



The Flynn Report

May 15, 2009

Greetings Friends, Constituents and Supporters:

The Texas House adjourned after the midnight deadline Friday for hearings of House bills leaving close to 4,000 House Bills (HB) to look for options on Senate Bills (SB) coming from across the East side of the Capitol. As this week begins we will be moving towards the last two weeks of the 81st Regular Session of the Texas Legislature. With the deadline the HBs yet to be considered expired in their present form. For your information a few of the bills of special interest that were considered in the last few weeks they are listed below.

HB 130, that passed represents a massive expansion of pre-kindergarten programs statewide that creates a new grant program for full-day pre-kindergarten which could cost Texans an additional \$390 million during the 2010-11 biennium, and almost \$1.3 billion over the next five years. Opponents believe this program is the first in the effort to support a universal, government-funded pre-K. It is also a concern that this legislation will harm private providers, increase the teacher shortage, and does not contain accountability mechanisms for how the money will be spent for best academic results.

HB 300, the Texas Department of Transportation bill passed the House looking nothing like the Sunset Commission recommendations. The bill suggesting the agency be headed by fourteen elected Commissioners along with many recommendations for change is heading to the Senate. A House and Senate conference committee will determined final outcome. The bill did address an amendment that effectively and finally ends the Trans-Texas Corridor, a major priority for many citizens of Texas and was essential to protect property rights and to restart the public debate on transportation. This is a move towards an agency having a strong consideration of the taxpayers, their property rights and transportation needs.

The House voted to overhaul the plagued Texas Department of Public Safety (DPS) with changes including an Inspector General to look at complaints of wrongdoing within the agency. **HB 2730** is the beginning of internal and external direction coming from the agency's Sunset Commission review and recommendations outlining the troubles that have kept DPS in the headlines.

HB 4525 passed and will create Qualified Manufacturing Project Zones (QMPZs) that will permit targeted tax incentives to manufacturing projects in order to create jobs and help spur economic growth. Creating new jobs and keeping our manufacturing base are critical at all times, but especially now with unemployment so high. I am confident this additional tool will keep Texas ahead of the nation, and help move us out of the recession faster.

A closely divided House gave final passage 73-71 vote to a bill that will make it easier for attorneys to represent contract workers who are injured on the job. **SB 2063 and HB 1657** (Entergy) will reverse a unanimous Texas Supreme Court decision and will allow personal injury trial lawyers to exploit third party lawsuit opportunities against property owners, even when the injured party has already received workers' compensation benefits. The bill would prohibit, by law, a property owner from acting as his own general contractor and covering all workers on the jobsite with workers' compensation insurance. It now goes to the Senate. Workers' compensation is a no-fault system under which an employer, through an insurance policy, covers an employee's medical expenses and part of any lost wages.

The House rejected the latest attack on the State Board of Education by voting down **HB 710** on the final vote, the proposal was initially passed by a slim margin, with many members having voted for it by mistake. This bill would have taken the elected State Board of Education's accountability from the voter, and given it to the Sunset Review Commission.

House voted to increase the sales tax holiday break on some school supplies and backpacks, in addition to clothing. Taxpayers this year under the proposal that was passed adds school supplies to the list of items that are not taxed during the annual sales tax holiday. This measure will help Texas hardworking taxpayers with tax breaks that will help to provide their children with the best possible education.

Several changes in the law that flew through the Legislature this week pushing the "nanny government" for all include: Back-seat passengers must buckle up, and most children younger than 8 would have to be strapped into safety seats. Current state law requires that drivers and front-seat passengers wear safety belts and that only those 14 and younger wear back-seat belts. The law will also requires that children 4 years and younger be in booster seats.

Important Bills still to be considered by the full House:

Voter ID continues to be an important issue as indicated in the recent Rasmussen poll showing 80 percent of Democrats and 95 percent of Republicans showing their support for Voter ID legislation. **SB 362**, the Voter ID bill, was just passed out of the House Committee on Elections and as a Senate Bill is expected to be heard on the House floor prior to the close of this session. Senate Voter ID bill came out of the committee unchanged, which we see as positive overall. There are additional changes we would like to see and are sure there will be attempts by the opposition to make major changes.

House Concurrent Resolution (HCR) 50, a resolution I co-authored that reaffirms states' rights under the Tenth Amendment of the United States Constitution. I believe a number of recent federal proposals are not within the scope of the federal government's constitutionally designated powers and impede our states' right to properly govern Texas as Texans see fit. HCR 50 affirms that Texas claims sovereignty under the 10th Amendment over all powers not otherwise granted to the federal government. This resolution is an effort to re-emphasize that we, in the State of Texas, want the federal government to refrain from imposing unjustified conditions and federal requirements that should be decided by the Texas Legislature, rather than the United States Congress.

With Texas being one of only a few states that is not facing a deficit at the present time I am proud of our efforts over the past few years that have led to our financial stability. Unfortunately, Washington, D.C. has not demonstrated fiscal restraint in moving towards passing many laws to coerce the states to comply with federal laws and regulations, which I believe is in violation of the 10th Amendment. Rather than try to force additional failed policies on us, Congress should look to Texas as an example and follow our lead.

It appears the last chance this session to expand gambling in Texas ended this week when the author of the bill indicating that neither a potential budget crunch nor growing interest could overcome staunch opposition from the public and conservative groups. A bill to legalize Texas poker rooms and a bill to open the door to resort-style casinos, racetrack slot machines and Indian reservation gambling appear to have died in the House, when the deadline to schedule the bill for a vote passed.

Growing concerns have been expressed concerning the budget and how it has tightened in recent weeks as new costs have emerged. Finding the money for the tax cuts is still possible but will be tougher now than it was a few weeks ago. Margins tax relief and property tax relief appear to be stalled or going nowhere because there's apparently no money. However, just this week there is money for **HB 130** – expanded pre-K -- \$390 million and growing; **HB 2962** – expansion of CHIPS -- \$43 million and growing (CSSB 1 has over \$2 billion for CHIP already) **HB 3646** -- public school “equalization” -- \$2 billion. Each of those bills passed the House in just the last week. It appears there is money available, apparently just not for taxpayer priorities. My commitment will continue to be to press forward to create jobs, protect property rights, reform and reduce taxes. These are my clear priorities in the remaining weeks of this legislative session.

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