



From the Desk of
Representative
Dan Flynn



The Flynn Report

January 15, 2005

Greetings constituents, supporters and friends:

As the law requires on the second Tuesday every two years the Texas Legislature convenes to set a budget for the next two years and to address and serve the needs of the people of Texas. On Tuesday, January 11th, at the State Capitol in Austin the Texas Legislature officially got under way to begin the 79th Regular Session. This will be my second term to represent the good people of House District Two, and I have been anxiously awaiting the opportunity to address the challenges that are awaiting our great state of Texas.

Over the next 140 days we will address and debate the many issues that will come before the body including public school finance reform, worker's compensation, transportation, water policy, health and human services and most importantly the state's biennial budget along with many other important issues.

As the regular session of the 79th Legislature began the elected members were sworn into office and the first official vote of the session was for speaker. Speaker Tom Craddick was again overwhelmingly elected as Speaker of the Texas House of Representatives validating the outstanding job he did leading the 78th Legislature with its historic accomplishments.

The second order of business for the House was to approve the Proposed Rules of Procedure for the 79th Session. A synopsis of the proposal of the fourteen rules saw no changes to six of the them. Some substantive changes as to Standing Committees names and responsibilities of the committees were approved. Changes on floor procedure were approved and perhaps the changes of most note; The House changed the rules as to how record votes will be made on every action taken by the Legislature. Just as was required of our school children two years ago to start reciting the U.S. and Texas pledges of allegiance each day, Texas House members voted Thursday to do the same as we open each session.

Interesting to note the change that should have created the most debate by members was little more than discussion of why the media doesn't print all bills and amendments along with the recorded votes in total in their Sunday additions.

Since most controversial votes are already of record, it will probably only be political consultants and extremists on both sides that will use the wealth of useless and often irrelevant information for campaign fodder. Many feel that Members will find themselves constrained in joining with members of the other party, even if they think the legislation or amendment might be good for their district.

It was expressed by many that by the end of this session or the next, the same editorial boards and special interest groups will find themselves complaining how similar Austin has become to the partisan bickering of the United States Congress. Harvey Kronberg of the *Quorum Report* said, "This will sharpen partisan divide and provide extremists ammo on both sides in future campaigns".

I personally have never had a problem with letting everyone know how I vote on every issue. I am proud of my record and welcome anyone to view it. In fact it has always been possible for anyone to know how members vote on all issues. It did take some effort and many did not choose to make the effort. I am afraid this action might strengthen caucus discipline and weaken incentives for principled reflection and voting. This might satisfy media interest but does little to provided better government.

The Texas economy grew at a steady pace during 2004, largely due to the efforts of the 78th Texas Legislature. Texas and our business community is ranked as the #1 place to do business in the country. Texas added more than 120,000 jobs in the last twelve months, and attracted \$6 billion in new capital investments. Texas was also recently recognized by Achieve, Inc. as one of three states doing the most to ensure that students are prepared for college and the working world by making a college-preparatory curriculum the standard coursework starting with the Class of 2008.

The Texas Comptroller announced that due to a rebounding state economy, and strong tax collections from oil and gas companies, Texas' general revenues finished fiscal 2004 higher than in 2003. FY 2004 general revenues increased by 6.4 percent over FY 2003 general revenues, the highest growth rate since FY 2001 and major indicators point to the possibility of even stronger growth in the coming months.

The Comptroller in accordance with the Texas Constitution issued the Biennial Revenue Estimate (BRE) Report to the Legislature that presents the revenue estimate for the remainder of the fiscal year to be a surplus of \$400 million and possibly more. The BRE provides the framework for determining the amount of money the legislature will be able to appropriate for the biennium.

Governor Rick Perry designated reform of Adult Protective Services (APS); Child Protective Services (CPS) and Education Legislation as emergency items for the 2005 legislative session. The designation will allow the legislature to begin almost immediate hearings on those items.

As we look to 2005, we will continue to focus on the education of our children, and how best to finance our schools. We will continue to raise the bar of excellence in our classrooms, and continue to hold schools accountable. We will look forward to building on our successes in the area of job creation and lawsuit reform, and making sure we provide for the safety of our children and adults in danger of abuse and neglect. Since we have kept our fiscal house in order we are better prepared as we begin another year. Texans across the state can be assured that we will leave our children and grandchildren a state they are proud to call home. In spite of what you may hear one-third of all Texas children are covered by either Medicaid or CHIP – that is more than double the number of young Texans on government-sponsored health care since 1999. The Department of Health and Human Services assures me no Texas child goes without health care.

