

but it was amended so that there are some cars that do not have a trunk and so then the committee felt that we should put it in a place where it was inaccessible to the driver. So you can do this, yes, without any problem.

SENATOR MARSH: Then, Senator Sieck, would that with your amendment would it be jeopardized? I'm thinking of a son's car where you can reach the trunk space from the rear seat, if it's closed off and they're not drinking, is that the problem is when they actually are drinking?

SENATOR SIECK: The problem is when they're actually drinking. That's the problem and it has been the problem. The problem...it never really surfaced where they got it put away where you can't...for instance, going home from a party. It just doesn't work. If you're going home from a party you put it away, you've had some to drink at the party and you didn't drink it all, you could put it some place where you can't get access to it, there's no problem.

SENATOR MARSH: Thank you very much.

SPEAKER NICHOL: Senator Hoagland, did you wish to speak to the Sieck amendment?

SENATOR HOAGLAND: Mr. Speaker, let me state that I support the Sieck amendment and I particularly support what he is trying to do. Current Nebraska law particularly Section 53.186, as Senator Sieck has pointed out, makes it unconstitutional to consume alcohol in a vehicle on a public highway and the problem we have of course is that police officers don't see the actual consumption, they merely see the open container by the time they get up to the car. So I think we do need to make illegal possession of an open container in circumstances where the people are likely to be consuming it. Now I think that there are some language problems with the committee amendment and the Sieck amendment and I think we may need to rewrite the bill on Select File. Particularly, Senator Sieck, I'm...if Senator Sieck's amendment is adopted, why then as I read the bill it will indicate that no person can possess an open container unless the open container is located in a motor vehicle but not accessible to the operator. So in other words, the way I read it is if you have somebody possessing an open container far enough away from the operator so it is not accessible to the operator that would be all right, the way