



STATE REPRESENTATIVE
BYRON COOK
HOUSE DISTRICT 8

The State of Texas
House of Representatives



2013

Dear Friends,

The 83rd Legislature experienced an exceptionally busy year. From January through the first week of August, lawmakers spent their time at the State Capitol in Austin working to ensure that Texas can continue to meet the constant needs of our rapidly growing state.

At the start of the legislative session, due to a substantial rebound from a recession, the comptroller's 2014 - 2015 biennial revenue estimate projected a surplus of funds available. This surplus afforded legislators the opportunity to restore some previous revenue cuts and ensure that the essential state services were sufficiently funded, *without raising taxes*.

The only legislation that the Texas Constitution requires lawmakers pass each biennium is a balanced budget -- however, legislators reviewed and debated many other issues and proposed laws that affect this state and the daily lives of Texans. Close to 6000 bills were filed in the 83rd Legislative Sessions and policymakers spent countless hours of deliberation and examination on the legislative proposals in an effort to make Texas an even better place to raise families, work and live. Lawmakers were successful meeting many of the unique challenges facing the state, which include funding access to water, education reform and transportation infrastructure.

This session, it was a privilege to once again serve as chairman of the House Committee on State Affairs. The committee considers a diverse range of critical issues including the regulation of the electric industry, oversight of many state agencies and right to life issues. This newsletter will outline some of the many substantial matters the committee addressed.

It is an honor to serve the citizens of House District 8 and I will continue to work hard to represent the interests of our communities and this state.

Sincerely,

Byron Cook
Texas State Representative



ANDERSON ★ FREESTONE ★ HILL ★ NAVARRO

CAPITOL OFFICE
P.O. Box 2910
AUSTIN, TEXAS 78768

512-463-0730
800-643-7026

COMMITTEES:
STATE AFFAIRS, CHAIR
CALENDARS

**SUNSET ADVISORY
COMMISSION**

HOUSE COMMITTEE ON STATE AFFAIRS

Interim Conclusions

Proceeding each legislative session, committees are assigned interim charges to study a broad range of state issues. The House Committee on State Affairs (the Committee) has jurisdiction over questions and matters of state policy, including the regulation of the electric, telecommunication and cable utilities, the management of public lands and state buildings, as well as the organization and administration of state departments and state government.

The Committee was charged with exploring a broad range of issues, most of which resulted in changes to the law during the 83rd Legislature. Below are some of the charges the Committee reviewed and addressed.

Resource Adequacy

The Committee was charged with examining the Texas electric market structure and to make certain the state's electric generators are able to provide enough energy to satisfy the demands of all consumers for years to come. Unlike most states, Texas produces nearly all of the energy it consumes; therefore guaranteeing generation is crucial. Without enough energy to meet the demand, Texans could experience rolling blackouts and dramatic increases in electricity prices. Any uncertainty in the cost or availability of electricity could hinder economic growth.

The Committee recommended that the Public Utility Commission (PUC) take the time necessary to carefully assess market design options before deciding on a definitive course of action. Because this is such an important matter, which impacts the entire state, it is only appropriate that lawmakers did not rush to legislate, and instead tasked the PUC to continue analyzing the market structure. After a full evaluation, the PUC should make any necessary changes to the market through the agency's rulemaking authority.

Pole Attachments

Utility poles are required to carry the wires that move electricity and other services from the provider to the consumer. Telecommunications and electric utilities have an established system of poles, but cable companies rarely have their own poles. Creating a separate infrastructure for cable companies would be very expensive, so cable companies sign contracts with utilities to lease space on their poles to attach cable equipment.

Since contract negotiations between pole owners and cable companies can be difficult and time consuming, a framework for addressing pole attachment issues was established in House Bill 3355, authored by Rep. Cook. The legislation requires that electric cooperatives and cable companies negotiate a written contract establishing the rates, terms and conditions for cable pole attachments. New efficiencies and cost savings should be achieved without creating new state regulations.

Procurement and State Contracting

The Committee, with the help of the Sunset Advisory Commission, studied how businesses that provide goods or services to the state interact with state agencies. The commission, on which Rep. Cook has served for over six years, evaluates and carefully reviews state agencies at an operational level and finds ways to reduce redundancy and inefficiency.

While working on this interim charge, Rep. Cook discovered that the Employees Retirement System (ERS) had not been reviewed by the Sunset Advisory Commission since 1993. Because this agency affects over 500,000 Texans, Rep. Cook passed legislation that requires the agency undergo a Sunset review with the cycle continuing every 12 years.