The Senate presented their new School Finance Plan with Lt. Governor David Dewhurst and all 31 state senators reporting to support the basis of a school finance plan they say puts more money into public schools but does not increase net taxes. The plan reports to reduce school property taxes by one-third, with the current maintenance and operations tax replaced with a \$1 maximum state property tax. It also promises teachers a pay raise that would take them to the national average. Their School finance plan may hit some roadblocks along the way as local school boards understand they would no longer control tax rates under their plan - the state would." This might be a curse or a blessing.

The vast majority of general revenue (GR) will come from sales taxes. Other major sources of GR and GR-dedicated revenues are: motor vehicle sales taxes, franchise taxes, natural gas taxes, insurance premium taxes, tobacco settlement proceeds, and lottery proceeds. Senators say the plan would increase public education spending by more than ten percent, with an additional \$6.7 billion in fiscal year 2006-07.

I would remind you the Senate also had a plan in the 78th Session they passed with 31 votes but were unable to bring it up again in the special session to work with the plan passed by the House.

In his statement to the press Governor Perry said, “My goal is to provide a significant property tax cut that Texans can feel, take to the bank, and count on in the future and not just for one year,” Perry said. “And just as importantly, any new business tax enacted to lower property taxes must not harm the engine of growth, Texas jobs.” Perry added that while reducing property taxes is important, there is no greater priority than providing lasting reform to public education.”

Unfortunately, in a few areas in Texas, it has become painfully clear that this terrific election year was marred by what appears to be flagrant voter fraud. Three State House members or candidates have filed for election contest. State Representative Talmadge Heflin in House District 149, Eric Opiela in House District 35 and State Representative Jack Stick in House District 50. In these three races, investigators have found blatant disregard for the law or extremely suspicious activity that requires further review.

While the law allows a candidate to ask for a recount, this process simply permits the

ballots previously counted to be counted again. It does not allow substantive questions about those ballots to be addressed. Substantive matters include determining whether or not illegal ballots were counted or that legitimate ballots were ignored. Rather, Texas law requires that these types of questions be answered in an election contest.

It has been reported that in one county hundreds of people voted who were not registered. In that same county, deceased people cast ballots. One box contained over a hundred ballots that were not signed by an Election Judge, and every vote was for the winning candidate. In another county, at least a hundred people who lived outside of the county illegally voted when their addresses were some hundreds of miles away in another county. There is evidence that in that same district, dozens of people voted twice - once by mail and again in person.

We know that everyone loses when voter fraud is not rooted out, exposed, and destroyed. We cease to be the great nation we are if we do not right injustice. One of the responsibilities we must take on, as leaders is to end all shoddy election practices that linger from years gone by. This will require the commitment of all of us doing the right thing when it is difficult is the true test of principle.

Last week sighting personal reason for withdrawal defeated State Representative Jack Stick and candidate Eric Opiela announced they were pulling out of the election contest to overturn the general election results of Texas House District 50 and House District 35 respectfully. State Representative Talmadge Heflin in House District 149 continues to pursue his challenge which the House of Representatives will ultimately determine weather or not to order another election in House District 149. We must make voter fraud a thing of the past and we can do this together.

Because our nations remains at war with many of our soldiers coming from our Texas cities I want to thank the thousands of proud men and women of our military and remind you they should remain in our thoughts and prayers and wish them all a safe return as they protect freedom at home and extend it to millions abroad. Some of our brave Texas soldiers, have made the ultimate sacrifice, reminding us that freedom is not free, and should never be taken for granted. Please remember to keep our soldiers and their families in your prayers. An idea that is growing is an effort to show our solidarity and support for our troops. On Fridays, and continuing on each and every Friday, until our troops return home, Americans who support our young men and women in service, are WEARING SOMETHING RED to let them know there are many Americans thinking and praying for their well-being and safe return.

My staff and I welcome your input and your questions. You can reach us in our office located in the Capitol extension: E1.324. Mailing address: **P. O. Box 2910, Austin, TX, 78768** phone number **512-463-0880**. **Canton District office** is located in The American National Bank Building in Canton on Highway 243: **P. O. Box 999, Canton, TX, 75103** phone number **903-567-0921**. **Greenville District office** is located in The Paul Mathews Exchange Building, Suite 802, 2500 Stonewall, Greenville phone number **903-455-0971**. Email: **dan.flynn@house.state.tx.us**.

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God bless you and God bless Texas,

Dan Flynn
State Representative, District - 2

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