

Gasohol permits
(HB 1054 by Coody)

DIGEST: The bill would have transferred authority to issue industrial alcohol manufacturing permits from the Alcoholic Beverage Commission to the Railroad Commission.

GOVERNOR'S
REASON
FOR VETO:

SB 228, already signed, gives the Commissioner of Agriculture certain duties with regard to gasohol, such as registering fuel-alcohol equipment. Signing HB 1054 would result in lack of coordination in the state's approach to fuel-alcohol regulation, by having more than one agency responsible. The Legislature should transfer gasohol-permit authority from the Alcoholic Beverage Commission to the Department of Agriculture, to keep the regulatory process as clear and simple as possible.

SPONSOR'S
VIEW:

Putting all fuel-alcohol regulation under one agency is unnecessary, Rep. Coody said. It would be appropriate to have the Railroad Commission issue gasohol permits, because it is an energy regulatory agency. More than one state agency will be involved with fuel alcohol, in any case. Even if authority to issue permits to alcohol producers is transferred to the agriculture department, enforcement of the Alcoholic Beverage Commission will still be needed, "to make sure they're not making 'white lighting,'" i.e., beverage alcohol. However, given the veto, and the passage of SB 228, it would probably now make sense to transfer permitting authority to the agriculture department.

NOTES: SB 228 (Sarpalius) requires the Commissioner of Agriculture to adopt by rule procedures for the registration of fuel-alcohol equipment offered for sale or lease in Texas. The bill also authorizes the commissioner to adopt standards of quality and purity for fuel-alcohol, to test alcohol-based fuel sold in the state, and to promote alcohol fuels through information programs and intergovernmental cooperation.

Grievance procedures for Houston police officers
(HB 1115 By Washington)

DIGEST: This bill would have established a grievance procedure for Houston police so that grievances could have been handled within the department within a prescribed period of time. After attempting to resolve a grievance between parties and appropriate officers, a grievance committee would have made a final and binding decision. Violations of grievance committee decisions would have been investigated by the Civil Service Commission. The Commission could have removed

DIGEST

(cont'd): from office a police chief who refused to comply with a decision.

GOVERNOR'S
REASONS
FOR VETO:

This bill might mean that the Chief of Police would be deprived of due process. It is an example of state government telling a city how to run its business. It could lead to the filing of numerous unnecessary grievances.

SPONSOR'S
VIEW:

Rep. Washington said that rather than allowing the establishment of a grievance procedure to benefit the average policeman, the Governor yielded to the view of the Houston Chief of Police.

NOTES:

For further information on the bill, see the HSG Daily Floor Report of April 13, 1981.

Paying court-appointed counsel
(HB 1143 by Cain)

DIGEST:

HB 1143 would have established a special state fund, derived from court costs in criminal cases, to reimburse counties for paying the costs of court-appointed counsel for indigent defendants when those costs exceeded 1 percent of a county's annual budget. The state would also pay directly for preparation of trial transcripts on appeal. The fee schedule for reimbursing court-appointed counsel would be revised, and indigents would have to repay at least part of the cost of their defense.

GOVERNOR'S
REASONS
FOR VETO:

This bill would create additional costs for non-indigent defendants by raising court fees in all misdemeanor (\$5 increase) and felony (\$10 increase) cases. As dedicated court costs escalate, local officials have reduced discretion to assess appropriate fines since the total cost to the defendant is already high. Also, the cost of state funding for transcripts on appeal has not been adequately determined.

SPONSOR'S
VIEW:

Representative Cain was "really disappointed" with the Governor's veto since the bill made necessary changes in the indigent defendant representation program. The Governor's arguments contradict his position on other legislation. Although court costs would be increased in order that the state could assist the counties in paying for indigent representation, the Governor has advocated raising court costs to provide new funding for Criminal Justice Division grants. It is odd that a Governor supposedly concerned with getting tough on criminals should