ENROLLED HOUSE
JOINT
RESOLUTION NO. 1011

By: Benson and Cotner of the House

and

Capps of the Senate

A Joint Resolution re-creating the Red River Boundary Commission; designating members; providing for reimbursement; providing for staffing; requesting State of Texas confer with Commission; requiring each state to pay its expenses; providing for appointment of chairman; providing for first meeting date; defining duty and purpose of Commission; providing for termination of Commission; providing exception for applicability of statutory provision regarding termination; requesting President and Congress to appoint representative to confer with Commission; requesting Governor to forward resolution to certain person and make certain request; directing distribution; and declaring an emergency.

WHEREAS, the south bank of the Red River constitutes the boundary between the States of Oklahoma and Texas; and

WHEREAS, the factual determination of where the south bank of the Red River is located is extremely difficult and subject to widely divergent opinion; and

WHEREAS, the south bank of the Red River is not a permanent location, but is constantly changing; and

WHEREAS, the federal government owns the south half of the Red River within a 116-mile stretch between the 98th Meridian and the mouth of the North Fork of the Red River; and

WHEREAS, the federal government would make in-lieu payments of seventy-five cents ($0.75) per acre to the State of Oklahoma on such lands if the boundaries of such lands could be identified; and

WHEREAS, the State of Oklahoma is entitled, by law, to thirty-seven and one-half percent (37 1/2%) of the revenues derived from oil and gas production from those lands; and

WHEREAS, the Kiowa, Comanche and Apache Tribes are entitled, by law, to sixty-two and one-half percent (62 1/2%) of the revenues derived from oil and gas production from those lands; and

WHEREAS, the changing location of the south bank and the difficulty in determining its location at any given time has created problems in the enforcement of laws, collection of taxes, economic development, and the establishment of property ownership; and

WHEREAS, the State of Oklahoma provided for the creation of a Red River Boundary Commission pursuant to the terms established in Senate Joint Resolution No. 2 of the First Regular Session of the 43rd Oklahoma Legislature, which measure was approved on April 11, 1991; and

WHEREAS, the terms of the measure which provided for the Red River Boundary Commission stated that the entity would terminate on June 30, 1994; and

WHEREAS, the important work of the Red River Boundary Commission has not been completed within the time originally contemplated and a re-creation of the Red River Boundary Commission in the same form as previously enacted pursuant to Senate Joint Resolution No. 2 of the First Regular Session of the 43rd Oklahoma Legislature is necessary in order to perform the tasks required of the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 45TH OKLAHOMA LEGISLATURE:

SECTION 1. A Red River Boundary Commission is hereby re-created. The Commission shall consist of the Attorney General of the State of Oklahoma, a designee of the Governor of the State of Oklahoma, a representative of the Kiowa, Comanche and Apache Land Use Committee to be appointed by the Oklahoma Indian Affairs Commission, those members of the Oklahoma State Senate who represent areas which border the Red River between the Arkansas border and the mouth of the North Fork of the Red River, and those members of the Oklahoma House of Representatives who represent areas which border the Red River between the Arkansas border and the mouth of the North Fork of the Red River.

Such members shall serve without additional compensation each of whom may from time to time serve by and through a person designated by the member in writing for that purpose. Legislative members shall receive reimbursement from the house in which they serve pursuant to the provisions of Section 456 of Title 74 of the Oklahoma Statutes. Other members of the Commission who are state employees shall receive reimbursement pursuant to the State Travel Reimbursement Act from the funds of their employing agency. The appointee of the Oklahoma Indian Affairs Commission shall receive reimbursement pursuant to the State Travel Reimbursement Act from the funds of the Department of Central Services.

Staffing for the Red River Boundary Commission shall be provided by the Legislative Service Bureau.

SECTION 2. The chairperson of the Commission shall be jointly appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives from the committee members identified in Section 1 of this resolution no later than thirty (30) days after the date this resolution is approved and becomes effective as law. The first meeting of the Red River Boundary Commission, as re-created herein, shall be held at the call of the chairperson but no later than July 15, 1995.

SECTION 3. The Commission shall confer and act in conjunction with the representatives to be appointed on behalf of the State of Texas for the following purposes:

1. To initially make a joint investigation at the joint expense of the two states as to the appropriate method of establishing a permanent location of the common boundary between the two states with respect to the south bank of the Red River, between the Arkansas border and the mouth of the North Fork of the Red River;

2. To investigate, negotiate and report as to the necessity and advisability of a compact between the two states defining and locating a permanent, identifiable state line located on the south bank;

3. To hold such hearings and conferences in either of the two states as may be required and to take such action, either separately or in cooperation with the State of Texas or the United States, or both, as may be necessary or convenient to accomplish the purposes of this act; and

4. To report to the Governor and the Legislature of the State of Oklahoma annually on February 1 of each year its findings and recommendations concerning joint action by the State of Oklahoma and the State of Texas. For purposes of the report for filing during 1995, the Red River Boundary Commission shall file its report not later than November 1, 1995.

SECTION 4. The Red River Boundary Commission shall terminate upon the date mutually agreed upon by a majority of the members of the Commission pursuant to a formal motion for dissolution of the Commission after its business has concluded. The provisions of Section 11b of Title 75 of the Oklahoma Statutes shall not apply to the Red River Boundary Commission and the Commission may be dissolved only as provided by this section.

SECTION 5. The Oklahoma State Legislature hereby respectfully requests the President and the Congress of the United States to appoint a representative of the United States to meet and confer with the Commission and the representatives of the State of Texas and to assist in carrying out the purposes of this resolution.

SECTION 6. The Governor of the State of Oklahoma is empowered and requested to forward a copy of this resolution to the Governor of the State of Texas and to request that the Governor or Legislature of that state appoint representatives of the State of Texas to confer and act in conjunction with the Commission for the purposes above specified, with the understanding that each state will pay all expenses of its representatives.

SECTION 7. The Secretary of State is hereby directed to distribute copies of this resolution to the President of the United States, all members of Oklahoma's Congressional Delegation, the Governor and the Attorney General of the State of Oklahoma, the Oklahoma Indian Affairs Commission, and the Department of Central Services.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 7th day of March, 1995.

Speaker of the House of Representatives

Passed the Senate the 10th day of April, 1995.

President of the Senate