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WEATHER

Friday, morning clouds, becoming partly cloudy by afternoon, high in the mid-20s. Northwest wind 10-20 miles per hour. Friday night, low 0-5. Saturday, mostly sunny, high in the low- to mid-30s.

INDEX

News Digest 2
Editorial 4
Sports 6
Arts & Entertainment 9
Classifieds 11

Supporters urge Legislature to send message

Committee examines bills to stiffen drug penalties

By Victoria Ayotte
Senior Reporter

The Nebraska Legislature's Judiciary Committee on Thursday killed a bill to suspend drivers' licenses for drug convictions, but failed to act on two bills to stiffen other drug penalties.

Proponents of the bills said the Legislature needs to "send a message" to those thinking of using drugs, but opponents of the bills said passing them would get the wrong response.

LB927, sponsored by Sen. Chris Abboud of Omaha, would increase the penalty by one classification for those people 18 or older who are convicted of selling or giving drugs to minors.

LB977, sponsored by Sen. Carol Pirsch of Omaha and Sen. Lorraine Langford of Kearney, would increase the penalties for marijuana possession from an infraction to a Class IV misdemeanor on first offense. That could raise the penalty from \$100 to \$100-\$500.

Second offense would be a Class IIIA misdemeanor, punishable by a minimum of \$200 and up to five days in jail. Third and later convictions would be Class III misdemeanors, punishable by a minimum of \$300 and up to seven days in jail.

LB846, sponsored by Langford, would suspend the drivers' licenses of those convicted of drug offenses for six months on first offense, one year on second offense and 15 years on the third and following offenses.

Abboud said his bill to increase drug penalties would give judges more discretion and "provide yet another window of opportunity for prosecutors."

"I believe this is a responsible approach for dealing with a very serious problem," Abboud said.

Jon Morris, a Lincoln police officer and

member of the Police Officers Association of Nebraska, said many students are pressured to buy drugs from former students or older friends of students.

The school is a "place that things like this shouldn't be going on," he said, and the bill would be "giving a message" not to sell drugs to minors.

Pirsch said her bill also would send a message, but to the users of marijuana.

"We have allowed alcohol and marijuana to become so acceptable," Pirsch said, "and they are not. They are dangerous and should be treated that way."

Steve Shaw, chief legal counsel for the Nebraska State Patrol, said the bill would allow judges more flexibility in determining sentences.

"We feel that the decriminalization of marijuana... sends the wrong message to the youth of this state," Shaw said.

Sen. Jerry Chizek of Omaha said he thinks stopping drugs requires a combination of stiffer penalties, education and treatment.

But Mike Kelly of the Nebraska County Defense Attorneys Association said the bill would produce more jury trials and court costs. Treatment and causes of drug problems should be the focus of drug efforts, he said.

Terry Schulz of Lincoln said, "I just can't see making criminals out of people that just want to sit at home and smoke pot."

Pirsch said "we have to attack... by all possible means. Again, this is only one."

Langford said her bill would help keep teenagers from using drugs because of the value they place on drivers licenses.

Committee members questioned the relationship between drug convictions and drivers' licenses. Most penalties to suspend driving deal directly with driving infractions, Sen. Doug Kristensen of Minden said.

Appellate court goes before voters

From Staff Reports

A proposal to create an intermediate appeals court will go before voters in November after a resolution for a constitutional amendment was passed Thursday in the Nebraska Legislature.

LR8CA, sponsored by the Judiciary Committee, passed its final reading and was presented to the secretary of state, who will put the proposed constitutional amendment on the ballot.

The amendment would allow those accused

of crimes, except for capital cases, to appeal to an appellate court. Previously, all appeals went to the Nebraska Supreme Court.

The resolution's sponsors said a backlog of cases to be heard by the Supreme Court makes an appellate court necessary, but Sen. Ernie Chambers of Omaha fought the bill, saying all criminal cases should be appealed to the Supreme Court.

A bill last year in anticipation of the constitutional amendment created a temporary appeals court to help deal with the case backlog.

OCR, Nebraska Unions request budget hikes

By Roger Price
Staff Reporter

The Committee for Fees Allocation on Thursday removed \$3,523 from the 1990-91 Office of Campus Recreation budget request to reduce the number of employees requested for the equipment check-out window.

With the cut, the committee gave OCR a 40 percent budget increase for the check-out window instead of the 48.2 percent OCR had requested.

The reduction allows for 5.8 hours of double-staffing at the window per day instead of the 9.5 hours per day campus recreation had requested.

Todd Olumans, the CFA member who proposed the reduction, said the revised figure is "more than fair."

CFA also voted to eliminate \$1,500 from OCR's request by recommending that users of the towel

exchange service in the Sapp Recreation Facility be charged \$8 per semester and \$5 during the summer.

CFA member Sheila Christensen said, "People who get towel service should pay for it."

The University Health Center budget was approved by CFA in full as presented to the committee Tuesday.

But CFA did recommend that an additional staff position be added at the health center to help with AIDS counseling and testing.

The health center budget request represented a .9 percent student-fee increase over last year.

Appeals on the CFA recommendations for campus recreation and the health center, both Fund B users, will be heard on Tuesday.

The third Fund B user, the Nebraska Unions, presented its budget to CFA Thursday night.

Daryl Swanson, director of the

See CFA on 5

Appeals court would give justices more time to write opinions

By James P. Webb
Staff Reporter

Nebraska needs an intermediate appeals court to lighten the Supreme Court's caseload so justices have time to write better opinions, said Harvey Perlman, dean of the University of Nebraska-Lincoln College of Law.

"The (Supreme) court deals with the whole scope of the law that governs the state of Nebraska," Perlman said. "They do not have the proper time to reflect on the opinion."

