



STATE REPRESENTATIVE
BYRON COOK
DISTRICT 8 NEWSLETTER

The State of Texas
House of Representatives



2011

Dear Friends,

This newsletter is intended to offer insight into one of the most challenging legislative sessions in Texas history. Landmark legislation was passed that should ultimately shape our great state into an even better place to live, work and raise a family.

Over the 170 days of the special and regular sessions, lawmakers contemplated and passed landmark legislation, which included the sonogram bill, the state budget, eminent domain, Voter ID, tort reform legislation and redistricting.

Despite a budget shortfall estimated as high as \$18 billion, and facing the worst national recession since World War II, legislators passed a balanced budget that prioritizes education, protects vulnerable residents in nursing homes and strengthens border security. Legislators worked diligently to ensure essential state services were adequately funded, without raising taxes.

This session, I was honored to serve as chairman of the Texas House Committee on State Affairs. Numerous diverse bills were referred to the committee that widely ranged in subject matter including the protection of unborn life, immigration and utility regulation. The committee's broad jurisdiction provided its members the opportunity to hear countless hours of testimony and champion crucial matters that concern most all Texans.

The phone calls, emails, letters and office visits from constituents were helpful in identifying the community's priorities and concerns -- and your continued involvement in the Texas legislative process is always greatly appreciated.

Thank you for the opportunity to represent you in the Texas House of Representatives.

Sincerely,

Byron Cook

Texas State Representative



ANDERSON ★ FREESTONE ★ LIMESTONE ★ NAVARRO

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CHAIRMAN: STATE AFFAIRS;
CALENDARS

TEXAS SUNSET
ADVISORY COMMISSION

Legislation Championed or Supported by Rep. Cook

REDUCING FRAUD BRINGS IN ADDITIONAL STATE REVENUE

Representative Cook authored and passed House Bill (HB)11 in 2007 to address the issue that certain retailers were failing to comply with remitting the collected sales tax to the state. The legislation authorizes the comptroller to require wholesalers and distributors to report data regarding sales to retailers of beer, wine and malt liquor. This measure has resulted in the additional compliance of sales tax remittance of over \$275 million in additional revenue *owed to the state*. Building on the success of the legislation, Representative Cook authored two bills this past session that helped alleviate the state's budget crunch by making it more difficult to commit fraud, therefore improving the compliance rate of sales tax remittance. Amending the current law, liquor wholesalers and package stores are now required to do additional reporting of distilled spirits sold to bars and restaurants. This legislation is estimated to bring in an additional \$112 million of taxes *owed to the state*, over the next five years. The comptroller will also be provided with flexibility in the audit process, expected to result in at least an additional \$7.8 million by 2013. *HB 11, Effective date: 9/1/11*

METAL THEFT DETERRED

In recent years, an increase in the value of certain regulated metals (such as copper) has lead to rampant theft in many Texas communities. Churches, schools, charitable organizations, municipalities and businesses across the state have been victimized by criminals looking for quick cash. To obtain the metal, thieves often cause thousands of dollars of damage to property, leaving victims to do costly repairs. In an effort to address this growing problem, Representative Cook met with stakeholders and law enforcement over the course of the interim, which resulted in legislation that allows metal recyclers to continue to provide a valuable service, while increasing penalties for entities that do not comply with the new state and local regulations. The bill also gives law enforcement the tools necessary to investigate theft incidents and apprehend criminals -- with the goal that the theft rate of regulated metals will be substantially reduced. *SB 694, Effective date: 9/1/11 (some sections of the bill will not take effect until 1/1/12 and 3/1/12)*

CHANGES TO STATE AGENCY RESULTS IN COST SAVINGS

Following a review by the Sunset Advisory Commission, Representative Cook authored legislation that improves the efficiency of the State Soil and Water Conservation Board. The bill restructures the agency's programs to ensure that state funding is only directed to projects that will increase the water yield for areas in the greatest need of water. *HB 1808, Effective date: 9/1/11*

