

Executive Orders

GWB 95-14

Dissolving the Conservatorship of The Texas Commission on Alcohol and Drug Abuse

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 Section 301.019, Texas Government Code, to consider the preliminary investigation of the Texas Commission on Alcohol and Drug Abuse; 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; and

WHEREAS, on April 26, 1995, pursuant to the above and by authority of the Constitution and laws of the State of Texas, I, George W. Bush, Governor of Texas, ordered the State Conservatorship Board to act as conservator of the Texas Commission on Alcohol and Drug Abuse; and

WHEREAS, on February 26, 1996, the State Conservatorship Board, in open meeting, declared and forwarded such declaration to me that the condition of gross fiscal mismanagement in the Texas Commission on Alcohol and Drug Abuse no longer exists.

NOW, THEREFORE, I, George W. Bush, Governor of Texas, by authority of the Constitution and laws of the State of Texas, do hereby DECLARE that the condition of fiscal mismanagement within the Texas Commission on Alcohol and Drug Abuse no longer exists and I do hereby ORDER the conservatorship of the Texas Commission on Alcohol and Drug Abuse dissolved effective as of February 27, 1996;

AND I DO FURTHER ORDER that, not later than November 1, 1996, the transitional board members of the Texas Commission on Alcohol and Drug Abuse, newly constituted pursuant to Article 26 of Chapter 876 of the 74th Legislature, Regular Session, and the State Conservatorship Board file joint recommendations with the presiding officer of each house of the legislature for consideration by the 75th Legislature relating to the governance of the commission.

Issued in Austin, Texas on February 26, 1996.

TRD-9603559

George W. Bush
Governor of Texas

GWB-96-1

Relating to the Texas Motorist's Choice Program

WHEREAS, the Legislature of the State of Texas heretofore has enacted the Texas Clean Air Act (the Act), codified at Chapter 382 of the Texas Health and Safety Code;

WHEREAS, section 382.037(a-1) of the Act authorizes the Governor to determine, after appropriate negotiation with the United States Environmental Protection Agency, the type of vehicle emissions inspection and maintenance program for the State;

WHEREAS, section 382.037(a-1) authorizes the Governor to direct the Texas Natural Resource Conservation Commission to develop and implement the vehicle emissions inspection and maintenance program that he determines to be necessary for the State;

WHEREAS, section 382.037(a-1) authorizes the Governor to direct the adoption of a particular testing technology or system or a particular combination of technologies, systems, or technologies and systems, and to adjust appropriate fees as necessary;

WHEREAS, section 382.037(a-1) authorizes the Governor to direct the exemption of a county from, or the inclusion of a county in, a vehicle emissions inspection and maintenance program;

WHEREAS, section 382.037(a-1) provides that the program authorized under section 382.0371 is suspended upon implementation of the new vehicle emissions inspection and maintenance program;

NOW, THEREFORE, I, George W. Bush, Governor of Texas, have determined, after appropriate negotiation with the United States Environmental Protection Agency (EPA), that the Texas Motorist's Choice Program is necessary for the State, and I hereby direct the Texas Natural Resource Conservation Commission (Commission) to develop and implement the Texas Motorist's Choice Program, approvable by EPA, as described below:

All gasoline-fueled light-duty vehicles and light- and heavy-duty trucks required to be registered in, and primarily operated in, Dallas, Tarrant, El Paso, and Harris Counties that are between two and 24 years old are subject to the inspection and maintenance program requirements. Vehicles operated on federal facilities in these counties and vehicles exempt from registration and primarily operated in these counties are subject to the Program requirements as well.

The Commission shall develop a remote sensing program that identifies gross-polluting vehicles which shall be subject to inspection and maintenance requirements upon detection by remote sensing equipment. The remote sensing program shall be implemented in counties identified by Commission rule and in cooperation with the Department of Public Safety (Department).

Motorists may choose a two-speed idle or a loaded/transient mode test at any test-and-repair or a test-only facility certified by the State.