



STATE REPRESENTATIVE  
**BYRON COOK**  
DISTRICT 8 NEWSLETTER

The State of Texas  
House of Representatives



SUMMER 2010

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**TEXAS SUNSET**  
ADVISORY COMMISSION

Dear Friends,

On January 11, 2011, when the Texas House Speaker gavels in the 82nd Regular Legislative Session, lawmakers will commence addressing several exceptionally crucial and challenging matters, which currently face this great state.

This newsletter aims to highlight some of the significant issues that legislators will be debating in the upcoming session including sunset legislation, redistricting and perhaps, most significantly, the 2012-13 state budget. Texas is facing a budget shortfall estimated as high as \$18 billion.

The interim has had a full schedule of events and has been very productive. One of the tasks we have been working on is the extensive review of 28 state agencies to assess functionality and ensure efficiency, through the Texas Sunset Advisory Commission, to which I was re-appointed by Speaker Straus. As chairman of the House Committee on Environmental Regulation, the committee has had the opportunity to attend several industry operation tours throughout the state, which proved to be educational and informative. Moreover, the committee is addressing its interim charges through public hearings, which encompass topics such as recycling, air quality and the potential state-impact of federal legislative and regulatory environmental initiatives. By year-end, an interim committee report will be available on-line via the committee website address at: [www.house.state.tx.us/committees/list81/260.htm](http://www.house.state.tx.us/committees/list81/260.htm).

Constituent participation in the legislative process through valuable communication is extremely helpful, as it affords us the opportunity to gauge the interests and concerns of the citizens of Texas House District 8.

It remains an honor to represent you in the Texas House of Representatives.

Thank you.

Sincerely,

Byron Cook  
Texas State Representative

ANDERSON ★ FREESTONE ★ LIMESTONE ★ NAVARRO

# Local Issues Update

## RECENT CHANGES IMPLEMENTED AT MEXIA'S HOME FOR THE DISABLED

### *Brings New Jobs to the Region*

Legislation was passed, with bipartisan support, making a number of significant changes to the Mexia State Supported Living Center (MSSLC), formerly known as the Mexia State School. In addition to the name change, Senate Bill (SB) 643 required the installation of video surveillance equipment, which was installed at MSSLC, in June 2010. In an effort to increase quality of life for both residents and staff, SB 643 bolstered employee training requirements. The Department of Aging and Disability Services (DADS) is in the process of developing training materials specifically tailored to the needs of the Mexia staff.

The legislation also created a new "forensic" unit within MSSLC to house and provide treatment to individuals known as "alleged offender residents" who have been charged with a crime but are unable to stand trial because of a diagnosis of mental retardation. A plan to transition a portion of the MSSLC campus into the forensic unit has been developed and the unit is expected to be fully operational by September 2011. According to DADS, as a result of the creation of this specialized unit, as many as 75 new residents could potentially move to Mexia, which will lead to an increase in the number of staff needed at the facility, and new possible job opportunities.

An amendment to SB 643, authored by Representative Byron Cook, provides resources to Mexia Independent School District (MISD) to support the needs of school-aged alleged offender residents. The amendment mandates that MISD employ behavioral support specialists to work in the classroom to assist with the unique supervision and educational needs of these students. Eight behavioral support specialists have been hired, trained and are now working in MISD classrooms using funds specifically allocated to MISD by the special appropriations bill, House Bill 4586.

Since 2007, an additional 181 full time jobs have been created at MSSLC, which currently employs 1,575 people and has 102 vacancies. Legislative changes have improved the lives of both residents and staff by not only increasing staff ratios, but also focusing on the development of innovative training programs and the implementation of additional safety procedures. As lawmakers prepare for the upcoming regular legislative session, the implementation of policies affecting MSSLC will be closely monitored to ensure the facility remains a vital part of the system of care for disabled Texans.

## STATE AGENCIES AND LEGISLATORS COLLABORATE TO ADDRESS ISSUES AT POULTRY FACILITIES

In an effort to address issues related to the regulation of the poultry industry, Senate Bill (SB) 1693 passed with overwhelming support and took effect on September 1, 2009.

