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### PUBLIC NOTICE BRIEF EXPLANATORY STATEMENTS OF PROPOSED CONSTITUTIONAL AMENDMENTS SPECIAL ELECTION NOVEMBER 5, 1991

#### PROPOSITION NO. 1 ON THE BALLOT

House Joint Resolution 114 proposes a constitutional amendment that would authorize home rule cities having a population of 5,000 or fewer inhabitants to amend their city charters by a majority vote of a city's qualified voters at an election held for that purpose. The amendment makes clear that home rule cities that have declined in population below the population required to initially adopt a charter may nevertheless continue to amend their charters.

The proposed amendment will be described on the ballot as follows: "The constitutional amendment allowing home-rule cities with a population of 5,000 or less to amend their charters by popular vote."

#### PROPOSITION NO. 2 ON THE BALLOT

House Joint Resolution 10 proposes a constitutional amendment that would allow the legislature to authorize the Texas Department of Transportation to expend money, from any source available, for the costs of the turnpikes, toll roads, or toll bridges of the Texas Turnpike Authority, provided that any monies expended from the state highway fund shall be repaid to the fund from tolls or other turnpike revenue.

The proposed amendment will be described on the ballot as follows: "The constitutional amendment mandating the repayment to the Department of Transportation of monies expended to assist the Texas Turnpike Authority in the construction, maintenance, and operation of turnpikes, toll roads and toll bridges."

#### PROPOSITION NO. 3 ON THE BALLOT

Senate Joint Resolution 26 proposes a constitutional amendment that would authorize the Veterans' Land Board to invest, as authorized by law, moneys of the Veterans' Land Fund which are not immediately committed to the payment of principal and interest on bonds issued by the Veterans' Land Board, the purchase of lands, or the payment of expenses. Investment of such moneys would no longer be restricted to investments in bonds or obligations of the United States. The proposed amendment would also authorize the Veterans' Land Board to invest, as authorized by law, moneys of the Veterans' Housing Assistance Fund which are not immediately committed to the payment of principal and interest on general obligation bonds issued by the Veterans' Land Board for the benefit of the Veterans' Housing Assistance Fund, the making of home mortgage loans, or the payment of expenses. Investment of such moneys would no longer be restricted to investments in bonds or obligations of the United States. The proposed amendment gives the legislature power to implement the amendment and to delegate such duties and authority to the Veterans' Land Board as it deems necessary.

The proposed amendment will be described on the ballot as follows: "The constitutional amendment to further implement and enhance the administration of the veterans' housing assistance and land programs and to expand the investment authority of the Veterans' Land Board."

#### PROPOSITION NO. 4 ON THE BALLOT

Senate Joint Resolution 4 proposes a constitutional amendment that would allow the legislature to authorize the issuance of a maximum of \$1.1 billion in general obligation bonds. The proceeds of the bonds are to be used to acquire, construct, or equip new prisons and substance abuse felony punishment facilities, mental health and mental retardation

institutions, and youth corrections institutions, to repair and renovate existing facilities of those institutions and to acquire, repair, or renovate other facilities for use as state prisons or substance abuse felony punishment facilities. The \$1.1 billion is in addition to the \$900 million currently authorized by the constitution to be expended on bond issues for facilities of correctional and mental health and mental retardation institutions. The bonds would constitute a general obligation of the state. The bonds and interest on the bonds would be paid from the first money coming into the state treasury that is not otherwise appropriated by the constitution, less any amount in a sinking fund at the end of the preceding fiscal year that is pledged to payment of the bonds or interest.

The proposed amendment will be described on the ballot as follows: "The constitutional amendment authorizing the issuance of up to \$1.1 billion in general obligation bonds for acquiring, constructing, or equipping new prisons or other punishment facilities to confine criminals, mental health and mental retardation institutions, and youth corrections institutions, for major repair or renovation of existing facilities of those institutions, and for the acquisition of, major repair to, or renovation of other facilities for use as state prisons or other punishment facilities."

#### PROPOSITION NO. 5 ON THE BALLOT

Senate Joint Resolution 39 proposes a constitutional amendment that would allow a county, junior college district, or municipality to exempt tangible personal property from ad valorem taxation if: (1) the property is acquired or brought into the state in an enterprise zone to be forwarded outside the state, (2) the property is assembled, stored, repaired, maintained, manufactured, processed, or fabricated in the enterprise zone, (3) the property is transported outside the state not later than 175 days after being acquired or brought into an enterprise zone, and (4) the person who acquired or brought the property into an enterprise zone is a qualified business. A county, junior college district, or municipality may exempt such property by entering into a written agreement with a qualified business that states the duration of the exemption and the terms on which the exemption is granted. Any action to exempt property must be taken before April 1 of the first year in which the property would otherwise be taxed. The term "enterprise zone" means an area that (1) has been designated as such by a state agency responsible for economic development, and (2) has pervasive poverty, unemployment, and economic distress. The term "qualified business" means a business that meets the qualification established by general law, and requires that the qualified business is actively engaged in a new business in the enterprise zone or is expanding a business that is already active in the enterprise zone. An enterprise zone is created to foster economic development in an area of pervasive poverty and unemployment.

