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SENATOR HILGERT: I've been told by the...my...the legal legislative aide for Senator Bourne that, yes, that this is usually cited as a list of other penalties. This usually comes about when there is some sort of violation of the law, and this is another one that's heaped on there.

SENATOR SCHMITT: The reason I brought that question up, I have a little experience in this issue myself from years back, but my memory is slipping a little bit, but I thought there was a penalty there, and I think law enforcement sometimes, if they find alcohol in a vehicle or a minor in possession, and they check, they go back to where this was purchased and request to see this book.

SENATOR HILGERT: It is (inaudible) against the license.

SENATOR SCHMITT: And, occasionally, the retailers will say, what book? Because they don't want to produce it because they didn't check this individual for ID, and so I wonder if changing it to "may", and I don't have a big problem with it, Senator Hilgert, I'm just bringing this up as issues as to why this is brought about.

SENATOR HILGERT: Want me to comment on that?

SENATOR SCHMITT: Sure.

SENATOR HILGERT: Senator Schmitt, I have a form in front of me right here from the Nebraska State Patrol Alcohol and Tobacco Enforcement Division and one of the things that they check on is failure to use or no documented proof of age book, and then they give the statute. So in the scenario which you proposed, I believe that, itself, would be a violation.

SENATOR SCHMITT: And I guess that's the reason I wonder if we're changing this from "shall" to "may" to protect this individual. If an officer would stop somebody for minor in possession and request to see this book, he could say I don't have the book, and I "may". And the way it is now it's "shall", now he has to produce it. That's the reason I brought this up. I just wonder if we're doing something here maybe we shouldn't,