

RESOLUTION NO. 20243

A RESOLUTION OF THE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS SUPPORTING THE ENACTMENT OF A PROPOSED BILL WHICH WOULD REQUIRE APPLICANTS FOR MAJOR STATE AUTHORIZATIONS CONCERNING CERTAIN HIGH-IMPACT DEVELOPMENT, INCLUDING DATA CENTERS, TO SERVE COPIES OF THOSE APPLICATIONS ON THE HOST COUNTY, AND WOULD GRANT HOST COUNTIES COMMENT AND PARTY-PARTICIPATION RIGHTS IN THE RESULTING STATE PROCEEDINGS

WHEREAS, the practical siting decisions for high-impact development are made through state authorizations — grid interconnection, air and water quality permits, transmission certificates, highway access, and high-volume wells — yet no law requires that the host county receive notice of those applications or be heard in the proceedings that grant them; and

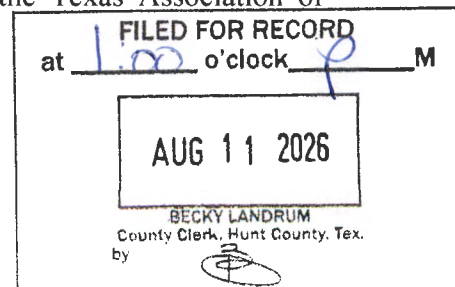
WHEREAS, under Section 5.115, Water Code, the standing of a host county to obtain a contested case hearing is uncertain, so the county responsible for the roads, fire protection, and drainage a project will burden may be unable even to be heard; and

WHEREAS, the attached proposed bill 6 places every service duty on the applicant, not the state — expressly by electronic means and through existing agency filing systems, at negligible public cost — grants counties comment rights the agency must answer and party status in contested cases exercisable only by public vote of the full commissioners court, and provides that a service failure never invalidates any state action, so no project's approvals are destabilized; and

WHEREAS, the Commissioners Court finds that a county should never be the last to know about the largest project in its own backyard, and that enactment of Proposed Bill 6 is in the best interest of the residents of this County;

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

1. The Commissioners Court supports and endorses the enactment of the attached proposed bill by the 90th Texas Legislature.
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 attached proposed bill, and to work toward its passage.
3. The Court directs that certified copies of this Resolution and the attached proposed bill be transmitted to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the County's state legislative delegation, the standing committees of the Senate and House with primary jurisdiction over the bill, and the Texas Association of Counties.
4. 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 11th day of August, 2026.



Bobby Stovall, County Judge

ATTEST:



Becky Landrum, County Clerk

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

A BILL TO BE ENTITLED

AN ACT

relating to notice to counties of, and county participation in, certain state proceedings concerning high-impact development, including data centers, in the unincorporated areas of counties; providing civil penalties.

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

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

- (1) the state agencies of this state hold, and should retain, jurisdiction over the interconnection of large electric loads, air quality permitting, water quality permitting, and water rights;
- (2) the practical siting decisions for data centers and other high-impact development are made through those state authorizations, yet the county responsible for the roads, fire protection, emergency management, and drainage that the development will burden has no general right to notice of the authorizations or to party status in the proceedings that grant them;
- (3) existing notice requirements reach local officials only in fragmentary fashion for particular application types, and recent large-load legislation directs disclosures to utilities, to the independent organization certified for the ERCOT power region, and to the Public Utility Commission of Texas, but not to host counties;
- (4) under Section 5.115, Water Code, standing to obtain a contested case hearing before the Texas Commission on Environmental Quality requires a personal justiciable interest, and an interest common to members of the general public does not qualify, so the standing of a host county asserting the interests of its residents and its own infrastructure is uncertain; and
- (5) the participation of host counties improves the records on which state agencies act, without displacing agency judgment, and a grant of procedural rights to host counties creates no substantive standard for the grant or denial of any authorization.