SB 1693 makes several important changes; the Texas Commission on Environmental Quality (TCEQ) must investigate most odor complaints within 18 hours and issue a notice of violation if the facility creates a nuisance. Any facility receiving three notices of violation within 12 months is required to enter into a compliance agreement with the TCEQ that includes a comprehensive odor control plan.

The bill also creates additional restrictions for new facilities including requiring individuals that buy, sell or transfer poultry litter to be used as fertilizer to maintain detailed records. Moreover, owners must complete training on how to properly control odors.

SB 1693 prohibits the Texas State Soil and Water Conservation Board from approving the required Water Quality Management Plan for any proposed facility that would be located within half a mile of a business, home or church. The TCEQ has taken steps to ensure that the 18 hour response time is met by establishing a poultry odor complaint response team in the Waco regional office, dedicating a phone line to poultry

odor complaints and monitoring e-mail after normal working hours.

Additionally, the TCEQ held a briefing in Mexia, attended by Representative Cook, which gave the community an opportunity to voice concerns, as well as hear about the state's poultry industry initiatives. Following this briefing, Representative Cook's office and the TCEQ have remained in communication with citizens to continue to address concerns.

Since September 2009, a total of 139 complaints have been received, which have resulted in a total of 92 on-site investigations. Forty-two of the investigations were conducted after normal working hours.

If you live near these facilities and are experiencing problems, you are encouraged to contact the TCEQ Waco office by phone at (888)777-3186 during normal business hours or at (254)744-4741 after hours and on weekends. Complaints may also be filed via e-mail at [complaint@tceq.state.tx.us](mailto:complaint@tceq.state.tx.us).



***Representative Cook confers with  
House author of SB 643.***

# *House Committee On Environmental Regulation*

In February 2009, Representative Cook was appointed chairman of the House Committee on Environmental Regulation “the Committee” by Texas House Speaker Joe Straus. The Committee has jurisdiction over policies related to air, land and water pollution; environmental regulation of industrial development; the regulation of waste disposal; and oversight of state agencies with environmental programs including the Texas Commission on Environmental Quality (TCEQ), the Low Level Radioactive Waste Disposal Compact Commission and the Department of State Health Services.

Speaker Straus released interim charges in November 2009, which list specific issues for the Committee to study prior to the start of the 82nd Legislative Session. The Committee will hold hearings to gather information from a balanced group of witnesses related to the five charges.

1. Examine several specific areas related to air quality regulation;
2. Survey existing recycling programs;
3. Monitor federal legislative and regulatory initiatives;
4. Study the TCEQ’s use of Supplemental Environmental Projects;
5. Monitor agencies and programs under the Committee’s jurisdiction.

On February 25, 2010, a public hearing was held at the University of Houston’s Downtown Campus that focused on issues relating to Interim Charge 1. Invited witnesses testified on two particular types of pollution, toxic air pollutants and particulate matter, as well as a federal Environmental Protection Agency proposal that would lower the current standard for ozone levels.

The day before the hearing, the Committee visited two industrial facilities to observe the technology used to prevent and monitor pollution emissions. Several legislators and their staff toured a refinery where the use of infrared cameras and the process for transforming heavy sulfur crude oil into clean fuels was demonstrated. The group also visited a chemical plant to observe the sophisticated instruments used to monitor air quality and ensure compliance with state and federal regulations. In addition to industry tours, members of the Committee and several legislative colleagues met with local community leaders to discuss their observations regarding air quality in the Houston industrial region.



***Texas House Speaker Joe Straus visits with Representative Cook.***

Additional educational opportunities for the Committee included traveling to the Low-Level Radioactive Waste Disposal Compact Commission disposal facility in Andrews, Texas where the Committee had the chance to examine the practices used to ensure that radioactive waste is safely processed and stored. Moreover, Representative Cook and some of his colleagues toured a cement plant near Dallas where technologies used to reduce nitrogen oxide emissions and the company’s use of fossil fuels were demonstrated.

