



CAPITOL HALL — REPORT —



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Protection for Property Owners, Freedom for Drivers, and Border Security

Protecting Private Property Owners from Toll Road Corporations (SB 444)

Property ownership is one of the most precious rights of an American citizen. The power of eminent domain is the most egregious power that can be exercised against a property owner; therefore, that power must be judiciously exercised so as to infringe as little as possible on private property rights. Despite the intent of the Texas constitutional amendment passed in 2009, some private companies have found loopholes that give them the authority of eminent domain for building toll roads. No private company should have the authority to take a person's property for their own personal gain. Therefore, I have introduced SB 444 to clarify current law and to protect the private property rights of Texans. To continue to allow such authority undermines our free market and subjects property owners to legal plunder by corporations. Landowners are forced to give up their property, not to their government, which they may petition and affect change over time, but to a private corporation, far out of reach, and providing no recourse for grievances. Such power exploited by corporations establishes a precedent that threatens personal liberty and basic property rights, so we must diligently defend liberty today for future generations. If passed, this bill will put eminent domain authority for highway projects solely in the hands of government.

No-Toll I-635 Expansion (SB 826)

A core function of state government is to provide a highway infrastructure that supports the free flow of commerce. The Texas Department of Transportation is planning extensive repairs and improvements to the eastern section of I-635 that runs from Highway 75 to Interstate 30, and to add toll lanes. Under the pay-as-you-go concepts, toll lanes were once a viable option for funding road construction. However, with the introduction of private equity and other exotic funding schemes, they have become a double tax on the public and a tool for government to control the population's behavior. Converting free lanes to toll lanes creates a double tax by the fact that the roads are built with taxpayer dollars from the state's general revenue fund, then taxpayers are charged to use them. Texas and the nation depends on the free association of people engaging in free commerce, and that commerce relies heavily on transportation; so much so that regulations on transportation have a direct influence on commerce. We must therefore manage our highway-transportation system to provide the most efficient options for people to freely associate and with the least intrusive regulations that support the free market. Toll lanes restrict that free association and allow extremist bureaucrats to lay the foundation for population controls via thoroughfares, granting opportunity for them to raise the toll rates during peak traffic hours so as to deter the number of drivers on the road; all under the façade that carbon emissions change our climate. SB 826, if passed into law, would require TxDOT to reserve all new expansions on I-635 between Highway 75 and I-30 as free lanes, with continuous service roads. This is just one goal out of several that I hope we can achieve to begin improving roads that reduce congestion and to enhance commerce.

Helping Texas Plan Highways (SB 5, SJR 5)

I am a coauthor with Senator Robert Nichols on SB 5 and SJR 5 because I believe they will help the state plan more prudently for funding highway construction and maintenance. We are seeking in SJR 5 to submit to the citizens a constitutional amendment that would allow sales taxes from automobiles to be directed to the state highway fund for construction and maintenance of roads and for paying the principal and interest of general obligation bonds. The first \$2.5 billion of revenue from these taxes would remain in the general revenue, and the next \$2.5 billion would be directed to the state highway fund. All amounts collected above \$5 billion would be split equally between general revenue and non-toll road construction. This arrangement will allow the Texas Department of Transportation (TxDOT) to make long-range revenue predictions because revenue from the automobile sales tax is more stable than other sources of revenue, which limit TxDOT to short-term predictions.

Stronger Border, Safer Texas Act (SB 3)

The state of Texas spent \$12.1 billion in 2013 alone on the incarceration, healthcare, education, and court costs of illegal aliens,¹ and we spend more than \$200 million bi-annually to incarcerate criminal aliens in our state prisons. Our counties bear an additional burden of \$137 million bi-annually to hold criminal aliens in our county jails. Texas cannot afford to divert this much of our revenue to illegal aliens when our education, transportation, and healthcare systems need those funds. That is why we must concentrate our efforts on stopping the influx of illegal aliens and especially the criminal aliens that endanger our citizens. The federal government is responsible for securing and managing our southern border, but with their dereliction of duty, Texas has been forced to shoulder the burden of protecting citizens from human trafficking, contraband smuggling, and the known presence of dangerous criminals and terrorists. Texas effectively demonstrated that we can deter the entry of criminal aliens with Operation Strong Safety by the Texas Department of Public Safety and by deploying National Guard Troops to Texas' southern border.

It is now time for Texas to establish a permanent presence to maintain these effective measures, so I have coauthored with Senator Birdwell SB 3. This bill will:

- Fund employment of more DPS Troopers on the border and authorize more efficient working schedules.
- Create a DPS Officer Reserve Corps of retired officers who would perform background investigations.
- Provide stricter penalties for human smuggling and classify it as organized crime.
- Establish southbound checkpoints near the border in order to disrupt cartel supply lines of money, stolen vehicles, and smuggled firearms and ammunition.
- Fund a multiagency information center on border crime in the Rio Grande Valley.
- Require law enforcement agencies to adopt the National Incident Based Reporting System (NIBRS) so that crime data is consistent statewide.

This bill is one of several bills that, if passed, will significantly improve our border security and reduce crime against Texas citizens by drug dealers, cartels, gang members, human traffickers, and other criminals. I am excited about these steps to bring security, prosperity, and liberty to Texans, and by God's grace we'll accomplish more.

1. *Federation of Americans for Immigration Reform (January 2013), The Fiscal Burden of Illegal Immigration on Texans: A Report by Jack Martin, Director of Special Projects. Fair Horizon Press 25 Massachusetts Avenue, NW Suite 330, Washington, DC 20001, www.fairus.org*