(b) The purpose of this Act is to require that host counties receive copies of specified applications concerning high-impact development, and to grant host counties procedural rights of comment and participation in the resulting state proceedings, without creating any substantive standard or any county approval authority.

SECTION 2. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 248 to read as follows:

**CHAPTER 248. COUNTY NOTICE AND PARTICIPATION IN STATE
PROCEEDINGS CONCERNING CERTAIN HIGH-IMPACT DEVELOPMENT
SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 248.001. DEFINITIONS. In this chapter:

- (1) "Commissioners court" means the commissioners court of a county.
- (2) "Covered development" means development described by Section 248.003.
- (3) "Covered state application" means:
 - (A) an application, request, study request, or agreement seeking the interconnection of, or electric service for, new or expanded electric load of 75 megawatts or more for a covered development, submitted to an electric utility or transmission and distribution utility, as those terms are defined by Section 31.002, Utilities Code, to an electric cooperative or municipally owned utility, as those terms are defined by Section 11.003, Utilities Code, or to an independent organization certified under Section 39.151, Utilities Code;
 - (B) an application to the Texas Commission on Environmental Quality for a permit, permit amendment, registration, or other authorization under Chapter 382, Health and Safety Code, or Chapter 11 or 26, Water Code, for or primarily serving a covered development;
 - (C) an application under Chapter 37, Utilities Code, for a certificate of convenience and necessity for a transmission facility a primary purpose of which is service to a covered development;
 - (D) an application to the Texas Department of Transportation for an access connection to the state highway system serving a covered development; and
 - (E) an application to a groundwater conservation district for a permit to drill or operate a water well serving a covered development.
- (4) "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.
- (5) "Host county" means a county in whose unincorporated area a covered development is or is proposed to be located, wholly or partly.
- (6) "State proceeding" means a proceeding, review, or decision process of a state agency or groundwater conservation district concerning a covered state application, including a contested case as defined by Chapter 2001, Government Code.
- (7) "Unincorporated area" means the area of a county that is outside the corporate boundaries of a municipality.

Sec. 248.002. APPLICABILITY. This chapter applies to each county and to covered development located or proposed to be located wholly or partly in the unincorporated area of a county.

Sec. 248.003. COVERED DEVELOPMENT. 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; or

- (B) will require 1,000,000 gallons or more per day of new consumptive water use.

Sec. 248.004. RELATIONSHIP TO OTHER LAW. (a) This chapter grants procedural rights only. This chapter does not create a substantive standard for the grant or denial of a covered state application, does not authorize a county to approve, deny, or condition a covered state application or a covered development, and does not authorize a county to regulate any matter within the jurisdiction of the Public Utility Commission of Texas, an independent organization certified under Section 39.151, Utilities Code, the Texas Commission on Environmental Quality, the Texas Water Development Board, a groundwater conservation district, or the Texas Department of Transportation, or any matter preempted by federal law.

- (b) The rights granted by this chapter are in addition to, and do not limit, any right of a county or other person under other law.

- (c) A requirement of this chapter is not a zoning regulation.

Sec. 248.005. ELECTRONIC FILING AND SERVICE. (a) A delivery, comment, request, or other filing under this chapter may be made by electronic means, and a delivery to a host county under Subchapter B shall be made by electronic mail to an address designated by the county for that purpose and posted on the county's Internet website or, if the county has designated no address, by certified mail.

- (b) A comment, request, or other filing of a host county in a state proceeding may be submitted through the electronic filing system, if any, maintained by the state agency or groundwater conservation district for the proceeding.

- (c) This chapter does not require a state agency or groundwater conservation district to establish a new filing, notice, service, or processing system, and the duties of service and delivery under this chapter fall on the person filing the covered state application, not on any agency or district.

SUBCHAPTER B. SERVICE ON HOST COUNTY

Sec. 248.051. SERVICE REQUIRED. (a) A person that files a covered state application shall, not later than the fifth day after the date of filing, deliver a complete copy of the application to the county judge and the county clerk of each host county in the manner provided by Section 248.005(a).