The proposed amendment will be described on the ballot as follows: "The constitutional amendment authorizing the exemption for ad valorem taxes of certain property in an enterprise zone."

#### PROPOSITION NO. 6 ON THE BALLOT

Senate Joint Resolution 8 proposes a constitutional amendment that would establish a Texas Ethics Commission with the powers and duties provided by law. The commission would consist of eight appointed members selected as follows: two members of different political parties appointed by the governor from a list of at least ten names submitted by the members of the house of representatives from each major political party; two

## Hurricanes are quiet before UH storm

MIAMI (AP) — For a team of self-proclaimed vigilantes, the Miami Hurricanes have been unusually well-behaved this week as they await Thursday night's shootout with Houston.

The Hurricanes have made no predictions or promises, no taunts or threats. They've failed to live down to their bad-boy reputation.

The reason: coach Dennis Erickson ordered his players to stop talking to the media.

"I just felt it was time to focus in on the game," Erickson said. "We were really getting hammered (in the press), and that needed to stop."

Houston coach John Jenkins complained about "derogatory remarks" by the Hurricanes, which culminated last week when defensive tackle Eric Miller said Miami was out to get

Cougars quarterback David Klingler.

"We see ourselves being the vigilantes for all those teams that get the score run up on them" by Houston, Miller said. "We just want Klingler. We want him so bad. He's kind of a showboat."

"They don't have a running game. Once you beat up Klingler, they'll be rattled and they'll be out of control. They're one-dimensional. Throw off Klingler, and the offense collapses."

Since Miller's comments, the Hurricanes have maintained public silence. The Cougars also have had little to say, since Jenkins ordered them not to become involved in a trash-talking exchange.

"We'll talk after the game is over," Houston nickel back Tyrone Davis said.

No taunting on the field?

members of different political parties appointed by the governor from a list of at least ten names submitted by the members of the senate from each major political party; two members of different political parties appointed by the speaker of the house of representatives from a list of at least ten names submitted by the members of the house from each major political party; and two members of different political parties appointed by the lieutenant governor from a list of at least ten names submitted by the members of the senate from each major political party. A major political party is a political party required by law to hold a primary. With the exception of the initial appointees, commission members would serve for four-year terms. A member who has served for one term and any part of a second term would not be eligible for reappointment. The commission would be authorized to recommend the salary of the members of the legislature and may recommend that the salary of the speaker of the house of representatives and the lieutenant governor be set at an amount higher than that of other members. If the commission recommends a change in salary, the voters would be authorized to accept or reject the salary change at the next general election for state and county officers. If the voters approve the recommended salary, that salary would take effect January 1 of the next odd-numbered year; if the voters reject the recommended salary, no change in salary would occur. The commission would set the per diem of the members of the legislature and of the lieutenant governor. The per diem could be raised or lowered biennially as necessary to pay members' costs, but could not exceed the amount allowed as of January 1 that year as a federal income tax deduction for living expenses incurred in a legislative day in connection with a member's business as a legislator, disregarding any federal income tax exception for legislators residing near the Capitol. The commission would have other powers and duties provided by the commission's enabling act (Senate Bill 1, 72nd Legislature, Regular Session). The amendment would also provide that an increase in the emoluments of the office of Lieutenant Governor would not make a legislator ineligible to serve in the office of Lieutenant Governor.

The proposed amendment will be described on the ballot as follows:

"The constitutional amendment creating the Texas Ethics Commission and authorizing the commission to recommend the salary for members of the legislature and the lieutenant governor, subject to voter approval, and to set the per diem for those officials, subject to a limit."

#### PROPOSITION NO. 7 ON THE BALLOT

Senate Joint Resolution 6 proposes a constitutional amendment that would allow the board of trustees of each statewide public retirement system to invest the funds of the system in such manner as the board considers prudent. The board would no longer be limited to investing the funds of the system in securities.

The proposed amendment will be described on the ballot as follows:

"The constitutional amendment to allow the board of trustees of a statewide public retirement system to invest the funds of the system in a manner that the board considers prudent."

