

Fifth vote breaks deadlock

Kelly's drinking bill passes committee

By Randy Essex

The full Nebraska Legislature will consider Grand Island Sen. Ralph Kelly's LB221, which would raise the legal drinking age to 21.

South Sioux City Sen. J.R. Murphy was successful Wednesday in his motion to bring the bill out of the deadlocked Miscellaneous Subjects Committee. His motion passed 27-7, placing the bill on General File.

The Miscellaneous Subjects Committee had voted four times on motions to either advance or kill 221, but split 4-4 on each vote.

Because the bill had been held by the committee for two days following its public hearing, and because the committee did not indefinitely postpone the bill, only 25 votes were required for Murphy's motion to pass.

Michael Moriarty, lobbyist for the Nebraska Committee on the Age of Responsibility, said "you can see the way it's going" after the vote. Moriarty's group opposes the bill.

Weak indication

He said students have not indicated strongly enough to the Legislature that they care about the issue.

"Call it apathy, indifference or taking an ostrich-like approach and pretending the problem doesn't exist, but unless the students make a stand, they will lose their rights," Moriarty said.

Only a few students have been involved in lobbying efforts, he said, and students have failed to get their parents involved in opposition to the bill.

But Kelly said he is proud of the way students have handled themselves. He said he was impressed with their ability to organize and research the subject.

Two years ago, when Kelly first introduced a bill to raise the drinking age to 21, he said students would not agree that a teen-age drinking problem existed.

Old attitude

He said the attitude of students two years ago was poor. He said when another drinking age bill was killed last year, the students did not seem interested in the matter.

But, he said, efforts this year by Robb Cole, the owner of Horsefeathers and the Water Hole, and "continuing coverage by the *Daily Nebraskan* ignited the spark that put some energy in the students' effort."

During debate on the Murphy motion, Bellevue Sen. Frank Lewis scolded supporters for not getting to the real drinking problem.

"It's politically popular," Lewis said. "Vote for it, and then like Pilate, wash your hands. You've done your job; you've solved the teen-age drinking problem," Lewis said.

But Lewis told the Legislature raising the age would not solve teenage drinking problems.

"The solution is not in the issue," he said. "The political solution is in this issue. The solution is not in the state law."

Border accidents

He said border towns in Nebraska would have a problem with teen-agers driving to states where the age is lower. He said he will ask the state patrols in those states to keep records concerning how many young people are in alcohol-related accidents near state lines.

"Sen. Kelly, this rests right in your hands," Lewis said. "You are going to subject more young people to driving (with alcohol), and I want that on your back be-

cause that is the issue," Lewis said.

But Kelly said he will not pretend to believe that LB221 is a solution to teen-age drinking problems.

"But without 221, there is no answer," Kelly said.

Lobby encouraged

Both Moriarty and Kelly said the votes are not solid enough to raise the drinking age. Moriarty suggested that students spend the next couple of weeks lobbying

senators who may not be firm in their votes.

Kelly said now that the bill is on the floor, he can at least begin efforts to gain enough support to raise the age.

Moriarty added that he has no intention of trying to tell students what to do.

Voting aye were Burrows, Carsten, Chambers, Clark, Cope, Cullan, Duis, Haberman, Hasebroock, Hefner, Kahle, Kelly, Kennedy, Kremer, Labeledz, Lamb,

Maresh, Marvel, Murphy, Nichol, Pirsch, Rumery, Schmit, Sieck, Stoney, Venditte, and Warner.

Voting nay were Beutler, Brennan, Fowler, George, Hoagland, Johnson, Landis, Lewis, Newell, Reutzel, Vickers and Wesely.

Present and not voting were DeCamp, Dworak, Fitzgerald, Goodrich and Koch.

Not present were Keyes, Marsh, Merz, Simon and Wagner.



Photo by Bob Pearson

South Sioux City Sen. J.R. Murphy, who moved to advance LB221 to the Legislature General File.

Court puts ASUN in a holding pattern

By Shelley Smith

Newly elected ASUN senators and vice presidents will have to wait until a new ASUN president is chosen before they can take office, the Student Court ruled Wednesday.

Following a petition by current ASUN president Ken Marienau for clarification of the constitution, the court ruled that the spring general election is not complete without the election of a president, and the new senate elect should not be appointed until he is chosen.

The delay stems from an NU Board of Regents rule adopted last spring requiring executive candidates to be elected by a majority vote. This prompted the Electoral Commission to implement a ballot where voters could rank their choices.

However, the system failed in the presidential race because voters did not mark four choices, or marked the same candidate four times. A run-off election between two

candidates is tentatively scheduled for April 11.

President disappointed

Marienau said the court's decision disappointed him because the new senate elect will not get a chance to get a strong hold on its position before the end of the semester.

And, he said, some current senators are thinking of resigning because they do not have time to complete the extra two weeks.

One advantage of the ruling, Marienau said, is that the current senate will be able to finish business started earlier in the semester.

However, the ruling still violates one constitutional clause and could possibly result in another.

One section of the constitution states that senators and executives "shall serve for one year." The court said that because this provision has never been followed precisely, their ruling is consistent with the past practice of the provision's interpretation.

Possible abuse

By staying in office longer than one

year, Marienau might be able to abuse the powers granted the president, according to the ruling.

However, the court also said it believes it unlikely that any individual able to secure election to that high office would attempt such shady actions, and there is no evidence that the current president anticipates taking such actions.

The court refused to rule on a petition submitted by student Bob Gleason asking the court to restrain the senate from appointing its new members.

The statement issued said Marienau's petition fully addressed the questions and that Gleason lacked personal stake in the outcome of the controversy.

Marienau said Gleason's petition was basically the same as the ruling the court made.

The court also refused to grant an injunction on the run-off election scheduled April 11 requested in a petition by Ben T. Shomshor.

Shomshor charged that the Electoral Commission improperly tallied ballots in the election held last month. The case will be tried Sunday afternoon.