



The Flynn Report

October 16, 2009

Greetings Friends, Constituents and Supporters:

Coming up faster than we can all imagine is [election day, Tuesday, November 3, 2009](#). Early voting begins Monday, October 19, 2009 and there will be eleven proposed amendments to the Texas Constitution. The *Flynn Report*, dated September 27, 2009, included a listing of all eleven proposed amendments. Each of these amendments is very important and will affect your lives in some way, so I encourage you to have a good understanding of the issues. All of the conservative groups have information and provide a great resource for you to refer for additional information. There are some very important facts you will want to be aware of on several of the proposed amendments that you may appreciate knowing and find helpful.

There are few functions of government more confusing and unfair to the average Texan than the property tax appraisal process. Anyone who has had the unfortunate experience of protesting the value of their home will tell you they often feel the deck is stacked against us.

State Propositions #2, #3 and #5 are reforms passed during the 81st Session of the Texas Legislature but still require the approval of Texas voters this November 3rd. These three reforms resulted from House and Senate interim studies of property tax appraisal reform that I was privileged to serve on. Hearings were held across the state and residential and business property owners alike asked for these needed reforms.

If you are a homeowner and concerned about your pocketbook, it is especially important to vote FOR all three property tax appraisal reform propositions. Propositions 2, 3 and 5 will benefit ALL property taxpayers. These three propositions will help to protect against runaway residential appraisals, ensure appraisal equity statewide, and streamline appraisal district appeals.

Unfortunately, misinformation is being disseminated about what these amendments will actually do. Taxpayer advocates are calling these proposals the "most significant reforms for property taxpayers in 30 years." Texans need these new protections against property tax appraisal abuse.

I recommend you know the facts, and vote FOR Propositions 2, 3 and 5. These are the facts as I see them:

PROPOSITION 2 requires the property tax of a residence homestead be solely based on the property's value as a residence homestead - regardless of what it might be worth if purchased for a different use, such as an office or business. This proposal is a response to residence homesteads being appraised based on what a person's homestead would be worth if it were converted to commercial property. It applies only to residential homesteads and not to second homes or investment properties.

PROPOSITION 3 provides for uniform property tax appraisal standards and procedures to be used by County Appraisal Districts. Currently, property tax appraisal practices and procedures vary widely across the state. This proposition will provide for the equitable treatment of all property owners by ensuring that taxable property is appraised in the same manner no matter where it is located in the state.

PROPOSITION 5 makes it easier to form appraisal review boards for protest hearings. This proposition will allow two or more adjoining county property tax appraisal districts, if they so choose, to consolidate appraisal review board functions. The voluntary ability to consolidate smaller county appraisal review boards will help resolve property tax appraisal protests more quickly and make protesting appraisals more convenient for property owners, especially in lesser-populated areas of Texas

There are two additional propositions **I recommend a vote FOR** and they are Proposition 7 and 11. Here are the facts as I see them:

PROPOSITION 7 conforms the Texas Constitution to the current structure of the Texas Military Forces: the Texas Army National Guard, the Texas Air National Guard and the Texas State Guard.

The Texas State Guard is a volunteer force of about 1,800 guardsmen from all across the State of Texas and is a "first responder" to natural disasters and other emergencies. Over the past two years members of the Texas State Guard have volunteered over 42,000 working days supporting local and state authorities responding to hurricanes, fires, floods and other state declared emergencies with great success.

Article 16, Section 40 of the Texas Constitution was originally written to prohibit civil servants (elected officials and government employees) from holding two different positions with the government at the same time. However, the Constitution also provides several exceptions to this rule – most notably for military service. For instance, if a school teacher, city councilman or police officer serves in the Texas National Guard or the Naval Reserves, there are exceptions for that military service.

The role of the Texas State Guard, first organized during WWII, has grown dramatically over the last eight years and it has become vital to emergency response in Texas. Guardsmen, among other functions, provide shelter management, medical support, assist in evacuations, communications and damage assessment. Most recently, an engineering detachment was organized to assist small communities in reestablishing

critical services, such as water and wastewater, after natural disasters such as a hurricane or flood. Recruitment efforts are underway to reflect the fast growing missions of the Texas State Guard.

Many of our guardsmen have jobs with various local, state and even federal government entities. They are teachers, judges, police officers, firefighters who are committed to the State Guard's motto of Texans Serving Texans. **Proposition 7 is simply clean up language to clarify that all Texans are eligible to serve regardless of their employment.**

PROPOSITION 11 Prohibits the taking, damaging or destroying of private property for public use unless the action is for the ownership, use and enjoyment of the property by the State, a political subdivision of the State, the public at large or entities granted the power of eminent domain under law for the elimination of urban blight on a particular parcel of property, but not for certain economic development or enhancement of tax revenue purposes, and to limit the legislature's authority to grant the power of eminent domain to an entity.

Why is this necessary? The U. S. Supreme Court's Kelo vs. New London decision allowed local governmental entities to take private property for the purpose of economic development, **unless the states' constitutions** contain a provision to the contrary. **This amendment would add restrictions on the use of eminent domain in Texas, and prohibit legislators from weakening the restrictions without voter approval. It also adds important protections against eminent domain abuse by specifically starting the legitimate purposes for eminent domain.** Passage would require governmental entities taking land through eminent domain to use it for a definable public purpose.

Hopefully this additional information will be helpful to you as you stuffy the eleven proposals and above all I trust you will take the opportunity to vote as you believe is right for you and your family.

It remains my pleasure and honor to represent all the people of House District 2. My staff and I continue to welcome your input and your questions. Feel free to contact me: 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**