

BILL ANALYSIS

Senate Research Center
87R28176 JCG-D

C.S.H.B. 2025
By: Hunter (Huffman)
Jurisprudence
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2025 amends the Government Code to require a governmental entity to recognize and act on a published federal decennial census report or count on the later of either of the following dates:

- September 1 of the year after the calendar year during which the census was taken; or
- the first day of the first calendar month occurring after the 150th day after the date of publication.

H.B. 2025 provides that the population figures from the 2010 federal census continue to apply with respect to a statute that applies to a political subdivision having a certain population according to the most recent federal census until September 1, 2023. The bill specifies that a statute does not apply to a political subdivision to which the statute did not apply under the 2010 federal census, regardless of whether the subdivision has the population prescribed by the statute according to the 2020 federal census.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 2025 amends current law relating to certain statutes and governmental actions that relate to the federal census.

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 Section 2058.001(b), Government Code, as follows:

(b) Requires a governmental entity to recognize and act on a published report or count relating to a federal decennial census and released by the director of the Bureau of the Census of the United States Department of Commerce on the later of:

- (1) September 1 of the year after the calendar year during which the census was taken; or
- (2) the first day of the first calendar month occurring after the 150th day after the date of the publication of the report or count.

Deletes existing text requiring that a governmental entity recognize and act on a published report or count relating to a federal decennial census on September 1 of the year after the calendar year during which the census was taken if the report or count is published on or before that date or on the date of its publication if the report or count is published after September 1 of the year after the calendar year during which the census was taken.

SECTION 2. Amends Section 2058.002, Government Code, by adding Subsections (c), (d), and (e), as follows:

(c) Provides that nothing in Chapter 2058 (Recognition of Federal Census) prohibits the legislature from acting on published reports and counts described by Section 2058.001(b) and relating to the 2020 federal decennial census, regardless of the date the reports or counts are published.

(d) Authorizes the commissioners court of a county, notwithstanding any other law, to act on published reports or counts described by Section 2058.001(b) and relating to the 2020 federal decennial census, and any information provided by the state relating to redistricting based on those reports or counts, in carrying out the commissioner court's duties under Chapter 42 (Election Precincts), Election Code, with respect to establishing or changing election precincts, regardless of the date the reports or counts are published or the information is provided or any required period for those duties as provided by law.

(e) Provides that this subsection and Subsections (c) and (d) expire September 1, 2023.

SECTION 3. Amends Chapter 2058, Government Code, by adding Section 2058.0021, as follows:

Sec. 2058.0021. **APPLICABILITY OF 2010 FEDERAL CENSUS; TEMPORARY PROVISION.** (a) Provides that, except as expressly provided by other law and notwithstanding the definition of "population" in Sections 311.005 (General Definitions) and 312.011 (Definitions), a statute that applies to a political subdivision having a certain population according to the most recent federal census:

(1) continues to apply to the same political subdivisions to which the statute applied under the 2010 federal census, regardless of whether the political subdivisions continue to have the population prescribed by the statute according to the 2020 federal census; and

(2) does not apply to a political subdivision to which the statute did not apply under the 2010 federal census, regardless of whether the political subdivision has the population prescribed by the statute according to the 2020 federal census.

(b) Provides that this section expires September 1, 2023.

SECTION 4. Effective date: upon passage or September 1, 2021.