(b) The person shall deliver, in the same manner and period, each material amendment or supplement to a covered state application.

(c) Information in a copy delivered under this section that is confidential under the law governing the application may be redacted, and the person shall include a version suitable for public release and a general description of each category of redacted information.

(d) The person shall retain proof of service and provide it to the host county or the reviewing entity on request.

Sec. 248.052. PUBLIC AVAILABILITY. The county clerk shall make a copy delivered under this subchapter available on the county's Internet website and enter it in the registry maintained under any other law requiring a registry of filings concerning covered development, or otherwise in a public registry maintained by the clerk.

SUBCHAPTER C. COUNTY PARTICIPATION

Sec. 248.101. COMMENTS. A host county may submit written comments in any state proceeding, and the state agency or groundwater conservation district conducting the proceeding shall include the comments in the record of the proceeding.

Sec. 248.102. PARTY STATUS; AFFECTED PERSON. (a) On timely request made in accordance with the procedures governing the proceeding, a host county is entitled to be admitted as a party in a contested case concerning a covered state application.

(b) A host county is an affected person, and a person affected, for purposes of any law or rule under which a person may request a contested case hearing or a public hearing concerning a covered state application, including Sections 5.115 and 5.556, Water Code.

(c) A state agency or groundwater conservation district may not charge a host county a fee for participation under this chapter.

(d) A right conferred by this section may be exercised on behalf of a host county only as authorized by resolution of the commissioners court.

Sec. 248.103. RESPONSE TO COUNTY COMMENTS. A state agency that decides a covered state application without a contested case shall, in the decision or in a separate written response issued not later than the date of the decision, respond to each material comment timely submitted by a host county under Section 248.101.

Sec. 248.104. LARGE-LOAD INFORMATION PROCEDURE. The Public Utility Commission of Texas shall establish a procedure under which a host county may submit, and the commission shall receive and consider, information concerning the local effects of a large-load interconnection described by Section 248.001(3)(A) within the county, in connection with the commission's oversight of large-load interconnection under applicable law.

Sec. 248.105. JUDICIAL REVIEW. A host county admitted as a party to a state proceeding has the rights of a party under the law governing the proceeding. This chapter does not otherwise create a right of judicial review.

Sec. 248.106. NO EFFECT ON VALIDITY. A failure to comply with Subchapter B does not affect the validity of an action of a state agency, a groundwater conservation district, a utility, or an independent organization certified under Section 39.151, Utilities Code, and is not a ground on which a county may seek the delay, denial, or invalidation of any such action. The exclusive remedies for a violation of Subchapter B are provided by Subchapter D.

SUBCHAPTER D. ENFORCEMENT

Sec. 248.151. CIVIL PENALTY. (a) A person that fails to make a delivery required by Subchapter B is liable to the host county for a civil penalty of not less than \$500 or more than \$5,000 for each day the violation continues. Each day a violation continues is a separate violation.

(b) In determining the amount of the penalty, the court shall consider the seriousness of the violation, the person's culpability and history of previous violations, the person's good-faith efforts to comply, and the economic benefit of noncompliance.

(c) The county attorney or district attorney with jurisdiction in the host county, or the attorney general at the request of the commissioners court, may bring an action under this section on behalf of the county. Venue is in a district court of the host county.

(d) A penalty recovered under this section shall be deposited to the credit of the general fund of the host county.

Sec. 248.152. INJUNCTIVE RELIEF. A district court of the host county may order a person to make a delivery required by Subchapter B. The county is not required to give bond as a condition of relief under this section.

Sec. 248.153. REMEDIES CUMULATIVE. The remedies provided by this subchapter are cumulative of other remedies provided by law.

SECTION 3. Chapter 248, Local Government Code, as added by this Act, applies only to a covered state application filed on or after the effective date of this Act.

SECTION 4. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 5. 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.