



Senate finally OKs workers' comp reform bill

A year of volatile negotiations ends with success

AUSTIN (AP) — The Texas Senate voted 18-13 to approve a business-backed workers' compensation reform bill, ending more than 11 months of legislative gridlock over the issue.

Both the House and Senate then adjourned the year's second special legislative session on workers' comp. It ended a day before the 30-day session deadline was to run out.

"We have adopted a bill that gives workers a better break and business a brighter future," said Lt. Gov. Bill Hobby, who presides over the Senate.

"This is a real milestone for us," said Gov. Bill Clements, promising to sign the bill into law.

After the Senate vote, Rep. Richard Smith, R-Bryan, House sponsor of workers' comp reform, said, "If a man could experience having a baby, I think I just felt like that."

Lawmakers began fighting in January over the insurance system of compensating workers injured on the job, which was criticized for having high rates and offering low benefits.

Legislative leaders acknowledged that the bill passed Tuesday likely would have no immediate impact on

AUSTIN (AP) — Tuesday's final Senate vote to approve a workers' compensation reform bill ended more than a year of work on the issue that divided labor and business.

Here is a brief rundown of events leading to the bill's passage:

- Dec. 9, 1988: A special House-Senate study committee adopts a 900-page report outlining problems in the Texas system of compensating workers for on-the-job injuries.
- March 7: House passes its first workers' comp proposal.
- May 22: Senate passes its workers' comp proposal. A conference committee begins negotiations.
- May 30: The regular session ends. The negotiating committee never recommended a compromise bill.
- June 20: Legislature returns to Austin for a

special session on workers' comp.

- June 23: Senate passes a bill.
- July 5: House passes its bill. Conference committee begins negotiations.
- July 19: Special session ends. Again, negotiators have failed to find a suitable compromise. Gov. Bill Clements says he'll allow lawmakers to return home and hear from voters before calling them back for another special session.
- Nov. 14: The second workers' comp special session opens. Lt. Gov. Bill Hobby throws his weight behind a business-backed plan and writes his own bill.
- Nov. 16: State Board of Insurance approves a 22 percent increase in workers' comp premiums.
- Nov. 20: Senate guts Hobby's bill on a 17-14 vote.
- Nov. 30: Senate rejects, 17-14, a House bill

similar to Hobby's plan. Hobby, presiding officer of the Senate, stacks a conference committee with supporters of his bill.

- Dec. 8: Senate says "no" to the conference committee bill, 17-14. House, which has passed the bill, adjourns.
- Dec. 9: Secret negotiations continue.
- Dec. 10: Lawmakers announce breakthrough agreement after three senators who earlier opposed the bill promise to support it if seven amendments are added.
- Dec. 11: House returns to session. House and Senate appoint new negotiating teams, which send back a revised workers' comp bill in less than 90 minutes. House adopts it.
- Dec. 12: The Senate accepts, on an 18-13 vote, the final comp bill and adjourns. The governor says he will sign it into law.

changes," he said.

Brooks said Texas employers currently pay the highest workers' compensation premiums of any industrialized state and reform is needed now.

Sen. Carl Parker, D-Port Arthur, leading the opposition, said the bill would prevent many injured workers from securing fair benefits and deny a meaningful jury trial in most cases.

"We've put pearl earrings on the sow and now we have elected her Miss America," Parker said.

Other opponents said the bill would establish a number of hurdles for injured workers to get benefits and at the same time create a disincentive for lawyers to help them.

"This is the greatest quagmire with administrative traps for the people that has ever been created," Sen. Temple Dickson, D-Sweetwater, said.

"It will be evil, wicked and mean if it becomes law," Sen. Kent Caperton, D-Bryan, said.

But Sen. Bob Glasgow, D-Stephenville, said that without the bill more workers would be unprotected because of businesses dropping comp coverage because of increased rates.

employer-paid insurance premiums, which have soared 149 percent over the past four years.

But House Speaker Gib Lewis, D-Fort Worth, said that over the long haul the changes would improve the system. "This system did not deteriorate overnight, and it's not going to

be repaired overnight," he said.

"It's going to take some time for those rates to come down. You'll see the stabilization of those rates right away. In two or three years you'll see those rates going down," Lewis said.

The Senate vote followed a six-hour debate and ended a tough and

often acrimonious legislative battle that pitted business groups, seeking rate relief, against trial lawyers and organized labor.

Opponents of the measure said it would strip rights, including a jury trial, from injured workers who feel they are being cheated in benefits.

Sen. Chet Brooks, D-Pasadena, said the compromise bill, which was approved by the House on Monday, would "get us at least started on the road to improving the system."

