

By: Spiller

H.B. No. 3470

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the attorney general to acquire by eminent domain certain real property owned by aliens or foreign entities.

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

SECTION 1. Title 4, Property Code, is amended by adding Chapter 21A to read as follows:

CHAPTER 21A. ACQUISITION BY EMINENT DOMAIN OF CERTAIN
FOREIGN-OWNED REAL PROPERTY

Sec. 21A.001. DEFINITIONS. In this chapter:

(1) "Alien" means a citizen of a country other than the United States.

(2) "Critical infrastructure" means infrastructure in one of the following categories:

- (A) chemical;
- (B) commercial facilities;
- (C) communications;
- (D) critical manufacturing;
- (E) dams;
- (F) defense industrial bases;
- (G) emergency services;
- (H) energy;
- (I) financial services;
- (J) food and agriculture;

- 1 (K) government facilities;
- 2 (L) health care and public health;
- 3 (M) information technology;
- 4 (N) nuclear reactors, materials, and waste;
- 5 (O) transportation systems; or
- 6 (P) water and wastewater systems.

7 (3) "Foreign" means created or organized in a country
8 other than the United States or under the law of a country other
9 than the United States.

10 Sec. 21A.002. APPLICABILITY. This chapter applies to real
11 property in this state that is owned by an alien, foreign business,
12 or foreign government, or an agent, trustee, or fiduciary of an
13 alien, foreign business, or foreign government.

14 Sec. 21A.003. EMINENT DOMAIN; COURT PROCEEDING. (a) The
15 attorney general may bring an action to obtain a court order under
16 Subsection (c) authorizing the attorney general to initiate an
17 eminent domain proceeding to acquire real property owned by an
18 alien or foreign entity as described by Section 21A.002 if the
19 attorney general has reason to believe and shows that the real
20 property is being used in a manner that:

- 21 (1) violates state or federal law; or
- 22 (2) creates a risk to the state's critical
23 infrastructure.

24 (b) An action under this section may be brought in a
25 district court in the county where all or part of the real property
26 that is the subject of the action is located.

27 (c) If the district court finds that the attorney general

1 has made the showing required by Subsection (a), the court shall
2 enter an order stating that finding.

3 (d) On entry of the district court's order under Subsection
4 (c), the attorney general may initiate eminent domain proceedings
5 to acquire the real property.

6 (e) Chapter 21 governs the procedure for an eminent domain
7 proceeding initiated in accordance with this chapter. Chapter 2206,
8 Government Code, and Subchapter E, Chapter 21, of this code do not
9 apply to an eminent domain proceeding initiated in accordance with
10 this chapter.

11 Sec. 21A.004. STATE MANAGEMENT OF ACQUIRED REAL PROPERTY.
12 Real property acquired by eminent domain under Section 21A.003
13 shall be owned by this state and managed by the General Land Office.

14 SECTION 2. As soon as practicable after the effective date
15 of this Act, the attorney general shall adopt rules for the
16 implementation of Chapter 21A, Property Code, as added by this Act.

17 SECTION 3. This Act takes effect September 1, 2023.