A second hearing on June 28th, focused on Supplemental Environmental Projects (SEPs) and recycling. The TCEQ uses SEPs as an alternative for companies that have received regulatory fines. Those companies can choose to complete authorized environmental improvement projects in the community where the violation occurred, rather than paying a fine to the state. The recycling discussion spotlighted four issues: theft related to scrap metal recycling, the need for environmentally safe ways to dispose of unwanted electronics, the disposal of mattresses that take up large amounts of space in landfills and glass, plastic and aluminum recycling.

A third hearing scheduled for early fall will cover agencies and programs that are under the Committee’s jurisdiction, as well as the effect any potential federal environmental legislation would have on Texas. The hearing will also provide an opportunity for dialogue about the TCEQ’s permitting processes.

The information gained at the hearings will be used to develop recommendations to be included in the Committee’s interim report that will be published in late 2010. The report will then be used to support possible future legislative initiatives.

# The Upcoming 82nd Legislative Session

## SUNSET ADVISORY COMMISSION

In 1977, the Texas Legislature formed the Sunset Advisory Commission, “the Commission”, to ensure that public dollars are being spent judiciously by eliminating inefficiencies in state government agencies.

Re-appointed by Texas House Speaker Joe Straus, Representative Cook is serving his second term on the Commission, which is comprised of ten legislators and two public members. These members work closely with the Commission’s research staff that have conducted in-depth analyses of state agencies and submit detailed recommendations regarding each agencies inner-workings.

The goal of the Sunset process is to determine if the goods and services provided by each agency remain necessary. The process works by setting a date on which an agency will be abolished unless legislation is passed to continue its functions. This creates a unique opportunity for the legislature to look closely at each agency and make fundamental changes to an agency’s mission or operations, if needed.

The public can take part by reviewing reports, attending hearings and participating in the legislative process. Please visit <http://www.sunset.state.tx.us/> to find reports, hearing dates and other relevant information.

## REDISTRICTING IN TEXAS WILL LIKELY LEAD TO IMPASSIONED DEBATE NEXT SESSION

Redistricting will be another noteworthy issue debated during the 82nd Legislative Session. The Texas Constitution mandates that the legislature re-draw the Texas House of Representatives and the Texas Senate district boundaries prior to the end of the first regular session after each U.S. Census is published. At this time, legislators are also tasked with redistricting the state’s U.S. Congressional districts, as well as reviewing the State Board of Education districts.

The U.S. Constitution requires that a census be taken every ten years to redistribute the U.S. Congressional districts because of a Supreme Court requirement that districts have equal populations. The latest census was mailed to households on April 1, 2010 and the information is expected to be released in April 2011. Because the upcoming regular legislative session will end on May 30, 2011 and the official population information will not be available until April, the Texas House and Senate will have less than two months to make important redistricting decisions that will impact the state for the next decade.

If the Texas legislature is unable to reach the consensus necessary to pass a redistricting bill prior to the end of the 82nd Regular Legislative Session, or if the bill is vetoed by the governor or if it is rejected by the courts, the job of redistricting Texas House and Senate districts is given to the Legislative Redistricting Board (LRB). The LRB has five members: the speaker, the lieutenant governor, the land commissioner, the comptroller and the attorney general. The LRB must convene 90 days after the session ends and is required to produce the redistricting map 60 days after convening. If the legislature fails to re-draw congressional districts in a timely manner districts will be drawn in federal court.

The population of Texas has grown by more than 25 million over the last decade, making this census and redistricting cycle especially important, as Texas is likely to gain at least three seats in Congress. Additionally, the average population of each Texas House district will increase from 139,000 to approximately 167,000 residents. Two Texas Senate districts are expected to grow from 672,000 to 784,000 residents. Because most of the population growth has been concentrated in urban areas, the number of metropolitan districts is expected to increase. Rural areas that have grown more slowly, or in some cases have seen a decline in population, will probably be required to consolidate districts.

