



**Texas
Sunset
Advisory
Commission**

STAFF EVALUATION

*Good Neighbor Commission
Office of Civil Defense and Disaster Compact
Administrator for Texas
Texas Conservation Foundation*

A Staff Report
to the
Sunset Advisory Commission

1991

TEXAS SUNSET ADVISORY COMMISSION

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Good Neighbor Commission
**Office of the Interstate Civil Defense and
Disaster Compact Administrator for Texas**
Texas Conservation Foundation

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Good Neighbor Commission

BACKGROUND

Overall Approach to the Review

Section 325.0125 of the Sunset Act authorizes an abbreviated review of agencies that have been inactive for a period of two years before the date the agency is scheduled for abolition. The Good Neighbor Commission (GNC) has been inactive since September 1987 and the review was conducted under the abbreviated approach.

The GNC was initially reviewed through the sunset process in 1979. Although the Sunset Commission considered several alternative approaches for this agency, none of them received approval and no affirmative recommendation was made by the commission. This fact would have resulted in abolition of the GNC, however, the agency was continued by the 66th Legislature in 1979.

Since the agency is now inactive, the current review of the GNC concentrated on the need to transfer any of the existing statutory provisions of the commission to other active state agencies.

Programs and Functions

The Good Neighbor Commission (GNC) operated for 42 years and evolved into an agency which performed four functions: 1) the development and maintenance of information about countries of the Western Hemisphere, and about Texans of Hispanic heritage, to promote inter-American relations; 2) the provision of translation services to other governmental entities; 3) the assistance to state agencies in disseminating bilingual information; and 4) the sponsorship of the Pan American Student Forum (PASF), a state-wide organization whose members are high school students and teachers with an interest in Latin-America and Spanish-languages studies. The GNC also provided assistance to non-profit organizations trying to establish relations in inter-American affairs. Additionally, the commission staff served, at the governor's request, as a protocol advisor, interpreter, and as the governor's representative at meetings between state officers and officials of western hemisphere countries.

In 1986, the 69th Legislature eliminated funding for the GNC, but allowed the governor to continue funding the commission with funds earmarked for deficiency or emergency situations. The agency ceased operating August 31, 1987, at the end of the 1987 fiscal year. Since that time, the PASF has become a private, non-profit organization, the Governor's Office of State Development carries out relations with Mexico, and the Texas/Mexico Authority, an advisory body to the Department of Commerce, is in charge of assisting development of commercial and industrial opportunities along the Texas-Mexico border.

Overall, discussions with staff that help carry out these functions indicate that the statutory provisions establishing the GNC are not needed to accomplish these activities.

RESULTS OF REVIEW

Findings and Recommendations

ISSUE 1: The agency is inactive and the statute authorizing its activities should be repealed.

JUSTIFICATION

The commission is not currently active due to the elimination of its funding by the legislature. The activities of the commission have been transferred to a private, non-profit organization, the governor's office and the Department of Commerce. Since the purposes of the agency are now carried out through other mechanisms, the review concluded that there is no need to continue the authorization for the commission, which will expire automatically on September 1, 1991.

RECOMMENDATION

- The statute related to the Good Neighbor Commission should be repealed.

Many times an agency or foundation is authorized by the legislature but is not implemented or is left unfunded after its period of usefulness has ended. Leaving the dormant statutes in place at best serves no purpose and at worse may result in confusion as to their application.

FISCAL IMPACT

None.

**Office of the Interstate Civil Defense and
Disaster Compact Administrator for Texas**

BACKGROUND

Overall Approach to the Review

The review of the Office of the Interstate Civil Defense and Disaster Compact focused on whether Texas' participation in the compact should be continued. This assessment concluded that Texas' participation in the Interstate Civil Defense and Disaster Compact should be discontinued. The state has not used the compact since its ratification in 1951 and it plays no role in the state's current emergency management system.

In evaluating the need for the civil defense compact, no attempt was made to review the effectiveness of current civil protection law or the division of emergency management. The interstate compact is but one element in the overall system designed for disaster preparedness and emergency management. Analysis of the entire emergency management system was, however, outside the scope of this review.

