

BILL ANALYSIS

Senate Research Center

S.B. 531
By: Haywood
Border Affairs - Special
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DIGEST

Currently, the legal boundary line between Texas and Oklahoma is the gradient boundary line along the south bank of the Red River subject to avulsions since 1821. An avulsion is the sudden and perceptible loss or addition to land by the action of water, or a sudden change in the bed or course of a stream. A problem has arisen in identifying the boundary line for law enforcement personnel, taxing authorities, and citizens on both sides of the river. This bill establishes the vegetation line along the south bank of the Red River as the legal boundary between Texas and Oklahoma.

PURPOSE

As proposed, S.B. 7702 sets forth the Red River Boundary Compact providing that the legal boundary between Texas and Oklahoma is the vegetation line along the south bank of the Red River.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 2A, Natural Resources Code, by adding Chapter 12, as follows:

CHAPTER 12. RED RIVER BOUNDARY COMPACT

Sec. 12.001. ADOPTION OF COMPACT. Establishes that Texas enacts the Red River Boundary Compact into law and enters into the compact with the State of Oklahoma if that state legally joins in the compact in substantially the form provided by Section 12.002.

Sec. 12.002. TEXT OF COMPACT. Provides that the text of the Red River Boundary Compact reads as follows:

RED RIVER BOUNDARY COMPACT

ARTICLE I. PURPOSE

(a) Establishes that the states of Texas and Oklahoma recognize certain issues concerning the boundary between Oklahoma and Texas.

(b) Sets forth the principal purpose of this compact as establishing an identifiable boundary between Texas and Oklahoma, and certain other purposes of this compact.

ARTICLE II. ESTABLISHMENT OF BOUNDARY

(a) Defines “vegetation” and “vegetation line.”

(b) Establishes that the permanent political boundary line between the states of Texas and Oklahoma along the Red River is the vegetation line along the south bank of the Red River except for the Texoma area, where the boundary does not change. Sets forth the boundaries for the Texoma area and the location of the upper end of the normal pool elevation of Lake Texoma.

(c) Authorizes the party states to agree to share the cost or seek funding from other sources to monument and maintain the boundary lines in the Texoma area and along Lake Texoma.

(d) Provides that the party states recognize the rules of accretion, erosion, and avulsion should there be a change in the watercourse of the Red River. Provides that the states agree that accretion or erosion may cause a change in the boundary if it causes a change in the vegetation line. Establishes that the states agree, with regard to avulsion, that a change in the course of the Red River caused by an immediately perceivable natural event that changes the vegetation line will change the boundary.

ARTICLE III. SOVEREIGNTY

Establishes that on the effective date of this compact, the party states agree that the State of Oklahoma possesses sovereignty over all lands north of the boundary line and the State of Texas possesses sovereignty over all lands south of the boundary line. Provides that this compact does not change or affect the sovereign rights of federally recognized Indian tribes over lands on either side of the boundary line. Provides that those rights continue to be established and defined by controlling federal law.

ARTICLE IV. PENDING LITIGATION

Provides that this compact does not affect the jurisdiction of any pending litigation in the courts of either of the party states or of the United States concerning title to lands bordering the Red River. Provides that the states intend that such litigation continue in the trial and appellate courts of the jurisdiction where pending, until the litigation is finally determined.

ARTICLE V. PUBLIC RECORDS

(a) Establishes that all public records in either party state concerning any lands the sovereignty over which is changed by this compact are accepted as evidence of record title to such lands, to and including the effective date of this compact, by the courts of the other state and the federal courts.

(b) Requires the recording officials of the counties of each party state to accept for filing certified copies of documents of title previously filed in the other state on lands the sovereignty over which is changed by this compact. Establishes that the acceptance of a document for filing has no bearing on its legal effect or sufficiency. Requires the recording officials of the counties of each state to accept for filing documents of title relating to lands the sovereignty over which is changed by this compact, using legal descriptions derived from the land descriptions of the other state.

ARTICLE VI. TAXES

(a) Provides that the lands the sovereignty over which is changed by this compact are, after the effective date of this compact, subject to taxation only by the state gaining sovereignty over the lands.

(b) Provides that the taxes for the year of adoption of this compact for property the jurisdiction over which is changed by this compact may be lawfully imposed only by the state in which the property was located on January 1 of the year of adoption of this compact. Authorizes the taxes for the year of adoption to be levied and collected by that state, and any liens or other rights accrued or accruing are fully recognized, except that all liens or other rights arising out of the imposition of those taxes must be claimed or asserted within five years after this compact takes effect or they are barred.

(c) Establishes that the party states recognize that the boundary will change from time to time as a result of accretion, erosion, and avulsion and agree that for the years subsequent to the year of adoption of this compact, the state within which lands adjoining the boundary are located on January 1 of each year has the right to levy and collect taxes for the entire ensuing year.

(d) Establishes that all taxes currently assessed by governmental entities in each party state as to lands bordering or crossing the boundary line are presumed to be correct as to acreage within the particular jurisdiction, absent written competent proof to the contrary presented to the appropriate taxing agencies. Requires all such proof to be presented to the appropriate taxing agencies before May 1 of the year following the year in which this compact takes effect. Establishes that in subsequent years it is presumed that the acreage taxed in each jurisdiction for the previous year

was correct unless evidence of change is furnished.

ARTICLE VII. PROPERTY RIGHTS

Establishes that this compact does not change the title to any lands along the Red River or the boundaries of those lands.

ARTICLE VIII. EFFECTIVE DATE

Provides that this compact takes effect when enacted by the states of Texas and Oklahoma and consented to by the United States Congress.

ARTICLE IX. ENFORCEMENT

(a) Establishes that this compact does not limit or prevent either party state from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction, for the protection of any right under this compact or the enforcement of any of its provisions.

(b) Provides that this compact is not binding or obligatory on either party state until it has been enacted by both states and consented to by the United States Congress. Requires notice of enactment by each state to be given by the governor of that state to the governor of the other state and to the president of the United States. Provides that the president is requested to give notice to governors of the party states of the consent to this compact by the United States Congress.

ARTICLE X. AMENDMENTS

Provides that this compact remains in full force and effect unless amended in the same manner as it was created.

Sec. 12.003. NEGOTIATIONS TO RESOLVE DIFFERENCES. Authorizes the commissioner of the General Land Office (commissioner) to negotiate with the appropriate Oklahoma representative to resolve any differences between the states regarding matters covered by this compact, until the State of Oklahoma enters into the Red River Boundary Compact in substantially the form provided by Section 12.002. Requires the commissioner to conduct the negotiations in cooperation with the Red River Boundary Commission. Requires the commissioner to report annually to the governor of this state, or more frequently if necessary, on the status of the negotiations.

Sec. 12.004. IMPLEMENTATION OF COMPACT. Authorizes the commissioner to negotiate with the appropriate Oklahoma representative to establish procedures for implementation of the compact, upon the State of Oklahoma entering into the Red River Boundary Compact in substantially the form provided in Section 12.002. Requires the commissioner to conduct the negotiations in cooperation with the Red River Boundary Commission. Requires the commissioner to report annually to the governor of this state, or more frequently if necessary, on the status of the negotiations. Requires a procedure for implementing a provision of the compact to be approved by the governor of this state.

SECTION 2. Emergency clause.
Effective date: upon passage.