

1-1 By: Creighton S.B. No. 1481
 1-2 (In the Senate - Filed March 2, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on Border Security;
 1-4 May 10, 2023, reported favorably by the following vote: Yeas 3,
 1-5 Nays 2; May 10, 2023, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10		X		
1-11		X		
1-12	X			

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to the exercise of eminent domain authority by the Texas
 1-16 Facilities Commission to build a wall along this state's
 1-17 international border.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subchapter L, Chapter 2166, Government Code, is
 1-20 amended by adding Section 2166.555 to read as follows:

1-21 Sec. 2166.555. INTERNATIONAL BORDER WALL. (a) The
 1-22 commission may exercise the power of eminent domain under Section
 1-23 2166.055 to acquire an interest in real property for the
 1-24 construction, extension, improvement, or development of a wall
 1-25 along this state's international border for the purposes of
 1-26 preventing:

- 1-27 (1) human trafficking; and
- 1-28 (2) illegal entry into the United States of:
 - 1-29 (A) aliens without official approval of an
 - 1-30 appropriate federal governmental authority;
 - 1-31 (B) terrorists and instruments of terrorism; and
 - 1-32 (C) contraband, including narcotics and other
 - 1-33 controlled substances.

1-34 (b) The commission may exercise the power of eminent domain
 1-35 under Subsection (a) to acquire:

- 1-36 (1) land in fee simple; or
- 1-37 (2) any interest less than fee simple in, on, under, or
- 1-38 above land, including an easement, right-of-way, or right of use of
- 1-39 airspace or subsurface space.

1-40 (c) The commission must adopt a resolution in accordance
 1-41 with Section 2206.053 before filing a condemnation petition under
 1-42 Chapter 21, Property Code, to exercise the power of eminent domain
 1-43 under this section.

1-44 (d) The resolution required by Subsection (c):

1-45 (1) must include a statement that the commission's
 1-46 acquisition of the property interest described in the resolution:

- 1-47 (A) is a public necessity; and
- 1-48 (B) is necessary and proper for the construction,
 1-49 extension, improvement, or development of a wall along this state's
 1-50 international border and is in the public interest; and

1-51 (2) is conclusive evidence of the public necessity of
 1-52 the proposed acquisition and that the property interest is
 1-53 necessary for public use.

1-54 SECTION 2. This Act takes effect September 1, 2023.

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