

# **Bond Case Briefs**

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## **JURISDICTION - TEXAS**

### **State v. City of McAllen**

**Supreme Court of Texas - June 5, 2026 - S.W.3d - 2026 WL 1614384**

Cities filed petition against state seeking declaratory judgment that state statute setting fees payable by utility providers for installation of wireless network nodes in public rights-of-way violated state constitution's Gift Clauses.

The 353rd District Court, Travis County, granted in part and denied in part parties' motions for partial summary judgment, and parties appealed. The Austin Court of Appeals affirmed in part, reversed in part, and remanded. Parties petitioned for review.

The Supreme Court held that cities' failure to name proper defendant deprived courts of jurisdiction over action.

Cities' failure to name state officer or agency responsible for their injuries arising from state statute reducing amount of fees they could charge utility providers for installation of wireless network nodes in public rights-of-way deprived courts of jurisdiction over their action against state seeking declaratory judgment that statute violated state constitution's Gift Clauses, even though cities were proper plaintiffs; cities did not allege that any officer of agency had taken or threatened any adverse action against cities in connection with challenged statutes or that anyone in state government was likely to do so, and judgment against state would not require non-party providers to do or refrain from doing anything at all.