Programs and Functions

The Interstate Civil Defense and Disaster Compact (ICDDC) was designed for adoption by states to provide a structure for mutual aid across state borders in the case of a civil emergency or natural disaster. The interstate compact, authorized by the Federal Civil Defense Act of 1950, provides a legal framework for the development and operation of a disaster preparedness and emergency management system. To participate in the compact, a state must pass the common legislation, secure the governor's signature and submit the compact for approval by the United States Congress. The Texas Legislature ratified the Interstate Civil Defense and Disaster Compact in 1951 as a complement to the Texas Civil Protection Act of 1951, which provided the state with its first comprehensive civil protection law. States may enact with all other member states, with all bordering states or with selected border states. Texas joined the ICDDC with Arizona, Colorado, Kansas, New Mexico, and Oklahoma. A total of 33 states have enacted the compact.

The compact legislation requires participating states to develop plans for mutual aid that identify the resources and equipment available to deal with a disaster. The civil defense plans are to include standards and regulations for a variety of disaster related activities such as the state's use of insignia for civil defense services; procedures for blackouts, and air raid drills; mobilization of civil defense forces; warnings and signals for drills or attacks; shutting off water mains, gas mains, and electric power connections; and movement of civilians before, during, or after an emergency.

The compact legislation establishes a reciprocal arrangement between a state rendering aid and a state receiving aid. Therefore, the powers, duties, and immunities provided to a civil defense force in its home state are granted when providing assistance across the state line. This reciprocal relationship allows the recognition of licenses and certificates of individuals providing medical and other professional assistance. The compact also requires reimbursement for disaster services provided unless an alternative arrangement is agreed to by the participating states.

The Texas compact legislation authorizes the creation of a committee of representatives from the compact states to implement the compact, however, no such a committee has ever been activated. It was intended that the compact committee coordinate plans among the civil defense agencies of the federal government and the states as well as provide for the free exchange of information concerning inventories of any materials and equipment available for civil defense. Had the committee assembled, it could have performed these and other policy-making functions related to the use of the compact.

When the Texas Legislature passed the Texas Civil Protection Act of 1950 and adopted the Interstate Civil Defense and Disaster Compact, administration of these civil defense statutes became the responsibility of the governor. This function currently remains in the office of the governor within the division of emergency management, located in the Department of Public Safety. The division of emergency management would have been responsible for implementing any provisions of the compact had the compact been used. The "Office of the Interstate Civil Defense and Disaster Compact Administrator for Texas," which is subject to the Texas Sunset Act, was never funded or staffed as a separate entity.

Findings and Recommendations

ISSUE 1: Texas' participation in the Interstate Civil Defense and Disaster Compact is unnecessary.**JUSTIFICATION**

The Texas Legislature ratified the Interstate Civil Defense and Disaster Compact (ICDDC) in 1951. The purpose of the civil defense compact was to provide a legal framework for mutual aid among compact states in the case of a civil emergency or disaster. The compact legislation established a system of reciprocity for states rendering and receiving aid. The compact was to make it easier for civil defense forces to provide assistance across state lines by establishing a reciprocal relationship among member states that allowed recognition of licenses and certificates of medical personnel and other professionals rendering aid. The compact required states to reimburse one another for the services provided unless alternative arrangements were agreed to by the participating states. Thirty-three states are members of the Interstate Civil Defense and Disaster Compact. In 1951, Texas entered into the compact with Arizona, Colorado, Kansas, New Mexico, and Oklahoma and agreed to provide mutual aid across its borders in the event of a civil emergency or natural disaster. According to sunset law the compact will expire September 1, 1991 unless continued by the legislature.

The Interstate Civil Defense and Disaster Compact was established as one element of the civil defense system developed in the early Cold War years. The concept of civil defense, apart from the notion of a local militia, developed when massive aerial bombarding of civilian populations became a war strategy in World War II. To guard against the potential for enemy bombers to strike our urban areas, a national system of civil defense was established under the direction of the War Department. The civil defense system consisted primarily of air raid alert drills and "black-outs" enforced by volunteer air raid wardens. When long-range bombers capable of delivering nuclear weapons against United States became a threat, Congress passed the Civil Defense Act of 1950 creating the Civil Defense Administration. This was also the federal legislation that permitted the states to enter into a mutual aid compact that would enhance relief activities conducted by civilians in case of hostile attack.

