

BILL ANALYSIS

Senate Research Center
83R10698 SLB-F

H.B. 3212
By: Phillips (Estes)
Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Toward the close of the last century, Texas and Oklahoma entered into the Red River Boundary Compact to definitively locate the jurisdictional boundary between the two states, a task that was completed as prescribed by the compact. According to interested parties, a comparison of the location of the resulting Texas-Oklahoma boundary and the U.S. Army Corps of Engineers' historical records and other documentation appears to indicate that the boundary in the Texoma area is not located in accordance with the U.S. Army Corps of Engineers' preconstruction survey.

H.B. 3212 seeks to re-create the Red River Boundary Commission to work with the representatives appointed on behalf of Oklahoma to determine how the current Texas-Oklahoma boundary was located and to redraw the boundary in the Texoma area in accordance with the compact and the U.S. Army Corps of Engineers' Lake Texoma preconstruction survey or any historical records of the U.S. Army Corps of Engineers identifying the location of the south bank of the Red River, with the intention of negating any effect the currently drawn boundary has on Texas real property interests in the Texoma area.

H.B. 3212 amends current law relating to the Red River Boundary Compact and the creation of the Red River Boundary Commission.

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 the heading to Chapter 12, Natural Resources Code, to read as follows:

CHAPTER 12. RED RIVER BOUNDARY COMPACT; RED RIVER BOUNDARY COMMISSION

SECTION 2. Amends Chapter 12, Natural Resources Code, by designating Sections 12.001 through 12.005 as Subchapter A and adding a heading to that subchapter to read as follows:

SUBCHAPTER A. RED RIVER BOUNDARY COMPACT

SECTION 3. Amends Section 12.003, Natural Resources Code, by adding Subsection (c), to require the Red River Boundary Commission (RRBC), notwithstanding any other provision of this subchapter, if the boundary in the Texoma area, as described by Article II(b)(1), Red River Boundary Compact, Section 12.002, is not marked in accordance with Article II of the compact, to confer and act jointly with representatives appointed on behalf of the State of Oklahoma to redraw the boundary in the Texoma area in accordance with the provisions of this chapter.

SECTION 4. Amends Chapter 12, Natural Resources Code, by adding Subchapter B, as follows:

SUBCHAPTER B. RED RIVER BOUNDARY COMMISSION

Sec. 12.051. DEFINITIONS. Defines, in this subchapter "commission" and "Texoma area."

Sec. 12.052. CREATION OF COMMISSION. Establishes RRBC to oversee the redrawing of the boundary between this state and the State of Oklahoma in the Texoma area.

Sec. 12.053. MEMBERSHIP. (a) Provides that RRBC is composed of five members appointed by the governor to represent private property owners; local governments; state elected officials; and the general public.

(b) Requires the governor to designate one member as the presiding officer of RRBC.

Sec. 12.054. COMPENSATION. Provides that an RRBC member is not entitled to receive compensation for service on RRBC but is authorized to receive reimbursement for travel expenses incurred while conducting RRBC business.

Sec. 12.055. STAFF SUPPORT. Requires the General Land Office, the office of the attorney general, and the Texas Commission on Environmental Quality to provide necessary staff support to RRBC.

Sec. 12.056. POWERS AND DUTIES. Requires RRBC to confer and act jointly with representatives appointed on behalf of the State of Oklahoma to:

(1) evaluate the methods, surveys, historical maps, and other information used to establish the boundary line between this state and the State of Oklahoma in the Texoma area;

(2) determine the location of the south bank of the Red River as the bank was located and marked by the United States Army Corps of Engineers before the beginning of construction of Lake Texoma, in accordance with Article II(c), Red River Boundary Compact, Section 12.002;

(3) redraw the boundary line between this state and the State of Oklahoma in the Texoma area in order to negate any effects the boundary as it is currently drawn has on property interests in the Texoma area, in accordance with the Lake Texoma preconstruction survey of the south bank of the Red River prepared by the United States Army Corps of Engineers or other historical records or documentation of the United States Army Corps of Engineers identifying the location of the south bank of the Red River, if the survey described by Subdivision (3)(A) is unavailable;

(4) hold hearings and conferences in this state and in the State of Oklahoma as necessary to accomplish the purposes of this section; and

(5) take other action, alone or in cooperation with the State of Oklahoma or the United States, necessary to accomplish the purposes of this section.

Sec. 12.057. REPORTS. (a) Requires RRBC, not later than January 15, 2015, to report to the governor, lieutenant governor, speaker of the house of representatives, and appropriate committees of the legislature RRBC's findings and recommendations concerning joint action by this state and the State of Oklahoma regarding amendment of the Texoma Area Boundary Agreement to incorporate the boundary between this state and the State of Oklahoma in the Texoma area as redrawn.

(b) Requires RRBC, not later than July 30, 2015, to issue a final report to the governor, lieutenant governor, speaker of the house of representatives, and appropriate committees of the legislature.

Sec. 12.058. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires December 31, 2015.

SECTION 5. (a) Requires the governor, as soon as practicable after the effective date of this Act, but not later than December 1, 2013, to appoint the members of RRBC as established by Subchapter B, Chapter 12, Natural Resources Code, as added by this Act.

(b) Requires the members, as soon as practicable after the members of RRBC are appointed, but not later than January 30, 2014, to conduct the first meeting of RRBC.

SECTION 6. Effective date: upon passage or September 1, 2013.