

By: Gallego

H.B. No. 3696

A BILL TO BE ENTITLED

1 AN ACT
2 relating to concurrent state and federal jurisdiction over units of
3 the national park system in this state.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Subchapter A, Chapter 23, Parks
6 and Wildlife Code, is amended to read as follows:

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

9 SECTION 2. Subchapter A, Chapter 23, Parks and Wildlife
10 Code, is amended by adding Sections 23.0011 and 23.003 to read as
11 follows:

12 Sec. 23.0011. CIVIL AND POLITICAL RIGHTS OF PARK RESIDENTS.

13 (a) The civil and political rights of a person who resides inside
14 the boundaries of Big Bend National Park or the Rio Grande Wild and
15 Scenic River are preserved and are not impaired by this state's
16 acceptance of concurrent jurisdiction under Section 23.051.

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

20 Sec. 23.003. RETROCESSION OF CONCURRENT JURISDICTION. (a)
21 Simultaneously with the cession of concurrent jurisdiction under
22 Section 23.051, the governor, on behalf of the state, shall accept
23 from an authorized official of the National Park Service, United
24 States Department of the Interior, a retrocession of concurrent

1 jurisdiction over territory that is:

2 (1) under exclusive federal jurisdiction; and

3 (2) in:

4 (A) Big Bend National Park; or

5 (B) the Rio Grande Wild and Scenic River.

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

9 SECTION 3. Chapter 23, Parks and Wildlife Code, is amended
10 by adding Subchapter E to read as follows:

11 SUBCHAPTER E. JURISDICTION

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

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

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

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

23 (c) Not later than the 21st day after the written acceptance
24 is received in the governor's office, the governor shall provide a
25 copy of the acceptance to the secretary of state. The secretary of
26 state shall publish the acceptance in the Texas Register.

27 SECTION 4. (a) Not later than October 1, 2011, the governor

1 shall send a copy of this Act to an authorized official of the
2 National Park Service, United States Department of the Interior, to
3 request consideration and acceptance of the changes in jurisdiction
4 proposed in this Act.

5 (b) If the governor receives written confirmation from an
6 authorized official of the National Park Service, United States
7 Department of the Interior, that the National Park Service accepts
8 the changes in jurisdiction made by this Act, the governor shall
9 implement Section 23.051(c), Parks and Wildlife Code, as added by
10 this Act.

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2011.