A FULL COPY OF THE HOUSE COMMITTEE ON STATE AFFAIRS
INTERIM REPORT MAY BE VIEWED AT:

*[http://www.house.state.tx.us/_media/pdf/committees/reports/82interim/
House-Committee-on-State-Affairs-Interim-Report-2012.pdf](http://www.house.state.tx.us/_media/pdf/committees/reports/82interim/House-Committee-on-State-Affairs-Interim-Report-2012.pdf) or by going to www.capitol.state.tx.us*

HIGHLIGHTS OF THE 83RD LEGISLATIVE SESSION

Water

The drought that has gripped much of Texas since 2010 shows few signs of improving, which puts Texas in an increasing danger of a severe water crisis. Because the population of Texas is expected to nearly double by 2060, existing water supplies are projected to decrease by 10 percent. Texas must develop an additional 8.8 million acre-feet of water to meet projected demands — **that is over 2.5 trillion gallons of water!**

Because an inadequate water supply could result in significant water usage restrictions and an unstable economic environment, it was critical that the legislature develop and pass a plan that would increase the state's access to water. Without the implementation of a water plan, approximately half of the population could experience a water deficiency during certain drought conditions. Rep. Cook was the co-sponsor on several pieces of legislation this past legislative session that addressed the state's water shortage concerns.

PROPOSITION 6

ON THE NOVEMBER BALLOT, YOU WILL HAVE AN OPPORTUNITY TO VOTE ON A PROPOSED AMENDMENT TO THE TEXAS CONSTITUTION ESTABLISHING A REVOLVING FUND TO HELP LOCAL COMMUNITIES PAY FOR MUCH NEEDED WATER AND CONSERVATION PROJECTS.

If passed, the amendment will allow the state to better prepare for times of severe drought by increasing our access to water.

Education

Reforming and revitalizing the education system was a top priority of the 83rd Legislative Session. Lawmakers passed a series of measures, which addressed significant areas of the state's education system including testing, curriculum and distance learning. This legislation maintained rigorous standards, while providing flexibility and promoting local control.

House Bill 5, co-authored by Rep. Cook, reduced the over emphasis of standardized testing by reducing the number of mandatory end-of-course (EOCs) exams for high school students from 15 to 5. The bill removed the requirement that EOCs count 15 percent of a student's final course grade. The legislation also provided students flexibility in graduation requirements by restructuring graduation plans to provide for a foundation diploma and five endorsement options, therefore allowing students to develop their talents and pursue their interests.



Education Commissioner Michael Williams and Will Fullerton, Sr. Advisor to the Commissioner with Rep. Cook (from right to left)



Rep. Cook with Navarro County FFA students

Another key provision of the bill will provide for meaningful and informative school accountability ratings by rating schools on more than just the state assessment.

Given the cuts from the previous biennium, the focus this session was to put back as much money as possible into the formulas. School district entitlements were increased by \$3.4 billion, with each district receiving a minimum gain of 85 dollars per weighted average daily attendance (WADA). This improved equity in the overall system and reduced recapture by \$320 million, while protecting the \$7.9 billion in the Rainy Day Fund.

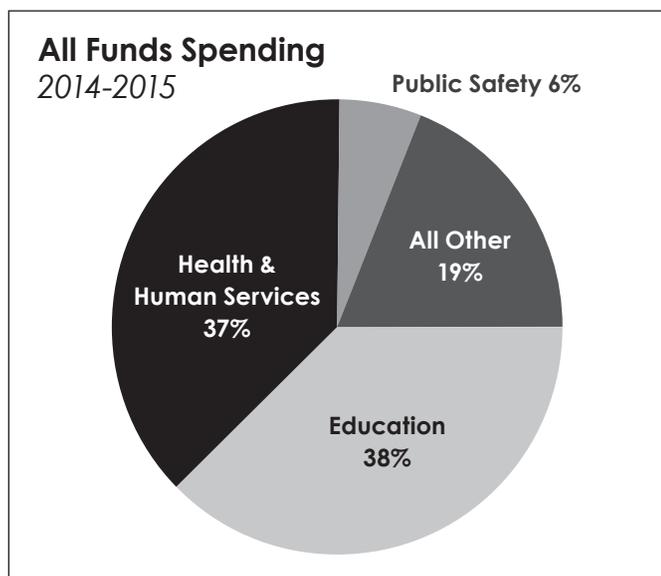
HIGHLIGHTS OF THE 83RD LEGISLATIVE SESSION

Budget

Policymakers began the 83rd Legislative Session with an \$8 billion surplus. The increase in revenue was due in large part to a strong economy and the very difficult, but fiscally responsible decisions made by the legislature in 2011. After countless hours of productive debate about how the state should best use its funds, lawmakers balanced the budget, **without raising taxes**. This budget invests heavily on education and funds necessary state services. Listed below are some additional budget highlights:

Key budget highlights:

