

From the office of
Texas State Representative - Dan Flynn

THE FLYNN REPORT

Legislative Newsletter
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Greetings Constituents, Supporters and Friends:

The legislature settled down to the serious business of hearing bills this week. Many are being passed out of committees to be presented on the floor for debate and vote within the next couple of weeks.

Texas Chief Justice Thomas R. Phillips delivered his State of the Judiciary address to a joint legislative session on Tuesday in the House chamber. This was his eighth to the Legislature since he became Chief Justice in 1988. He highlighted his proposals to make the state's courts more efficient and to bolster trust and confidence in the judiciary. He also advocated judges being appointed by the governor and then made to run in "retention" elections. Therefore, if voters ousted the judge from office, the governor would make a new appointment.

Proponents of such a change claim that the new system would alleviate two of their concerns.

First, they believe that voters are not choosing the best judges based on the candidate's qualifications. They believe that a governor would be better suited than Texas voters to select judges based on their qualifications. Some believe voters would feel just a little insulted at having this privilege taken from them.

Secondly, some believe that having judicial candidates raising funds for their election may give the appearance that they are beholden to their contributors. They believe an appointment/retention system would reduce the need for campaign funds and attacks of impropriety.

This is a proposal that nearly every legislative session has heard and attempted. Personally, I believe this would dilute or remove Texans' constitutional right to elect their judges as presented. Texas current system of judicial elections is a century old right that empowers the people to choose who will interpret our laws and make crucial decisions affecting our lives, property and liberty. One only needs to look at the current situation in Washington, D.C., where judicial nominees are routinely kicked about like a political football during the confirmation process. The travesty-taking place right now in the U.S. Senate over Miguel Estrada is reason enough to stay with our proven system of election of judges. I welcome your input and your questions. The Republican Party of Texas

Platform states: "The Party supports our right to select our judges by a direct vote of people."

Momentum for wholesale change in Texas medical malpractice laws picked up speed Thursday as Gov. Rick Perry renewed his calls on the Legislature to "take decisive action" in limiting damage awards that feed "old-fashioned trial-lawyer greed." Perry applauded the recent strides of an omnibus lawsuit-limitation bill by Rep. Joe Nixon passed by a House panel Tuesday and expected to get a floor debate within two weeks. The bill would add protections for businesses and doctors in all types of lawsuits, but the flagship of House Bill 4 would cap non-economic damage rewards in medical-malpractice suits at \$250,000. I have signed on as a co-sponsor of this bill and see it as providing a solution to sky rocking insurance rates and an answer less hostile toward doctors.

Efforts continue to do away with the share-the-wealth school funding system (Robin Hood) with a plan to send \$1.2 billion more to schools. The additional money would come largely through a bookkeeping maneuver that would borrow from the future. House Public Education Committee Chairman Kent Grusendorf, R-Arlington, believes that we've got to do some things with creative financing. The committee vote on what is expected to be the main school-funding bill could be as early as next week. House Bill 604 passed weeks ago does away with the so-called Robin Hood School Funding System by September 2005. The bill hasn't made progress since. The current system, which relies heavily on local property taxes plus state aid, requires school districts with the most property wealth to share some with poorer districts. It was developed in response to a lawsuit over school funding equity. I, among others, believe it is wrong to do away with the current system without knowing what would replace it. There are those that say setting a deadline would force action. Chairman Grusendorf has said that he has enough House votes to pass HB 604, but wants to tie in the additional funds to Robin Hood's demise which is HB 5. This will make it a bill that many will be able to support. The bill would provide much-needed "inflationary relief" for all school districts. Under any school finance system, we must and will have equity. I welcome your suggestions and comments that I may pass them on to those on the committee.

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