

RESOLUTION NO. 20244

A RESOLUTION OF THE COMMISSIONERS COURT OF HUNT COUNTY, TEXAS SUPPORTING THE ENACTMENT OF A PROPOSED BILL WHICH WOULD REQUIRE DEVELOPERS OF CERTAIN HIGH-IMPACT DEVELOPMENT, INCLUDING DATA CENTERS, TO FILE A SWORN PUBLIC DISCLOSURE STATEMENT WITH THE HOST COUNTY BEFORE LOCKING IN GRID INTERCONNECTION, MAJOR WATER COMMITMENTS, COUNTY APPLICATIONS, OR CONSTRUCTION.

WHEREAS, data centers and other high-impact projects commonly arrive in the unincorporated areas of counties through special-purpose entities and under confidentiality agreements, and the commissioners court and residents of the host county frequently receive their first notice of a proposed facility only after land has been assembled, utility and water commitments have been negotiated, and construction is imminent; and

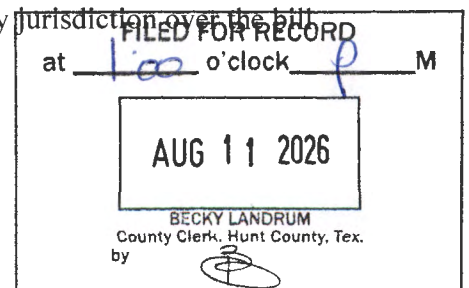
WHEREAS, no provision of current law requires that notice or information concerning such a project be provided to the county in which it will be located, even though the county is responsible for the roads, fire protection, emergency management, and drainage the project will burden; and

WHEREAS, the attached Proposed Bill would require a sworn disclosure of the project's true ownership, peak electrical demand, water demand and sources, cooling technology, on-site generation and fuel storage, construction traffic plans, and decommissioning intentions, filed with the county judge and county clerk at least 30 days before the first major commitment, updated upon material change, with genuine trade secrets protected and only aggregate community-impact facts made public in all events; and

WHEREAS, the Commissioners Court finds that timely, accurate, and public information is the foundation of every other county responsibility, that a disclosure duty imposes no limitation on the use of land and delays no state approval, and that enactment of Proposed Bill 2 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 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.



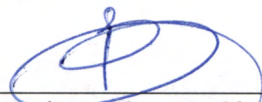
4. This Resolution takes effect immediately upon its adoption.

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 required disclosure to counties of certain proposed 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) 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, a substantial majority of which is attributable to data centers, is now measured in the hundreds of gigawatts;

(2) much of this development is proposed for the unincorporated areas of counties, and the residents and governing bodies of the affected counties frequently receive their first notice of a proposed facility only after land has been assembled, utility and water commitments have been negotiated, and construction is imminent, often because the development is conducted through special-purpose entities and under confidentiality agreements;

(3) recent legislation, including S.B. 6, Acts of the 89th Legislature, Regular Session, 2025, established disclosure and interconnection requirements for large electric loads, but the disclosure obligations created by that legislation run to electric utilities, to the independent organization certified for the ERCOT power region, and to the Public Utility Commission of Texas, and no provision of that legislation or other law requires that notice or information be provided to the county in which the facility will be located or to the public in that county;

(4) a county requires timely and accurate information concerning the electrical demand, water demand, on-site generation, construction traffic, and decommissioning intentions of proposed high-impact development in order to plan for and administer the county's roads and bridges, fire protection and emergency services, emergency management, and floodplain and drainage responsibilities, and in order to participate meaningfully in proceedings before state agencies; and

(5) a requirement that a developer of high-impact development disclose information to the host county imposes no limitation on the use of land, does not delay or condition any approval of a state agency, and does not regulate any matter within the jurisdiction of a state agency.

(b) The purpose of this Act is to require timely public disclosure to the host county of essential information concerning proposed high-impact development, including data centers, in the

unincorporated area of the county, and not to authorize a county to approve, deny, or condition that development.

