

BILL ANALYSIS

Senate Research Center
82R20895 SGA-F

H.B. 3696
By: Gallego (Uresti)
Agriculture & Rural Affairs
5/17/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties observe that the National Park Service currently has exclusive jurisdiction over Big Bend National Park, under which the federal agency possesses all of the authority of the state, subject only to the right to serve criminal and civil process for actions occurring outside the park. Those parties assert that the park would be better served by establishing concurrent jurisdiction, under which state law may be assimilated into federal law when an applicable federal law exists and any law enforcement efforts relating to an offense occurring within the boundaries of the park could be negotiated and legally pursued by either state or federal officers.

H.B. 3696 amends current law relating to concurrent state and federal jurisdiction over units of the national park system in this state.

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 Subchapter A, Chapter 23, Parks and Wildlife Code, to read as follows:

SUBCHAPTER A. BIG BEND NATIONAL PARK; RIO GRANDE WILD AND SCENIC RIVER

SECTION 2. Amends Subchapter A, Chapter 23, Parks and Wildlife Code, by adding Sections 23.0011 and 23.003, as follows:

Sec. 23.0011. CIVIL AND POLITICAL RIGHTS OF PARK RESIDENTS. (a) Provides that the civil and political rights of a person who resides inside the boundaries of Big Bend National Park or the Rio Grande Wild and Scenic River are preserved and are not impaired by this state's acceptance of concurrent jurisdiction under Section 23.051.

(b) Provides that this section expires September 1, 2012, unless the governor has received written acceptance of concurrent jurisdiction under Section 23.051(b) by that date.

Sec. 23.003. RETROCESSION OF CONCURRENT JURISDICTION. (a) Requires the governor, on behalf of the state, simultaneously with the cession of concurrent jurisdiction under Section 23.051, to accept from an authorized official of the National Park Service, United States Department of the Interior, a retrocession of concurrent jurisdiction over territory that is:

- (1) under exclusive federal jurisdiction; and
- (2) in Big Bend National Park, or the Rio Grande Wild and Scenic River.

(b) Provide that this section expires September 1, 2012, unless the governor has received written acceptance of concurrent jurisdiction under Section 23.051(b) by that date.

SECTION 3. Amends Chapter 23, Parks and Wildlife Code, by adding Subchapter E, as follows:

SUBCHAPTER E. JURISDICTION

Sec. 23.051. CESSION OF CONCURRENT JURISDICTION. (a) Requires the governor, on behalf of the state, to cede to the United States concurrent jurisdiction over territory that:

(1) is owned by the United States within the boundaries of any unit of the national park system in this state; and

(2) is or would be, if not for this cession, under proprietorial federal jurisdiction.

(b) Provides that the cession of jurisdiction takes effect when an authorized official of the National Park Service, United States Department of the Interior, accepts it in writing.

(c) Requires the governor, not later than the 21st day after the written acceptance is received in the governor's office, to provide a copy of the acceptance to the secretary of state. Requires the secretary of state to publish the acceptance in the Texas Register.

SECTION 4. (a) Requires the governor, not later than October 1, 2011, to send a copy of this Act to an authorized official of the National Park Service, United States Department of the Interior, to request consideration and acceptance of the changes in jurisdiction proposed in this Act.

(b) Requires the governor, if the governor receives written confirmation from an authorized official of the National Park Service, United States Department of the Interior, that the National Park Service accepts the changes in jurisdiction made by this Act, to implement Section 23.051(c), Parks and Wildlife Code, as added by this Act.

SECTION 5. Effective date: upon passage or September 1, 2011.