

# daily nebraskan

## Kelly's motion to reconsider fails

By Randy Essex

Time is not on Grand Island Sen. Ralph Kelly's side. When his bill to raise the state's drinking age to 21 came up for debate the first time, some of his supporters left for lunch before a vote could be taken.

Thursday, when Kelly won a long procedural battle to have that first vote reconsidered, five of his supporters had left the Legislature for the day, and the motion failed.

Finally, old man time has one more trick up his sleeve that makes Kelly's chances to pass his bill this year look very dismal. Only 12 days remain in the legislative session, and Kelly's LB221 is one of the last bills that would come up for debate in normal rotation.

The bill sits toward the bottom of 68 bills still on General File, the first stage a bill must clear.

Speaker Richard Marvel said Thursday he honestly does not know if the Legislature will get to Kelly's bill, but he also told the body that he is committed to processing those bills that have been moved from general file.

### Defeat not conceded

But Kelly said he won't concede defeat for this session. He claims that there are ways he can get the bill passed this year. He would not disclose how he expects to use the rules to his advantage, but said that he knows what those rules are.

Unicameral observers doubt that Kelly will be able to get his bill off General File, and almost rule out the possibility that the measure could pass this year.

If the bill is not passed—and if it is not killed—in the remaining 12 days, it will be carried over to the next legislative session, which begins in January.

"There could be 28 to 30 more kids killed before next year," Kelly said after the vote on his motion to

reconsider Thursday. There has been talk attributed to Kelly that supporters of his bill will start a petition drive this summer to raise the drinking age, if LB221 does not pass.

### Marvel overruled

The vote on Kelly's motion was 21-19, but 25 affirmative votes were required to approve the motion. Kelly was successful in overruling Marvel's decision that the motion to reconsider was out of order.

Marvel ruled that because bills have three chances to advance from General File, the initial vote on LB221 did not constitute a final decision on the question, and therefore could not be reconsidered.

Heated debate followed Kelly's motion to overrule Marvel as opponents of Kelly's bill argued that reconsideration of the measure would have dire consequences on the Legislature's procedure.

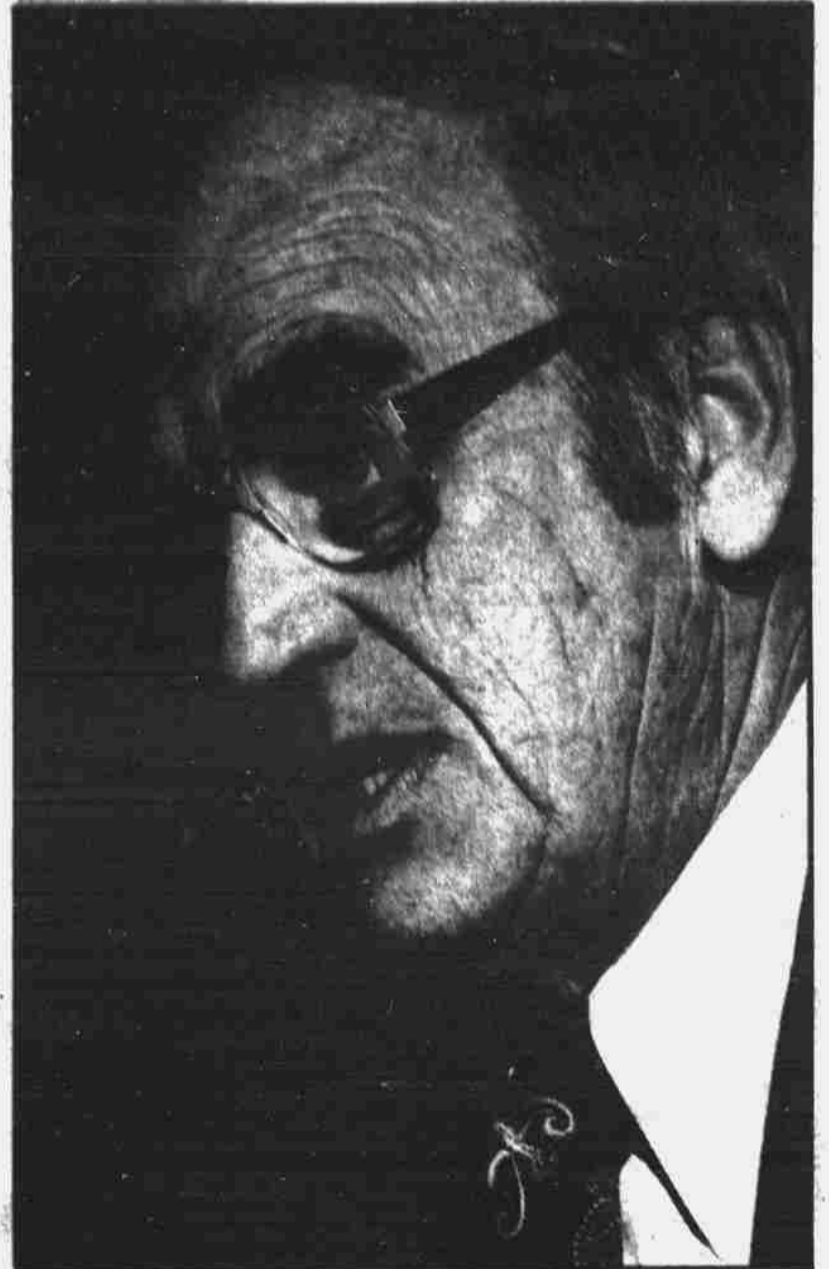
However, Marvel had put LB221 on the daily agenda, but not in the form of a motion to reconsider. Marvel put the bill and five others into a special category of consideration. The other five had failed on a vote to advance from General File.

