

PRESIDENT MOUL: Thank you, Senator Robak. Senator Haberman.

SENATOR HABERMAN: I call the question, Madam President.

PRESIDENT MOUL: Do I see sufficient seconds? I do. We'll now vote on the motion to cease debate. All those in favor please vote aye, opposed nay. Have you all voted? Have you all voted? Please record, Mr. Clerk.

CLERK: 14 ayes, 8 nays to cease debate...13 ayes, 9 nays to cease debate, Madam President.

PRESIDENT MOUL: The motion fails. We'll proceed with debate. Senator Schimek, followed by Senators Hefner, Schmit and Chambers. Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Madam President, and members of the body, I do apologize for...for extending the debate but I think that there are still a few points that need to be made. There is not a real clear idea of what our statutes say now. Senator Haberman, I was right in the first place, and I would like to refer you to 28-1418, 1419 and 1427. Senator Haberman, the 1418 says that whenever a minor under the age of 18 years shall smoke cigarettes or cigars or use tobacco in any form that they shall be guilty of a Class V misdemeanor; 1419 says whoever shall sell, give or furnish in any way any tobacco in any form whatever or any cigarettes or cigarette paper to any minor under 18 years of age shall be guilty of a Class III misdemeanor for such offense. And then, finally, 1427 says any person under the age of 18 years who shall obtain cigars, tobacco, cigarettes or cigarette material from a licensee hereunder by representing that he is of the age of 18 years or over shall be guilty of a Class V misdemeanor. So nowhere does it actually mention possession, it really talks about buying and selling here, I believe, unless...unless we have missed something. Those are the only things that we could find. Senator Schmit, I guess I would like to talk a little bit about the vendors because I do have some empathy for the vendors, but I would like to tell you that this does not, as Senator Chambers said, make the vending machines illegal. There are still places where cigarette vending machines may be placed. Furthermore, the bill does say that we will have two years in which the vendors can phase out their machines or take them out of the places where they will be illegal. I might add that vendors already are beginning to get rid of these machines. I think they see the handwriting on the