



The Flynn Report

May 1, 2009

Greetings Friends, Constituents and Supporters:

Less than 30 days to the end of the 81st Texas Legislative session but, who is counting? Everyone!

This week was a successful and busy week and I was able to receive passage of House Bills; 78, 2042, and 2447 that were requested by county officials and I believe are good public policy that are now on their way to being taken up and considered by the Senate.

House Bill 78 increases the minimum amount required for a county to use bidding for making purchases. Bidding is the most effective method to ensure low costs and competitive options. As vendor prices increase, the floor must be raised to protect taxpayer dollars from inefficient processes. This brings into line the same amounts provided cities in the 80th Legislative session.

House Bill 2042 seeks to ease the burden on local taxpayers when loose livestock is impounded by County Sheriff offices. Currently, captured and lost livestock, counties are required by state law to engage in a costly process of being forced to publish notice in a newspaper for 15 days. This will allow notice to be published in the newspaper or online on the county government's website. Not only is it more effective but it saves the county valuable taxpayer funds.

House Bill 2447 provides for better oversight of property tax appraisers and creates authorities for homeowners who feel they have been mistreated in the appraisal and appeals process. The bill grants the Texas Department of Licensing and Regulation with the authority to regulate property tax appraisers. Serving on the Sunset Commission and the Committee on Property Tax Reduction and Appraisal Reform, I heard from Texans all over about their frustrations with the appraisal process when it comes to property taxes. In a perfect world, we'd stop the perpetual taxation of property, and stop forcing folks to rent their own homes from the government. As we work towards the goal of reducing property taxes, I want to ensure homes are being appraised fairly, that those performing such appraisals are accountable, and that should a homeowner appeal an appraisal, that they are treated fairly and with respect.

What is coming up? A short list of important issues facing the legislature will include the following:

Photo ID:

A petition signed by seventy-one Republicans this week reflects the importance and support Photo ID has in the House. With this show of strength by republicans in the House and the known bi-partisan support throughout the state on this issue it is an encouraging sign we will see an effective bill that will address these major concerns:

(1) Display a photo ID to vote; (2) Display a name that conforms to the voter registration record; (3) Display a current expiration date or, expired sometime after the date of the last General Election and; (4) Photo ID issued by the State of Texas or the U.S. government. These standards amount to a sensible and secure photo identification voting requirement that has been upheld by the United States Supreme Court.

Photo ID to come before the House this week with the proposals and suggestions being discussed in the bill being discussed around the capitol provide some real concerns to citizens that view this as one of the top issues facing our state. A quick look at some of the items in the proposal would include:

Provisional voting affidavits would require that an affidavit filled out by a person who votes a provisional ballot must contain a space in which the person can indicate a reason why their signature on the provisional ballot affidavit might not match their signature on the voter registration application.

Deceptive election practices offense would classify it as a Class C misdemeanor (punishable by a fine not to exceed \$500). Allow the issuance of a restraining order or an injunction and require the Secretary of State to submit a report to the Legislature by February 1 of each year regarding deceptive election practices.

Require a Map be provided to provisional ballot voters listing information that must be presented to any voter who fails to meet the identification requirements spelled out by the bill (including the non-photo requirements). Included in the list is "a map showing the location where identification must be presented" within six days for a provisional ballot to be counted.

A \$7.5 million voter registration requirement none of the provisions of the bill will take effect unless the Legislature appropriates \$7.5 million in the 2010-2011 biennium. The 2010-2011 budget passed by the House appropriates in excess of \$14 million to the Office of the Secretary of State for the purpose of voter registration.

Allows a voter to present two forms of non-photo identification to vote, including: a utility bill, a divorce decree, official government mail, or a library card. This provision would **not take effect until January 1, 2013**, which is well after the 2010, gubernatorial election and the 2012 presidential election.

Many of the suggestions in the proposed bill are unacceptable and fall short of the standard needed. Most believe these suggestions would only lead to additional opportunities for challenges before the courts and do little to assuring a true and honest election. These concerns are significant, and beg for a return to House Bill 125 passed by in the previous session.

With the prevalence of photo identification, it is reasonable for a photo identification requirement for voting to be in place for the 2010 general election. The Office of the Secretary of State reports that there are 12.7 million registered voters in Texas as of the March 2008 primary elections. According to the Department of Public Safety, there are more than 14 million valid Texas driver's licenses and approximately another 4 million valid Texas ID cards issued to Texans over age 18. Currently, there are 5.3 million more

government-issued identification cards possessed by the voting age population than there are registered voters. If there are any voters without a government-issued ID or cannot afford one, we support providing those IDs free of charge.

Furthermore, photo identification laws have been in place in Indiana and Georgia and were put into place without a grace period for public education, and have successfully served a number of elections reflecting an increase in voter turnout.

The effective date of September 1, 2009 should apply to public education, training, and voter identification provisions alike. This is a common sense issue and should not be bogged down with opportunities of challenges in the federal courts that have already ruled on Photo ID issues.

Expand Gaming:

A House committee approved language this week on a constitutional amendment that would give voters on coastal islands and in populous metropolitan areas the option of allowing casino gambling. The amendment, which has been the subject of much negotiating, would expand gaming options for the state's three Indian tribes.

Informed Consent:

Senate Bill 182 finally passed the Senate floor on second reading with the votes of exactly two-thirds of the members present and received for final passage with the same margin. House sponsors of the informed-consent bill look forward to analyzing the new language in the Senate version, and are confident the informed consent can pass in the House as well. This would be a big victory for pro life advocates that have seen little to be happy about this session.

Franchise Tax:

The franchise tax that is affecting many businesses across the state has illustrated the significant errors in the policy and burdens placed on business owners. The Texas Conservative Coalition which I am a board member of planned our legislation for this session based on a ten-point Pledge with Texans. Reforming business taxes is one of the vital priorities we included in the Pledge. As a result, TCC members filed over a dozen bills that addressed the franchise tax from a variety of angles. It is looking like House Bill 4765 will likely be the only bill voted out of the House Ways & Means Committee that deals with the franchise tax. I signed on as a co-author to HB 4765, which temporarily raises the total revenue exemption from \$300,000 to \$1,000,000 for tax reports due in 2010 and 2011 (tax years 2009 and 2010 respectively). The Legislature will need to readdress the matter in 2011 for permanent changes. This bill is not as strong as I would have liked, but is the bill agreed upon between the House and Senate committee chairmen. Conservatives will continue to work on strengthening the measure as we anticipate it coming to the House Floor for debate.

Texas continues to be a state friendly to business and has been recognized for leading the nation in job growth. My concern remains on job creation and job retention for all Texans. It remains my desire to keep Texans working protecting businesses and continue to be the best place to live, raise our families and do business.

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