annexation that do not affect landscaping or tree preservation or open space or park dedication;
- (8) regulations for utility connections;
- (9) regulations to prevent imminent destruction of property or injury to persons from flooding that are effective only within a flood plain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy;
- (10) construction standards for public works located on public lands or easements; ~~or~~
- (11) regulations to prevent the imminent destruction of property or injury to persons if the regulations do not:
 - (A) affect landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage, building size, residential or commercial density, or the timing of a project; or
 - (B) change development permitted by a restrictive covenant required by a municipality; or
- (12) a moratorium adopted by a county under Chapter 237.

SECTION 4. Section 232.0025(d), Local Government Code, is amended to read as follows:

(d) Except as provided by Subsection (f) and Chapter 237, the commissioners court or the county authority responsible for approving plats shall approve, approve with conditions, or disapprove a plat application not later than the 30th day after the date the completed plat application is received by the commissioners court or the county authority. An application is approved by the commissioners court or the county authority unless the application is disapproved within that period and in accordance with Section 232.0026. A period prescribed by this subsection is tolled during a moratorium adopted under Chapter 237 as provided by Section 237.056.

SECTION 5. Section 232.152, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) This section does not limit the authority of a county under Chapter 237, and a moratorium adopted under Chapter 237 is not a zoning regulation.

SECTION 6. Chapter 237, Local Government Code, as added by this Act, applies only to a moratorium adopted on or after the effective date of this Act.

SECTION 7. 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, 2027.

DRAFTING NOTES — NOT PART OF THE BILL

These notes are for the use of the filing member, the Texas Legislative Council, and reviewing counsel. They are not part of the proposed Act and should be deleted before the bill is filed.

1. Chapter and section numbers. “Chapter 237” and the section numbers within it are placeholders. Chapter 236 of Subtitle B, Title 7, is occupied (county regulation of firearms); Chapter 237 appears unassigned. The Texas Legislative Council assigns final designations and will conform all internal and external cross-references, including the references to Chapter 237 in SECTIONS 3, 4, and 5 and the reference to Section 237.056 in amended Section 232.0025(d).
2. Session and effective date. The caption and SECTION 7 assume filing for the 90th Legislature, Regular Session (2027). Conform the session designation and the fallback effective date if the bill is filed for a different session, including any special session called in 2026.
3. The operative carve-outs. The two amendments that actually remove existing obstacles to a county moratorium are SECTION 3 (adding an exemption to Chapter 245, the vested-rights statute, so that a pending or prior permit application does not defeat the moratorium) and SECTION 4 (adding the “except as provided by” carve-out and a tolling sentence to the deemed-approval shot clock in Section 232.0025(d)). SECTION 5 (Section 232.152) is belt-and-suspenders: that “no general zoning” language sits in an opt-in subchapter that applies only to certain counties, so it is not a general limit, but the clarifying subsection forecloses a backdoor-zoning argument. The general rule that counties lack land-use authority is a judicial rule (Dillon’s Rule), not a single statute; it is cured by the express grant of authority in Chapter 237, so there is no statute to amend for that point. Section 237.004 also disclaims any intrusion on the Utilities Code, the Public Utility Commission, ERCOT, and water regulators, which is intended to answer a preemption objection in light of recent large-load legislation (e.g., S.B. 6, 89th Legislature).
4. Policy thresholds. The 75-megawatt and 1,000,000-gallon-per-day figures in Section 237.003, and the categorical treatment of data centers regardless of size, are policy choices. The 75-megawatt figure is set to track the large-load threshold used in recent state legislation; adjust these numbers, or add a population bracket in Section 237.002, if a narrower or broader scope is desired.
5. The “science over politics” design. The burden is placed on the county throughout. For year one the county need only make a prima facie showing of potential harm (Sections 237.053 and 237.153(b)); for every extension the county must prove good cause afresh, by a preponderance and with reliable expert evidence, and may not rest on the original showing (Sections 237.102 and 237.153(c)). This escalating evidentiary burden, enforced by

expedited judicial review, is the structural answer to the objection that counties cannot be trusted to choose evidence over politics.

6. Constitutional caveat. Section 237.154 limits the statutory suit to dissolution of the moratorium and bars damages, attorney's fees, and costs. It cannot, however, extinguish a separate constitutional claim for compensation under the Texas or United States takings clauses; the bill expressly leaves any such claim outside the chapter. The moratorium's temporary, time-limited, and evidence-based design (including the express "no broader than reasonably necessary" findings and the construction-already-commenced and final-approval exemptions) is intended to support the defense of any such claim under the reasoning of *Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency*, but counsel should advise the filing member on residual takings exposure.
7. Verify current text before filing. Confirm the current text of Section 245.004 (reproduced here with subdivisions (1)–(11)), the current text of Section 232.0025(d), and the current subsection lettering of Section 232.152 against the latest version of the Local Government Code, and confirm the cited Utilities Code provisions and S.B. 6 references, because these provisions are periodically amended.