

## **BILL ANALYSIS**

Senate Research Center  
88R7715 KBB-D

S.B. 1481  
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Border Security  
4/17/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The proliferation of transnational cartels and other non-state actors has emerged as a critical threat to the security of Texas and of the United States as a whole. By exploiting vulnerabilities along the border between Texas and Mexico, these groups have significantly increased their power within the United States, particularly in relation to drug and human trafficking operations.

To counter this threat, the State of Texas has allocated \$4 billion to border initiatives in the 2021–2022 biennium, including the deployment of National and State Guard units. Despite these efforts, further action is necessary to effectively combat the terrorism perpetrated by these cartels. Specifically, the State of Texas must grant explicit authority to the Texas Facilities Commission (TFC) to exercise eminent domain in order to acquire the most strategically advantageous land for the placement of a border wall.

This proposed bill would provide TFC with the authority to exercise eminent domain, which would enable it to acquire land in fee simple, or any interest less than fee simple, including easements, rights-of-way, and airspace or subsurface rights. By enacting this legislation, the State of Texas can more effectively combat the threats posed by transnational cartels and other non-state actors along its border with Mexico.

As proposed, S.B. 1481 amends current law relating to the exercise of eminent domain authority by the Texas Facilities Commission to build a wall along this state's international border.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter L, Chapter 2166, Government Code, by adding Section 2166.555, as follows:

Sec. 2166.555. INTERNATIONAL BORDER WALL. (a) Authorizes the Texas Facilities Commission (TFC) to exercise the power of eminent domain under Section 2166.055 (Eminent Domain) to acquire an interest in real property for the construction, extension, improvement, or development of a wall along this state's international border for the purposes of preventing:

- (1) human trafficking; and
- (2) illegal entry into the United States of:
  - (A) aliens without official approval of an appropriate federal governmental authority;
  - (B) terrorists and instruments of terrorism; and

(C) contraband, including narcotics and other controlled substances.

(b) Authorizes TFC to exercise the power of eminent domain under Subsection (a) to acquire land in fee simple or any interest less than fee simple in, on, under, or above land, including an easement, right-of-way, or right of use of airspace or subsurface space.

(c) Requires TFC to adopt a resolution in accordance with Section 2206.053 (Vote on Use of Eminent Domain) before filing a condemnation petition under Chapter 21 (Eminent Domain), Property Code, to exercise the power of eminent domain under this section.

(d) Provides that the resolution required by Subsection (c):

(1) is required to include a statement that TFC's acquisition of the property interest described in the resolution:

(A) is a public necessity; and

(B) is necessary and proper for the construction, extension, improvement, or development of a wall along this state's international border and is in the public interest; and

(2) is conclusive evidence of the public necessity of the proposed acquisition and that the property interest is necessary for public use.

SECTION 2. Effective date: September 1, 2023.