

January 29, 1980

LB 221

and ought to have a public hearing. I am opposed to the way dram shop is written in the state of New York, which is one of the original states. I am in favor of the kind of dram shop provision that is in some of the midwestern states, but I think in any event it needs a public hearing.

SENATOR SCHMIT: Thank you, Senator Hoagland.

SPEAKER MARVEL: You have one minute.

SENATOR SCHMIT: I think it is kind of interesting when we talk about in whose lap the beer happens to be residing at the time the officer stops the automobile. I go back to the problem we had relative to trying to prove who threw a beer can out of an automobile and finally the officers just gave up trying to arrest anyone by virtue of the fact that they had to actually see the beer can leaving the hand of the individual before they could arrest anyone. I think the principal objection I have to the Hoagland and Dworak amendment is that it says, in effect, that a youngster 19 or 20 years of age is safer to have beer in his stomach than he is to have it in his automobile, and I think I would have to disagree with that. If the young person is not old enough to have it in the automobile then they certainly ought not to have it in their body. I have not supported LB 221 because I can tell you very frankly that I will not support the amended version and I would prefer the amendment offered by Senator DeCamp and Senator Reutzel greatly because I do not think it is possible to enforce the Hoagland-Dworak amendment. I do not think it is fair to the youngsters. I do not think it is fair to the tavern establishment, and it certainly isn't fair to law enforcement.

SPEAKER MARVEL: The Chair recognizes Senator Kremer.

SENATOR KREMER: Mr. Speaker, I would like to call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? The question before the House is, shall debate cease? All those in favor vote aye, opposed no. Have you all voted? Shall debate cease? Record.

CLERK: 25 ayes, 10 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate ceases. The Chair recognizes Senator DeCamp.