

BILL ANALYSIS

H.B. 4559
By: Darby
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Many statutes are limited in their application to a certain class of political subdivisions by means of a population bracket that establishes an upper or lower limit or both for the target class of political subdivision. A reference in a statute to the population of a political subdivision means the population according to the most recent federal census. Therefore, as population data changes with the release of each federal census, the political subdivision for which a population bracket was designed may no longer be in the bracket. It becomes necessary, following each federal census, to examine each population bracket and, if necessary, to take action to update the bracket to ensure that statutes continue to apply as originally enacted.

Ordinarily, population brackets are updated in the regular session immediately following the publication of the census. Because of the delay in the release of the 2020 census data, the legislature was unable to pass the needed legislation in the 2021 regular session. Instead, the 87th Legislature enacted legislation to provide that the 2010 federal census continues 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 purpose of H.B. 4559 is to take into account the new census data contained in the 2020 federal census and to update population brackets as necessary so that the statutes using those brackets continue to apply to the political subdivisions for which the brackets were intended.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4559 amends the Agriculture Code, Alcoholic Beverage Code, Code of Criminal Procedure, Education Code, Election Code, Family Code, Government Code, Health and Safety Code, Human Resources Code, Insurance Code, Local Government Code, Natural Resources Code, Occupations Code, Parks and Wildlife Code, Property Code, Tax Code, Transportation Code, Utilities Code, and Water Code, and certain provisions in Vernon's Texas Civil Statutes, to revise the population-based descriptions of certain political subdivisions used to limit the applicability of various provisions of state law to reflect changes in population that took place between the 2010 and 2020 decennial federal censuses so that the provisions continue to apply to the particular subdivisions.

H.B. 4559 clarifies that its provisions are not intended to revive a law that was impliedly repealed by a law enacted by the 87th Legislature or a previous legislature. The bill also specifies that, to the extent that a law enacted by the 88th Legislature, Regular Session, 2023, conflicts with its provisions, the other law prevails, regardless of the relative dates of enactment or the relative effective dates.

EFFECTIVE DATE

September 1, 2023.