#### PROPOSITION NO. 8 ON THE BALLOT

Senate Joint Resolution 21 proposes a constitutional amendment that would permit the legislature to create debt by or on behalf of the state if the legislature submitted the debt question to the voters of the state in the form of a proposition and a majority of those voting approved the proposition. The legislature may call the election, by joint resolution approved by at least two-thirds of the members of each house, during any regular session or during any special session if the subject of the proposition is included in the Governor's proclamation for that special session. A proposition must clearly describe the amount and purpose for which debt is to be created and must describe the source of payment for the debt. The amount of debt stated in the proposition may

not be exceeded and may not be renewed unless the right to exceed or renew is stated in the proposition. The legislature may enact laws necessary to implement the authority granted by a proposition. A law enacted in anticipation of the election on a proposition is valid if, by its terms, it is enacted subject to approval of the related proposition. State debt that is created following voter approval of a proposition and that is approved by the Attorney General is incontestable for any reason.

The proposed amendment will be described on the ballot as follows:

"The constitutional amendment authorizing the voters of this state to consider state debt questions in the form of ballot propositions that must clearly describe the amounts, purposes, and sources of payment of the debt only after approval of the propositions by a two-thirds vote of each house of the legislature."

#### PROPOSITION NO. 9 ON THE BALLOT

Senate Joint Resolution 11 proposes a constitutional amendment that would authorize the commissioner of the General Land Office to issue patents for certain public free school land for which there is not a valid transfer of title from either the State or the Republic of Texas to a private party. A patent is a document of title issued by the state. On application to the School Land Board, a person is entitled to receive a patent if: (1) the land is surveyed public free school fund land, (2) the land was not patentable under the law before the adoption of this proposed amendment, (3) the person acquired the land without knowledge of the title defect out of the State of Texas or the Republic of Texas and held the land under color of title, the chain of which dates from at least January 1, 1941, (4) the person has a recorded deed on file in the county courthouse and, in conjunction with his predecessor in interest, has claimed the land for at least fifty years as of January 1, 1991, and (5) the person, in conjunction with his predecessor in interest, for at least 50 years has paid taxes on the land together with all interest and penalties associated with any delinquency. If the applicant is denied a patent, the applicant may file suit against the School Land Board in a district court in the county where the land is located within 60 days from the date of denial. The proposed amendment does not apply to beach land, submerged land, or islands, and may not be used to resolve a boundary dispute. The proposed amendment also does not apply to land found by a court to be state-owned or to land on which the state has given a mineral lease that is in effect when a patent is sought. A patent under this proposed amendment for land within five miles of mineral production shall reserve minerals to the state in the manner provided by law for reservations of minerals in sales to claimants of unsurveyed school land within five miles of production. An application for a patent under this proposed amendment must be filed with the School Land Board before January 1, 1993.

This proposed constitutional amendment is similar to the version of article VII, section 4A, that was in effect between 1981 and 1990. The main difference is that under the earlier version the applicant for a patent to land had to have a chain of title that dated back to at least as early as January 1, 1932.

The proposed amendment will be described on the ballot as follows:

"The constitutional amendment authorizing the commissioner of the General Land Office to issue patents for certain public free school fund land held in good faith under color of title for at least 50 years."

#### PROPOSITION NO. 10 ON THE BALLOT

Senate Joint Resolution 15 proposes a constitutional amendment that would allow the legislature to pass general laws to exempt property owned by a nonprofit corporation organized to provide water or provide wastewater service from ad valorem taxation. A nonprofit corporation would be eligible for the exemption if its bylaws provide that

"We're going to try to win the battle after each snap," Klingler said. "Miami can win the battle when the ball's not in play."

Barbs aside, the nationally televised game pits the Team of the '80s against the Offense of the '90s. It's a chance to measure Miami's staying power and Houston's emergence as a national force.

"The TV ratings ought to be completely off the charts," Jenkins said.

The second-ranked Hurricanes and 10th-ranked Cougars are both 1-0. Heisman Trophy contender Klingler doubts that a Houston victory would impress his team's detractors.

"They can always find an excuse. They might say Miami isn't as good as they used to be," he said. "And if we lose, they'll say, 'We knew it.'"

on dissolution, the assets remaining after the discharge of the corporation's indebtedness will be transferred to an entity providing water supply or wastewater service, or both, which is exempt from ad valorem taxation. The transferred assets must be property that is reasonably necessary for and used for water supply and wastewater services.

The proposed amendment will be described on the ballot as follows: "The constitutional amendment authorizing the legislature to exempt from ad valorem taxes certain property of a nonprofit corporation that supplies water or provides wastewater service."

#### PROPOSITION NO. 11 ON THE BALLOT

House Joint Resolution 8 proposes a constitutional amendment that would allow the legislature to pass laws to authorize the State of Texas to operate lotteries and to enter into a contract with one or more legal entities that will operate lotteries on behalf of the State of Texas.

The proposed amendment will be described on the ballot as follows: "The constitutional amendment authorizing a state lottery."