SECTION 2. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 238 to read as follows:

**CHAPTER 238. DISCLOSURE TO COUNTIES OF CERTAIN HIGH-IMPACT
DEVELOPMENT IN UNINCORPORATED AREAS
SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 238.001. DEFINITIONS. In this chapter:

- (1) “Affiliate” means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.
- (2) “Commissioners court” means the commissioners court of a county.
- (3) “Covered development” means development described by Section 238.003.
- (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) “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.
- (6) “Disclosure statement” means the statement required by Subchapter B.
- (7) “Host county” means a county in whose unincorporated area a covered development is or is proposed to be located, wholly or partly.
- (8) “Interconnection request” means an application, request, study request, or agreement seeking the interconnection of, or electric service for, new or expanded electric load, 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.
- (9) “Unincorporated area” means the area of a county that is outside the corporate boundaries of a municipality.
- (10) “Water supply commitment” means a contract, agreement, reservation, or option for the supply or use of water from any source, or the drilling or completion of one or more water wells, intended to provide water for a covered development.

Sec. 238.002. APPLICABILITY. (a) This chapter applies to each county.

(b) This chapter applies to covered development located or proposed to be located wholly or partly in the unincorporated area of a county.

(c) If a covered development is located or proposed to be located in the unincorporated areas of more than one county, the duties imposed by this chapter are owed to each host county.

Sec. 238.003. 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. 238.004. RELATIONSHIP TO OTHER LAW. (a) This chapter requires only the disclosure of information. Except as expressly provided by Section 238.104, this chapter does not authorize a county to approve, deny, condition, or delay a covered development or any application, authorization, or proceeding relating to a covered development.

(b) This chapter does not authorize a county to regulate:

(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.

(c) A disclosure statement or amended disclosure statement:

(1) is not a permit, development application, plan, or plat for any purpose, including for purposes of Chapter 245;

(2) does not commence any period for action by a county or other governmental entity; and

(3) does not create, vest, or confirm any right in the development described in the statement.

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

SUBCHAPTER B. DISCLOSURE STATEMENT

Sec. 238.051. DISCLOSURE STATEMENT REQUIRED; TIMING. (a) A person proposing a covered development shall file a disclosure statement with the county clerk of each host county, and deliver a copy to the county judge of each host county, not later than the 30th day before the earliest of the following dates:

- (1) the date the person or an affiliate of the person submits an interconnection request for the covered development;
- (2) the date the person or an affiliate of the person executes a water supply commitment that, alone or in the aggregate with other water supply commitments for the same covered development, is intended to supply 1,000,000 gallons or more per day;
- (3) the date the person or an affiliate of the person submits a development application for the covered development; or
- (4) the date construction of the covered development commences.

(b) A person may satisfy Subsection (a) for a covered development to be constructed in phases by filing a single disclosure statement that describes the development at full buildout.

Sec. 238.052. CONTENTS. (a) A disclosure statement must be verified by a representative of the person with authority to act for the person.

(b) A disclosure statement must include:

- (1) the legal name, principal business address, and jurisdiction of formation of the person and of the owner of the land, the name of each person that directly or indirectly owns 25 percent or more of the person, the name of the person's ultimate parent entity, and the name and contact information of a representative authorized to respond to inquiries from the county and the public;
- (2) a description of the land, including a legal description or survey and the approximate acreage, and the current use of the land;
- (3) the estimated peak electrical demand of the covered development at full buildout, stated in megawatts, any phasing schedule, and the identity of each utility, cooperative, municipally owned utility, or independent organization to which an interconnection request has been or is anticipated to be submitted;
- (4) the number, type, fuel, and individual and aggregate capacity of all on-site electric generation and energy storage facilities, including backup generation, and the aggregate on-site fuel storage capacity;
- (5) each anticipated source of water for the covered development, including the name of each supplier or a statement that the development will be self-supplied from groundwater or

surface water, the estimated maximum daily and annual consumptive water use at full buildout, the category of cooling technology to be employed, described as evaporative or open-loop, closed-loop, hybrid, air-cooled, or other technology described in the statement, and the anticipated destination of any discharge;

(6) the anticipated construction schedule, the estimated peak construction workforce, and the anticipated routes on county roads for heavy or oversize loads;

(7) the estimated permanent employment at the covered development and a general description of the principal exterior mechanical equipment of the development;

(8) a statement whether a decommissioning plan or financial assurance for decommissioning exists or is anticipated for the covered development; and

(9) a list, by type, of each other governmental authorization the person anticipates will be required for the covered development.

(c) A commissioners court may prescribe a reasonable form for a disclosure statement. If no form is prescribed, a statement in letter form containing the information required by this section is sufficient.

Sec. 238.053. PUBLIC AVAILABILITY; DISTRIBUTION; MEETING. (a) Not later than the 10th day after the date a disclosure statement or amended disclosure statement is filed, the county clerk shall:

(1) make the statement available on the county's Internet website;

(2) provide a copy of the statement to each municipality any part of whose corporate boundaries is located within five miles of the land, to each emergency services district serving the area of the land, and to the county fire marshal and the county's emergency management coordinator, as applicable; and

(3) enter the statement in a public registry of disclosure statements maintained by the clerk.

