

One-Pager: Texas S.B. 147
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Background on Land Laws in Texas

This is [not the first time](#) Texas has considered a state “alien land law.”¹ In fact, Texas has previously passed three versions of an alien land law in 1891, 1892, and 1921. The last version was formally repealed by the Texas state legislature in 1965.

Topline Points

- Introduced in November 2022 by State Senator Lois Kolkhorst (R), S.B. 147 is often cited as one of the first examples of modern land laws, introduced in response to what certain lawmakers perceived to be threats to the U.S. [electrical grid](#).
- Efforts to oppose Texas S.B. 147 were met with success. Community groups stalled further movement in the relevant legislative session through a combination of vocal opposition, educational campaigns, and legislative advocacy. Best practices learned in Texas should be applied to efforts in other states.
- The mere introduction of this bill sends a xenophobic message. Although advocates in organized against S.B. 147, these types of land laws remain all too easy to replicate. Similar efforts are underway in approximately 20 other states.

AAJC Analysis

We view any discriminatory land law on non-US individuals to be legally problematic and likely unconstitutional, especially if the law in question is as vague and broad as S.B. 147.

S.B. 147 underwent meaningful and substantive changes as it progressed through the Texas state legislature in response to overwhelming criticism on the part of the Asian American community. The initial version of [S.B. 147](#) would have barred Chinese, Iranian, North Korean, and Russian citizens from purchasing or acquiring real property.² There were also concerns that lawful permanent residents or dual citizens would have been harmed. Since then, the bill has been edited to include exceptions for those two groups as well as limit the types of affected land to agricultural land, minerals, timber, and mines. The language describing the countries was also changed to defer to the Annual Threat Assessment provided to the Director of National Intelligence.

While it is true that the scope of the bill was narrowed based on the applicable types of land, there still remain concerns about its applicability to people who are *not* U.S. citizens or lawful permanent residents such as asylum seekers or those in Texas on employment-based or student visas. Furthermore, only 4 countries have been listed as a national security risk in recent years by the Annual Threat Assessment and they are still China, Iran, North Korea, and Russia, which leave the door open for other countries to be added in the future.

¹ *Alien Land Law*, Tex. State Historical Ass’n (Nov. 1, 1994), <https://www.tshaonline.org/handbook/entries/alien-land-law>.

² A Bill to be Enacted, S.B. 147, 88th Leg. (2022).