ATTENTION FARMERS AND RANCHERS

NOTABLE CHANGES TO AGRICULTURE EXEMPTION LAW

To ensure the agriculture exemption for sales and use tax are being used by those it was intended to benefit, purchasers of certain agriculture items who claim a sales and use tax exemption are **now required to apply for an exemption number from the comptroller**. These applicants must own or operate a farm or ranch as defined in current law. The exemption number is subject to renewal every four years. **For more information contact the comptroller's office at 800-252-5555.** *HB 268, Effective date: 9/1/11.*

Constituent Concerns Produce Changes to Current Laws

Some Legislative Ideas Brought to Me by Constituents of House District 8

TRANSITIONAL HEALTH COVERAGE FOR DEPENDANTS SECURED

Representative Cook passed legislation to address a small gap in health insurance coverage for certain state employees' dependents. The bill addresses a problem, which caused an Anderson County resident's disabled child to become ineligible for health insurance after the employee changed jobs, resulting in a switch in insurance programs. It ensures that dependents of employees covered under one program will continue to be eligible if the employee transitions between the state's four insurance programs. *HB 755, Effective date: 9/1/11*

DRIVER SAFETY INCREASED

After learning that teenagers were not required to take a driver education course to get a hardship license, Representative Cook filed a bill to make Texas' roads safer. The legislation, officially named "Aaron's Act" after a local teenager whose life was taken tragically in a traffic accident, requires all individuals applying for a hardship license to not only pass the driver's test, but to take a driver education course as well. *HB 90, Effective date: 9/1/11*

LEGISLATION GIVES LOCAL AUTHORITY TO REGULATE SLAUGHTERHOUSES

In response to concerns voiced by numerous constituents, Representative Cook authored legislation that allows the Navarro County Commissioners Court to regulate slaughterhouses. This legislation gives Navarro County the same authority already granted to many larger counties in Texas. *HB 92, Effective date: 9/1/11*

House Committee on State Affairs



House Committee on State Affairs

On February 9, 2011, Texas House Speaker Joe Straus appointed Representative Cook chairman of the House Committee on State Affairs. The committee is responsible for analyzing some of the state's most contentious and comprehensive issues. Because of its broad jurisdiction, State Affairs examines and studies extremely diverse subjects, including the protection of unborn life, utility regulation, management of state agencies, immigration and the administration of state government.

During the 82nd Legislature, the committee addressed two matters identified as emergencies by the governor and considered hundreds of other bills, including 76 related to immigration, 75 focused on the operation of state agencies and 107 addressing utilities. Public hearings were held to provide an opportunity for concerned citizens and representatives from state agencies to testify on legislation. After thoughtful deliberation, a number of bills were voted out of State Affairs, 63 of which became law -- including legislation that will save the state more than \$90 million over the next five years.

House Bill (HB) 15, co-authored by Representative Cook, addresses one of the governor's emergency agenda items. The legislation requires medically accurate information be provided before an abortion procedure, to ensure that women clearly understand the significant impact the procedure will have on them and their unborn child. It outlines specific data that physicians must give a pregnant woman, prior to an abortion, and requires that a woman be shown sonogram images and audio of the baby's heartbeat before an abortion. HB 15 passed both the House and the Senate -- and although the law was set to go into effect on September 1, 2011, it is being challenged in court.

The Sunset Advisory Commission, on which Representative Cook serves as a member, is tasked with periodically reviewing policies and practices of state agencies to improve government functionality and efficiency, eliminating waste. This session, the committee passed key pieces of legislation that made reforms to improve the administration and effectiveness of the Division of Worker's Compensation, the Office of Injured Employee Council, the Electric Reliability Council, the Office of Public Utility Counsel and the Public Utility Commission.

