



# THE FLYNN REPORT

*March 17, 2006*

## **Greetings constituents, supporters and friends:**

With the primary now over I want to thank each of you for your support and confidence. I pledge to continue my service of vision, value and leadership. Susan and I were humbled and appreciative of the strong showing we received. We are looking towards the November elections where we will face two opponents and will work hard to earn your continued support of my service in the Texas Legislature.

The March 7<sup>th</sup> Republican Primary ballot gave voters a chance to speak out on four important issues that were placed on the ballot. These, of course, were non-binding referendums however voters overwhelmingly voted to support all four referendums they were as follows:

**Photo ID:** The Texas Legislature should enact legislation requiring that voters provide valid photo identification in order to cast a ballot in any and all elections conducted in the State of Texas.

**Private Property Protection:** The Texas Legislature should place on the next constitutional amendment election ballot a proposition to protect private property from being taken for economic purposes.

**Spending Cap:** Every governmental body in Texas should be required to limit any annual increase in spending to the combined increase of population and inflation, except for additional spending authorized by a vote of the people or for official state of emergencies declared by the federal or state government.

**Appraisal Cap:** In order to address the inequity of homeowners' property taxes increasing at a rate far above the rate of inflation, the current 10% cap on the rate of increase of appraised value for all homesteads shall be reduced to 5% or less.

As expected Governor Rick Perry announced that he will call a special session of the Texas Legislature beginning on Monday, April 17, 2006. In his statement he cited that the Texas Supreme Court ruled that Texas' current tax system must be reformed by June 1, 2006. This called special session will provide legislators of both parties an opportunity to significantly reduce property taxes, make reforms to the franchise tax so it will be fairer and broad based, and ensure our schools have a reliable and constitutional stream of revenue. I anticipate the Governor will issue a proclamation outlining the specific issues to be addressed in the special session in the next few days.

The State Comptroller recently gave an updated report stating that nearly \$4.3 billion is available to be appropriated or re-appropriated. Many believe this figure will be closer to \$7 billion in the coming weeks. This reflects the increased revenues, decreased expenditures in some state departments as well as unspent money allocated to tax and school reform legislation and funds authorized by the governor for budget execution authority. Most of these funds are free and clear and can be spent immediately. The Legislature held back \$1.8 billion contingent in anticipation of the school reform and tax reduction bills. Since the bills did not pass last year, the money remains unspent and will require additional legislative action. Faced with this court-ordered deadline that is fast approaching the legislature will be asked to revamp the state tax code. I have stated often that my priorities remain simple; cut property taxes, oppose new types of taxes, and ensure a fair and economically sound tax structure that meets the needs of our public schools.

Everyone agrees that our property taxes are too high. These property taxes are forcing folks out of their homes. Many do not understand that the property tax burden is also placed on businesses. They pay the same property tax rate and, of course, with each increase in property tax appraisals and rates we watch prices go up, jobs go away, and the incentive to invest drops. The desire continues to call for a simple, low-rate, broad-based business tax that is fair.

We need to focus on what we know works and that is government sticking to its budget, eliminating unnecessary agencies and a tax system that encourages job creation. Often special interest groups complicate the issue of public school finance. We must adequately fund our schools, cut property taxes and dedicate any new surplus to further reducing property taxes.

Some believe we can lower property taxes by eliminating the franchise tax, and even reduce the sales tax rate, by expanding the sales to a few end-user goods and services not currently taxed. There are many versions that would work. The House, Senate and Governor have been fairly supportive of this approach but have not been able to agree on the details. I have been against creating any new taxes, and I am opposed to any tax that hurts the economy. We cannot adopt a job-killing, economy-wrecking, government-growing tax that would put our growing Texas economy into a downward spin.

I have joined several legislators to propose we use the budget surplus to buy down property taxes and reduce the tax burden. As previously noted the Legislative Budget Board agrees with the State Comptroller that we will probably have in excess of \$4 billion in surplus. That would be good for an immediate property tax reduction and satisfy the Supreme Court's decision. The legislature would then be available to consider the effects of the surplus and consideration of new proposals in the next regular session.

In October of 2005 Governor Perry released a comprehensive border security plan that featured Operation Linebacker and called for expedited efforts to achieve radio communications interoperability in the region, improved information technology, bilateral emergency response exercises, and legislative measures to enhance border security initiatives developed by a 16-member Texas Border Sheriffs Association to increase law enforcement presence along the Texas-Mexico border.

Operation Linebacker is increasing law enforcement's presence along the border, making it more difficult for those trying to smuggle drugs, weapons and people into Texas. There is no question that the United States Government has the absolute right to control our borders, but it is also clear that the federal government has failed in its task.

Texas has the second largest illegal alien population in the nation; the United States Immigration and Naturalization Service (INS) estimates millions of undocumented aliens in our state. In the 1990s, an average of 350,000 illegal aliens came to this country every year and illegal immigration is an even greater crisis now that demands tough action immediately. This is why I am a part of a legislative task force that is requesting assistance and action from the Federal Government starting with the President and on down to local law enforcement agencies. We are urging colleagues to join us in support of a bill filed in the U. S. Congress that will finally give local law enforcement the authority to investigate, identify, apprehend, arrest, detain, prosecute, and penalties on any individual who violates a Federal immigration law. The Federal Government should authorize funds to pay states that deploy the National Guard to patrol areas near the Texas-Mexico border, just as they did after 9-11 at our airports. It's our duty and right to keep our borders secure. I hope you will join me in urging action by the U. S. Congress on this critical issue.

I am sure you recall that last summer the U.S. Supreme Court overruled two hundred years of constitutionally based decisions about property rights. Under this expanded version of eminent domain, governmental entities can take property from one person and give it to another just because the government thinks the new owner will generate more tax revenue. This is wrong and un-American.

During the special session last summer we passed legislation that would make it harder for that to happen in Texas. This Legislation tightened restrictions on the government land grabbers, but we must do more. That's why I look forward to the next regular session of the legislature when I will work towards passage of a state constitutional amendment to protect our homes and businesses. We must have the protection of a constitutional amendment that clearly defines the situations in which our state, county and local governments can and cannot take our land. Never, under any situation, should it be used to simply transfer property between private citizens, and as an excuse for economic development. Any government land grab must be stopped and I intend to support a constitutional amendment to protect our private property rights.

In February we celebrated the birthday of President Ronald Reagan a man I admired greatly. President Reagan stood for simple but undeniable truths. One of those truths is that the greatest ally to freedom in the world is a strong America. A strong America is the key to a safer America.

**My staff and I welcome your input and questions. You can reach us in our offices located in Austin at the State Capitol in the capitol extension: E1.324. The Canton District office located in The American National Bank Building on Highway 243: The Greenville District office is located in The Paul Mathews Exchange Building, Suite 802, 2500 Stonewall Ave. Phone: 1-800-734-9515 Mailing address: P. O. Box 2910, Austin, TX 78768. Email [District2.Flynn@house.state.tx.us](mailto:District2.Flynn@house.state.tx.us)**

**God bless you and God bless Texas,**

**Dan Flynn  
State Representative, District – 2**

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