

bills, was to the Judiciary Committee. Again in '88 he referenced the bill to the Judiciary Committee. The body of the Legislature overturned it. In '87 the body overturned that, not on the basis of content of the bill, and not on the basis that it called for penalty provisions, but because it was a request of the person that introduced the bill, and I'll read from Senator Nelson who was the introducer of the bill, and one of her statements was, the bill has currently been referenced to the Judiciary Committee which does have jurisdiction, and is one of two committees which could correctly hear the bill. It stated, it said it right there, but at that point she preferred that it go to the Health and Human Services Committee and the body, as a gesture to her, did that and referred it to the Health and Human Services Committee. The next year the issue came up again, again the introducers of the bill asked for it to be rereferred back to the Health and Human Services Committee, the body did that at that point. So there is some precedent for the fact that the Reference Committee does refer the bill to Judiciary because it does have some penalty provisions in it. We established that early on that we were going to do that with certain penalty provisions in bills. If Senator Wesely is arguing that this bill should be there, LB 130 should most certainly be there because that is the cigarette vending machine bill, and it is basically the same kind of an issue. It deals with tobacco products, it deals with creating penalties for certain activities that take place. That bill is referenced to the Judiciary Committee, so we should have both of those bills up here for rereference, if we're going to be consistent that everything that deals with tobacco goes there. I think you could make a very good case for this bill going to the Banking and Commerce Committee because it deals with business, and so there is not a clear distinction on some of these bills as to which place that they are to go. I think the Reference Committee has made their decision, has decided to refer this to the Judiciary Committee, and I would like to see the body uphold that decision. We did so on the basis of precedent that the committee has, and I think we should continue to honor that precedent, and I would urge you to defeat Senator Wesely's motion. Thank you.

SENATOR LAMB: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members, I would like to ask Senator Warner a question if he would yield, please.