- Appropriates \$196.9 billion over two years.
- \$7 billion increase in All Funds, a 3.7% increase over the previous biennium.
- \$3 billion increase in General Revenue for Public and Higher Education, a 7.1% increase over the previous biennium. Public and Higher Education now represent 54% of General Revenue spending.
- \$530 million increase to strengthen the Teacher Retirement System and provides for a long-awaited cost-of-living adjustment (COLA) for education retirees who retired on or before August, 2004.
- Significant increases in Health and Human Services, including \$259 million for mental health programs, \$100 million for women's health programs and \$18 million for identification of fraud, waste and abuse in the Texas Medicaid program.
- Increases transparency by using gas tax dollars directly for roads, thereby eliminating \$400 million in Fund 6, transportation diversions.
- Provides \$1.36 billion in tax relief via tax credits and reductions.
- 350 million towards Medicaid cost growth — this, combined with \$400 in cost containment should greatly reduce any potential 2015 supplemental demands on Medicaid.



Transportation

This session, legislators worked to provide more transparency and accountability for transportation infrastructure in the state. Effective and safe transportation proves to be critical for continued growth and economic success; therefore, it was imperative that lawmakers found a way to provide for a more streamlined process for implementing these projects.

Lawmakers also took steps to ensure that municipalities and counties had the flexibility and authority to move forward on important transportation projects by allowing municipalities that are located outside of a certain region to collaborate with a regional transportation authority in another county.

Pro-life Legislation

HB 2 that passed the legislature in the second called special session protects unborn babies after the fifth month of pregnancy and raises standards for women's health care in Texas.

In addition to banning abortions after the fifth month of a pregnancy, it also requires physicians who perform abortions to have hospital admitting privileges at a facility within 30 miles. It mandates that only a physician may dispense or administer abortion-inducing drugs and requires doctors comply with all FDA guidelines. Additionally, beginning on September 1, 2014, licensed abortion facilities must meet the same minimum safety standards as ambulatory surgical centers. Under this new law, physicians will be better prepared to handle any emergencies that may result from the procedure.

2nd Amendment Legislation

As the federal government continues to discuss increasing federal gun laws, Texas Lawmakers successfully worked to protect freedoms, personal responsibility and the Constitutional right to defend ourselves and our families. The legislation reduced the number of training hours required for a Concealed Carry License (CCL) from eight to four. If an individual has a CCL and accidentally shows the firearm, the individual will not be charged.

Additional changes to the law make it possible for students and teachers to store their guns and ammunition in their vehicles while at certain institutions of higher education. The Attorney General now has authority to stop a city or county from violating Second Amendment rights if attempts are made to limit the locations of permitted concealed carry or sale of ammunition. These safeguards ensure Texans maintain all of the Second Amendment rights guaranteed to them by the Constitution.

NEW TRAFFIC AND CRIMINAL LAWS

Took Effect September 1, 2013

HB 347 joint authored by Rep. Cook, expands the current limitations on wireless communication device (cell phone) use in an active school crossing zone to include the property of a public elementary, middle, or junior high school for which a local authority has designated a school crossing zone. The use will only be restricted during the time a reduced speed limit is in effect for the school crossing zone. Further, it will not apply to vehicles that are stopped, or drivers using a hands-free device or making an emergency call.

HB 1174 amends current statute to increase the minimum fines for the misdemeanor offense of passing a stopped school bus loading or unloading children. The minimum fine increases from \$200 to \$500, and the maximum fine for such an offense increases from \$1,000 to \$1,250. The bill also enhances the penalty for a second or subsequent conviction of that offense committed within five years to a misdemeanor punishable by a minimum fine of \$1,000 and a maximum fine of \$2,000.

SB 181 allows a motor vehicle operator the option of using a wireless communication device (such as a cell phone) to display motor vehicle financial responsibility (proof of insurance) information as evidence of financial responsibility. The display does not constitute effective consent for a law enforcement officer, or any other person, to access the contents of the wireless communication device except to view the financial responsibility information. **This bill is effective immediately.*

SB 510 requires drivers to move over or slow down (as required depending on the roadway) when approaching a stationary Texas Department of Transportation vehicle with its lights activated and not separated from the roadway by a traffic-control device. This provision expands the state's Move Over/Slow Down law, which already requires drivers to yield to tow trucks, police, fire and emergency vehicles. Violators would commit a misdemeanor offense punishable by a fine of up to \$200; punishable by a fine of \$500 if property damage occurs; or a Class B misdemeanor if the violation results in bodily damage.

HB 625 clarifies that the penalty for operating a vehicle on a public highway without displaying the two license plates assigned to the vehicle is a misdemeanor offense punishable by a fine not to exceed \$200.

