

familiar with this issue. Senator Dierks, Senator Schellpeper, myself have all been very much involved in the issue, understand its ramifications and one of the reasons you keep issues before certain committees is so that their experience can come to bear on those issues. Secondly, besides the experience of the Health Committee, number two, it is an appropriate issue to be presented to the Health and Human Services Committee. The reason we're even discussing the free distribution of smokeless tobacco is the health concerns involved with it. If somebody wanted to give away free televisions, if somebody wanted to give away free cars, if somebody wanted to give away most anything, if any business felt that way, most likely you would not see this sort of controversy you have with the smokeless tobacco issue. The reason it is controversial is the health concerns involved with its distribution, the addiction it causes and the health concerns it raises. And so why we fought this battle in the past and why we will continue to fight it, to have the bill referenced to the Health Committee is that it is a health matter. Now granted, there are some criminal penalties involved with this issue and so as a result there is an argument, I grant you, that Judiciary Committee should look at the issue. But I would also argue with you that most any issue that we have that deals with various topics has some penalty attached to it and if we decided that all penalty matters go to the Judiciary Committee, then you will see very few other issues come to the rest of the committees because you will find at least the vast majority of cases, if you want something to be done, you attach some sort of penalty to it and so it is a question, of does the penalty become the preeminent issue or is it the underlying reason for the penalty the real issue? And I argue that the smokeless tobacco issue is a health concern, that's the issue, and the penalty is simply there to enforce the decision that our policy should be against the free distribution of smokeless tobacco or for the distribution of smokeless tobacco, whatever position you take on the bill. The underlying reason that there is legislation is a health matter and the penalty section is simply an ancillary matter to it. You know, if you keep taking the attitude that anything that has a penalty attached to it goes to Judiciary, pretty soon you could take the same concept that anything that has an appropriation to it should go to the Appropriations Committee and we can just have two committees in the Legislature or three maybe, one being Judiciary to handle all those that have any penalty, Appropriations to handle any that have appropriations and then we could have some sort of miscellaneous committee for whatever falls through the cracks we