



From the Desk of
Representative
Dan Flynn



The Flynn Report

November 22, 2005

Greetings constituents, supporters and friends:

The Texas Supreme Court released its decision today and determined in a ruling which struck down the way Texas uses property taxes to fund schools. The Court threw out challenges to the adequacy, efficiency and suitability of the states education system, even praising recent school reforms and academic progress. They ruled that “the local ad valorem taxes have become a state property tax in violation of article VIII, section 1-e,” of the Texas Constitution but, the deficiencies in the public school finance system do not amount to a violation of article VII, section 1.

The trial court’s decision was modified and affirmed in part, reversed in part, and remanded for reconsideration of the award of attorney fees. The Court also extended the trial court’s injunction to June 1, 2006 and gave the State more time to consider structural changes in the public education system.

The legislature has been debating this issue for over 40 years with the current “Robin Hood” system being adopted 14 years ago only after the courts struck down three other alternatives.

With the Supreme Court ruling that the current funding system is unconstitutional, Governor Perry has indicated he will call a special session so that the legislature can adopt a new funding system before the

beginning of the 2006-2007 school year. When the Governor does call a special session the date will probably be determined and impacted by the work of the newly appointed Tax Reform Commission headed up by former State Comptroller John Sharp who is currently working on this issue.

The Courts ruling on the state's school finance system appears to call for a complete overhaul. They took to task what they called an inefficient system rife with "constitutional challenges," and noting that simply "pouring more money into the system may forestall those challenges, but only for a time."

The court criticized some school districts as being firmly entrenched and powerfully resistant to meaningful change. And yet reminded all Texans that the guarantee of public education, belongs to school children rather than school districts.

On the issue of inserting more money into the system, the court stated: "While the end-product of public education is related to the resources available for its use, the relationship is neither simple nor direct; public education can and often does improve with greater resources, just as it struggles when resources are withheld, but more money does not guarantee better schools or more educated students."

The court ruling appears to validate the demands from Texas taxpayers who want and need substantial and lasting property tax relief. I have said many times our entire tax code needs substantial reform to make it fairer, more modern and be one that will ensure schools have a reliable stream of revenue.

I believe the legislature will continue to work for classroom reforms, including higher pay for teachers, stronger accountability for failing schools, and a greater emphasis on college readiness so that Texas school children are prepared to succeed in college or whatever their opportunities may be.

The court pointed out that there had been \$10 billion in increased funding provided for education since 1999 and it has had a positive and measurable impact on our schools, However, it is possible for the legislature to implement new reforms that will improve student success

without necessarily spending additional dollars.

The ultimate decision on reforming the state tax code must focus on the goals of lowering property taxes, ensuring greater tax fairness, and providing a long-term, reliable source of funding for our public schools. Any new tax system will have a tremendous impact on every aspect of our future, from our ability to attract jobs and economic growth, to the prosperity of our families and the quality of education for our Texas public schools.

We cannot do anything that would hinder our ability to continue on the productive business climate Texas is enjoying or consider options that would stall or effect Texas' job-creating engine. Overburdening employers with higher taxes would only serve to undercut their ability to create and sustain Texas jobs, which would weaken the business climate and could eventually kill the engine. That would not benefit anyone, not businesses, not the hard working men and women of Texas, or our public schools.

I am confident after today's Texas Supreme Court decision Governor Rick Perry, Lt. Governor David Dewhurst, Speaker Tom Craddick and the entire Legislature will find a solution that will appropriately answer the Court's ruling. I am convinced that all are committed to finding a fair, equitable, and constitutional alternative to the current school finance system. One that will benefit our teachers, our school children and all Texans.

The court gave the state legislature until June 1, 2006, to address the public school finance system.

I have received many comments concerning the results of the recent Texas Constitutional Election for Proposition 2, defining and protecting marriage as a union between one man and one woman. You might be interested in some statistics concerning the results.

Proposition 2 passed overwhelmingly at 76.2% of the vote and voter turnout exceeded all expectations. 17.82% of the registered voters in Texas voted. The percentage of voter support for traditional marriage was higher than any other state's vote on such an amendment.

You might be interested in knowing that all of the major newspapers in the state and most medium size papers OPPOSED Prop 2 in their editorials. Prop 2 passed in 253 of the 254 counties with Travis County [Austin] being the only county where Prop 2 failed. Texans truly spoke out and all of us played a big part in this effort by voting and by educating others and encouraging them to get out to vote.

During Thanksgiving season it seems the question often comes to many of us. Why is America such a blessed land? Most will point to our bountiful resources, vast and glorious expanses and others will point to geographical gifts, our freedom, the entrepreneurial spirit, the economic and technological opportunities. I like so many before me trust that our American youth will never forget, that they possess a noble inheritance, bought with a price by the blood and sufferings, of our forefathers. Because I believe this Godly heritage will faithfully guard our posterity, the blessings of our life, liberty, religion, independence and happiness. And will keep America Great and strong for generations to come. I pray you and your families will enjoy a great Thanksgiving Season.

My staff and I welcome your input and your questions. You can reach us in our offices located in Austin at the State Capitol in the Capitol extension: E1.324. Canton District office located in The American National Bank Building in Canton on Highway 243: Greenville District office located in The Paul Mathews Exchange Building, Suite 802, 2500 Stonewall.

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God bless you and God bless Texas,

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

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