(b) The commissioners court may hold a public informational meeting concerning a covered development. On written request of the commissioners court, the person that filed the disclosure statement shall make a knowledgeable representative available at one public meeting of the commissioners court held not earlier than the 15th day after the date of the request.

Sec. 238.054. PUBLIC INFORMATION; CONFIDENTIALITY. (a) A disclosure statement is public information subject to Chapter 552, Government Code.

(b) A person filing a disclosure statement may designate information in the statement that the person in good faith claims is excepted from required public disclosure under Chapter 552, Government Code, including under Section 552.110 of that code. A person making a designation shall simultaneously file a redacted version of the statement suitable for public release. The county shall treat designated information in accordance with Chapter 552, Government Code.

(c) Notwithstanding Subsection (b), the following information in a disclosure statement is public information and is not excepted from required public disclosure: the identity of the person, the owner of the land, and the person's ultimate parent entity; the location and description of the land; the estimated peak electrical demand at full buildout; the estimated maximum daily consumptive water use; the category of cooling technology; and the aggregate capacity of on-site generation, energy storage, and fuel storage.

Sec. 238.055. AMENDED STATEMENT; ANNUAL UPDATE. (a) A person that has filed a disclosure statement shall file an amended disclosure statement not later than the 30th day after the date of a material change.

(b) While a covered development for which a disclosure statement has been filed is in operation, the owner or operator of the development shall file with the county clerk, not later than March 1 of each year, an update stating the actual peak electrical demand of the development, the actual total and maximum daily water use of the development for the preceding calendar year, and any material change not previously disclosed.

(c) In this section, "material change" means:

- (1) a change in the ownership or control of the person or the covered development;
- (2) an increase of 20 percent or more in the disclosed peak electrical demand or maximum daily consumptive water use;
- (3) a change in the category of cooling technology;
- (4) an increase of 20 percent or more in the number or aggregate capacity of on-site generation, energy storage, or fuel storage facilities; or
- (5) an expansion of the boundaries of the land.

SUBCHAPTER C. ENFORCEMENT

Sec. 238.101. CIVIL PENALTY. (a) A person that fails to file a disclosure statement, amended statement, or annual update required by this chapter, or that files a statement or update the person knows to be materially false or materially incomplete, is liable to the host county for a civil penalty of not less than \$1,000 or more than \$10,000 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 to the person 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 and may be appropriated only for county road and bridge maintenance, fire protection, emergency services, or floodplain and drainage administration.

Sec. 238.102. INJUNCTIVE RELIEF. A district court of the host county may enjoin a violation or threatened violation of this chapter and may order a person to file a statement or update required by this chapter. The county is not required to give bond as a condition of injunctive relief.

Sec. 238.103. REMEDIES CUMULATIVE. The remedies provided by this subchapter are cumulative of other remedies provided by law.

Sec. 238.104. EFFECT OF NONCOMPLIANCE ON COUNTY ACTION. (a) Notwithstanding Section 232.0025 or any other law, a development application for a covered development is not complete, and no period prescribed by law for county action on the application, including a period after which an application is approved by operation of law, begins to run, before the date the disclosure statement required by this chapter is filed.

(b) A county may not grant a tax abatement under Chapter 312, Tax Code, or enter into an agreement under Section 381.004 of this code, with respect to a covered development before the person has complied with this chapter.

(c) This section states the exclusive consequences of noncompliance within county processes.

Sec. 238.105. NO EFFECT ON STATE PROCEEDINGS. The duties imposed by this chapter are owed by the person proposing the covered development. A failure to comply with this chapter does not affect the validity of, and is not a ground on which a county may seek the delay or denial of, an action of a state agency, an independent organization certified under Section 39.151, Utilities Code, a utility, or any other person under other law.

SECTION 3. (a) Chapter 238, Local Government Code, as added by this Act, applies to a covered development for which the earliest event described by Section 238.051(a) of that chapter occurs on or after the effective date of this Act.

(b) For a covered development for which an event described by Section 238.051(a), Local Government Code, as added by this Act, occurred before the effective date of this Act and that has not commenced commercial operation before the effective date of this Act, the person proposing the development shall file the disclosure statement required by that chapter not later than the 90th day 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.