

SPEAKER NICHOL: Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I would like to rise in support of LB 598. I think the floor debates here have shown a lot of confusion as to what the bill actually does and I think some of the inferences by some of the speakers have really been unfair to the bill and have really been unfair to Senator Sieck. Now the problem, as Senator Sieck has indicated, is quite simple. Current law uses the word "consumption". Current law says it is unlawful for any person to consume alcoholic liquors in the public streets, alleys, parking areas, and so on and so forth. And as Senator Sieck points out, the courts rightfully have construed the word "consumption" to mean that the police officer has to see the alcohol actually being consumed, has to see a person swallowing the alcohol. So that means when a police officer comes up on a car and three or four individuals within the reach of the driver are in the car and have open containers, he has no grounds to arrest them unless he has seen one of them take a swallow. Now all LB 598 does is to strengthen that law and to make prosecutions easier by allowing individuals to be prosecuted if they have an open alcoholic container within the reach of the driver. Now I think it makes sense. I think it is good policy. I think it is relatively well defined. It just applies to people that are sitting close enough to the driver so the driver has access to their alcoholic beverages. It is really a way of enforcing current law. And most of all, it is something I think many of us most of our lives have thought was illegal anyway. We have always thought that having an open container was illegal, but, in fact, having an open container is not illegal. What is illegal is the act of consuming alcoholic beverages. Now if we are serious about enforcing laws against consumption in vehicles, why this is the only way we can do it because 99 percent of the time police officers are not going to see people consume liquor in their presence. Secondly, if we want to continue to be serious, as we have before, about addressing the problem of driving and drinking, this is yet another link in the chain. This is another small but important step that we can take to save lives out there on our highways by discouraging people from driving while they are drinking or drinking while they are driving. And in none of the legislation that we have considered in the years I have been in the Legislature has a nexus between driving