Since the passage of the Federal Civil Defense Act and the drafting of the Interstate Civil Defense and Disaster Compact, the technology of nuclear attack, our nation's overall nuclear strategy, and our response to such an emergency have changed dramatically. Emergency management at the federal level has shifted from a primary focus on air raids and building bomb shelters to minimizing human loss and physical destruction in hurricanes, earthquakes, and other natural disasters. With this change in focus of emergency management and with the passage of the federal disaster acts in the late 1960's and early 1970's and the organization of the Federal Emergency Management Agency (FEMA), the Interstate Civil Defense and Disaster Compact has become outdated. Today, FEMA maintains a regional structure nationwide and functions as the central point of coordination for delivering relief assistance in

the event of an emergency. Any assistance to be provided across state lines occurs through FEMA, without the use of the compact. The Federal Emergency Management Agency takes requests from state officials for assistance and obtains and distributes the needed resources. In Texas, the Governor's Division of Emergency Management serves at the state's focal point for response to emergencies and disasters. It interacts with FEMA and other states to ensure Texas is prepared for such problems and assists in the provision of assistance in the wake of disasters.

A review of the need for continued membership in the compact indicated the following:

- ▶ The compact has never been used since it was ratified in 1951. An office to administer the compact was never funded and Texas has not used the compact since its ratification.
- ▶ The compact legislation authorizes the establishment of a committee to be composed of member states to implement the provisions of the compact. It was intended that the compact committee coordinate plans among the civil defense agencies of the federal government and the states. However, no such committee has ever been established.
- ▶ Three of the states with whom Texas joined the compact, Colorado, New Mexico, and Oklahoma in addition to 14 other states have dropped their participation in the compact.
- ▶ In 1975, the Texas legislature established the Division of Emergency Management in the Office of the Governor. Through executive order, the division was delegated to the Department of Public Safety. It currently has 50 staff and administers emergency management programs that total approximately \$4.1 million. Sixty percent of these funds pass through the division to other state agencies, counties and cities to prepare for and assist in responding to emergencies and disasters. Approximately 90 percent of the revenue for the division is provided through federal funding.
- ▶ Discussions with emergency management officials in ten compact member states indicated that the compact was used rarely, if ever. The compact states may have provided assistance across state borders, but not under provisions of the compact. Mutual aid has been provided simply upon the request of state officials and strictly on an informal basis, or under the auspices of FEMA.
- ▶ Since 1961, the state of Texas has received 34 Presidential Disaster Declarations. From 1983 to 1988, the state provided assistance in more than 1,400 disaster situations of varying magnitude. The provisions of the compact were never used in handling these emergencies.

RECOMMENDATION

- **Texas' participation in the Interstate Civil Defense and Disaster Compact is unnecessary.**

Many times an agency or function is authorized by the legislature, but is never implemented. Leaving these dormant statutes in place at best serves no purpose and at worse may result in confusion as to their application.

FISCAL IMPACT

No fiscal impact, positive or negative, would occur from the adoption of this recommendation. Repeal of the compact does not affect the availability of federal funds for emergency management.

Texas Conservation Foundation

BACKGROUND

Overall Approach to the Review

Section 325.0125 of the Sunset Act authorizes an abbreviated review of agencies that have been inactive for a period of two years before the date the agency is scheduled for abolition. The Texas Conservation Foundation has been inactive since September 1989 and the review was conducted under the abbreviated approach. The review developed the historical background, determined if agency funds had been properly allocated and assessed the need to transfer the statutory authority of the agency to other agencies. Information on these aspects is developed in the following material.

The agency has been reviewed twice through the sunset process, in 1985 and again in 1987. In both the earlier reviews the sunset staff reports recommended that the agency be abolished. The legislature continued the agency but gave it a shortened review cycle. In recreating the agency in 1987, the legislature set the next review date in 1991. In 1989 the agency's appropriations were vetoed. This had the practical effect of abolishing the operations of the agency prior to the sunset review scheduled in 1991.

Programs and Functions

The Texas Conservation Foundation was created in 1969 to encourage private donations for the development of state parks and the conservation of historical and natural resources. At that time, public resources for the purchase of park land were diminishing and natural resources were being lost to land development. The legislature sought to encourage private donations through the foundation as a solution to these problems.

