

# State patrolman killed in accidental shooting

■ The trooper from North Platte was shot in the chest during a routine training practice.

NORTH PLATTE (AP) — A Nebraska State Patrol trooper from North Platte was shot and killed accidentally Thursday during routine training that does not call for using live ammunition, patrol officers said.

Mark Wagner, 37, was shot once in the chest when a gun accidentally discharged during the training, State Patrol Maj. Bryan Tuma said at a news conference in Lincoln.

Tuma said he did not know why the gun would have been loaded. North Platte police were investigating the shooting.

Several officers were going through self-defense training inside Troop D headquarters when Wagner was shot at about 2 p.m. CST, Tuma said.

Wagner was shot with a State Patrol handgun — either a Glock .40-caliber or .45-caliber semiautomatic, Tuma said.

But Tuma declined to say whether it was Wagner's gun.

Wagner was being trained as part of annual in-service training, which usually involves about 20 officers, Tuma said.

No live ammunition is used in such training, he said.

Tuma said the patrol does not require troopers to wear bulletproof vests. He said he did not believe Wagner was wearing a vest.

No civilians or officers from other departments were in the room when the shooting occurred, he said. Tuma said counselors will be available to other troopers.

"This is a tragedy," he said. "We have a lot of damage control to do out there."

Wagner was assigned to road patrol. Troop D has about 60 troopers.

A graduate of North Platte High School, Wagner is survived by his wife, Denise, and three daughters.

Wagner is the 11th State Patrol trooper to die in the line of duty.

The last Nebraska trooper to be killed in the line of duty was in 1989. Omaha police officer Jimmy Wilson Jr. was shot to death during a traffic

“*This is a tragedy. We have a lot of damage control to do out there.*”

**BRYAN TUMA**  
state patrol major

stop in 1995.

The last trooper who died in the line of duty was Don Matejka, who had a heart attack while wrestling a suspect in a domestic-disturbance call in Norfolk.

Gov. Mike Johanns met with members of Wagner's family in North Platte and he issued a comment through his office.

"On behalf of all Nebraskans, I extend the deepest sympathies to the family of Trooper Mark Wagner," Johanns said.

"The citizens of Nebraska will be forever grateful for his service to our state."

# Marine cleared of 20 deaths in jet accident with gondola

*Italian authorities outraged, saying pilot flew recklessly*

CAMP LEJEUNE, N.C. (AP) — Outraging Italian authorities, a military jury Thursday cleared a U.S. Marine pilot of charges he was flying recklessly when his jet sliced through a ski gondola cable in the Alps and sent 20 people plunging to their deaths.

A whoop went up in the tiny courtroom when the eight Marine officers found Capt. Richard Ashby innocent of 20 involuntary manslaughter charges and other counts. The jury deliberated for 7½ hours.

"Basically, all I really want to say is this has been a tragedy for all involved," Ashby said. "My heart, my thoughts and prayers go out to the families of victims of this tragedy."

Prosecutors said Ashby was "flattening" — recklessly flying too low and too fast — when his EA-6B Prowler hit the cable on Feb. 3, 1998. He could have gotten 206 years in prison if convicted of all charges.

Ashby argued that the cables weren't on his map, that the jet's altitude-gauging equipment malfunctioned and that an optical illusion made him think he was flying higher.

Ashby still faces another court-martial, on obstruction of justice charges for the disappearance of a videotape his navigator made during the fatal flight. He could get a year in prison if convicted.

And his navigator, Capt. Joseph Schweitzer, faces a manslaughter

“*He could've at least apologized to us, but he didn't do it.*”

**SINDY RENKEWITZ**  
victims' family member

court-martial as well. It was unclear whether prosecutors will proceed with that case now.

When the acquittal was announced, ending a trial that began Feb. 8, a prosecutor turned and said quietly, "I'm sorry" to some of the victims' relatives. Other relatives hugged and wept.

"I am really baffled by this ruling," Italian Premier Massimo D'Alema said during a visit to Boston. "With that kind of a massacre, with so many casualties, I think it is a duty to ensure that justice is done." He said Italy will "explore all the legal ways" to hold those responsible liable.

Achille Occhetto, president of the lower house of Parliament's foreign affairs committee, said, "In the face of many dead, and such clear responsibility, this verdict is an act of arrogance and prevarication."

John Arthur Eaves, a lawyer who represents relatives of eight German victims, said some lamented that there is "no justice in the world."

"I was just shocked because I can't

understand that the man who killed 20 people ... is not guilty," said Sindy Renkewitz of Germany, whose father and sister died in the accident. "I don't believe that he feels bad for us. He could've at least apologized to us, but he didn't do it."

Defense lawyers claimed Ashby and Schweitzer, 31, of Westbury, N.Y., were charged because of political pressure. The jurors and the prosecutors had no comment.

Ashby, 31, of Mission Viejo, Calif., was found innocent of manslaughter, destruction of private and government property, dereliction of duty and failure to plan the fatal mission properly.

The accident happened on a training flight through the Italian Alps. Ashby flew the four-man radar-jamming jet into two cables of the Mount Cermis gondola at Cavalese, Italy, sending it hurtling into the valley.

Eight Germans, five Belgians, one Austrian, one Dutch, two Poles and three Italians died.

