State/Local

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Wal-Mart appeals court fine costing up to \$1 million daily

FORT WORTH (AP) - Attorneys for Wal-Mart Stores Inc. asked an appeals court Thursday to overturn a lower court's ruling that the company pay as much as \$1 million a day because billionaire director Sam Walton did not show up for a deposition

The 2nd Court of Appeals has not yet ruled on the case, a court official said

The sanctions resulted from a personal injury lawsuit filed by An-drew Carrizales against Wal-Mart and manager Jerry Rand.

Carrizales claims that while shop ping at the company's Sulphur Springs store in 1986 he slipped and fell on clear oil spilled on the floor.

Carrizales says he suffered mental anguish and "serious and disabling"

injuries to his arms, legs and back, the Fort Worth Star-Telegram reported

Wallace Craig, Carrizales' attor-ney, said Wal-Mart was ordered to produce Walton for a videotaped deposition in Bentonville, Ark. the company's main offices on Aug

However, Walton's attorney petitioned a district judge in Benton County, Ark., to overrule the order of 352nd District Judge John Street and requested the deposition be overseen by an Arkansas court.

Craig said he had no objections to conducting the deposition at the Wal-Mart offices, but he said he did not believe the testimony would be admissible if it were taken by an Arkansas court reporter.

Craig also said the case is not un-der the jurisdiction of the Arkansas court system

"I wanted to take his deposition where I was supposed to, and he re-fused," Craig said.

Street later ordered Wal-Mart to have Walton at the Fort Worth court on Nov. 28 for a deposition or pay Carrizales for each day he didn't show up.

"Walton ... has shown an arro-gant disregard for the authority of this court," the judge's ruling said. "As chairman of the board of Wal-Mart Stores Inc., Sam Walton owed the duties of obedience and loyal behavior" to the corporation to appear for the deposition

Street also ordered Wal-Mart's pleadings in the case stricken, hereby knocking out the company's defenses in the suit, Craig said.

Wal-Mart was ordered by Street to pay the plaintiff \$10,000 for the first day he did not appear; \$20,000 for the second; \$40,000 for the third; \$80,000 for the fourth; \$160,000 for the fifth; \$320,000 for the sixth; \$640,000 for the seventh; \$1.28 million for the eighth; and \$1 million a day for each day afterward.

The appeals court stayed that order before Walton was scheduled to appear in Fort Worth, Wal-Mart attorney Vic Anderson said.

Craig said the personal injury suit is scheduled to go to trial Monday.

Whim pays off big for Texas bus driver in California lottery

ROSEBUD (AP) — A Texas school bus driver's whim paid off big when the \$30 worth of Lotto tickets she bought during a recent visit to California included a winner worth more than \$200,000.

Ann Lewis said she was driving down a road in Reseda, Calif. when she "saw a 7-Eleven and had a strange urge to buy some lottery tickets.

The whim made Lewis, a 49year-old mother of seven, \$209,625.60 richer after \$52,406.40 was taken out for taxes. The check arrived this week

Her husband, Charles Lewis, had been working in California, where the couple lived before moving to Cedar Springs in Central Texas in 1982.

"He was doing construction work because we had a low cash

Mens and

Ladies

Watches

flow." Lewis said. "I drive school buses here. Our farm has had two pretty bad years.

Before the lottery winnings, Lewis had planned to stay in Cali fornia through the Christmas holidays. But now he's coming home to stay.

Lewis said she learned of her good fortune Oct. 29.

"I was kind of shocked, she said. "I was stunned a little bit, but I'm not a very excitable person. I get nervous, but I don't get excited."

Officials at the Planters Na tional Bank in Rosebud told Lewis her deposit was the largest deposit of the year for the bank. The money was put into several accounts because the Federal De posit Insurance Corp. insures ac counts only up to \$100,000.

UT regents intend to back merger with Pan American

AUSTIN (AP) - University of Texas System regents Thursday approved a statement of intent backing a merger with Pan American University

Pan Am officials took similar action earlier this week.

"The (UT) system board is impressed with the rich and unique historical, cultural and academic roles played by the university (Pan Am)," a statement approved by the UT system regents said.

