



Cash & Carry Legislation:

March 4, 2013

Rep. Drew Darby Requites Nuclear Waste King's Love

Lawmaker Introduces a Bill to Benefit One Company—Which Is His No. 3 Donor!

It's hardly news in Austin when legislators carry bills for special interests. Yet San Angelo Rep. Drew Darby distinguished himself last month by introducing a bill that is a sop to just one company: Waste Control Specialists, Inc.

Besides running Texas' only low-level nuclear waste dump, Waste Control operates a political committee. That PAC gave Darby \$15,000 last year—more than it gave to any other lawmaker. During the 2012 election cycle, Waste Control ranked as the No. 3 contributor to Darby, who also has taken \$3,500 from Waste Control owner Harold Simmons.

Darby first launched his legislative campaign in 2001 and was elected to the House in 2006. In the past 12 years his campaign has reported just two contributions larger than the \$10,000 check that he received from Waste Control last October.¹ Four months after receiving that big check, Darby introduced [H.B. 1653](#), which exclusively benefits Waste Control.

As the *Texas Observer* [reported](#), Darby's bill would punch up radioactive limits on the junk

that Waste Control imports from states other than Texas and Vermont (partners in a nuclear-waste-disposal agreement).² Darby's bill would hike that cap from 120,000 curies a year to 220,000 curies.

His bill also would stifle pending litigation pressed by the Sierra Club and two New Mexico residents who live across the state line from the nuclear dump.

Lawmakers Receiving the Most Waste Control Specialists Cash

Amount Since 3/1/12	Lawmaker	Dist.
\$15,000	Drew Darby (R)	H-72
\$10,000	Byron Cook (R)	H-8
\$10,000	Glenn Hegar (R)	S-18
\$10,000	'Chuy' Hinojosa (D)	S-20
\$10,000	Kel G. Seliger (R)	S-31
\$10,000	Tommy Williams (R)	S-4
\$10,000	John Whitmire (D)	S-15
\$9,000	Jason Villalba (R)	H-114
\$7,500	Jeff Leach (R)	H-67
\$6,000	Cindy Burkett (R)	H-113

Ruling on that suit last year, a state judge in Austin found that the Texas Commission on Environmental Quality improperly licensed Waste Control’s dump in 2009 without granting a proper hearing to critics.³

With that case on appeal, Darby has proposed a bill to bar residents of other states from challenging the dump. He also would restrict public hearings on changes to the dump’s license. The same bill would let Waste Control operate the dump throughout legal contests of its license.

One other lawmaker who ranks among the top recipients of Waste Control PAC money recently filed a separate bill with some similar

provisions. Amarillo Senator Kel Seliger’s [S.B. 791](#) also would boost the radioactivity of non-compact waste while barring non-Texans from challenging the dump’s license.

To legally contribute to a campaign, a Texas PAC must have at least 10 donors. With Simmons as its sole funder in 2011, Waste Control’s PAC illegally contributed to Darby, Seliger and 16 other lawmakers.

Responding to a [TPJ ethics complaint](#) last year, Waste Control’s PAC repossessed its illicit donations, recruited nine new PAC donors and began making lawful contributions. This report only tracks Waste Control PAC’s lawful contributions, which started in March 2012. •

Top Darby Contributors in 2012 Cycle

Amount	Contributor (Affiliation)	City
\$25,000	James Pitcock Jr. (Wms. Bros. Construction)	Houston
\$20,300	Texas Assn. of Realtors	Austin
\$15,000	Waste Control Specialists PAC	Dallas
\$10,000	Devin Bates (Town & Country Food Stores)	San Angelo
\$10,000	J. Randy Brooks (Town & Country Food Stores)	San Angelo
\$10,000	Steve Stephens (Town & Country Food Stores)	San Angelo

Notes:

¹ Darby received a \$25,000 check from highway construction mogul James Pitcock, Jr. in 2012 and an \$11,190 travel junket from the Associated General Contractors in 2010. The other contributors who have given him \$10,000 checks are: Charles Butt (HEB Grocery), oil man Mickey Long, the Texas Association of Realtors, and three highway contractors: Pitcock, Larry Johnson (Lonview Bridge & Road) and James Weisman (Hunter Industries).

² “Lawmaker Wants to Limit Challenges to Harold Simmons’ Radioactive Waste Dump,” *Texas Observer*, February 25, 2013.

³ “Judge Orders Hearing On Nuclear Waste Dump,” Associated Press, May 9, 2012.