

From the office of  
Texas State Representative - Dan Flynn

## **THE FLYNN REPORT**

*Legislative Newsletter*  
*August 16, 2003*

Greetings constituents, supporters and friends:

It is hard to believe that the Texas Legislature is still meeting with summer nearly over, and yet I find myself still spending most of my time in Austin. In a continuing effort to provide you with updated information I will pass on information available to me.

With a special election fast approaching on September 13<sup>th</sup> I want to encourage all Texans to have an understanding of the **22 Constitutional Amendments** that will be on the ballot. Each of these amendments is very important and will affect your lives. I would not attempt to tell you how to vote but would be happy to provide you with additional information you may desire to make an informed decision.

Texans have talked for years about meaningful tort reform and Amendment 12 deals with the serious problem of the high cost to doctors for **medical malpractice insurance**. This high cost to doctors has made many in the medical profession leave the state or just retire from practicing medicine. This amendment makes an attempt to remedy the problem by putting caps on the recovery of noneconomic damages by each claimant. **It does not authorize the legislature to limit in any way the direct economic cost that may arise from a claim against a health care provider, such as medical bills, hospital costs, or prescription drug costs. It does not authorize the legislature to limit in any way more indirect economic costs such as lost wages.**

There are many well-meaning groups that are saying this would destroy our courts or this would give HMOs and insurance lobbyists a chance to rewrite our constitution. Having been involved in the debates on the House floor I respectfully disagree. I view this as a ploy by those that benefit and the liberal groups that have brought this issue to the crisis we are facing. They are attempting to frighten those that do not know the facts. I trust you will find the time to study this issue so you will be able to make a decision that will best benefit all Texans.

Remember there will be 22 amendments on the ballot each of them is **very important**. I plan to support several and would encourage you to vote on September 13. You will be receiving much information on these issues. If you have questions or would like additional information to make your decision please contact my office and we will assist you in obtaining the needed facts. **Early voting begins August 28—be an informed voter!**

The issue that will just not go away is redistricting. For the second time this year Texans are seeing just over a third of the membership of one of its legislative bodies flee the state

rather than face the fact that their political party has fallen into minority. Having just returned from special legislative meetings it is embarrassing for our legislature to be viewed as the joke it is appearing to be. Ask yourself if what they are doing is not against the law, and then ask why are they fleeing the state?

Most see this as an abdication of responsibility by those who have fled the state and a blight on our great state. I can only look at this with sadness and with no laughter. This is clearly a **violation of the rights of all Texans**. I feel the illegitimacy and perhaps illegality of this action flies in the face of the principles upon which this state and nation were founded.

Lieutenant Governor David Dewhurst recently said, “When Senate Democrats fled the state, they tried to claim that Senate tradition always requires a two-thirds vote on any matter. That’s partisan spin. Tradition and precedent actually dictate that the two-thirds vote should not govern in redistricting, particularly in special sessions.”

He backed up his statement by noting that in the redistricting years of 1971, 1981 and 1992 special sessions on redistricting, Lt. Govs. Ben Barnes, Bill Hobby and Bob Bullock (all Democrats) did not require a two-thirds vote on redistricting. In fact, the two-thirds vote was not used in at least 20 special legislative sessions in the last half-century alone.

Those that continue to violate their oaths of office need to come back to Texas and get back to work on the important issues – including funding for rural school districts. They contend they are standing up for rural Texas so they need to explain why they are willing to jeopardize the education of the many young Texans who attend the rural schools in our area and throughout Texas.

We owe a special thanks to Gov. Rick Perry for issuing an executive order directing \$700 million in state aid to Texas schools be paid on time, rather than allowing the Foundation School Program payments to be delayed until September. This action allows school districts to not have to tap reserve funds or acquire a loan. These funds will go to insuring adequate funds for teachers and other staff salaries as well as classroom expenses. The executive order was necessary because of the walk out by the 11 Senators killing lawmakers' efforts to fix the problem with legislation. The governor received the support of Lt. Gov. Dewhurst and Speaker Craddick before issuing his executive order.

During the regular session, two bills passed intending to revamp payments to schools beginning in 2004. Because of the different effective dates of the laws, some officials said school payments would be postponed this month, giving school districts little time in which to make major adjustments in their budgets. With the overwhelming passage of House Bill 5 in the first special session it was clearly the legislature's intent to have the school payments made on time this month. Unfortunately that bill died when the 11 senators quit work before the bill could be signed in the presence of the Lieutenant Governor. That is why it was necessary for Governor Perry under his budget execution authority to order the transfer of Foundation School Program funds and change the timing of when these appropriations are sent to schools allowing them the much needed funds.

The Governor is continuing to work with the Texas Education Agency (TEA) officials to prevent rural school districts from losing state aid as a result of the action of the 11 senators who walked off their job and shut down the legislature. The TEA will advance payments to the schools that demonstrate the need to eliminate loss in state aid they otherwise would suffer. More than 40 rural schools were facing a significant loss of state aid as a result of the new state law that impacts how property appraisals are figured in the school finance formula. The above-mentioned legislation that would have fixed this decrease in state aid for rural school districts was killed at the last minute by the walkout. As a result, some rural schools were facing the loss of a significant percentage of state money because the state is now calculating state aid based on locally appraised property values instead of using state values. Many of these districts had already taken out bridge loans to be able to meet payroll.

Since those that walked off the job contend they are standing up for rural Texas I would like for them to explain to rural Texans why their school districts stood to be short-changed in the coming school year. This fix is not permanent and the legislature must eventually address the situation. This action by the Governor does mean schools will not suffer financial setbacks just as they are gearing up for students to return to the classroom. Governor Perry has said he will continue examining his options for helping school districts if the Senators continue to refuse to return to work.

I have talked to many of you as I have traveled around the district and will continue to stand by what I have said and that is simply that when I took the oath of office as a State Representative, I swore to preserve, protect and defend the constitution of this state. This is a constitutional requirement, not an optional attendee policy and I will do just as each of you do everyday; show up for work.

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** and our phone number is **512/463-0880**. Canton District office: **P. O. Box 999, Canton, TX, 75103** phone number **903-567-0921**. Email [\*\*dan.flynn@house.state.tx.us\*\*](mailto:dan.flynn@house.state.tx.us).

God bless you and God bless Texas,

Dan Flynn  
State Representative, House District 2