

- SUBJECT:** Petitioning concurrent jurisdiction over Big Bend National Park
- COMMITTEE:** Culture, Recreation and Tourism — favorable, without amendment
- VOTE:** 9 ayes — Cyrier, Martinez, Bucy, Gervin-Hawkins, Holland, Jarvis Johnson, Kacal, Morrison, Toth
- 0 nays
- WITNESSES:** For — Ronny Dodson, Brewster County Sheriff's Office (*Registered, but did not testify*: David Sinclair, Game Warden Peace Officers Association)
- Against — None
- On — (*Registered, but did not testify*: Stormy King, Texas Parks and Wildlife)
- BACKGROUND:** 16 U.S.C. sec. 157 prohibits title to the land for Big Bend National Park from being accepted by the U.S. secretary of the interior unless exclusive jurisdiction over the area has been ceded by Texas to the United States.
- Parks and Wildlife Code sec. 23.001 establishes that Texas retains jurisdiction in Big Bend National Park, concurrently with the United States, as though cession had not occurred, for:
- the service of criminal and civil process issued under the authority of the state on any person amenable to service; and
  - the assessment and collection of taxes on the sales of products and commodities and on franchises and property.
- Some have noted that existing statute does not permit the state to have full jurisdiction in all areas of the park and suggest it would be beneficial to Big Bend National Park if the federal and state governments shared concurrent jurisdiction over the entirety of the territory in the park.
- DIGEST:** HB 329 would provide for the cession and retrocession of concurrent

jurisdiction over certain National Park System territories in Texas.

**Cession of concurrent jurisdiction.** The bill would require the governor, on behalf of the state, to cede to the United States concurrent jurisdiction over territory that:

- was owned by the federal government within the boundaries of any unit of the national park system in Texas; and
- was or would be under federal jurisdiction if not for the bill's proposed cession.

The cession would take effect when an authorized official of the National Park Service accepted it in writing.

**Retrocession.** Simultaneously with the cession, the governor would accept from an authorized official of the National Park Service a retrocession of concurrent jurisdiction over territory under exclusive federal jurisdiction in Big Bend National Park and the Rio Grande Wild and Scenic River.

The retrocession provision would expire September 1, 2020, unless the governor received acceptance of concurrent jurisdiction by that date.

**Approval process.** HB 329 would direct the governor to send a copy of this bill to the National Park Service to request the changes in jurisdiction by October 1, 2019. If the governor received written confirmation accepting the changes, the governor would be required to implement the changes in the Parks and Wildlife Code as added by the bill.

**Other provisions.** The bill's request for concurrent jurisdiction would not affect the civil and political rights of persons residing inside the boundaries of Big Bend National Park or the Rio Grande Wild and Scenic River.

**Effective date.** The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it

would take effect September 1, 2019.