

79th Texas Legislative Review

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As Mark Twain once said, "No man's life, liberty, or property are safe when the legislature is in session." In case you spent the summer in the Amazon rainforest, and haven't had access to a television, the 79th Texas Legislature just recessed for the third time this year. The big news this session was the School Finance Bill. After legislators failed to pass it in the regular session, your Aggie governor called two special sessions, during which your representatives still could not agree upon a permanent solution. Instead they decided to wait until the Supreme Court makes a ruling.

I bring up this particular case to call attention to the fact that for every bill that gets mentioned on the evening news or in the newspaper, there are hundreds that slip through without the public ever hearing a word about them. During the regular and special sessions the House and Senate passed more than 1600 laws and resolutions. These laws run the gamut from simple changes in regulatory rules to extensive limitations on your freedoms.

Granted, many of the laws passed were related to such innocuous things as commending Lance Armstrong on his seventh Tour de France victory or urging the U.S. Congress to fully fund NASA's budget, but a great number of the new laws directly affect the amount of money citizens have to pay for services. The Legislature authorized hundreds of new or increased fees for government services and created several special districts - hospital, municipal utility, water supply, etc. - which means that administrative apparatuses will also be established and funded to manage them. Often times these districts are financed with local bonds, but some of the funding undoubtedly comes from state coffers. Likewise, this session saw the creation of numerous "awareness" programs for various issues and several county and state roads renamed as "memorial" highways in honor of dead politicians, policemen, veterans, and crime victims.

Most of the laws can be explained by simple politics: logrolling, pork-barreling, patronage, and kickbacks, and while we should be mad at the waste of taxpayer money, they aren't really dangerous to your freedoms. Unfortunately every session, there are a few laws that make it through that actually impact the way that you live and work. While a full account of everything your representatives did this year is beyond the scope of Contumacy, below is a list of some of the more significant laws that passed and brief analysis of their effects.

The important thing to remember is that the people who pass these laws are only public servants, and you are the public, so when they spend your money or restrict your rights, you have a duty to speak up. If you see something that you like or don't like, find out how your representative voted on it and let him/her know. The only way that anything will ever change is if they know we're watching all the time.

Disclaimer: We at Contumacy are not attorneys, nor do we represent ourselves as providing legal advice. The summaries below are based on our understanding of the text of the published bills. If you have any questions about the impact of any

of the bills listed, please contact a licensed attorney. We urge you to read the complete text of these and all other bills passed this session by visiting the Texas Legislature Online at <http://www.capitol.state.tx.us/>.

- HB 56** makes it illegal to tamper with an electronic voting machine.
- HB 107** prohibits fat people from suing restaurants and food manufacturers for making them fat.
- HB 133** allows universities to count military training as college credit.
- HB 160** allows law enforcement agencies to use data from your automotive GPS system as evidence against you.
- HB 178** allows election officials to swipe your driver's license or state ID to confirm your identity and voter eligibility.
- HB 322** makes 18 year old active and veteran military personnel eligible for a concealed carry permit.
- HB 345** prohibits voter registrars from publishing personal information about voters on a website.
- HB 364** makes it illegal for private citizens to use, sell, purchase, or possess a device that preempts traffic signals.
- HB 479** gives campus police of UT Austin concurrent jurisdiction with overlapping state and local law enforcement agencies.
- HB 480** makes law enforcement agencies pay for towing and storage if they impound your vehicle as evidence.
- HB 503** exempts certain military personnel and their children from paying college tuition and fees.
- HB 505** makes it illegal to shoot a gun across a property line without permission from the owner.
- HB 535** makes it illegal to use a loudspeaker or bullhorn within 1000 feet of a polling place.
- HB 582** makes it illegal to take or attempt to take a stun gun from a law enforcement or corrections officer.
- HB 616** relieves the state, county, or city from any liability for injuries related to sporting or leisure activities sustained on park property.
- HB 681** causes inmates to forfeit good conduct time if they file "frivolous" applications for writ of habeas corpus.
- HB 685** exempts active and veteran military personnel from taking the range instruction portion of the handgun proficiency test for the concealed carry permit.
- HB 698** requires business to destroy old records that contain customers' personal information.
- HB 805** allows hospitals and emergency medical personnel to fingerprint patients before providing care.
- HB 823** makes it legal to carry a concealed handgun without a permit if you are traveling in your automobile.
- HB 853** allows stores to ask for your driver's license or social security number if you return an item without a receipt.
- HB 900** requires workforce development (state unemployment agencies) to provide training in financial literacy.

HB 915 allows peace officers to make arrests outside of their jurisdictions if they witness a crime being committed.

HB 937 allows wine sellers to offer free samples.

HB 982 requires restaurant or bar owners to post a sign for their employees stating the penalties for identity theft.

HB 1012 makes it illegal to vandalize a grave or tomb.

HB 1038 reduces the fee for concealed carry permit for senior citizens by 50 percent.

HB 1076 allows parks and wildlife department to waive hunting license fees for active duty military personnel.

HB 1095 makes it illegal for inmates of correctional facilities to cause corrections officers to come in contact with their (the inmate's) blood, seminal fluid, vaginal fluid, saliva, urine, or feces, and allows the facility to test the inmate for diseases.

HB 1098 The Anti-Phishing Act - makes it illegal to use the internet for identity theft.

HB 1357 allows the state to suspend your driver's license for six months if you are convicted of providing alcohol to a minor.

HB 1426 protects personal information on your rabies vaccination from disclosure.

HB 1481 makes it illegal to drive around a barricade warning about water on the road.

HB 1483 allows for the payment of handgun concealed carry permit with credit card, money order, and check.

HB 1544 makes it illegal to take the cornea from a deceased person without their prior authorization.

HB 1580 requires voting precincts to keep voting records for 22 months.

HB 1630 requires universities to excuse students for active military service.

HB 1634 makes fires started while illegally manufacturing a controlled substance punishable as arson.

HB 1681 allows correctional facilities to punish inmates who refuse to give a DNA sample.

HB 1791 applies state hazing statutes to private colleges and universities.

HB 1831 changes the definition of "convicted" to allow those with deferred adjudication ten years or longer ago to apply for a concealed carry permit.

HB 1925 requires the highway department to cover construction signs that restrict speed when construction is not taking place.

HB 1959 makes it illegal to hunt deer with dogs.

HB 2027 makes it illegal to shoot a gun or a bow in or on the beds or banks of certain rivers or streams in certain counties (Dimmit, Edwards, Frio, Kenedy, Llano, Maverick, Real, Uvalde, or Zavala).

HB 2037 allows the state to seize personal property of a person convicted of hunting or fishing without landowner consent.

HB 2228 makes it illegal to knowingly sexual solicit a minor online.

HB 2553 makes it illegal for cellular phone companies to publish their customers' phone numbers without their consent.

SB 9 amends the Homeland Security Act.

SB 30 establishes a pilot project to award incentives to students who contract to graduate in a timely manner.

SB 34 establishes a tuition rebate system

SB 122 Identity Theft Enforcement and Protection Act

SB 327 Consumer Protection Against Computer Spyware Act

SB 481 makes it illegal to operate an unauthorized recording device in a movie theatre.

SB 1311 establishes the Off Highway Vehicle Trail and Recreation Program.