



The Flynn Report

March 6, 2009

Greetings Friends, Constituents and Supporters:

With committees starting to meet and hear bills the 81st Session is now in full swing. My staff informed me that letters requesting hearings on bills filed by our office were first requested on February 2nd in last session and our first request this session was on March 2nd. This of course means the session has been moving at a different pace and I am sure we will see it pick up this week.

As the session moves forward it is increasingly apparent that two main issues will emerge during this 2009/2010 Texas Legislature. Those issues will be (1) Voter photo ID and (2) The Federal Stimulus bill.

The Senate will begin consideration of the voter photo ID bill this week and it is believed they will probably allow at least two whole days for floor debate of the bill. The bill will require voters to show photo identification before they are allowed to cast ballots. Basically the bill will say you only get to vote once and dead people cannot vote. This legislation is considered as a priority by a vast majority of the public and regarded as a common sense issue by most. Opposition fears that minority turnout would be suppressed because some might believe the requirement would have the effect of intimidating voters. I reject such assertions and believe in view of the Secretary of State readily admitting that there is no verification of the information provided by voter registration applicants we must close this potential abuse.

The Texas Legislature has said in previous sessions that Photo Identification is necessary to purchase certain cold medicines & get a marriage license. Texas law has even more stringent ID requirements to access Medicaid. It requires smart cards and biometric readers at the

point of contact with Medicaid providers, recipients, participating pharmacies, hospitals, and appropriate third-party participants.

Support for Photo Identification has even received bi-partisan support with the Commission on Federal Election Reform, chaired by former President Jimmy Carter and former Secretary of State James Baker, recommending requiring photo identification at polling places.

On another point Attorney General Gregg Abbott recently released an opinion that Texas might be able to adopt a statute similar to the Arizona law that revokes a business' permission to operate in state for knowingly employing undocumented workers. The statute would revoke a business' permission to operate in the state for knowingly employing an undocumented alien. That law was deemed constitutional because it dealt with a licensing provision and did not establish a civil or criminal penalty, which is prohibited by federal law however; the Arizona law apparently is acceptable at the federal level.

On the stimulus package there remains much confusion about meeting the federal rules in handling the stimulus funds. Federal officials have not finalized the rules and apparently will not for some time.

The Governor has said he will accept the Texas share of the funds but has made it clear that it will be very difficult to get a fix on federal requirements when we receive them. Many continue to believe accepting the stimulus money will require the state to permanently change our unemployment laws. The major concern remains that when the federal money runs out Texas taxpayers will be forced to fund those projects.

This could have an impact on businesses that may want to hire additional employees. Most simply do not have confidence in the current administration and their experiment in the style of the failed central European liberal policies and do not believe the economy will improve in the near future. The belief remains that there will be many strings tied to the stimulus money and the feds are just not getting the information to the states. I continue to believe that any monies accepted by the state should be carefully considered prior to accepting them.

On another front a bill was filed that would allow the Tigua Indians to expand gambling in Texas. It would allow gaming on "federally recognized tribal lands". It has been reported that there are at least 16 Programmatic Agreements (PA's) existing between TXDOT and Indian tribes located outside of the State of Texas.

I have written a letter to TXDOT asking them to please provide me the following information:

- Ø A copy of all Programmatic Agreements (PAs) that have been executed for the consultation process among the Federal Highway Administration, Texas Department of Transportation and Indian Tribes;
- Ø All associated maps detailing the Areas of Concern for each PA;
- Ø If a map exists that demonstrates all of the Areas of Concern for every PA, I request a copy of that as well; and
- Ø A list of any and all documentation regarding the other Indian tribes that have been officially recognized as having an interest in Texas, but for which no PA has been signed to date.

A number of bills have been filed concerning the current law that allows 8-liners, or slot machines. They are not allowed to pay cash prizes but it has been proven that many do pay out cash. The law limits the payout on an 8-liner machine to non-cash prizes that have a maximum value of \$5 or 10 times the cost of one play, (fuzzy animal loop hold) whichever is less. It is believed that there are thousands of machines located throughout Texas operating illegally and these "game rooms" have become a major problem especially in rural areas becoming hang outs for all types of criminal activity.

The Senate has heard legislation that attempts to get a handle on the vast amounts of 8-liner machines currently operating outside the law. I have filed several bills in the House that will also attempt to provide sheriffs and prosecutors the tools they need to shut down this illegal activity.

It remains my pleasure and honor to represent all the people of House District 2. My staff and I continue to welcome your input and your questions feel free to contact me: P. O. Box 2910, Austin, TX 78768. Email District2.Flynn@house.state.tx.us. Toll free number 1-800-734-9515.

May God bless you and our Great State of Texas,

Dan Flynn
State Representative, District 2