The committee continues to stay busy between legislative sessions, holding hearings to consider ongoing issues under their jurisdiction. The first interim hearing was held on September 22, 2011, to examine the Cross-State Air Pollution Rule (CSAPR), formerly called the Clean Air Transport Rule. The rule, proposed by the Environmental Protection Agency (EPA) on July 7, 2011, was intended to reduce emissions in upwind states that significantly impair the ability of downwind states to attain or maintain federal clean air standards -- however, as finalized by the agency, the rule imposes several restrictions on the state's electricity generating plants, requiring compliance in five months. Texas was unexpectedly included in this rule at the last minute, allowing no time for input from citizens or businesses.

Because the standard time frame for installing major new emissions controls or making sweeping operational changes is typically several years, there has been concerns expressed that complying with this rule by the January 1, 2012 deadline may force as many as eight of the state's largest, most efficient coal power plants to shut down or scale back operations. This could potentially cause rolling blackouts, higher electric bills and job loss. To watch archived footage of the hearing visit www.capitol.state.tx.us. If you wish to contact the EPA regarding the CSAPR, write, call or email Region 6 EPA administrator Dr. Al Armendariz.

Dr. Al Armendariz, Administrator
EPA Region 6 Main Office
1445 Ross Ave., Suite 1200
Dallas, Texas 75202
Phone: 800-887-6063
armendariz.al@epamail.epa.gov

Serving as chair of State Affairs provided the remarkable opportunity to consider, examine and produce significant and meaningful legislation -- with the goal that it will enhance this great state and positively affect the daily lives of Texans.



Serving as Pastor of the Day for the Texas House, Reverend Kenneth Pruitt of the First Baptist Church, Fairfield, Texas is photographed with his family, Representative Cook and Speaker Straus.

Highlights of the 82nd Legislature

BALANCED BUDGET

No New Taxes

Facing the worst national recession since World War II and a state budget shortfall estimated as high as \$18 billion, lawmakers worked tirelessly to ensure Texas lives within its means by passing a balanced budget without raising taxes. All necessary state services were sufficiently funded, with a focus on public education and the well-being of nursing home residents. The 2012-2013 biennium budget reduces General Revenue spending by \$15 billion from the previous budget and increases funding for public schools by \$1.6 billion.

EMINENT DOMAIN

It's Your Property

Protections against eminent domain for land owners were strengthened by a bill that builds on current statute by clarifying that no entity may take private property by eminent domain if it will not be for public use. The bill includes provisions that allow property owners to build roadways over pipelines or gas lines, outlines specific procedures for initiating the eminent domain process and modifies rules regarding charitable organizations' ability to exercise eminent domain.

REDISTRICTING

Representing Texans

Following each national census, lawmakers are charged with designing new district boundaries based on updated population data. In the 2011 session, legislators collaborated to redraw district maps for state and federal legislators as well as the State Board of Education. Redistricting will have a major impact on Texas' influence nationally because of the state's recent growth. Texas will gain four additional Congressional districts -- more than any other state, which will bring the total to 36 representatives.

LOSER PAYS

Reducing Frivolous Lawsuits

Lawmakers passed a measure that allows a trial court to dismiss a frivolous lawsuit immediately if it has no legal basis -- and allows plaintiffs seeking under \$100,000 to request an expedited civil action. The bill also encourages a more efficient judiciary process by deterring claimants from making outrageous financial demands and placing financial responsibility for costs associated with a trial upon the losing party.

VOTER ID

Protecting Election Integrity

Legislation commonly known as "Voter ID" requires that Texas voters show photo identification (ID) to election officials before casting their ballot. The acceptable forms of ID include any photo ID issued by the Texas Department of Public Safety, such as a driver's license, concealed-carry weapon license, passport, military ID or citizenship certificate with a photo. This law protects the integrity of elections by ensuring that the voter at the polls is the same voter registered with the state.

