

- SUBJECT:** Adjusting statutory population figures to conform to 2000 census
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 10 ayes — Wolens, S. Turner, Bailey, Brimer, Counts, Craddick, Danburg, Longoria, McCall, McClendon
- 0 nays
- 5 absent — Hilbert, Hunter, D. Jones, Marchant, Merritt
- WITNESSES:** For — Donald Lee, Texas Conference of Urban Counties; Joe Paniagua, Fort Worth City Council; *Registered, but did not testify:* Jim Allison, County Judges and Commissioners Association of Texas
- Against — John Kerr, Fort Worth Police Officers' Association; *Registered, but did not testify:* Ron DeLord, Combined Law Enforcement Associations of Texas
- On — Mark Brown, Texas Legislative Council; Chris W. Jones, Combined Law Enforcement Associations of Texas
- BACKGROUND:** Many Texas statutes apply only to cities and counties of a specified size — those over a certain population, under a certain population, or between two population figures (brackets).
- The U.S. Census Bureau has released updated population figures for Texas based on the 2000 census. Government Code, ch. 2058 requires the state or an agency or political subdivision of the state to recognize a new federal decennial census no earlier than September 1 of the year after the census is taken, except for redistricting purposes.
- DIGEST:** CSHB 2810 would adjust population figures for local entities defined by their population in 170 statutes.
- The bill would take effect September 1, 2001.

**SUPPORTERS SAY:** Scores of statutes must be changed to reflect updated population figures derived from the 2000 census, “the most recent federal census” as cited in many laws. CSHB 2810 would make the necessary changes, without regard to whether the figures might be changed later by the Census Bureau to adjust for any undercounting. The Legislature has been using this procedure effectively since 1971.

The bill does not cover the population definition in Local Government Code, sec. 143.301 in order to allow consideration of HB 2384 by Carter. This bill, which would establish special requirements for the city of Fort Worth to adopt “meet and confer” negotiations with police and fire fighter associations, passed the House on April 24 by 146-0-2. Otherwise, the city of Fort Worth would move into the bracket specified in Local Government Code, sec. 143.301, which now applies only to Austin.

**OPPONENTS SAY:** CSHB 2810 would not update Local Government Code, sec. 143.301 to make it apply exclusively to the city of Austin as it did when enacted. Consequently, the city of Fort Worth also would move into the population definition, making Fort Worth’s police and fire fighter associations eligible to petition the city for “meet and confer” negotiating status.

**OTHER OPPONENTS SAY:** The standard used for including the statutes that would be revised by the bill was whether five or fewer political subdivisions will be affected by the population definition in the statute. Consequently, about 400 population definitions that will affect a larger number of jurisdictions would not be revised under this bill. Many cities and counties will have to discover whether they have moved in or out of population brackets they may or may not want to enter or leave.

**NOTES:** The bill as originally filed contained a statement of legislative intent that statutes currently applicable to political subdivisions with certain populations would continue to apply regardless of whether they had the requisite populations under the 2000 census. The committee substitute would amend specific statutes.

The companion bill, SB 1669 by Cain, is pending in the Senate Administration Committee.