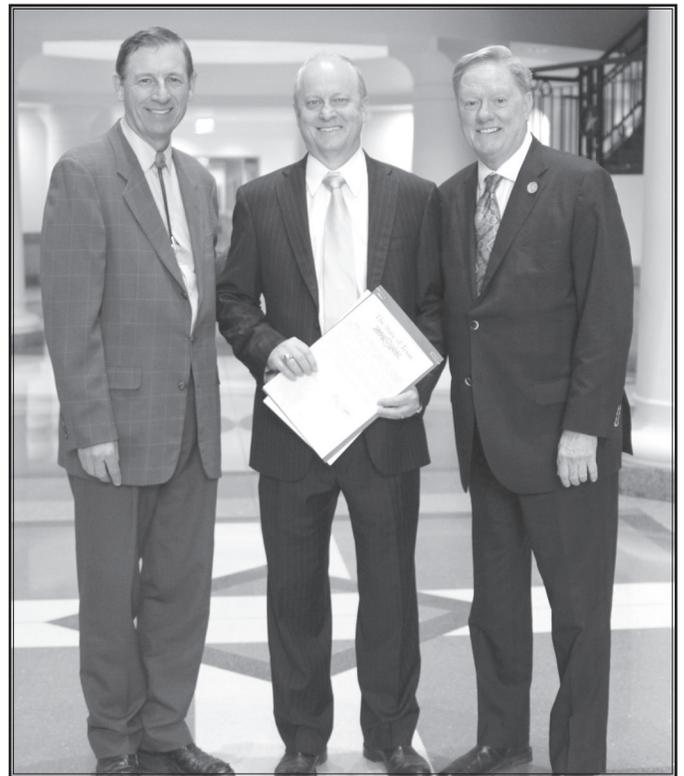
HB 3668 amends current statute to require the operator of a vehicle involved in an accident that results or is reasonably likely to result in the injury or death of a person to immediately determine whether a person is involved in the accident, and if so, whether the person requires aid, in addition to other existing statutory requirements.

SB 275 increases the penalty for leaving the scene of a motor vehicle accident resulting in the death of a person and failing to render aid from a third-degree felony to a second-degree felony. A second degree felony carries a punishment of two to 20 years in prison and an optional fine not to exceed \$10,000, whereas a third degree felony carries a penalty of two to 10 years in prison and an optional fine not to exceed \$10,000.

HB 1284 increases the penalty for the offense of initiating, communicating or circulating a false report of an emergency (such as a bomb threat) involving an institution of higher education from a Class A misdemeanor to a state jail felony. **This bill is effective immediately.*

HB 124 adds *Salvia divinorum* (unless unharvested and growing in its natural state) – including all parts of the plant, seeds and extracts from a part of the plant – to Penalty Group 3 of the Texas Controlled Substances Act.

HB 2637 provides that an individual fraudulently using identifying information to avoid registering as a sex offender to be punished at the next highest degree felony.



Rep. Cook and Rep. Pitts with Art Mann (middle), Hill County Citizen of the Year, 2013.



Bill signing ceremony in Governor's office

STATE REPRESENTATIVE
BYRON COOK

CAPITOL OFFICE
 P.O. Box 2910
 AUSTIN, TEXAS 78768

512-463-0730
800-643-7026

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STATE REPRESENTATIVE
BYRON COOK
 P.O. Box 2910
 Austin, Texas 78768-2910



Useful Contact Information

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

www.dads.state.tx.us
 Consumer Rights and Services: 800-458-9858
 Long-term Care Ombudsman: 800-252-2412

Agriculture, Texas Department of

www.texasagriculture.gov
 800-835-5832

Attorney General, Office of the

www.oag.state.tx.us
 Child Support State Office: 512-460-6000
 Consumer Protection: 800-621-0508

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

www.dfps.state.tx.us
 To Report Abuse or Neglect: 800-252-5400
 Office of Consumer Affairs: 800-720-7777

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

www.hhs.state.tx.us
 Local Health and Human Services: 2-1-1
 Ombudsman: 877-787-8999

Insurance, Texas Department of

www.tdi.state.tx.us
 Customer Services: 800-252-3439

Motor Vehicles, Texas Department of

www.txdmv.gov
 Titles and Registrations: 888-368-4689

Office of Public Utility Counsel, Texas

www.opc.state.tx.us
 877-839-0363

Public Safety, Texas Department of

www.txdps.state.tx.us
 Driver's License: 512-424-2600
 Crime Stoppers: 800-252-8477

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

Parks and Wildlife Department, Texas

www.tpwd.state.tx.us
 800-792-1112
 Operation Game Thief: 800-792-4263

Workforce Commission, Texas

www.twc.state.tx.us
 800-832-2829