The foundation received donations of cash, personal property, and land totaling approximately \$7 million in market value over its twenty years of operations. Nearly all the donations have occurred in the last ten years. For the first ten years, the foundation received no state funds, had no staff, and had a large twelve member board. The board had difficulty achieving a quorum for meetings and the lack of a business office and staff made soliciting donations difficult. In 1978, an interim legislative study of the foundation identified changes which could improve the foundation's performance. As a result, the legislature reduced the size of the board to six members, established an advisory committee to focus on soliciting donations, and provided the foundation with a state appropriation to open an office and hire a small staff. Donations obtained through the foundation increased following these changes and the foundation raised a total of \$6.9 million in the 1980s.

Prior to the veto of its appropriations the foundation's work involved two types of programs: soliciting donations for new public resources, and educating citizens about the need to maintain existing public resources. While the foundation focused most of its efforts on soliciting donations, it made a significant contribution in recruiting and organizing volunteer efforts to remove litter from public waterways and beaches.

Soliciting Donations

Since its creation in 1969, the primary mission of the foundation was to acquire private donations for public recreation or conservation needs. However, the foundation's success in this area has been sporadic. The foundation was unable to obtain substantial donations during the 1970s. Records show that donations obtained through the foundation before 1980 totaled only approximately \$25,000. Performance improved significantly after the legislature modified the foundation's structure and authorized state appropriations for the foundation to open an office. Donations obtained through the foundation in the last decade totaled approximately \$6.9 million.

Analysis of the income generated by the foundation shows that the stability of the foundation's cash income over the last decade was largely a result of interest earned on cash donations and revenue generated on land donated to the foundation. In general, the foundation obtained several donations of large parcels of land over the years instead of a steady stream of smaller donations. However, funds acquired through the foundation did exceed its state appropriation for operating expenses in most years. The intermittent nature of donations raised the concern of the legislature during each Sunset review of the agency. The 68th Legislature attached a rider to the agency's 1984-85 appropriation which continued in later appropriations. The rider stated that it was the intent of the legislature that the foundation raise at least \$1 million each biennium. While the foundation exceeded this goal in the 1984-85 and 1986-87 biennia, the foundation was not able to accomplish this goal in the 1988-89 biennium.

Volunteer Recruiting

A secondary role of the foundation was educating the public about the need for to conserve natural resources on existing public lands. Beginning in 1987, the foundation focused its efforts in this area on volunteer efforts across the state to remove litter from Texas waterways and beaches. The foundation joined state, federal and local water management agencies in two volunteer initiatives: the Lakeshore Clean-up program and the Adopt-A-Beach program. In the two years since the foundation began work with these programs, the number of volunteer hours donated to these initiatives each year has expanded from 13,275 hours to 21,150 hours and the number of sites cleaned each year through these volunteer efforts has increased from 12 to 20.

The foundation transferred its activities in the Lakeshore Clean-up and Adopt-A-Beach programs to the General Land Office. Similarly, all funds donated for these programs were transferred and the foundation's two staff were hired by the General Land Office to continue the activities concerning the volunteer programs.

RESULTS OF REVIEW

Findings and Recommendations

ISSUE 1: The agency is inactive and the statute authorizing its activities should be repealed.

JUSTIFICATION

The 1990-1991 biennial appropriations for the agency were vetoed in 1989. Without funds to operate, the agency began to wind down its operations and ceased to function on September 1, 1989. A review of the steps taken to cease operations indicated the following:

- ▶ The funds held by the agency have been allocated in a manner consistent with its mission. The allocation has been made as follows:
 - \$3,000 for outstanding bills owed by the foundation;
 - \$25,000 for the General Land Office to archive and preserve historical documents; and
 - \$23,000 for the General Land Office's Lakeshore Clean-up and Adopt-A-Beach programs.
- ▶ The functions performed at the time of closure have been assumed by other agencies:
 - The Texas Historical Commission and the Texas Department of Parks and Wildlife have assumed responsibilities for soliciting donations for their agencies; and
 - The General Land Office (GLO) has established two private non-profit agencies to continue solicitation of donations for the GLO.

RECOMMENDATION

- The statutory framework creating the foundation should be repealed.

There is no reason to continue the statutory authorization. The powers and duties assigned to the foundation are also found in the general powers of other agencies so there is no need to transfer the statutory power to other agencies.

FISCAL IMPACT

There is no fiscal impact.

Good Neighbor Commission

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