

after having had a number of beers, he decided to take a nap on the seat of the pickup, and the officer came along, rapped him on the soles of his feet, took him down and arrested him and charged him and he was convicted on DWI. Now that vehicle was parked, he had not moved it after having consumed any beer, but, nonetheless, the keys were in the switch and he was involved and he was convicted of DWI. Now if you can do that, an individual sitting on the tailgate of a station wagon at the stadium is certainly involved more so in control of the vehicle than an individual in the case that I have just described. So I want to be sure, Senator, that the law is applied equitably across the board, and I think in the interpretation we have described that everyone of those tailgate parties is going to be suspect, and is going to be a prime source of attention of law enforcement. So I would like to have you comment a little further on that because I know what the law is as of now.

SENATOR ABOUD: Well, Senator Schmit, you have been in the system a lot longer than I have and I understand your grave concerns in regards to these tailgate parties, and it certainly would not be my intent that if someone is drinking a beer while sitting at one of these parties or sitting in the automobile that that individual be ticketed. It is my concern that these people be discouraged from driving while they are intoxicated or driving recklessly, and if you, in your wisdom, see an amendment that would be able to clarify this problem that you've raised, if it is a problem, I don't see it as one, but if you see it as a problem, I would be happy to look at it and add it onto the bill to clarify this problem, if you say it is a problem as it exists right now in the definition of what is, in fact, driving while intoxicated or driving recklessly.

SENATOR SCHMIT: Then I want to make it clear for the record, Senator Abboud, it is not your intent to in any way discourage the tailgate parties at the football games at the University of Nebraska, that you, in fact, do not want to infringe upon the rights of the public...

SPEAKER BARRETT: One minute.

SENATOR SCHMIT: ...to have such parties and that it is not your intent to discourage the consumption of alcohol at those parties but that they are to be immune from arrest in this particular instance. If that is not your point of view, then I guess I would have to have you comment further on it, and I would