

## **BILL ANALYSIS**

C.S.H.B. 3696  
By: Gallego  
Culture, Recreation & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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.

In support of that assertion, C.S.H.B. 3696 provides for an agreement between the National Park Service and the State of Texas for concurrent jurisdiction over Big Bend National Park and the Rio Grande Wild and Scenic River, which will allow for more efficient use of state and federal law enforcement personnel for the protection of visitors to and resources of those areas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3696 amends the Parks and Wildlife Code to establish 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 the acceptance by the State of Texas of concurrent jurisdiction under the bill's provisions. The bill requires the governor, on behalf of the state and simultaneously with the cession of concurrent jurisdiction, to accept from an authorized official of the National Park Service, United States Department of the Interior, a retrocession of concurrent legislative jurisdiction over territory that is under exclusive federal jurisdiction and in Big Bend National Park or the Rio Grande Wild and Scenic River. The bill establishes that these provisions expire September 1, 2012, unless the governor has received written acceptance of concurrent jurisdiction under the bill's provisions by that date.

C.S.H.B. 3696 requires the governor, on behalf of the state, to cede to the United States concurrent jurisdiction over territory that is owned by the United States within the boundaries of any unit of the national park system in Texas and is or would be, if not for this cession, under proprietary federal jurisdiction. The bill makes this cession of jurisdiction effective when an authorized official of the National Park Service accepts it in writing.

C.S.H.B. 3696 requires the governor, not later than October 1, 2011, to send a copy of the bill to an authorized official of the National Park Service to request consideration and acceptance of the changes in jurisdiction proposed by the bill. The bill requires the governor, if the governor receives written confirmation from the authorized official that the National Park Service accepts the changes in jurisdiction made by the bill's provisions and 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 and requires the secretary of state to publish the acceptance in the Texas Register.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3696 differs from the original by providing for concurrent jurisdiction of Big Bend National Park and the Rio Grande Wild and Scenic River by the National Park Service, United States Department of the Interior, and the State of Texas, whereas the original provides for concurrent legislative jurisdiction of those areas by the National Park Service and the state.

C.S.H.B. 3696 differs from the original, in provisions relating to the civil and political rights of park residents, by establishing that such rights apply to a person who resides inside the boundaries of Big Bend National Park or the Rio Grande Wild and Scenic River, whereas the original applies those rights to a person who resides inside the boundaries of the park and applicable portions of the river.

C.S.H.B. 3696 contains provisions not included in the original establishing that the substitute's provisions relating to the civil and political rights of park residents and a retrocession of concurrent jurisdiction of the park and river expire September 1, 2012, unless the governor has received written acceptance of concurrent jurisdiction under the substitute's provisions by that date.

C.S.H.B. 3696 differs from the original by specifying that a retrocession of concurrent jurisdiction under the substitute's provisions is over territory that is under exclusive federal jurisdiction and in Big Bend National Park or the Rio Grande Wild and Scenic River, whereas the original specifies that a retrocession of concurrent legislative jurisdiction under the original's provisions is over the lands and waters within the boundaries of the park and river that now are under exclusive federal jurisdiction.

C.S.H.B. 3696 differs from the original by requiring the governor, on behalf of the state, to cede to the United States concurrent jurisdiction over territory that is owned by the United States and exhibits certain other characteristics, whereas the original provides that such cession to the United States is of concurrent legislative jurisdiction over all lands now owned or hereafter acquired by the United States and meeting those other requirements. The substitute omits the specification included in the original that the cession of concurrent legislative jurisdiction occurs simultaneously with the acceptance of concurrent legislative jurisdiction required by the original's provisions.

C.S.H.B. 3696 differs from the original by requiring the governor, not later than the 21st day after written acceptance of the cession of jurisdiction by an authorized official of the National Park Service is received in the governor's office, to provide a copy of the acceptance to the secretary of state and requiring the secretary of state to publish the acceptance in the Texas Register, whereas the original requires the governor, if the governor receives written confirmation from the authorized official that the National Park Service accepts the changes in jurisdiction made by the original, to publish a notice of that confirmation in the Texas Register not later than the 21st day after the date the confirmation is received. The substitute contains a provision omitted in the original requiring the governor, if the governor receives written confirmation from an authorized official of the National Park Service that the National Park Service accepts the changes in jurisdiction made by the substitute, to implement the provision requiring the governor to provide a copy of the acceptance to the secretary of state for publication in the Texas Register.

C.S.H.B. 3696 differs from the original by providing a uniform effective date for the substitute's provisions, whereas the original provides multiple effective dates for its provisions and provides that, if the required notice of the written confirmation from an authorized official of the National Park Service is not published in the Texas Register by a specified date, the original's provisions relating to the civil and political rights of park residents and concurrent legislative jurisdiction will have no effect.

C.S.H.B. 3696 contains a conforming change not included in the original and differs from the original in nonsubstantive ways.