

From the office of
Texas State Representative - Dan Flynn

THE FLYNN REPORT

*Legislative Newsletter
August 29, 2003*

Greetings constituents, supporters and friends:

September 13th is the election date for the 22 Texas Constitutional Amendments approved during the regular 78th Session of the Texas Legislature. Early voting began August 28th. You have asked me if I support all of these issues and if I would provide additional comments. I do not want to presume to tell anyone how to vote on the various amendments, but having had the benefit of debate perhaps I can shed additional light on the issues.

I believe the most important amendment on the ballot is #12. I am supporting this amendment and voting YES. I believe it is the most meaningful attempt of tort reform we have had.

*In recent comments Forbes wrote, "The depredations of trial lawyers against the American people and our economy are finally generating effective counter-attacks. One of the most impressive efforts to bring sanity back to our courtrooms has occurred in Texas. There, a no-nonsense, get-it-done governor, **Rick Perry**, and a Republican legislature (first time in more than 100 years that the GOP has controlled both houses) have passed a passel of the most sweeping judicial reform bills in America. The Lone Star State has long been a playground for pillaging trial lawyers. No longer. "*

"....Governor Perry has made it clear he will push for additional sensible reforms in the future. Thankfully for Texas and the U.S. economy, this governor means business. Unlike so many other states, Texas, for instance, did not resort to tax increases in order to deal with its budgetary problems. Too bad we couldn't clone Governor Perry and have the clone run for governor of California this fall. "

I am concerned if this is not passed, because of the high cost to doctors, we will continue to see them leave the state or just retire from practicing medicine. This will 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. This amendment is an attempt to remedy the

problem by putting caps on the recovery of noneconomic damages by each claimant. What will happen if Prop 12 fails? Ask your family doctor.

I trust these comments will assist you in making up your own mind on these important issues, and encourage you to vote either early or on Election Day.

Proposition 1: **Favor** this to provide the Veterans' Land Board (VLB) ability to fund veterans' homes for the aged or infirmed and gives (VLB) flexibility saving money. **Some believe** this gives the (VLB) too much discretion and will take away from other programs.

Proposition 2: **Favor** this to protect former owners mineral interests, which were sold for unpaid taxes. It only moves the time from 6 months to two years. **Some believe** this discourages prospective purchases from buying mineral interest at a tax sale.

Proposition 3: **Favor** this to allow churches to buy land for expansion without incurring taxes on property pending the beginning of construction. **Some believe** this deprives the state of taxes.

Proposition 4: **Favor** this to allow local voters to choose to fund parks and recreational facilities and would allow municipalities to use revenue bonds to create parks. **Some believe** this gives municipal utility districts too much power.

Proposition 5: **Favor** this to eliminate confusion to exempt travel trailers from property taxes and believe it will promote tourism and encourage visitors to stay in Texas longer. **Some believe** they should be taxed as a homestead.

Proposition 6: **Favor** this to allow reverse mortgages and reduce government influence to free owners to use their assets as they desire. **Some believe** it allows homeowner foreclosure. (Only if they do not pay their mortgage)

Proposition 7: **Favor** this to permit six jurors rather than 12 in a district court misdemeanor trial and follows the rules already used in larger counties. **Some believe** it decreases procedural protection of a 12-member jury.

Proposition 8: **Favor** this to permit a candidate to take local or state office without an election if he/she is the only candidate qualified in an election for that office. Will reduce the cost of elections. **Some believe** it denies voters the right to know the candidates by campaigning.

Proposition: 9 **Opposed** this because it widens the gap between revenue available to school districts that depend on state aid and those funds available to wealthy districts. Each fund should stand on their own. **Some believe** it would modify the cash return policy to provide additional revenue for public schools.

Proposition: 10 **Favor** this to allow municipalities to donate surplus fire-fighting equipment to rural volunteer fire departments. **Some believe** the amendment does not provide criteria for defining a need.

Proposition: 11 **Opposed** this because it overrides the preference of many local communities to prohibit the sale of alcoholic beverages within their boundaries. **Some believe** this clarifies that wineries can sell wine, even in a dry area and would be good for the winery industry.

Proposition: 12 **Favor** this to limit non-economic damages in civil lawsuits against doctors and others and makes the judicial system a means of redress. **Some believe** it restricts the right and responsibility of jurists to decide non-economic damages and transfers the judicial power from the courts to the legislature.

Proposition: 13 **Favor** this to freeze residential property taxes of a person 65 or older or who is disabled. **Some believe** property tax breaks should be based on ability to pay.

Proposition: 14 **Favor** this to authorize the state to issue bonds to build more roads for the growing populations and traffic on state roads. Highways are currently the only capital projects for which the states do not borrow money by issuing bonds. **Some believe** the highways should only be “pay as you go”.

Proposition: 15 **Opposed** to disallow reduction or impairment of local public retirement systems with no opt out for cities liable for pension funds they did not administer possibly requiring local governments to raise taxes, cut services or both to maintain benefits levels. **Some believe** this protects the retirement benefits for persons working in public service.

Proposition: 16 **Favor** this to allow refinancing of a home equity loan with a reverse mortgage loan. This reduces government influence and frees owner to use their assets as they desire. **Some believe** this endangers homestead protection.

Proposition: 17 **Favor** this to freeze property taxes on the residential homestead of a disabled person. **Some believe** tax breaks should be based on financial need along.

Proposition: 18 **Opposed** to authorizing the legislature to permit a person to assume local office without an election if the person is the only candidate to qualify. Appears to limit the voter’s knowledge of who their elected officials are since there would be no actual election. **Some believe** it promotes efficiency and saves money.

Proposition: 19 **Opposed** to repealing the legislature’s authority. Residents may not want the higher tax rate and may prefer the RFPD. Transferring rural

fire prevention districts to emergency service districts would open tax systems to ad valorem for EMI conversions. **Some believe** it would allow greater flexibility in meeting the changing needs of rural communities for fire prevention and emergency services.

Proposition: 20 **Opposed** to authorizing \$250 million to provide loans to defense related communities in hopes of avoiding base closures. It may not be necessary to spend the money if bases are to be closed in the near future by the U. S. Department of Defense. **Some believe** this would provide funds to defense communities to survive potential base closings.

Proposition: 21 **Opposed** to permitting public college or university faculty to receive compensation rather than volunteer for service of the governing body of a water district. Many state employees do so frequently without compensation. When taxpayers pay for someone to do a full time job they do not expect that person to also hold another taxpayer paid job as well. **Some believe** it will increase the pool of qualified persons available to serve and allows payment rather than volunteerism.

Proposition: 22 **Opposed** to authorizing appointment of a temporary replacement when a public officer enters active military duty. Appears to go against basic principal of elected representation. **Some believe** it leaves citizens without representation while person is on active duty. Current law provides that the employee of the government is entitled to reemployment upon return from active military service.

Please take time to vote and take your friends to the polls.

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