



From the Desk of
Representative
Dan Flynn



The Flynn Report

April 23, 2005

Greetings constituents, supporters and friends:

With less than 6 weeks remaining in the 79th Legislative Session the days will really start to get long and hectic. Members are beginning to show the stress and strain of the Session as bills are becoming more hotly debated. The importance of many of the issues and the need of the votes of other members makes it very tough because their legislation can be affected in so many ways by each other.

Recent surveys by The Tower Institute for Strategic Analysis and Action in Public Policy, an independent, non-profit organization working to educate the Legislature and the general public, released a statewide public opinion survey showing that Texans overwhelmingly support property tax relief and a lower appraisal cap.

Taxpayer relief is the conversation of the day. Both the House and the Senate school finance plans are calling for a reduction in school property taxes as well as on going effort to revamp the system. The proposal with the intent of saving taxpayers billions of dollars in property taxes by capping and maintaining the appraisal increases was apparently dead when it reached the House floor. We then watched as HB 1006, the "Truth in Taxation" bill, whose design is to give taxpayers power over property tax increases was effectively disassembled by amendments incorporating exemptions and loopholes that rendered the bill useless. This could be the last chance that taxpayers have this session for control of local government spending.

If we truly want lower taxes and less government than we must rethink the position on these bills. Unfortunately, many House Republicans are not supporting this measure due to resistance from some local officials.

Proponents of appraisal caps believe they will safeguard property tax reductions that are part of the school finance plans in the House and Senate. House Speaker Tom Craddick has indicated he supports appraisal caps. It is the belief of the conservative members that we must take the burden of unfair taxation off the homeowners' shoulders and not require the homeowner even after they have paid off their mortgages to rent from the government the rest of their lives.

The Tower Poll found that 63 percent of those surveyed favor reducing the current 10 percent cap to three percent and another 17 percent said they would favor a reduction to five percent. All total, that means 80 percent of registered voters favor reducing the property appraisal cap to at least five percent. Only 14 percent opposed.

The Texas Municipal League conducted their poll and it reflects that Texans oppose state control of local budget decisions. Their statewide poll found 79 percent of those surveyed believe city and county tax rates should be controlled by locally elected officials and not the state legislature. Their Executive Director, Frank Sturzl, said the poll results clearly show a lack of public support for proposed legislation that would restrict city and county property tax revenue growth to three percent per year. "Local officials, not legislators, should make decisions on the services each community wants and needs, as well as the decisions on how to pay for those services. Texans already have the power to hold local officials responsible for the decisions they make." Sturzl said.

However, not everyone agrees with the solution. Whereby, The Texas Public Policy Foundation clearly supports bringing "Truth to Taxes," the *Texas Municipal League* and the *Texas Association of Counties* are working hard to defeat this legislation that would keep taxpayers from knowing and acting on the painful truth of taxes.

Gov. Rick Perry expressed his dismay at the proposal's defeat saying, "I'm disappointed in the vote. It was a defeat for property owners." The Governor has vowed to keep up a public campaign to limit what he calls property appraisal "creep." He also championed the bill that would have reduced the cap on property tax revenue increases in cities and counties.

Rep. Carl Isett has temporarily withdrawn his "Truth in Taxation" legislation from the House floor after a hostile amendment was added that allowed cities and counties to factor in a consumer price index. Rep. Isett plans to work with the amendment's author, before attempting to bring House Bill 1006 back to the floor.

On the Senate side a similar revenue cap measure is awaiting a vote by a Senate committee that would limit property value growth to 5 percent but

allow cities and counties to opt out is pending in the Senate. Some Senators have said they are not sure whether to proceed with their bill after the House's action.

Many believe this "Truth in Taxation" bill is a better way to provide tax relief. We all know that lower taxes drives economic activity. It has proven to be true every time and everywhere it's tried. The jury is still out on this issue and I am sure it will again be a major debate on the House floor.

The House passed the Committee Substitute to Senate Bill 6 (CSSB6), the Adult Protective Services (APS) and the Child Protective Services (CPS) bill. This is one of the most important pieces of legislation for this session. The bill brings sweeping reforms and oversight to the Department of Family Protective Services (DFPS) and other agencies involved in the protection and placement of children in foster care who have been the victims of abuse or neglect. The bill as approved by the house improves state training, accountability, casework documentation and management for both the CPS and APS systems. It moves substitute and case management services to the private sector leaving DFPS and CPS with authority over intake and investigative services, family-based safety services, and legal conservatorship of children. It also requires DFPS to make major reforms to licensing within the agency, including complete financial audits for selected contractors and an annual report on trends of licensing violations. When the 79th Legislative Session began, Governor Perry announced that the reform CPS/APS would be one of two emergency measures. The state budget, which passed out of the House last week, made CPS/APS reform a significant priority by allotting \$317.1 million in new funds for CPS and \$21.3 million for APS. It also restores child abuse prevention programs back to 2003 service levels standard inspection checklist and exit interview for residential facilities.

The Senate appears to be moving slowly on both House Bills 2 and 3. and time is of the essence. We are looking at a tight schedule if and when the Senate passes these bills in whatever form they pass them. I understand the Senate is working on the reform side and I believe they may be able to come to some consensus on what they would like in HB2. We hope they can get a bill that the House could support but we expect that the bill will be sent to conference no matter when it comes from the Senate and that the critical work on the final bill will be done in that Conference Committee. The HB3 work of the Senate is not nearly as clear to the House. It looks like they will not even bring up the bill for hearings until the 2nd week of May which will make it very hard to get the bill done in the Senate and through a conference committee. I would not expect the House to accept a Senate bill without sending the bill to Conference since there will be significant differences in what we expect will be the Senate version of HB3 from what the House passed and it was a tough vote to get any bill

to the Senate.

The Parental Consent Act HB 1212 will require a parent's or guardian's consent before abortive surgery can be performed on a child. I believe Parental Consent will be a bipartisan issue. Poll conducted in October found that 81% of adult Texans support parental consent. The poll clearly showed that this issue crosses all political, social, and racial lines. Parental consent before a child receives medical treatment is a basic right of every Texas parent. In other states, it has also served to protect children from sexual predators and reduced teenage pregnancies and abortions while strengthening family relationships.

Although parents' primary responsibility is to ensure the well-being of their children, current Texas law does not allow them to exercise that responsibility. The parent-child relationship is one of the most important in society and I believe this session we will have the opportunity to give Texas parents the right to protect their children in all situations.

Additional issues impacting Texas families and our respect for the sanctity of life is cloning and the funding of embryonic stem cell research. The issue of stem cell research has brought some interesting discussion and several bills have been filed. Obviously, members have varying opinions on what type of legislation is needed on stem cell research and the issue of cloning. There were interesting ideas that were presented in the State Affairs Committee. In addition, they heard legislation on the Constitutional Amendment on the issue of same sex marriage. Additional bills that will soon be debated on the House Floor is HB 864 a comprehensive ban on cloning, protecting the creation of cloned humans and preventing the commodization of human life. HB 2081 would place a ban on state taxpayer funding for research that destroys human embryos.

With this session winding down we will now be meeting every week day and Saturdays and Sundays when necessary. Your thoughts and prayers will be appreciated.

We continue to welcome your input and your questions. Contact our office located in the Capitol extension: E1.324. Mailing address: P. O. Box 2910, Austin, TX, and 78768 phone number 512-463-0880. Email: dan.flynn@house.state.tx.us.

God bless you and God bless Texas,

Dan Flynn
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