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Produced By:
John & Jeannine Fearing,
Marilyn Mueller,
Shirley Lueddecke,
Kay Clippson,
James Shane

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Lawmakers take two days to wrap up tort reform in special session

The 70th Legislature adjourned "sine die" last week but lawmakers did not get to go home for a rest.

Gov. Bill Clements called the Legislature back into special session immediately to deal with the unfinished problem of tort reform.

Lawmakers could not solve the state's budget problems in the 140-day regular session, but took just two days to wrap up the tort reform issue, passing legislation that will make it more difficult for injured plaintiffs to collect large monetary awards from defendants.

Tort reform passes

Tort reform had been one of the hottest issues of the regular session, but lawmakers were able to hammer out a compromise between the pro- and anti-reform forces by the end of the session. Insurance companies backed tort reform as a way to cut the cost of liability coverage for doctors, large corporations and others. Defense lawyers and other opponents claimed it simply would protect the rich from lawsuits.

Capitol Highlights

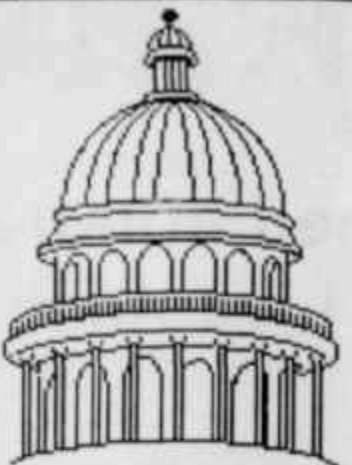
By Lyndell Williams

The reform package approved last week included three bills rewriting the state's civil justice laws. Another bill amends insurance laws to include the creation of an office to represent consumers before the State Board of Insurance.

Insurance bills

Also approved were two insurance bills that would allow non-profit organizations to set up their own liability insurance pools and to require agencies to work with the Industrial Accident Board on job safety programs.

The Senate approved the measures on the first day of the special session. The next day, the House took only seven minutes to send the package to the governor to be signed into law.



That prompt action was largely due to House Speaker Gib Lewis' threat to adjourn the House and send lawmakers home without finishing the tort reform action if any representatives tried to amend the bill sent over by the Senate.

Budget session
Lawmakers now are getting some

vacation time, but they will be back in Austin June 22 to resolve the unfinished budget debate.

Legislators completed the regular session without passing a budget bill for the 1988-89 biennium. The House and Senate both had passed budget bills totaling nearly \$40 billion, but could not work out about \$100 million in differences by the end of the session.

The stalemate partly results from House and Senate members could not agree on whether to make the 5.25 percent state sales tax rate permanent or extend it only to Jan. 3.

The legislature must pass both bills to adequately ensure a revenue stream that will ensure the fiscal integrity of the state for the coming two years, Clements said.

Senate members had voted for only the temporary extension of the tax in hopes of putting pressure on Clements to go along with an expansion of the sales tax base to include professional services and other items not now taxed.

Supercollider
While lawmakers were putting their stamp of approval on tort reform, Clements and a bipartisan delegation from Texas were in Washington, D.C. attempting to bolster support for

building the much sought-after supercollider in Texas.
Clements was joined in his efforts by former Democratic National Chairman Robert Strauss, the Texas congressional delegation and former University of Texas at Austin President Peter Flawn, who heads the Texas National Research Laboratory Commission.

The supercollider would cost \$6 billion to construct and bring thousands of jobs to Texas.
Flawn said Strauss' proposal must be "very strong on its technical merits" to beat out competition from Illinois and California.

Congressman Jack Brooks, D-Beaumont, said, however, that political muscle would be essential in getting the federal government to fund the National Academy of Sciences to pick Texas.

Letters to Editor
Case of rampant apathy
by Myra Barnes
Years ago I chose to be a teacher because I believe education is not only the key to individual success, but also the key to the success of a nation. Lately I've grown increasingly alarmed about the lack of effort, incredibly poor attendance, and parental indifference that are crippling our schools. Rampant apathy is sabotaging education.

It hurts me to realize that, after so many years in a profession I love, I could be thinking seriously of leaving teaching. I also believe in the importance of numbers of our experienced teachers. The present exodus of master teachers from the classroom has little or nothing to do with salaries. It has everything to do with our students. They don't want what we have to offer.

Close on the heels of national education commission's indictment that our schools are producing a "rising tide of mediocrity," came Texas' Regan's pronouncement about the Marines' moral lapse at our Moscow embassy being "the failure of schools to teach values."

I agree with the president's statement that there is a right and a wrong, and that the difference should be taught, but why in heaven's name does everyone assume that it's the schools' job to teach?