#### PROPOSITION NO. 12 ON THE BALLOT

Senate Joint Resolution 34 proposes a constitutional amendment that would increase the total amount of bonds that may be issued by the Texas Water Development Board to provide wholesale and retail water and wastewater facilities to economically distressed areas of the state. The proposed amendment increases the maximum principal amount of the bonds from 20 percent to 50 percent of the \$500 million amount authorized by article III, section 49-d-7, of the Texas Constitution. The proposed amendment would increase the maximum aggregate dollar amount of bonds that the Texas Water Development Board could issue from \$100 million to \$250 million.

The proposed amendment will be described on the ballot as follows:

"The constitutional amendment to increase from 20 percent to 50 percent the percentage of Texas water development bonds previously authorized by Texas voters that may be issued for economically distressed areas."

#### PROPOSITION NO. 13 ON THE BALLOT

Senate Joint Resolution 2 proposes a constitutional amendment that would allow the legislature to pass general laws authorizing Texas Higher Education Coordinating Board or its successor to issue and sell up to \$300 million of general obligation bonds to finance education loans to students. The maximum net effective interest rate to be borne by the bonds would be set by law. The amendment would also authorize the legislature to provide for the investment of bond proceeds and to establish an interest and sinking fund to pay the bonds and provide for the investment of such fund. Bonds authorized under this amendment would be paid from the first money coming into the treasury in each fiscal year that is not otherwise appropriated by the constitution, less any amount in an interest and sinking fund established at the end of the preceding year that is pledged to the payment of the bonds or interests.

The proposed amendment will be described on the ballot as follows:

"The constitutional amendment providing for the issuance of general obligation bonds not to exceed \$300,000,000 to continue existing programs to provide educational loans to students, with repayments of student loans applied toward retirement of the bonds."

*Estos son los informes explicatorios sobre las enmiendas propuestas a la constitución que aparecerán en la boleta el día 5 de noviembre de 1991. Si usted no ha recibido una copia de los informes en español, podrá obtener una gratis por llamar al 1/800/252/8883 o por escribir al Secretario de Estado, P.O. Box 12060, Austin, Texas 78711.*

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## Braves get no-hitter to stay in first

ATLANTA (AP) — Ken Mercker, Atlanta's stopgap starter, combined with two relievers on a no-hitter — preserved by a controversial scorer's decision — and the Braves maintained their NL West lead with a 1-0 victory over the San Diego Padres Wednesday night.

Mercker overpowered the Padres for six innings in his third major league start.

Rookie Mark Wohlers shut down San Diego for two innings and Alejandro Pena pitched the ninth to finish off the sixth combined no-hitter in history, and the first ever in the NL.

With two outs in the ninth inning, Darrin Jackson hit a chopper to the left side of the infield. Third baseman Terry Pendleton cut in front of shortstop Rafael Belliard, but backed away at the last second. The ball glanced off Belliard and Jackson was safe.

Official scorer Mark Frederickson immediately ruled it an error on Pendleton, even though he never touched the ball.

"Pendleton could have had the ball," Frederickson said. "He let it go by. Pendleton committed on the ball and if he would have gone ahead and made the play, he would have thrown him out."

After Jackson reached safely, Pena retired Tony Gwynn, the NL's leading hitter, on a routine fly to left field to end it.

## Fielder hits 40th homer

DETROIT (AP) — Cecil Fielder hit his 40th homer, helping the Detroit Tigers beat the Boston Red Sox 8-2 Wednesday night.

Fielder, who hit 51 homers in 1990, is the first player in 11 years to hit at least 40 in successive seasons. The last player to accomplish the feat was Philadelphia Phillies' Mike Schmidt, who hit 45 homers in 1979 and 48 in 1980.

The Red Sox remained four games behind Toronto in the AL East, and the third-place Tigers pulled within five of the Blue Jays, who lost to the Seattle Mariners.

Walt Terrell (12-10) pitched a six-hitter and his seven complete games this season.

Johnny Paredes had four singles in four at-bats and scored three runs for Detroit.

Fielder hit his home run off Dennis Lamp in the fifth, giving Detroit a 4-2 lead.

## Andro

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Presto. Thanks to the miracle of programming, the networks leave an hour of study time before the Sunday night cable game.

Now, the weekend is over. Life is almost complete.

You are ready for the school week because you studied for an hour and got caught up on the important things in life, like football.

The reason life is almost complete is because there is a little extra bonus for true football fans.

That bonus is Monday Night Football. A true American institution.

Homework can wait until Tuesday. Monday football is a must see.

Most of the times the games have some relevance on the season. Besides, what do you thing everyone else in the country is doing during the game?

Studying, get serious. Monday Night Football is a must see and any truly compassionate teacher would understand the gravity of the situation and accept late homework.

Football is the perfect sport. It is fun to watch and really cares for the student that has to study.

So, God Bless America and let the games begin.