### Rule suspension

The Legislature was instructed to vote on whether or not to suspend its rules and vote on the bills. But 30 votes were required to suspend the rules, and Kelly conceded that he did not have that many supporters.

So, with Lt. Gov. Roland Luedtke presiding, Kelly asked that his motion to reconsider be taken up in place of the rule suspension proposed by Marvel. Luedtke refused, and set up a battle that resulted in Kelly bringing in his private attorney to interpret the rules of the Legislature.

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Sen. Ralph Kelly of Grand Island

## Chiller contract prompts Lewis' resolution to study NU

By Randy Essex and Rocky Strunk

The controversial East Campus chiller contract "was the straw that finally broke the camel's back," Bellevue Sen. Frank Lewis said Thursday in explaining why he introduced a resolution calling for legislative study of "the fiscal and budgetary aspects" of NU.

"We need to develop a reasonable

understanding with those gentlemen," Lewis said in reference to the NU Board of Regents and NU administrators.

Lewis' was one of two interim study resolutions introduced Thursday pertaining to the university and the regents.

Omaha Sen. Dave Newell introduced a resolution that calls for a study of the establishment of a "super" board of regents that would be appointed by the

governor and approved by the Legislature.

This board would establish policy for NU, community technical colleges and other state colleges.

### Legislature's right

"The legislature clearly has the right to make allocations but has no decisions on how that money will be spent after it has been appropriated," Newell said.

He added that a "super" board would

give the legislature more control and provide better coordination of the higher education system.

"I'm sure that there will be some kind of study on the university," said Newell about the chances of his resolution being approved.

Lewis said that the two resolutions are separate. He added that he expects his resolution to pass, after which the Legislature's Executive Committee, which Lewis chairs, will appoint "the right people" to the study committee.

Lewis said he would expect himself, the chairman of the Appropriations Committee, Jerome Warner and the chairman of the Judiciary Committee, William Nichol to be on the committee.

### Extended ordeal

Lewis explained that his resolution is in response to "a three or four year-long ordeal," during which the regents have charged the Legislature with "getting involved in their business."

The regents have "made brazen attempts to circumvent the Legislature's authority," Lewis said.

He offered the chiller contract, which the regents entered into without assurance of legislative financing, as one example.

Lewis also said that the regents have "not followed legislative intent" in establishing a retirement age for NU employees at 65, after the Legislature set that age at 70 for all state employees.

"There is no question they have overstepped the authority given them by the State Supreme Court," Lewis said.

Lewis added he wants to be sure spending at NU is consistent with the high court's ruling that the regents have ultimate control of policy at NU, which gives the Legislature budgetary control.



Photo by Mark Billingsley

"Golly, gee, Mom, I'm real thirsty for some beer now that classes are over." For more humor, see the *Dreary Halfaskan* parody starting on page 9.

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