## STATE BUDGET

The state budget is the most critical piece of legislation debated during legislative sessions because the government cannot provide Texans with constitutionally mandated services without appropriated funds. In the upcoming legislative session, Representative Cook, working collectively with his colleagues, will strive to pass a sound and balanced budget without raising taxes.

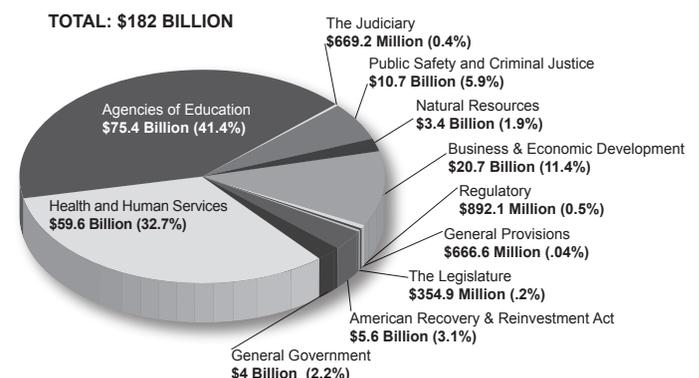
Because of the reality of the state’s current financial situation, reductions for the 2012-13 budget are ominous, as state lawmakers face the daunting task of balancing a budget shortfall estimated as high as \$18 billion.

Many factors have played a role in the higher than expected budget deficit, including the national recession, rising healthcare costs and sluggish sales tax revenues, which pay for about 60 percent of the state’s basic functions including education and prisons.

To address this challenge, state agencies were instructed by the governor, lieutenant governor and speaker to immediately reduce spending by five percent in their current biennial budgets, resulting in savings of approximately \$1.2 billion. These savings will be placed in a fund set up by the Texas Comptroller’s Office for the 2012-13 budget. Agencies have also been instructed to develop strategies to reduce their general revenue related funding for the next biennium by an additional ten percent (in five percent increments).

As voted on at the beginning of the 2009 regular legislative session, each Texas State Representative is allotted \$13,250.00 per month to run their Capitol and district offices. At the end of this fiscal year, Representative Cook will return approximately \$36,000.00 back to the state. Since serving his first term as State Representative for Texas House District 8, Representative Cook has returned a total of \$ 157,852.68!

## 2010-2011 State Budget



SOURCE: Legislative Budget Board

# STATE REPRESENTATIVE BYRON COOK

## *Useful Contact Information for the Public*

### *CLIP AND SAVE*

**Aging and Disability Service,  
Texas Department of (DADS)**  
[www.dads.state.tx.us](http://www.dads.state.tx.us)  
Consumer Rights and Services: (800)458-9858  
State Long-Term Care Ombudsman: (800)252-2412

**Agriculture, Texas Department of**  
[www.tda.state.tx.us](http://www.tda.state.tx.us)  
(800)835-5832

**Assistive and Rehabilitative Services,  
Texas Department of (DARS)**  
[www.dars.state.tx.us](http://www.dars.state.tx.us)  
(800)628-5115

**Attorney General, Office of the**  
[www.oag.state.tx.us](http://www.oag.state.tx.us)  
Crime Victims: (800)983-9933  
Consumer Protection: (800)621-0508  
Child Support Enforcement: (800)252-8014

**Comptroller of Public Accounts**  
[www.window.state.tx.us](http://www.window.state.tx.us)  
(800)252-5555

**Education, State Board of**  
[www.tea.state.tx.us/sboe](http://www.tea.state.tx.us/sboe)

**Environmental Quality,  
Texas Commission on (TCEQ)**  
[www.tceq.state.tx.us](http://www.tceq.state.tx.us)  
(512)239-1000  
***FREE, responsible disposal/recycling services:***  
[www.takecareoftexas.org](http://www.takecareoftexas.org) or  
1-800-CLEANUP.  
Poultry Odor Complaint: (888)777-3186  
Air Monitoring Data:  
[www.tceq.state.tx.us/cgi-bin/compliance/  
monops/8hr\\_4highest.pl](http://www.tceq.state.tx.us/cgi-bin/compliance/monops/8hr_4highest.pl)

