

Wednesday, June 21, 1989

Clements says lawmakers will stay until workers' comp bill is passed

AUSTIN (AP) — Gov. Bill Clements, who summoned the Legislature back for the special session that opened Tuesday, said lawmakers would stay in town until they pass a workers' compensation reform bill.

Arriving at his Capitol office, the governor said the system of paying benefits to injured workers is seriously flawed and that lawmakers must take action.

"I want these (lawmakers) to do what the people demand, what the business climate demands, and that is pass a proper workers' compensation bill," Clements said. "We're going to stay here until we get it."

The Legislature's 140-day regular session ended just three weeks ago. But Clements immediately summoned lawmakers back for a 30-day special session because of their failure to pass a workers' compensation bill.

As lawmakers returned to the Capitol, Clements worked in his office. The governor did not speak at the opening day, aides said, because he didn't think it was necessary.

"The focus is on workers' compensation reform," Reggie Bashur, the governor's press secretary said. "Everyone in the state knows what this session is about."

"All the focus and energy is on trying to get a bill through the House and Senate," Bashur said. "The governor wants the Legislature to hit the ground running, to roll up their sleeves and get to work."

Clements said he gave lawmakers a three-week break so they could return home to their districts and hear from the voters about the workers' comp issue.

"What I wanted them to do was go home and hear what the public at home says about workers' compensation," he said.

The governor spent part of Tuesday deciding on a replacement for his chief of staff, George Bayoud, who on Monday took the oath of office as secretary of state.

Bashur said Clements also planned a Wednesday meeting with House Speaker Gib Lewis and Lt.

Gov. Bill Hobby to discuss the workers' compensation efforts, and the spokesman said several individual lawmakers were seeking meetings with the governor.

Some of those meetings likely will be about other issues legislators would like to see added to the session's agenda.

Under the Texas Constitution,

the governor has the power to determine what issues a special session can consider.

Tuesday, Clements reiterated that he has only one subject in mind for now — workers' compensation reform.

"I'm not really considering other issues until we get this one settled," Clements said.

Hobby blasts groups desiring to end trial by jury for workers' comp cases

AUSTIN (AP) — Lt. Gov. Bill Hobby on Tuesday blasted business groups wanting to eliminate jury trials in disputed workers' compensation cases as the special legislative session began on a divisive note.

"We have idiots who represent the business community who say we don't want a trial by jury. You know this is really kind of silly," Hobby said.

But House Speaker Gib Lewis said he wants jury trials eliminated from the system.

States that have eliminated jury trials "are eating our lunch as far as competitiveness and industrial development," Lewis, D-Fort Worth, said.

When Lewis heard of Hobby's remark, he said, "That's totally out of character for (Hobby) to make that statement."

Legislators returned to the Capitol for a special session and immediately began work on workers' comp, the system of compensating employees who are injured or killed in on-the-job accidents.

Gov. Bill Clements called the special session after lawmakers failed to reach a compromise on the issue during the 140-day regular session that ended May 29.

The House Business and Commerce Committee began considering a workers' comp bill Tuesday, with a House debate possible as early as Thursday. Lewis said

he expected a House and Senate conference committee on workers' comp to begin work this weekend.

Hobby said the Senate State Affairs Committee would hold its workers' comp hearing on Wednesday, adding, "Perhaps a bill will be reported to the Senate" by day's end.

Labor groups were angered over the workers' comp bill filed by state Rep. Richard Smith, R-Bryan, which was being considered by the Business and Commerce panel.

Joe Gunn, chairman of the United Labor Legislative Committee, said the bill diminished workers' rights to secure benefits for on-the-job injuries.

"This gives us workers' poverty instead of workers' dignity," Gunn said.

In the halls of the Capitol, teamster members visited the offices of state lawmakers asking for support of the labor position.

"We're trying to get the Senate to hang with us," Carl Dudensing, a member of Local 988 in Houston, said. He said he feared that Clements would try to wear out lawmakers on the issue. "That damned idiot governor will call special sessions as long as he needs to," he said.