He acknowledged, however, the bill wasn't perfect. "We're going to have to be ready to make additional

Body gloves



Photo by Phelan M. Ebenhack

John Whitson, a graduate student, tries to keep warm Tuesday afternoon outside of the MSC after taking his last final.

Lewis: A&M needs absentee voting

By PAM MOOMAN
Of The Battalion Staff

The Brazos County Commissioners Court will hold a meeting Monday night to gauge public opinion, but most of those affected won't be there.

The Monday meeting will be a vote by the commissioners on whether or not the Texas A&M campus will get absentee voting. But many A&M students and faculty will be out of town, said Rodger Lewis, program director of educational broadcast services at A&M and county chairman of the Republican Party of Brazos County.

"The whole purpose of a public hearing is to hear from the people who will be affected," Lewis said.

The Republican Party has been working for an on-campus absentee voting poll for years, he said.

Lewis said Commissioners Sims and Norton have been helpful in trying to get the on-campus poll established.

"They've had to overcome all these excuses that have been thrown at them by the County Judge and the Democrats," Lewis said. "While I commend them on the hard work they've done, their timing is terrible."

Lewis said the Democratic Party strongly opposes on-campus absentee voting.

Opponents of the plan have several reasons, Lewis said. They say the College Station Community Center branch is convenient enough, voters who are not A&M employees or students couldn't use an on-campus poll, a new branch would cost too much and students shouldn't vote in Brazos County.

The most widely offered protest given is that on-campus absentee voting would discriminate against minorities.

Lewis disagrees.

"Texas A&M employs more minorities than anyone else in this area," Lewis said. On-campus absentee voting would be just as convenient for them as anyone else, he said.

Scott Kibb, College Republicans president, agreed with Lewis.

"I don't think it's discriminatory," Kibb said. "If more people voted Democratic, we would be getting more help from the Democratic Party. They've framed the issue in partisanship."

An on-campus absentee voting poll would solve an upcoming problem, Lewis said.

In 1990, Super Tuesday, a day when Americans vote in primaries nationwide, will be in March during Spring Break.

"The best way to deal with (this problem) is to give you an absentee poll here on campus," Lewis said.

Kibb said on-campus absentee voting polls are the best way to get A&M students to vote.

"Having primaries during Spring Break — it's going to be hard to get A&M students to vote that way," he said. "(College students) have the lowest voting percentage of any age group."

"The whole purpose was to encourage more voter participation," he said. "To do that, you need to put the poll where the people are."

"If (people) work at A&M and it would help them to have the (on-campus) poll, they need to contact their commissioner."

A&M grad disputes losing bid to move oaks

By MONIQUE THREADGILL
and PAM MOOMAN
Of The Battalion Staff

A Texas A&M graduate brought a 60,000 pound oak tree with him Monday from Dallas to a meeting he requested with finance officials after he found out he had lost the bid to move the Rudder oaks.

John Hoelzel, a 1983 horticulture graduate, said he brought the tree because he was upset that A&M had chosen another company to do the job even though his company, Yaupon John Tree Company, could save the University \$25,000 and give a 100-percent guarantee for the trees.

University officials have not announced when the transplantation of the trees will begin or who will do the job, but Hoelzel said he was told Instant Shade of Houston will start the project Dec. 18, when students are gone for the Christmas holidays.

A&M President William Mobley and Robert Smith, vice president for finance and administration at A&M, were unavailable for comment.

Hoelzel said Instant Shade is charging about \$115,000 to do the job and offering a 50 percent guarantee. Hoelzel's bid was for \$89,728, and he said he guaranteed to refund the full cost of moving any tree that subsequently dies.

Hoelzel said he was not given the bid because the officials thought his method of moving trees, the ball-and-burlap method, was not as adequate as the box method. However, the ball-and-burlap method is the method taught in A&M's horticulture department.

Steve Hodge, MSC manager, confirmed that there were three bidders for the job and that one of the bids had been eliminated because it proposed using a method different from the one A&M wanted to use.

Hodge said the Texas A&M Purchasing Department advertised for bidders and then chose the bidder who best met the requirements, one

of which was to move the trees using the box method.

Hoelzel, who earned the nickname "Yaupon John" for transferring large yaupon trees while still a student at A&M, brought the oak along on the back of a 18-wheeled flatbed truck to show officials that the ball-and-burlap method works.

But Hoelzel's demonstration was not effective.

"I sure wish they would have put on their jackets and come down off the 8th floor so they could see proof that my method works," he said.

The ball-and-burlap method con-

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Faculty Senate seeks bigger role in policy, University decisions

By CHRIS VAUGHN
Of The Battalion Staff

The Faculty Senate approved a resolution Monday asking the Texas A&M administration to consult the Senate more in future decisions about the management and growth of the University.

