

vehicle is on a highway whether it is parked or not or moving or not. And as far as being fair, if your amendment says the driver is going to be responsible, the driver, maybe it is somebody that the people that wanted to go to the party at the Big Red football game hired to drive so they would not be driving and drinking. Are you concerned about people just drinking and enjoying themselves, or are you concerned about drunken drivers, Senator Sieck? It would seem to me that when you say a man like my husband who won't even eat rum cake or fruit cake that has got rum in it, a man like him driving a car is going to be guilty of something he couldn't even be dragged into doing. You couldn't get my husband to drink a bottle of beer or wine, nothing, yet if he drives and someone else drinks, he is going to be guilty and Senator Hoagland says this is a fair bill. Now for the last time, will the driver be guilty if the police officer cannot determine who has got the open container and who is drinking, Senator Sieck?

SPEAKER NICHOL: Are you asking him a question?

SENATOR HIGGINS: Yes, I am asking Senator Sieck.

SPEAKER NICHOL: Okay.

SENATOR HIGGINS: Will the driver be guilty if the officer cannot determine who in the back end of that motor vehicle, that recreational vehicle, that Winnebago, that van...

SENATOR SIECK: According to the amendment, if it was within his reach, he is going to be guilty.

SENATOR HIGGINS: Even though he didn't take a drop of alcohol. That's a fair bill.

SENATOR SIECK: Correct. Correct.

SENATOR HIGGINS: That's justice as we know it here.

SENATOR SIECK: Because it is against the law to drink on the public highways.

SENATOR HIGGINS: That's right, that's in the law now, but you are now saying that a man who doesn't drive and drink is going to be prosecuted. Now that is the most unfair, unjust law I have ever heard of. And I can tell you right now