



Ralph Kelly

Daily Nebraskan Photo

# Kelly plans to launch battle on another front

By Julie Bird

Don't think Ralph Kelly is giving up his battle against teenage alcoholism now that the Legislature apparently will pass an amended version of LB221. Kelly is loading both barrels with an all-encompassing liquor bill aimed at slowing the illegal flow of alcohol to minors to a trickle.

Kelly's Alcohol Reform Bill, LB970, attacks the problem of minors obtaining alcohol from several angles. It increases penalties for minors, persons buying alcohol for them and businesses that sell to minors. It also clarifies some definitions, enacts a dram shop law and provides a hot line to the Department of Motor Vehicles to check the validity of driver's licenses.

LB970 is set for public hearing Monday, Feb. 11, before the Miscellaneous Subjects committee. Kelly is not optimistic about the bill's chances of being voted out of committee, although he said it addresses most of the alternatives suggested by opponents of LB221.

"The liquor lobby will oppose all of these suggestions, even though they're their suggestions," Kelly said. "Just try to get any one thing passed that upsets the liquor lobby and see what happens."

### Dram shop law

He said that if the bill could get out of committee the Legislature would probably pass most of the provisions. The proposal would most likely be the dram shop law, which makes a liquor license holder civilly responsible for damages done by someone who becomes intoxicated while at the licensee's establishment and after the person leaves the bar.

Under this bill more of the responsibility for determining if someone is a minor would fall on liquor licensees. Licensees would be required to have a breath tester, and could issue citations without police being present if someone tries to misrepre-

sent his age, Kelly said. Bars would have an easier time determining age with the hot line to the Motor Vehicles Dept., he said.

Penalties for violation of liquor laws would be stiffer for retail licensees, he said. The state liquor commission could require a retailer found guilty during a hearing of selling alcohol to minors to close for a few days instead of paying a fine.

"Now, with the option of a fine, the guilty party decides the punishment," Kelly said. "If a place has to close, there's the local stigma of signalling to customers that you've violated the law."

### Stiffer fines

Adults who give alcohol to minors would face a fine of up to \$500, compared with the present \$250. The same fines pertain to minors possessing or consuming alcohol. Larger fines would make the law unenforceable, Kelly said, because judges are reluctant to slap such still penalties on people.

LB970 would prohibit minors from being in a licensed establishment if more than 40 percent of the total gross sales are in alcohol, he said, adding this was suggested by bar owners.

Minors convicted of alcohol violations would be required to disclose where they got the alcohol at the request of the county attorney, Kelly said. If he refused, the minor could face a fine of \$500.

The Alcohol Reform Bill is an attempt to get a public hearing on the problem of teenage alcoholism, Kelly said.

"The idea is that now people who say raising the drinking age is incorrect can have their very own bill," Kelly said. "Those people told me this is the type of legislation they wanted, and now they can support it if they want. They had the choice of helping teenage drinking or stopping it, and they chose to help it, although perhaps not intentionally. These are things to fight for."

## Vote on LB221

The following is the vote to advance LB221 from select file to final reading. The vote, on Jan. 29, was the second the bill must face before it becomes law.

District	Name	Hometown	Vote
39	Barrett	Lexington	yes
28	Beutler	Lincoln	yes
30	Burrows	Adams	yes
2	Carsten	Avoca	yes
11	Chambers	Omaha	no vote
18	Chronister	Schuyler	no vote
47	Clark	Sidney	yes
36	Cope	Kearney	no vote
49	Cullan	Hemingford	no
40	DeCamp	Neligh	no vote
22	Dworak	Columbus	no
14	Fitzgerald	Omaha	no vote
27	Fowler	Lincoln	no
16	George	Blair	yes
20	Goodrich	Omaha	yes
44	Haberman	Imperial	yes
19	Hefner	Coleridge	yes
6	Hoagland	Omaha	no
8	Johnson	Omaha	no
37	Kahle	Kearney	yes
35	Kelly	Grand Island	yes
21	Kennedy	Newman Grove	yes
3	Keyes	Springfield	no
12	Koch	Ralston	no
34	Kremer	Aurora	yes
5	Labedz	Omaha	yes
43	Lamb	Anselmo	yes
46	Landis	Lincoln	no vote
45	Lewis	Bellevue	no vote
32	Maresh	Milligan	yes
29	Marsh	Lincoln	no
33	Marvel	Hastings	yes
1	Merz	Falls City	yes
17	Murphy	So. Sioux City	yes
13	Newell	Omaha	no
48	Nichol	Scottsbluff	yes
10	Pirsch	Omaha	yes
9	Powers	Omaha	yes
15	Reutzel	Fremont	yes
42	Rumery	North Platte	yes
23	Schmit	Bellwood	no
24	Sieck	Pleasant Dale	yes
31	Simon	Pleasant Dale	no vote
4	Stoney	Omaha	yes
7	Venditte	Omaha	yes
38	Vickers	Farnam	yes
41	Wagner	Ord	yes
25	Warner	Waverly	yes
26	Wesely	Lincoln	no



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