

1-1 By: Gallego (Senate Sponsor - Uresti) H.B. No. 3696
1-2 (In the Senate - Received from the House May 16, 2011;
1-3 May 16, 2011, read first time and referred to Committee on
1-4 Agriculture and Rural Affairs; May 20, 2011, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 20, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to concurrent state and federal jurisdiction over units of
1-9 the national park system in this state.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Subchapter A, Chapter 23, Parks
1-12 and Wildlife Code, is amended to read as follows:

1-13 SUBCHAPTER A. BIG BEND NATIONAL PARK; RIO GRANDE WILD AND SCENIC
1-14 RIVER

1-15 SECTION 2. Subchapter A, Chapter 23, Parks and Wildlife
1-16 Code, is amended by adding Sections 23.0011 and 23.003 to read as
1-17 follows:

1-18 Sec. 23.0011. CIVIL AND POLITICAL RIGHTS OF PARK RESIDENTS.

1-19 (a) The civil and political rights of a person who resides inside
1-20 the boundaries of Big Bend National Park or the Rio Grande Wild and
1-21 Scenic River are preserved and are not impaired by this state's
1-22 acceptance of concurrent jurisdiction under Section 23.051.

1-23 (b) This section expires September 1, 2012, unless the
1-24 governor has received written acceptance of concurrent
1-25 jurisdiction under Section 23.051(b) by that date.

1-26 Sec. 23.003. RETROCESSION OF CONCURRENT JURISDICTION. (a)
1-27 Simultaneously with the cession of concurrent jurisdiction under
1-28 Section 23.051, the governor, on behalf of the state, shall accept
1-29 from an authorized official of the National Park Service, United
1-30 States Department of the Interior, a retrocession of concurrent
1-31 jurisdiction over territory that is:

1-32 (1) under exclusive federal jurisdiction; and

1-33 (2) in:

1-34 (A) Big Bend National Park; or

1-35 (B) the Rio Grande Wild and Scenic River.

1-36 (b) This section expires September 1, 2012, unless the
1-37 governor has received written acceptance of concurrent
1-38 jurisdiction under Section 23.051(b) by that date.

1-39 SECTION 3. Chapter 23, Parks and Wildlife Code, is amended
1-40 by adding Subchapter E to read as follows:

1-41 SUBCHAPTER E. JURISDICTION

1-42 Sec. 23.051. CESSION OF CONCURRENT JURISDICTION. (a) The
1-43 governor, on behalf of the state, shall cede to the United States
1-44 concurrent jurisdiction over territory that:

1-45 (1) is owned by the United States within the
1-46 boundaries of any unit of the national park system in this state;
1-47 and

1-48 (2) is or would be, if not for this cession, under
1-49 proprietary federal jurisdiction.

1-50 (b) The cession of jurisdiction takes effect when an
1-51 authorized official of the National Park Service, United States
1-52 Department of the Interior, accepts it in writing.

1-53 (c) Not later than the 21st day after the written acceptance
1-54 is received in the governor's office, the governor shall provide a
1-55 copy of the acceptance to the secretary of state. The secretary of
1-56 state shall publish the acceptance in the Texas Register.

1-57 SECTION 4. (a) Not later than October 1, 2011, the governor
1-58 shall send a copy of this Act to an authorized official of the
1-59 National Park Service, United States Department of the Interior, to
1-60 request consideration and acceptance of the changes in jurisdiction
1-61 proposed in this Act.

1-62 (b) If the governor receives written confirmation from an
1-63 authorized official of the National Park Service, United States
1-64 Department of the Interior, that the National Park Service accepts

2-1 the changes in jurisdiction made by this Act, the governor shall
2-2 implement Section 23.051(c), Parks and Wildlife Code, as added by
2-3 this Act.

2-4 SECTION 5. This Act takes effect immediately if it receives
2-5 a vote of two-thirds of all the members elected to each house, as
2-6 provided by Section 39, Article III, Texas Constitution. If this
2-7 Act does not receive the vote necessary for immediate effect, this
2-8 Act takes effect September 1, 2011.

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