Back in olden days, it was parents' responsibility to both teach and model moral behavior to their children. The teachers' job was to contribute information for the children's scholastic development, but it was understood that the wise use of that knowledge should be guided by the moral principles acquired at home.

Now, however, with more and more parents abandoning their home responsibilities, we in the schools have to step in and salvage what we can. We in the schools have voluntarily assumed responsibilities we shouldn't have to assume. And we are getting the blame for a situation that we didn't create.

It's time to get a few facts straight. Teachers aren't the ones who leave children at home alone for too many unsupervised hours. Teachers don't leave them in bed in the mornings to get themselves to school. Teachers don't neglect to wash their clothes or their bodies. Neither is it teachers who send children to school without breakfast or lunch or lunch money, or without school supplies.

None of these are the responsibilities of the school, and yet we in the schools supply free breakfast and lunch, as well as school supplies and even clothes when the parents won't do their jobs.

Under such circumstances, I send home notices of potential failure, but most parents don't answer the note. I follow up with a phone call, prepared to hear what I've heard before: "I can't take him to do anything at home, etc." or, "I don't see any sense in studying that" or, "She says you pick on her." Ordinarily, I reach about 50 percent of the parents I call. The rest are not at home and the student answers the phone.

Then comes the end-of-the-year dilemma. If I average grades fairly, including all of the zeroes for work not done, I might come out with F's for one of my students. If I actually gave out all those F's maybe then I would meet some of those parents I've been trying to contact all year.

But one thing is certain. Whether or not the students pass, my course in which teaches literacy - or even graduate from high school at all, they will grow up and enter the work force.

It's unlikely, however, that failing students will overcome their lack of punctual, reliable, industrious workers. I have to assume they will carry their apathy, irresponsibility and indolence into the marketplace, where they will build our houses and do our laundry, and replace me in the classroom. They will be the parents of the next generation of school children and will probably duplicate the home environment they grew up in. Without a miracle, the future looks bleak.

I realize that this is tough talk. But it's reality. And its odds on that teachers will get blamed for that, too. OK, if we're expected to teach morality, then let that be added to at least one of the hundreds of "Essential Elements" that we are expected to teach.

And allow us to teach without demanding that we not offend Democrats, Republicans, independents, Protestants, Catholics, fundamentalists, atheists, minorities, abortionists, anti-abortionists, evolutionists, creationists, environmentalists or violate the civil rights of anyone else. Relieve us of the mountain of needless paperwork that no state official will ever read. Put some awesome pressure on parents to carry their rightful share of responsibility instead on expecting teachers to do it for them. And put the blame where it belongs.

Mr. Barnes teaches English at La Porte High School.
(This article has been reprinted from the Houston Chronicle. It was brought to us by one of our local teachers and parents of all school age children should spend their summer vacation contemplating the contents of the above article.)

Texas Open Meetings Act is strengthened

The Texas Legislature approved and sent to the governor a bill sponsored by state senator Kent Caperton (D) Bryan that would strengthen and close loopholes in the 20-year-old Texas Open Meetings Act.

Caperton, the recent recipient of the Texas Friend of the First Amendment Award for his work to preserve first amendment rights, called the Senate action "a significant achievement for democracy and open government in Texas."

The measure, which eliminates loopholes in the Texas law designed to prevent secret government meetings, is the result of months of negotiations between groups who favor broader access to governmental decisions and those who, in the past, have been opposed to a tougher open meetings law.

Currently, some state and local government officials are using these loopholes to circumvent the letter and spirit of the law and to meet secretly, illegally outside public view.

Specifically the bill would:

- require city councils, school boards, and other governmental bodies - elected and appointed - to keep a certified agenda or tape recording that reflect the subjects discussed during meetings closed to the public. These records would be available for judicial review if the governmental body is accused of having an illegal discussion. The Texas Open Meetings Act forbids discussion of topics not posted in an accessible public place at least 72 hours before the scheduled closed meeting;

- allow video recordings of open meetings as long as certain rules of decorum are followed. Tape recordings and note taking are currently allowed. This change updates the Act by recognizing the importance of television news coverage;

- make it a Class C Misdemeanor with up to a \$200 fine for any member of a governmental body to "knowingly" take part in an illegal closed meeting. The Act currently requires a "willful" violation, making the prosecution of violators difficult;

- require minutes for all open meetings;
- permit the award of court costs and attorney fees to a prevailing party in an action brought for a violation of the Act. This provision should prevent frivolous lawsuits brought for alleged violations of the Open Meetings Act.

What's so great about a Good Cents home?

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Juan Rodriguez, 21, and Dennis Ann Yarns, 21.

DIVORCES FILED
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