# Brashear pushes sales tax reforms

■ The bill proposes to add tax to services, candy, gum, soda and gas.

Legislature

BY SHANE ANTHONY  
Staff writer

Omaha Sen. Kermit Brashear brought LB836 to the Revenue Committee on Thursday with a sense of humor and little hope.

The 50-page bill, which would seek major changes in Nebraska's tax structure by adding sales taxes to business services, candy, gum, bottled water, soft drinks and gasoline, as well as cutting sales and income tax rates, drew a host of lobbyists testifying against it.

Noting he had never had a bill pass out of the Judiciary Committee, Brashear opened with a joke.

"I feel like the proverbial snowman carrying the snowball," he said. Other senators chimed in with laughs about offering Brashear a "warm reception."

Most of the opposition centered on adding sales taxes to services that are currently exempt. The list includes construction services, automotive repair, camps and recreational vehicle parks, advertising services and 14 other services taxed by one or more of Nebraska's neighboring states.

"It's my belief that we have a very narrow tax base," he said.

By broadening that base, he said, tax rates could be lowered.

The bill includes a general homestead exemption, a refundable tax credit of \$1,000 on agricultural land, a permanent sales tax reduction of 4.75 percent, an income tax rate reduction of 1.25 percent for the first three tax brackets and a 4.1 percent reduction in the top bracket. It also includes a spending lid based on personal income growth.

Brashear said the public tends to view property, income and motor vehicle taxes as more of a burden than sales tax, and the rate reductions he proposed would make Nebraska more competitive with other states.

"I think we could provide more fair taxation schemes to the public that they are more willing to pay," he said.

But while most opponents said they supported the idea of broadening the tax base, none thought their services should be taxed.

Ron Sedlacek, a lobbyist for the Nebraska Chamber of Commerce and Industry, said lower tax rates can affect consumer behavior, but portability becomes an issue. If Nebraska starts taxing businesses it has not taxed before, he said, those businesses could move out of the state.

Robert Leavitt, who represented the Nebraska Collectors Association, agreed. He said 106 of 165 licensed collection agencies in Nebraska are out-of-state businesses.

"I applaud the effort," he said. "But taxing services is probably not going to be a fair way to do it."

Others said adding sales tax to services would hurt consumers.

Gary Latimer, who spoke on behalf of the Nebraska Court Reporters Association, took issue with a provision that would add sales taxes to freelance court reporting services.

"The fiscal impact to the state will be small by taxing court reporting services," he said. The real impact will be on those individuals paying the tax in the only forum available to them to legally pursue their remedies."

But before any of the lobbyist groups testified, Harrison Sen. Bob Wickersham, the committee chairman, asked testifiers to suggest whom the Legislature could tax.

"We're going to have to eventually tax services," he said.

In other news, the committee heard two other tax bills. Except for the senators who introduced the bills, no one testified on either of them.

■ LB125, introduced by Omaha Sen. Deb Suttle, would leave the current sales tax rate at 4.5 percent. The rate is scheduled to return to 5 percent July 1, ending a one-year reduction.

■ LB670, introduced by Wickersham, leaves the state income tax rate blank, allowing senators to fill in numbers later.

The committee took no action on any of the bills.

Legislature Briefs

## Bill requires nurses to notify pregnant teens' parents

LB263, sponsored by Elkhorn Sen. Dwite Pedersen, would require school nurses or counselors to notify parents if their children are pregnant.

Under the bill, school-based clinics would be prohibited from providing counseling or instructions relating to abortion services or pregnancy testing. The bill would prohibit school nurses from administering pregnancy tests.

Pedersen said he introduced the bill to protect the lives and health of students. Pregnancy could pose health problems, he said, and parents or guardians have a right to know if their children are pregnant.

Parents are required to give consent for their children to play high school sports and attend field trips, he said, and pregnancy should be no different.

## Senator proposes legalizing physician-assisted suicide

Omaha Sen. Ernie Chambers wants to give Nebraskans the right to die with dignity, not in pain.

"Some circumstances toward the end of a person's life can be so demeaning, so dehumanizing ... that they do not want to go on," Chambers said.

LB70, sponsored by Chambers, would allow physicians to administer lethal doses of medication with the permission of a terminally-ill patient.

Assisted suicide is currently a Class

IV felony.

Under the Voluntary Physician Aid-In-Dying Act, terminally-ill patients could request that their doctors terminate their lives.

Proponents of the bill said myths that all dying people are depressed, can't make sound decisions and would be manipulated by doctors were not true.

But opponents believed that death was not the best option for ill patients.

"We've all heard it before — suicide is a cry for help," Nebraska Right to Life representative Denise Ashby said. "Suicidal people should be helped with their problems, not helped to die."

## State property tobacco ban goes up in smoke, again

An effort to expand a smoking ban to all state-owned vehicles and most state buildings failed on the floor Thursday.

An amendment, offered to a bill banning smoking in the State Capitol, would have outlawed smoking in state vehicles and buildings owned by the state with some exemptions.

The amendment received 21 votes, four short of the total needed to be adopted. Lawmakers adjourned before taking a vote on whether to advance the bill (LB211) without the amendment.

Compiled by senior staff writer Jessica Fargen. The Associated Press contributed to this report.

# Daily Nebraskan

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