

Executive Order

GWB 95-2

Placing the Texas Commission on Alcohol and Drug Abuse (TCADA) Under Conservatorship

WHEREAS, on April 12, 1995, in Austin, Texas, the Senate General Investigating Committee and the House General Investigating Committee met in joint session pursuant to §301.019, Texas Government Code to consider the preliminary investigation of the Texas Commission on Alcohol and Drug (TCADA); and

WHEREAS, after considering the reports and testimony presented, the Joint General Investigating Committee found sufficient evidence to warrant allegations that:

1. TCADA failed to maintain proper control over assets, including state appropriated money;
2. TCADA failed to maintain adequate records;
3. TCADA misused state funds; and that
4. A condition of gross fiscal mismanagement exists at TCADA; and

WHEREAS, the Senate General Investigating Committee and the House General Investigating Committee voted to recommend to the Legislative Audit Committee that the Texas Commission on Alcohol and Drug Abuse be placed under conservatorship pursuant to Subchapter C, Chapter 2104, Texas Government Code; and

WHEREAS, those proceedings, findings and recommendations were adopted by the Joint General Investigating Committee of the 74th Legislature of the State of Texas and forwarded for consideration to the Legislative Audit Committee and the Governor of the State of Texas; and

WHEREAS, on April 18, 1995, the Legislative Audit Committee found that a condition of gross fiscal mismanagement exists at the Texas Commission on Alcohol and Drug Abuse and that sufficient evidence exists to warrant placing the agency under state conservatorship.

NOW, THEREFORE, I, George W. Bush, Governor of Texas, by authority of the Constitution and laws of the State of Texas, do hereby PROCLAIM that the Texas Commission on Alcohol and Drug Abuse is hereby placed into state conservatorship and I do hereby ORDER the State Conservatorship Board to act as conservator of the Texas Commission on Alcohol and Drug Abuse, and I do FURTHER ORDER as follows:

1. The State Conservatorship Board shall hereby assume all the powers and duties of the officers responsible for policy direction of the Texas Commission on Alcohol and Drug Abuse.
2. The authority and powers of the officers of the Texas Commission on Alcohol and Drug Abuse are hereby suspended and such officers shall not act on behalf of the Texas Commission on Alcohol and Drug Abuse unless authorized by the State Conservatorship Board.
3. The State Conservatorship Board shall ensure that the Texas Commission on Alcohol and Drug Abuse complies with state fiscal management policies.
4. The State Conservatorship Board is hereby authorized to:
 - (a) terminate the employment of any employee whose conduct the State Conservatorship Board determines contributed to the condition that caused the conservatorship;
 - (b) employ personnel for the Texas Commission on Alcohol and Drug Abuse;
 - (c) change the organization or structure of the Texas Commission on Alcohol and Drug Abuse as necessary to alleviate the conditions that caused the conservatorship; and
 - (d) contract with persons for management or administrative services necessary to effect the conservatorship.
5. The State Conservatorship Board may delegate any part of its powers or duties as conservator, other than its rulemaking authority, to a person whom it contracts under Section 4(d), above.
6. The State Conservatorship Board is ORDERED to report on the conservatorship ordered hereunder to the Governor and the Legislative Audit Committee not later than the 60th day after the date this Proclamation and Executive Order is signed and at the end of each subsequent 60-day period until the conservatorship is dissolved. The report shall include a description of the measures taken to ensure that the Texas Commission on Alcohol and Drug Abuse complies with state fiscal management policies and an estimate of the progress the State Conservatorship Board has made in attaining that goal.
7. The conservatorship ordered herein shall continue until the earlier of:
 - (a) My proclamation declaring that the condition of gross fiscal mismanagement in the Texas Commission on Alcohol and Drug Abuse no longer exists and that the conservatorship is dissolved; or
 - (b) The Legislative Audit Committee's finding and certifying to me that the condition of gross fiscal mismanagement in the Texas Commission on Alcohol and Drug Abuse no longer exists, in which case the conservatorship is dissolved.

Issued in Austin, Texas, on April 26, 1995.

TRD-9505387

George W. Bush
Governor of Texas