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State and Local

Sick leave

Caperton says bill violates faculty's rights

By MARYBETH ROHSNER
Staff Writer

State Sen. Kent Caperton of Bryan said Wednesday that he will ask Attorney General Jim Mattox to issue an opinion declaring the Texas Legislature's elimination of faculty sick leave unconstitutional.

State Rep. Wilhelmina Delco, chairman of the House Committee on Higher Education, said she already has sent a letter requesting an opinion on the issue, which affects approximately 1,700 Texas A&M faculty members. Texas A&M Faculty Senate Speaker Jaan Laane told faculty senators Monday that he has done the same.

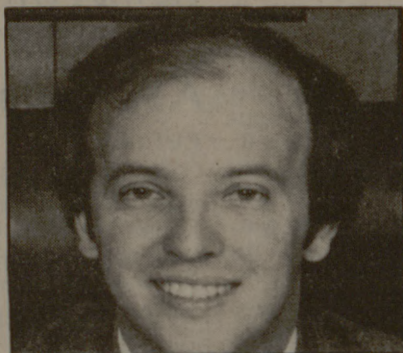
Caperton said he doesn't expect a response from the attorney general's office for about two months.

Will Clark of the attorney general's office said Mattox received Delco's letter and the issue is being investigated. He said he's unsure how much time the process may take.

"On something important like this, we might expedite it," he said.

Delco said if Mattox issues an opinion declaring the legislation unconstitutional, the class-action suit proposed by members of A&M's Faculty Senate will be unnecessary because universities and colleges will continue to offer sick leave to faculty.

Delco, Caperton and Laane are protesting legislation passed this summer as a rider to an appropriations bill under the recommendation of the state auditor. Until the law



State Sen. Kent Caperton

went into effect Sept. 1, all faculty members accumulated one day of sick leave per month. Now professors with nine- and 10½-month contracts — about 70 percent of A&M's faculty — are ineligible to use their accumulated sick leave.

In addition, these faculty members aren't given regular sick leave. When they are sick, they must have their colleagues teach their classes to keep from losing a day's pay.

In September, the Faculty Senate voted unanimously to take legal action against the state to redress the grievances of the faculty affected by the sick leave elimination. Jerry Gaston, chairman of the ad hoc committee formed to handle the issue, said the committee hasn't recommended that the Faculty Senate executive committee pursue the lawsuit against the Legislature for passing an ex post facto law and denying the faculty due process of law.

"We don't know whether or not we will proceed with the lawsuit," Gaston said, "or use the attorney general's opinion as a data point in the case."

During the Oct. 4 meeting of the Council of Faculty Governance Organizations, Delco urged university administrations not to begin implementing new sick leave programs until after Mattox has issued his opinion. Delco later told The Battalion that universities legally are justified in waiting for the opinion to cause denial of sick leave to be introduced only as a rider to the appropriations bill and therefore can only be regarded as a suggestion of the administrations.

"Most university administrations are simply continuing to do what they always have, anyway," Delco said.

Gaston said President Frank Vandiver has been helpful.

"My personal view is that Dr. Vandiver is going to do everything he can to help us," Gaston said. "But we can't override the auditor's opinion."

Vandiver said he would work with the faculty and grant emergency leave on a case-by-case basis.

Richard Robertson of the auditor's office said his office suggests the rider because of abuses in the system and difficulties in recommending.

Caperton told faculty senators that most members of the Legislature consider the rider's approval a mistake.

Funds falling short for water plan

Associated Press

AUSTIN — Fund raising for the statewide water plan campaign has fallen far short of the initial \$1.25 million goal, Gov. Mark White acknowledged Thursday, although he still predicted voters will approve the proposal.

White said the campaign will raise "in the neighborhood of a half-million dollars" to push for adoption of the two proposed constitutional amendments that make up the water plan.

Campaign advertisements and television commercials are prepared, although they haven't been used yet. "In the next week or so, we'll start seeing those," White told a news conference.

He also voiced hope that questions over whether Houston will be

allowed to hold mayoral and city council elections won't cut turnout there and jeopardize the water proposals.

The \$1.43 billion water plan is contained in Amendments 1 and 2 that will be before Texas voters in the Nov. 5 general election.

Amendment 1 would authorize the issuance of \$980 million in bonds for construction of reservoirs, pipelines, treatment plants and flood-control projects throughout the state. It also would create a \$250 million state insurance fund to guarantee water bonds issued by cities and other local governments.

Amendment 2 would authorize \$200 million in bonds for low-interest loans to farmers wanting to buy water-saving irrigation equipment.

The governor said he and other

state leaders will continue campaigning for the water package.

"We're going to continue to urge every person in Texas to vote and vote for the plan," White said.

White disputed suggestions that failure to meet fund-raising goals indicates shallow public support for the plan. Endorsements such as those from the AFL-CIO, League of Women Voters and regional Chambers of Commerce may have led potential donors to believe the campaign is over, he said.

"I think the support is there. The endorsements are broad-based," he said. "The fact is, there's a certain amount of apathy in thinking this thing is already so widely accepted, why do we have to do more?"

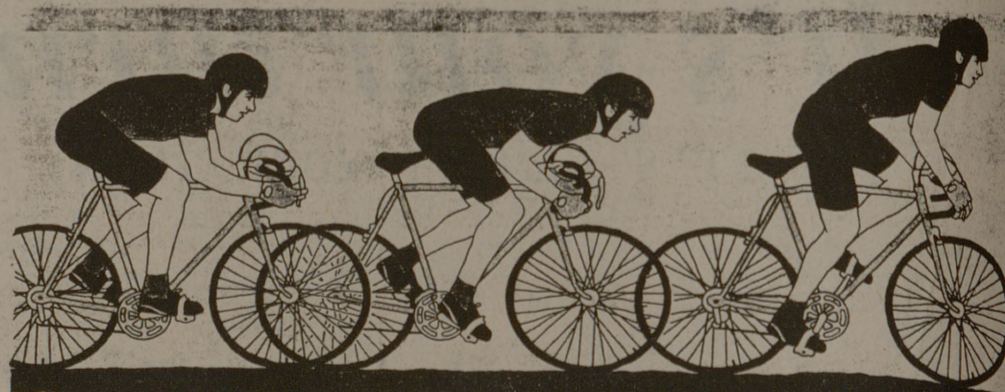
"I'm going to continue to urge that we do more. The campaign will be well-publicized."

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