Legislators attempt to increase legislation during special session

AUSTIN (AP) — Although the only item of business officially before lawmakers in the special session is workers' compensation reform, dozens of bills had been filed by Tuesday with hopes that the agenda will be expanded.

Among the 31 bills filed in the House by mid-afternoon was a proposal to ask Texas voters whether the state should run a lottery. The bill was bulldozed in the regular session with a 58-83 vote, but the sponsor of the measure said he is not giving up on it.

"Never say never in the process," Rep. Ron Wilson, D-Houston, said. "It takes a while to pass a measure that controversial."

"It may not pass during the special session. It may not pass during the next one. But at some point in time, a lottery's going to be law in Texas, and the only way you can get it done is to keep pushing it."

But a leading opponent of the measure predicted it would die, and he said it should. A bill can be summarily killed through a lawmaker's objection after it is referred to committee, if it has not been added to the special session by the governor, who controls the agenda.

"I think that the wise thing for the governor to do would be to keep this out of the call so that members of the House and Senate don't have to deal with trivial issues," Rep. David Hudson, D-Tyler, said.

"We're down here to work on the economic development of the state of Texas through workers' comp

and not to deal with these other issues," he said.

Measures were referred to committees in the House and Senate, where 16 bills and six resolutions had been filed by mid-afternoon. There were 17 resolutions filed in the House.

Clements had not decided whether to add more items to the agenda but was reviewing requests, Reggie Bashur, his press secretary, said.

"The governor feels it's very important that the focus be strong and direct on the workers' compensation reform measure, and that once progress is made on that very important issue, then serious consideration will be given to other issues," Bashur said.

Lt. Gov. Bill Hobby said he would ask the governor to include on the session agenda a bill by Sen. Chet Brooks, D-Pasadena, that passed the Senate in the regular session but failed in the House.

Hobby said the bill did not attract much attention because of other high-profile issues but that it could "alleviate suffering from pain by a lot of people."

The bill would clarify the law that says a doctor can lose his license for prescribing drugs to a known narcotics user, he said.

"Because the law reads as it now does, many doctors understandably will not prescribe narcotics . . . because it imperils their livelihood, so they will not prescribe narcotics to people who really need them," Hobby said.

Police locate suspect in oak tree poisoning

AUSTIN (AP) — There is a suspect in the poisoning of the historic Treaty Oak and police hope to solve the case soon, an officer involved in the investigation said Tuesday.

People have been calling with tips about the poisoning of the live oak tree, which is estimated to be more than 500 years old, Sgt. John Jones, said. He declined to give details about the suspect, who has not been taken into custody.

"One of the rumors we had gotten was that it might have been a disgruntled city of Austin employee," Jones said. "I think we've been able to eliminate that one."

The tree was poisoned when Velpar, a Du Pont-made herbicide, was poured around its base several months ago.

"The city never has bought any of that stuff and doesn't have it in stock," Jones said. The chemical costs \$80 to \$100 a gallon, he said.

Du Pont has offered a \$10,000 reward for information leading to the conviction of the poisoner, and the Texas Forestry Association this week offered an additional \$1,000 reward.

Value of the tree has been es-

tablished at about \$47,000 by using a "legally accepted formula," Jones said, and the case is being investigated as a second-degree felony criminal mischief.

John Giedraitis, city forester, has said the formula includes such items as size and type of tree. It does not take into account the oak's historical value.

A local legend says Stephen F. Austin signed a treaty with the Indians under the tree, although there is not much foundation for the tale, the Handbook of Texas, says.

The Treaty Oak — which is about 45 to 50 feet tall, has a 127-foot limb spread and is 52.5 inches in diameter at breast height — was admitted to the American Forestry Association's Hall of Fame in 1927.

The Austin Police Department is conducting the investigation into the poisoning with the Texas Department of Agriculture, which regulates Velpar, Jones said.