**Family and Protective Services, Department of (DFPS)**  
[www.dfps.state.tx.us](http://www.dfps.state.tx.us)  
Abuse Hotline: (800)252-5400  
Foster Care and Adoption: (800)233-3405  
Ombudsman: (800)720-7777

**Governor's Office**  
[www.governor.state.tx.us](http://www.governor.state.tx.us)  
(800)843-5789

**Health and Human Services Commission,  
Texas (HHSC)**  
[www.hhs.state.tx.us](http://www.hhs.state.tx.us)  
To Find Local Services Dial: 2-1-1  
Ombudsman: (877)787-8999  
Medicaid: (800)252-8263

**Health Services,  
Texas Department of State (DSHS)**  
[www.dshs.state.tx.us](http://www.dshs.state.tx.us)  
(888)963-7111

**Housing and Community Affairs,  
Texas Department of**  
[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)  
(800)525-0657  
Manufactured Housing Division: (800)500-7074

**Insurance, Texas Department of**  
[www.tdi.state.tx.us](http://www.tdi.state.tx.us)  
(800)578-4677  
Consumer Rates Guides: (800)599-SHOP

**Legislature**  
[www.capitol.state.tx.us](http://www.capitol.state.tx.us)  
Website for Children: [www.kids.house.state.tx.us](http://www.kids.house.state.tx.us)

**Parks and Wildlife Department, Texas**  
[www.tpwd.state.tx.us](http://www.tpwd.state.tx.us)  
(800)792-1112  
Operation Game Theft: (800)792-4263

**Public Safety, Texas Department of**  
[www.txdps.state.tx.us](http://www.txdps.state.tx.us)  
Motorist Assistance: (800)525-5555  
Drivers License Division: (512)424-2600  
Concealed Handgun Licensing: (800)224-5744

**Public Utility Commission of Texas (PUC)**  
[www.puc.state.tx.us](http://www.puc.state.tx.us)  
Assistance Hotline: (888)782-8477

**Transportation, Texas Department of**  
[www.dot.state.tx.us](http://www.dot.state.tx.us)  
Tourist/Travel Information: (800)452-9292

**Voting and Election Information**  
[www.sos.state.tx.us](http://www.sos.state.tx.us)  
(800)252-8683

**Workforce Commission, Texas**  
[www.twc.state.tx.us](http://www.twc.state.tx.us)  
(512)463-2222

**State Representative Byron Cook**  
**800-643-7026**  
[www.capitol.state.tx.us](http://www.capitol.state.tx.us)



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**BYRON COOK**

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*Representative Byron Cook, Texas Commissioner of Agriculture Todd Staples and local dignitaries participate in the ribbon cutting and grand opening of the new University of Texas at Tyler Palestine campus.*

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*Notable Laws Effective September 1, 2009*

- ✓ **House Bill (HB) 55** prohibits the use of hand-held cell phones in active school zones.
- ✓ **HB 339** restricts drivers 18 and younger from using a wireless communication device, either hand-held or hands-free, while driving.
- ✓ **HB 537** requires all occupants of a vehicle to be secured by a seat belt, no matter where they are seated in the vehicle.
- ✓ **HB 189** requires college students to provide a doctor's note with proof of a bacterial meningitis vaccine at least ten days before moving into campus housing.
- ✓ **Senate Bill (SB) 61** requires booster seats for children younger than eight, unless they are at least 4 feet 9 inches tall.
- ✓ **SB 1163** makes the theft of cattle, horses, exotic livestock, fowl, sheep, swine and goats a third-degree felony.

For a full list of laws passed during the 81st Legislative Session, refer to:  
<http://www.lrl.state.tx.us/legis/billseffective81.html>