LAWMAKERS REVIEW AGENCIES

Efficiency v. Waste

The Sunset Advisory Commission is a 12-member body of legislators and public members responsible for assessing the need for state agencies to remain in existence, or be "sunsetting." As a second-term member of the commission, Representative Cook was involved in auditing 28 agencies prior to beginning the 2011 legislative session. Based on the commission's findings, legislation was passed that made critical changes to eliminate waste and improve the efficiency of state agencies. This session, the process resulted in a positive fiscal impact of more than \$161 million over the next two years.

Legislation in Progress

Patience and commitment are often needed by lawmakers to work more than one, or even several legislative sessions to pass legislation *into law*. An example of this occurred in 2009, when after becoming concerned about the number of outdated televisions that were being dumped on the side of the road, Representative Cook joint authored and passed legislation that established a television recycling program. The bill gave consumers a free and environmentally friendly alternative to the disposal of unused televisions. However, the legislation was vetoed, with the explanation that there were concerns that the program's structure was too onerous for manufacturers, retailers and recyclers.

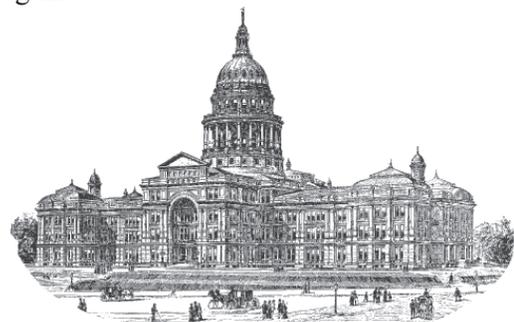
Trying again to address the matter, legislators worked to develop a program that would provide consumers convenient recycling options, without being overly burdensome to manufacturers and retailers. The bill passed in 2011 and was signed into law.

Looking ahead, there are two pieces of legislation that Representative Cook passed with strong House and Senate support during the 82nd Legislature, which were vetoed, but should be reconsidered.

One of those bills was a sunset bill, authored by Representative Cook, that completely transformed an inefficient agency, the Department of Information Resources (DIR), and the other bill prohibited texting while driving.

HB 2499 addressed DIR's significant problems by completely restructuring the unproductive and costly agency, to save the taxpayers millions of dollars. Following the veto, in the special session, a few provisions from the legislation were added to SB 1 -- including one that puts DIR up for sunset review again in 2013. The outcome of the review will determine the language of the 2013 legislation, and the future of the agency.

Another bill that passed during the 82nd Legislative Session that received a veto was legislation aimed at making Texas roads safer by prohibiting drivers from reading, writing or sending text messages. Because texting while driving is akin to drinking and driving, often resulting in the needless loss of countless lives, the legislation must be reconsidered and passed again.



STATE REPRESENTATIVE BYRON COOK

Useful Contact Information for the Public

CLIP AND SAVE

**Aging and Disability Services,
Texas Department of (DADS)**

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.Texas.Agriculture.gov

800-835-5832

**Assistive and Rehabilitative Services,
Texas Department of (DARS)**

www.dars.state.tx.us

800-628-5115

Attorney General, Office of the

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

800-252-5555

Education Agency, Texas

www.tea.state.tx.us

512-463-9734

**Environmental Quality,
Texas Commission on (TCEQ)**

www.tceq.state.tx.us

512-239-1000

FREE, responsible disposal/recycling services:

www.takecareoftexas.org

1-800-CLEANUP 800-253-2687

Poultry Odor Complaints: 888-777-3186

Air Monitoring Data: http://www.tceq.state.tx.us/cgi-bin/compliance/monops/8hr_4highest.pl

**Family and Protective Services,
Texas Department of (DFPS)**

www.dfps.state.tx.us

Abuse Hotline: 800-252-5400

Foster Care and Adoption: 800-233-3405

Ombudsman Hotline: 800-720-7777

Governor's Office

www.governor.state.tx.us

800-843-5789

**Health and Human Services Commission,
Texas (HHSC)**

www.hhs.state.tx.us

To Find Local Services Dial: 2-1-1

Ombudsman: 877-787-8999

Medicaid Information: 800-252-8263

Health Service, Texas Department of State (DSHS)

www.dshs.state.tx.us

888-963-7111

Housing and Community Affairs, Texas Department of

www.tdhca.state.tx.us

800-525-0657

Manufactured Housing Division:

