

Judge delays decision in Texas tobacco settlement

TEXARKANA (AP) — A federal judge overseeing the \$15.3 billion settlement between Texas and the tobacco industry on Wednesday delayed his decision on the case and lawyer fees.

U.S. District Judge David Folsom of Texarkana said he will enter his decision all at once, rather than handle the case piecemeal.

Folsom spent Tuesday and Wednesday reviewing details of the settlement and planned to release his decision on Thursday.

The deal was made public last week by Attorney General Dan Morales, who has come under fire for deciding how to spend the first year's \$1.2 billion payment to the state and for negotiating fees with outside attorneys.

Those issues have resulted in several complaints filed by disgruntled parties as the state and tobacco industry await Folsom's approval.

John Cornyn, a former Texas Supreme Court Justice running for attorney general, filed a lawsuit on Tuesday in state district court to block the 15-percent cut for five private attorneys who had been brought in to help with the case. Their share would come out to roughly \$2.295 billion, or \$459 million each.

Also filed on Tuesday was a motion by Dallas County and the Dallas

County Hospital District asking the judge to throw out the allocation of the first-year payout.

Morales earmarked the 1998 money for a variety of health-care services for all Texans, children's health care, anti-smoking education and enforcement.

The remaining \$14.1 billion will be doled out by the state Legislature over the next 24 years.

"The settlement benefits the public health, especially that of children."

WARD TISDALE
DAN MORALES SPOKESPERSON

The Dallas motion calls the entire deal "clandestinely negotiated" and objects to it because there are no provisions made for Dallas County or its hospital district.

A third issue for Folsom to consider also involves the payout.

A complaint filed by state Rep. Rob Junell and state Sen. Bill Ratliff, heads of the Legislature's budget-writing committees, argues the agreement violates the Legislature's role of setting state spending.

The lawmakers filed a motion asking to be allowed to intervene in the case. The pair say they will also

ask the Texas Supreme Court to stop the agreement.

Ward Tisdale, a spokesperson for Morales, said the attorney general was not concerned about various parties trying to intervene in the settlement. It's expected, he said, because there's a lot of money involved and "a lot of envy and jealousy."

"The settlement benefits the public health, especially that of children," Tisdale said.

Tisdale noted that the attorney general regularly negotiates payouts as part of settlements. However, because this is the largest settlement in U.S. litigation history, it is drawing more attention.

"We do it all the time," he said. That could change as soon as next year under legislation that state Rep. Tom Craddick, R-Midland, said he will file in the next legislative session.

His plan would bar state agency heads from entering into contingency fee contracts with private attorneys without prior approval of the Texas Legislature.

Morales negotiated the contract with the private attorneys in 1996 before filing the lawsuit against the tobacco companies alleging violations of federal racketeering, mail fraud and conspiracy.

As part of the settlement, the state ended its lawsuit against the cigarette makers, who deny all wrongdoing.

Sharp proposes scholarship for all native Texas students

AUSTIN (AP) — State Comptroller John Sharp says Texas can afford to pay college tuition and fees for all of its native college students.

Sharp, the only Democrat running for lieutenant governor, on Wednesday proposed giving every Texas college student a one-year scholarship for every year they attended high school in Texas.

A similar program aimed at low and middle-income students already exists and was given a substantial funding increase last year.

Sharp says his "Lone Star Scholars" program would make college scholarships available to all Texas students who get into Texas colleges or universities — public and private — regardless of their family income or their high school grades.

The existing program requires students to have an 80 grade average in high school on a 100 point scale.

Once in college, the students would have to carry a full load of classes — generally 15 hours a semester — and maintain a 2.8 grade point average to continue receiving the Lone Star scholarships, Sharps said.

"Ronald Reagan said very eloquently, if you want more of something, tax it less," Sharp told reporters after outlining the program for a House committee. "What we need more of in this state is more smart kids. This has to do with a tax cut for the smartest children."

Lawmakers' next regular session is in 1999. Sharp's proposal would require new legislation, meaning that it could not take effect until lawmakers and the governor considered and approved it.

Before last year, the current Texas Tuition Assistance Grant program was getting \$150,000 a year from the Legislature. Now it will get \$5 million a year.

Sharp said his plan would cost \$485 million a year. Money would come from existing state funds, he said.

"If you're going to produce (budget) surpluses, give the money back to the people who pay it in tax cuts. This program is a tax cut," he said.

Students who need other financial aid have their Lone Starships adjusted.

A campaign spokesman said Agriculture Commissioner Perry, the only Republican running for lieutenant governor, did not have an immediate comment Wednesday.

REGENTS

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The Board of Regents will also consider guidelines for the 1999 fiscal year budget, a name change of the Texas Animal Damage Control Service to the Texas Wildlife Damage Management Service, the campus enrollment management plan projections for the 1998-99 academic year and the designation of land for the development

of a west campus greenway.

The Board will also consider designating an acre area of land between the George and the Horticulture Science buildings as a campus greenway.

Gene Ray, deputy director for the plant, said the land would function as a greenway in order to preserve the land set aside, it could be developed in the future for the benefit of academic programs and the campus.

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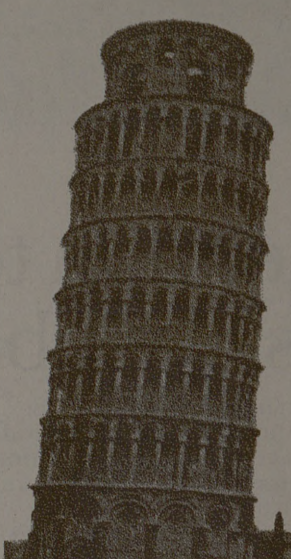
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