



THE FLYNN REPORT

February 23, 2007

Greetings Friends, Constitutes and Supporters:

As the 80th Legislature moved toward wrapping up the 7th week of the regular session the two items that have received the most attention and comments is: (1) Governor Perry's executive order directing the Health and Human Services Commission to adopt rules requiring all girls ages 11 and 12 to receive the Human Papillomavirus (HPV) vaccine prior to entering the sixth grade in public schools and (2) Hill Bill 2 (HB2), the appropriations bill, paired with the Senate resolution, SCR20, allowing the legislature to exceed the constitutional spending cap by enough to accommodate public school finance and to cover the intent to ensure that senior homeowners get the same property tax relief others are receiving.

After much debate the House Committee on Public Health voted out HB1098 to make it against the law to mandate the HPV vaccinations. Also, this week the leading company with the government-approved vaccine announced it would stop its 50-state lobbying effort on the drug. This is good news for those who believe the Governor stepped over his authority to order the mandate.

The full House will not be able to consider any bills other than emergency legislation by the Governor until March 12th. This is because the minority party during the approval of the rules stopped what has always been a routine vote since the 1930s that would have made it possible to consider normal business in the House during the first 60 days of the session. That means HB1098, the no-mandate bill, cannot come up for a vote on the House Floor before March 12. It will be a very important vote and if it is not strong and overwhelming, the Governor may veto the legislation and avoid attempts to override his veto. With the strong support of the citizens and members I have reason to believe this will not happen.

I continue to believe that the issue of mandated STD vaccinations should have been put through the legislative process, and I also believe it is the parent's role- not the government's - to decide if and when their child is ready to take HPV vaccines and learn about sexually transmitted diseases. This issue has become national news and radio talk shows continue to discuss the mandate and parent's rights. A state district judge has agreed to accept a case and there is a pending request from legislators who want Attorney General Greg Abbott's opinion on whether the executive order is legal.

The House voted to pass House Joint Resolution 1 (HJR1) and HB2 to give senior homeowners a tax break just as the Senate did with an overwhelming vote for a constitutional amendment that would grant those homeowners a tax break. These bills extend last session's property tax relief to seniors and disabled homeowners, and provide the necessary funding for Texas public schools to replace local revenues. The effort is to get the constitutional amendment to the voters in time for the May 12 elections. The fiscal analysis on the bill doesn't say what it would cost to give the tax break to seniors but it is believed it would cost under \$300 million to give the senior homeowners the same tax cuts that everyone else is getting on property tax rates. With or without the proposed constitutional change, senior homeowners will get their property values frozen for tax purposes. This vote follows through on the promise to taxpayers and public schools made in the last legislative session.

To accomplish this effort was to split the state budget into the regular previous state budget and the school property tax cut budget. The constitutional spending cap will then apply to the regular budget, and will allow a one-time pass to cover the \$14.1 billion needed to cover the cost of local property tax cuts and provide financing for public schools. This becomes a local property tax cut made possible by the state's agreement to increase the state funding. This allows the tax cuts to be treated like spending increases, and as State spending increases local property taxes will go down since the local school districts are responsible for a smaller part of the funding. The taxpayer will get a local tax cut as the state assumes the larger share of the funding.

The only way taxpayers could have been assured of receiving meaningful property tax relief was to vote to raise the spending cap. The important distinction is that the tax relief will begin before reaching the cap. The spending cap has not served to limit spending. It has only served to limit tax relief. I agree with the group, *Texans for Fiscal Responsibility*, that the

state's record with budget surpluses has not been one that inspires confidence for the taxpayer. The history has been that when there is a surplus the legislature has spent the money. I am confident if the funds are not directed with revenues left undedicated for property tax relief the funds will be spent on programs and, therefore, committing taxpayers to higher taxes in the future. The cap has been meaningless in the past and I believe that informed voters do understand the difference between busting the cap for expanding government and busting the cap for tax relief. Since the spending cap is already broken, busting it for tax relief is good public policy for taxpayers.

Texas Supreme Court Chief Justice Wallace Jefferson addressed a joint session of the Texas Legislature in his State of the Judiciary address this week and said he believes a full review of the judiciary in Texas was in order to look at the structure, funding and effectiveness of the system. He went on to say that he believes the courts are in need of an overhaul. He further suggested an independent commission be considered to review possible wrongful convictions, and believes the trend toward private settlements of legal matters could undermine justice in Texas.

A major tragedy and every parent's nightmare occurred this week with the untimely death of Austin Dixon, the 18 year old son of Van Zandt County District Attorney Leslie Dixon and long time Texas law enforcement and community activist, Don Dixon. Austin, an outstanding student athlete and well-loved young man, passed away with a brain aneurism. The Texas House of Representatives adjourned this week in his memory. I trust that all will keep the Dixon family in mind as our hearts and prayers go out to Don and Leslie. May our God fill their lives with love and grace in the months and years to come.

We continue to welcome your input and your questions. Contact our office located in the Capitol extension: E1.302. Mailing address: 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

If your name is on this email list in error, please respond and say UNSUBSCRIBE