The UT regents said they had concluded that the merger is is "eminently feasible.

'It will enhance the state, national and international roles played by the system and further benefit the quality of higher education throughout the state," they said.

The UT regents said there were "numerous and substantial" advantages to a merger, including strengthening the academic and research programs at Pan Am.

The Legislature will make the ultimate decision on merging the two

schools. Two Rio Grande Valley lawmakers already have filed a merger bill for the 1989 session, and additional bills are expected before the Legislature convenes Jan. 10.

The UT regents voted to support legislation needed to achieve a merger, as did the Pan Am regents earlier

UT Chancellor Hans Mark actively has sought to take in Pan American. Mark said recently that UT stands to gain from the Valley's rapidly growing population and the eco-nomic potential in its location near Mexico.

If the Legislature approves, Pan Am, with campuses in Edinburg and Brownsville, would become the 15th school in the UT system.

The Legislature last year ordered UT and Texas A&M University systems to explore the higher education needs of South Texas.

Texas A&M regents last month voted to support a merger with the University System of South Texas.

Texas income tax possible in future

pendable.

in the tax.

years.

AUSTIN (AP) - A personal income tax isn't yet needed in Texas, but it deserves "thought-ful consideration," the Select Committee on Tax Equity said Thursday.

Approving recommendations to the Legislature for changes in the state tax system, the commit-tee said, "The day likely will come when the state will need to seriously consider an income tax among its tax options

"It is critical that the issue not be ignored. If it is, the state may find itself enacting an income tax at the 11th hour of a future legislative session, without the full education and understanding of the public."

Committee members rejected stronger statements on an income tax, including one proposal calling adoption of an income tax inevitable and "the right thing to do," and a statement by Comptroller Bob Bullock saying consideration of the income tax "is simply not necessary.'

"The Texas tax system today - more by default than design is more responsive to the state economy than ever before," Bullock said in his statement, presented by aide John Moore.

"In short, the current tax system provides an adequate framework for future revenue needs," said the statement, which was supported by Rep. Stan Schlueter, D-Killeen; Robert Davis of Dallas; and Forrest Smith of Dallas.

Davis and Moore were the only people to vote against the report the Legislature. Schlueter wasn't present for the vote, and 10 members voted for the report.

Moore said he was registering Bullock's opposition to the income tax part of the report, and that the comptroller supported the rest of the report.

Davis said he voted against it because it recommends "some substantial shifts" in the tax burden to individuals and small businesser

"It is time to rethink old methods of doing business, to modernize them if appropriate and to re-

· Not imposing a corporate income tax at this time. Instituting "fundamental reform" of the state's general business tax policy. The report outlines an alternative tax combining a net worth tax, like the current franchise tax, with a component sensitive to a business' current activity in Texas. Schlueter, chairman of the taxwriting House Ways and Means

place them if necessary," the report said. "The people of Texas

deserve a state and local tax sys-

tem that is fair, stable and de-

Among other recommenda-tions in the report:

• Keeping the sales tax as the "cornerstone" of the state fiscal

system in the next decade, but ap-

proach with care future increases

avoid rate increases and should

pursue a policy of expanding the

said. "Indeed, the committee fa-

vors reducing current rates

through base expansion if the fis-

· Diversifying local tax sys-

tems in Texas over the next 10

tax base to additional services

cal situation allows."

"If possible, the state should

" it

Committee, and Rep. Dan Morales, D-San Antonio, who is vice. chairman of that panel, said they don't expect a tax overhaul in the upcoming legislative session.

Changes in the franchise tax are possible, they said.

If new revenue is needed for example, to address an ap-peals court decision on a state judge's ruling against the school finance system - Schlueter said the "first place" he would turn would be the sales tax. But he said lawmakers would be reluctant to vote on a tax bill, after voting on three in the past four years.

"Prospects are good for meaningful structural reformation of our state's general sales tax in order to develop a mechanism to find some way to provide the service sector of our economy with an opportunity to participate in the funding of state programs and services," Schlueter said.



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