The current method of policy-making leaves the faculty representatives out of too many decisions, the resolution stated.

According to the Faculty Senate Constitution, one function of the Senate is to advise on "policies affecting University development and utilization of resources" and other matters relating to the welfare of the University.

The resolution, sponsored by the Planning Committee, asks the administration to work with the Senate, through the committee, to "insure that the Faculty Senate shall function in an ongoing advisory role during the formulation and development of policy and plans for the management and growth of the University."

The senators also unanimously approved a resolution supporting a request by the Texas Association of College Teachers to address the li-

brary funding crisis.

According to the resolution, presented by the Ad Hoc Committee on Libraries, the A&M libraries rank at or near the bottom in total monograph holdings, current serials, subscriptions, acquisition budgets and total library expenditures.

An increase in permanent materials and staff is "essential if Texas A&M is to build and maintain a collection commensurate with the mission of a major university," the resolution states.

During the Committee of the Whole, Dr. Woodrow Jones, a political science professor and associate dean in the College of Liberal Arts, said he objected to the next Faculty Senate meeting on January 15, which is Martin Luther King Jr. Day. The spring semester is also scheduled to begin on the national holiday.

"I am appalled that there would be a meeting scheduled on Dr. Martin Luther King's day of recognition," Jones said. "I know I won't be here, and I would hope that others would join me in this protest."

Committee of the Whole is a time when the entire senate forms a com-

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Residents tell company: 'Clean up' Company submits proposal to control contamination

By DEAN SUELTFENFUSS
Of The Battalion Staff

Amid lawsuits and complaints from area residents, officials of the Pennsylvania-based Pennwalt Corporation say they are confident that arsenic contamination caused by the company's Bryan plant will be cleaned up soon.

Some residents who live near the Bryan agricultural chemical plant, however, think it may never be cleaned up.

"I don't think the problem has been solved, and I don't think it ever will," said Sam Alvarado, who has lived near the plant for about 20 years.

More than 15 years have passed since the state of Texas filed a lawsuit against the company to force it to clean up lakes that were contaminated with arsenic through the company's production of arsenic-based agricultural chemicals.

Although the contamination persists at Finfeather Lake and Bryan Municipal Lake, Pennwalt spokesman Debra Moore said the company has submitted a clean-up proposal to the Texas Water Commission and that, if approved, the proposal will successfully deal with the contamination.

The 1973 lawsuit resulted in a judgment requiring Pennwalt to drain the lakes and remove sediment, which contains arsenic, from the lake bottoms. The sediment was buried in a landfill near the plant. This was accomplished in the early 1980s, and the lakes were refilled.

But arsenic levels in the lakes began to rise again. Further investigation revealed that con-

taminated groundwater was migrating into the lake water. The proposal submitted to the water commission is intended to clean up the contamination.

Ernest Clark, Bryan's city manager, said Pennwalt has done an outstanding job thus far in dealing with the contamination.

"They spent probably close to \$3 million dollars," he said. "Over the course of the year they monitor it very closely and when they

"I don't think the problem has been solved, and I don't think it ever will."

— Sam Alvarado, resident

have changes in the arsenic level they notify us."

Bryan Mayor Marvin Tate, however, was not quite as pleased.

"I think we've got a problem and the thing needs to be resolved," he said. "We've been fighting a battle, and at one point in time I thought it had been squared away."

Bill Colbert, spokesman for the water commission, said the clean-up proposal, which is being evaluated by the commission, consists of three plans that address separate areas: groundwater contamination, surface water contamination and soil contamination. Colbert said the water commission will finish re-

viewing the plans before the end of this month.

"We should have some type of response back to the company about whether they're satisfactory or whether they need to make changes in them to address the concerns we have with regard to those three situations," he said.

Colbert said the water commission is considering proposed changes to the plant's wastewater discharge permit. He also said a public hearing concerning the permit is required if anybody requests one. Although approval of the clean-up plans requires no public hearing, Colbert said that if the water commission decides to evaluate the plans and the permit together, the entire process could become open to the public.

The company's groundwater remediation plan, if approved by the water commission, would provide for the removal and treatment of the contaminated groundwater. After obtaining the necessary permit, the company then would discharge the treated water into Bryan's sewer system. The surface water remediation plan, which is also being evaluated by the water commission, contains provisions for draining and dredging the lakes again.

Meanwhile, some area residents are concerned about the quality of the lake water. Jennifer Walker, who has lived near the plant for more than two years, said she became concerned about the water contamination when helping a high school student with a water-quality project. She said she

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