The Supreme Court's current docket lists the total number of cases at 1,272,966 that have been waiting since last year. Forty-five cases are listed for February.

Perlman said Nebraska is one of 12 or 13 states that do not have an intermediate court system to hear appeals.

He said the number of opinions Nebraska's justices write is twice the amount written by justices of the other states without an intermediate court system.

"The justices don't have the necessary time to write clear enough opinions. This causes new cases to be filed because laws are not clear enough," said Perlman.

LR8CA, passed Thursday by the Nebraska Legislature, proposes a

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Hastings
Supreme Court Justice

constitutional amendment to create a permanent appeals court as an intermediate court between the district courts and the Supreme Court. Nebraskans will vote on the proposal in the fall.

He said the proposal initially would help solve the problem of case back-

log and eventually would allow justices more time to write opinions.

"I'm encouraged, but it's just conversation... Now I'm responsible to the public to explain why we need this (appeals) court," said Supreme Court Justice William Hastings.

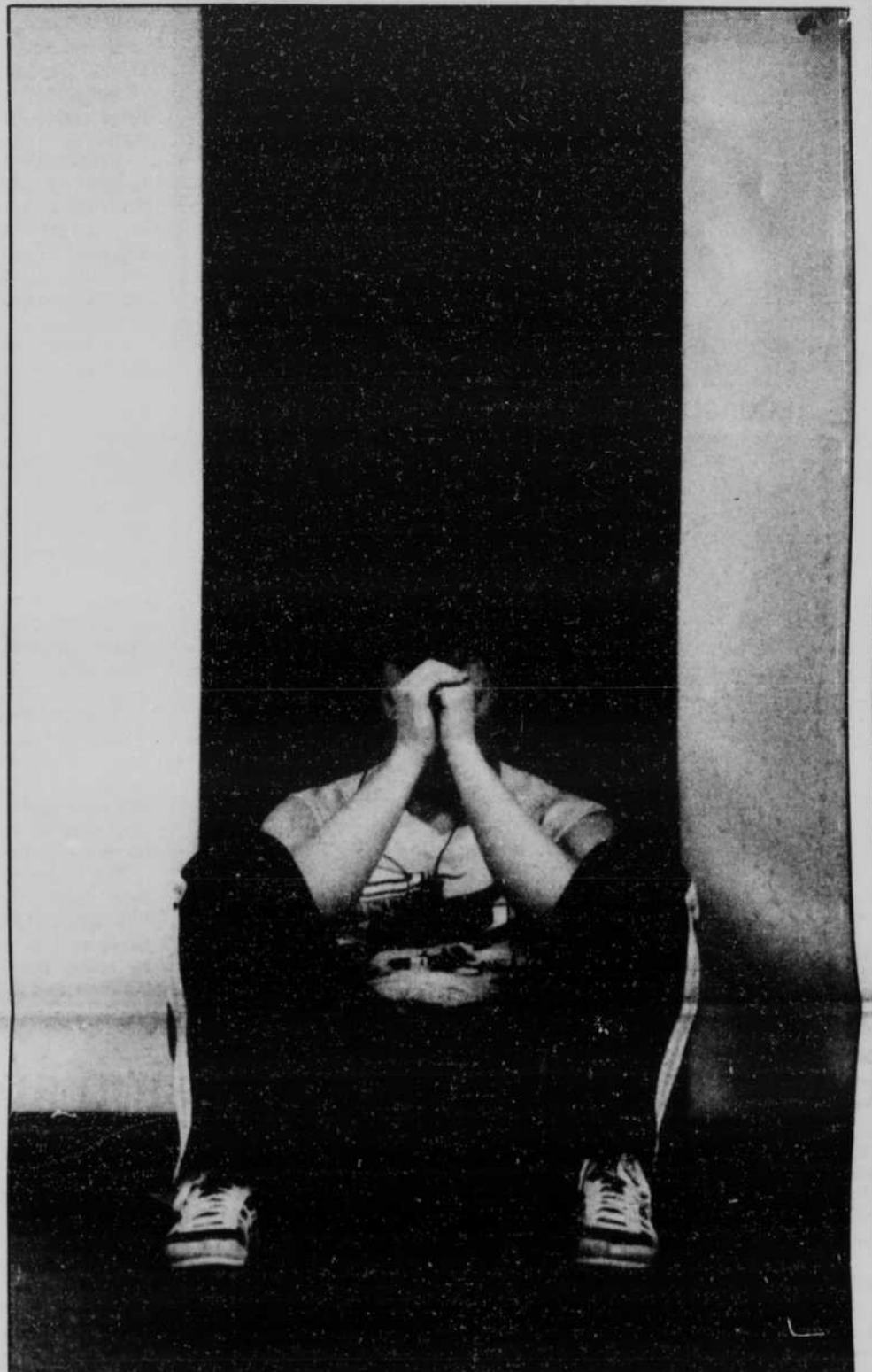
"We're not just trying to lighten our load," Hastings said. "The idea is to provide the citizen with a decision before two years."

Hastings said that currently the temporary Appellate Division of the District Court has to "struggle through error cases," allowing the Supreme Court to decide questions about the doctrine and constitutionality of state statutes.

But the temporary division does not have the power to decide cases, Hastings said. Instead, he said, it makes recommendations to the Supreme Court.

The temporary division consists of district judges, randomly selected in panels of three so "there's (a) combination of years of experience," ac-

See COURT on 5



Butch Ireland/Daily Nebraskan

David Olsen, a 189-pound Kenesaw senior, takes time out during the opening round of the high school state wrestling tournament Thursday in the Bob Devaney Sports Center.