Du Pont has provided a list of primary distributors of Velpar, and the agriculture agency is auditing the inventories of retail outlets, Jones said. Tips to the police Crime Stoppers telephone number also are being evaluated.

Sun spokesman says 3-mile-long oil slick in Liberty will take months to clean up

LIBERTY (AP) — A three-mile-long oil slick that has contaminated part of a bayou and damaged some vegetation could take three months to remove, a Sun Pipeline Co. spokesman said.

A four-inch elevated line crossing Gum Slough in the South Liberty Oil Field ruptured about a week ago, spilling an estimated 3,500 barrels of crude, Sun spokesman Forrest Brooks said.

The oil spill south of Liberty is believed to be the largest ever in Liberty County.

"We will have more than a month of active cleanup and then monitor it for two months, every time it rains, to see what washes off the shore," Brooks said Monday. "It will be expensive to clean up due to the rugged terrain."

Brooks said company officials suspect the line was ruptured after being hit by a tree loosened in the recent flooding. The break has been repaired, he said.

Employees shut off the line after noting a sudden pressure drop June 11.

Sixty-two contract workers hired for the cleanup are using boats and vacuum trucks in a round-the-clock effort, Brooks said. An 8,200-foot boom has contained the crude mostly in Gum Slough with only a small amount leaking into Clayton Bayou, which empties into the Trinity River.

The contaminated area is a mile wide. Barring a bad storm or other unusual circumstances, officials believe they can keep the crude confined to the backwater marsh areas.

"We've been lucky so far," Danny Diaz, a state game warden monitoring the cleanup, said. "Only the cypress trees, water lilies and vegetation have been affected so far. We haven't seen any fish kills or bird life hurt yet."

"The oil is choking out the vegetation, but it's not smothering the whole area," he said. "There's still open areas that aren't smothered by oil."

Committee approves funding for collider; member predicts battle for OK of House

WASHINGTON (AP) — The House Appropriations Committee on Tuesday authorized \$200 million to begin construction of the super collider next year, but Rep. Jim Chapman predicted full House approval of the bill may be a tough battle.

"The bottom line is that at each step of the process we become a larger target for those who oppose

the project," Chapman said. "We're out of the committee process, no longer in the back rooms of Congress; now we're on the floor of the House, where C-SPAN watches everything we do."

The Appropriations Subcommittee on Energy and Water Development voted last week in favor of the collider appropriation as part of a spending package for Energy De-

partment and U.S. Army Corps of Engineers projects.

Under the bill, \$110 million could be used to initiate construction of the \$4.4 billion particle accelerator at a site south of Dallas. The balance would be for research and development of what would be the largest scientific instrument ever built.

"I think it could be a tough battle (in the full House)," Chapman, a

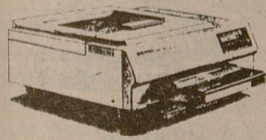
member of the Appropriations Committee, said. "I have asked the committee chairman to move it quickly. He promised we'll have our bill on the floor by next week."

The Sulphur Springs Democrat said opponents of the super collider may be well organized by the time the bill is on the House floor, but that moving the legislation quickly may be a way to end such opposition efforts.

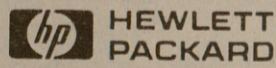
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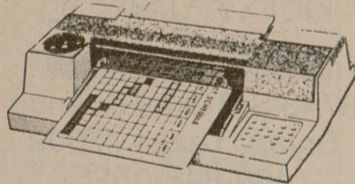
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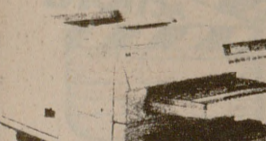
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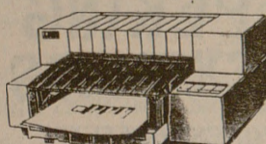
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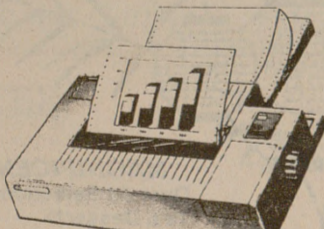
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