

SENATOR WESELY: Thank you, Mr. President, members, I don't know...Senator Schimek was worried about other rereferencing. I doubt that we'll have other rereferencing issues. Maybe we will, but we should always have, at least once a session, a referencing fight. I think it's always healthy and viable to talk through some of these issues and jurisdictions are important and referencing decisions are important, so I'm glad that we've had a little bit of discussion, now the time for the vote. Really, I want to come back to the point of why we even have the bill or the issue. If this bill had come in and the issue was changing the penalty for the individuals who violated the law in giving away smokeless tobacco and we wanted to increase or lower the penalty, you know I could see that going to Judiciary. Clearly, that is a question involving penalties and criminal matters and I could live by and support a referencing to Judiciary, but that's not the issue. We're not fighting over the level of the penalties under this act. We're fighting over the issue whether or not we should reinstitute the ability to give away tobacco products. It's a health issue. The fight is over the giveaway of smokeless tobacco. That is a health issue. The penalties involved are not really the matter that we're looking at, at this point. We haven't heard a discussion about that very much. It's really not a focus of this bill. It is an ancillary issue, but it is not the primary issue. And so in my estimation, if we're fighting over the issue of whether or not we go back and allow the smokeless tobacco giveaways, then that is an issue that should return back to the Health Committee which considered that issue to begin with. I think it's the right thing to do, and I'd ask for your support for this motion to rereference the bill back to the Health Committee where it had originally been recommended by Jack Rodgers, but then rereferenced by the Reference Committee. That was the right decision in the first place and we ought to reverse the referencing and allow the Health Committee to consider this issue. Thank you.

SENATOR LAMB: The motion is to rerefer LB 577 from Judiciary to Health and Human Services as indicated on page 515 of the Journal. Those in support of that motion vote aye, those opposed vote no. A record vote has been requested. Senator Wesely.

SENATOR WESELY: Yes, Mr. President, I ask for a call of the house.