800-500-7074

Insurance, Texas Department of

www.tdi.state.tx.us

800-578-4677

Consumer Services: 800-252-3439

Legislature

www.capitol.state.tx.us

Website for Children:

www.kids.house/state.tx.us

Office of Public Utility Counsel, Texas

www.opc.state.tx.us

877-839-0363

Compare retail electrical rates in your area:

www.powertochoose.org

866-797-4839

Parks and Wildlife Department, Texas

www.tpwd.state.tx.us

800-792-1112

Operation Game Thief: 800-792-4263

Public Safety, Texas Department of

www.txdps.state.tx.us

Motorist Assistance: 800-525-5555

Drivers License Division: 512-424-2600

Concealed Handgun Licensing:

512-424-7293

Public Utility Commission of Texas (PUC)

www.puc.state.tx.us

888-782-8477

Transportation, Texas Department of (TXDOT)

www.dot.state.tx.us

Tourist/Travel Information: 800-452-9292

Voting and Election Information

www.sos.state.tx.us

800-252-8683

Workforce Commission, Texas

www.twc.state.tx.us

800-832-2829

State Representative Byron Cook

800-643-7026

www.capitol.state.tx.us



*Representative Cook reviewing materials at his desk
on the floor of the Texas House.*



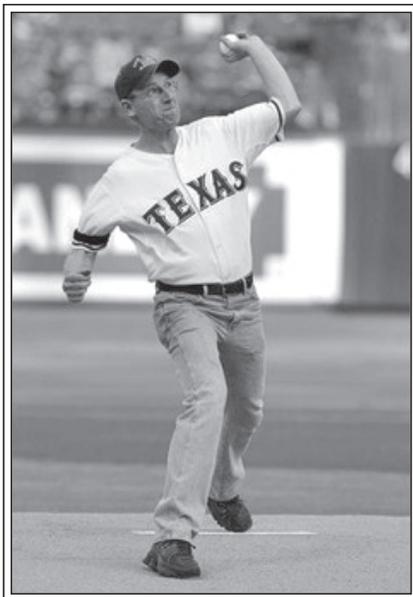
STATE REPRESENTATIVE

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Representative Cook throws honorary first pitch before the start of Texas Rangers v. Oakland Athletics baseball game on July 9, 2011, in Arlington.
(AP Photo/Tony Gutierrez, reprinted with permission from the Corsicana Daily Sun)

Accomplishments of the 82nd Legislature

- Balanced the budget without raising taxes.
- Reduced current state spending by almost \$15 billion.
- Saved nearly \$6.5 billion in our Rainy Day Fund.
- Made critical reforms to the criminal justice system projected to save the state \$235 million over the next two years.
- Enacted historic "Loser Pays" tort reform law to reduce frivolous lawsuits.
- Provided pregnant women considering having an abortion the opportunity to see a sonogram and hear an audio of the heartbeat of their unborn child.
- Provided an additional \$1.2 million to enhance border security.
- Protected the voting rights of military personnel bravely defending our country.
- Passed free market initiatives to improve health care and reduce costs.
- Passed a solid "Voter ID" law to protect the integrity of our elections.
- Reformed the Texas Windstorm Insurance Association to limit lawsuit abuse.
- Protected the Second Amendment rights of Texas gun owners.
- Redrew Texas House, Senate and Congressional district maps for the next decade.
- Promoted accountability and transparency in state government and higher education.
- Increased state funding going directly to public schools by \$1.6 billion.
- Restructured the state's Medicaid program to reduce costs and improve patient care.

