

CLERK: 7 ayes, 10 nays to cease debate, Mr. President.

SPEAKER NICHOL: Debate is not ceased. Senator Hefner. We're on the Sieck amendment.

SENATOR HEFNER: Mr. President and members of the body, I support the Sieck amendment. Senator Haberman, all we're doing is adding "possess" and I'd like to cite a little example so that you'll have this a little clearer in your mind. Senator Haberman, do you farm? Well, say that if Senator Haberman did have some cattle out in the pasture and he went out to check these cattle and he put a fifth, or not a fifth, but a half a pint of liquor in his rear pocket and drove that pickup. He would then be in violation of this law because what this bill says that the alcoholic beverage has got to be out of reach. And so I think that Senator Sieck's amendment clarifies the committee amendment more and I would urge you to adopt it.

SPEAKER NICHOL: Senator Smith, then Senator Higgins.

SENATOR SMITH: Mr. Chairman, could I ask a question of Senator Sieck?

SPEAKER NICHOL: Of Senator who?

SENATOR SMITH: Senator Sieck.

SPEAKER NICHOL: Senator Sieck, would you respond, please.

SENATOR SMITH: Senator Sieck, I'm not really clear yet on what it is you're trying to do by adding "possess".

SENATOR SIECK: Okay, let me, Senator Smith, let me make it a little more clear. For instance, if you'd have two individuals in the back seat of a four passenger car and they were drinking beer, the way the law is presently written, or the way the amendments are presently written, the officer could not arrest those two individuals for drinking beer back there other than if he would catch them actually drinking it, then of course he could arrest them because they're drinking on a public highway. But if they would have the can in their possession then he could arrest them, but it would have to be an open container. Now if you have sealed containers in your possession there is nothing