

January 31, 1992 LB 130

second thing we do on all these activities is we tax them. We have special taxes that apply. We have an excise tax on cigarettes that has been the subject of discussion in another committee this year. We have an excise tax on alcohol. You know, on beer, on wine, on hard liquor, we have an excise tax that we periodically come back and raise, and we do all this with full knowledge that one of the reasons we have that tax on these substances is that they are questionable, and it is something that we want to make sure that the state has a handle on and has control of. And the same thing applies to gambling, we have the excise taxes on gambling, on horse racing, on pickle cards, on bingo. We all have taxes that are above and beyond the rates that we impose on any other activity. And, again, that is fine. There are reasons for those because these activities are questionable. They are activities that society doesn't agree on completely. But we get to a certain point in our regulation of these activities that I think we need to understand that our regulation is complete, our regulation is total. We, essentially, have a belt on and suspenders both when we are dealing with these activities from a state regulatory position, and when we get to the question of something like banning vending machines, we need to realize that this is probably taking it a step too far, that a simple fact of the matter is that by the mere existence of cigarette vending machines, we are not handing packs of cigarettes to minors. Now I agree that it is a good idea to restrict where these machines can be, and that is why with the Moore amendment, I can be supportive of Senator Schimek's bill. I think LB 30...LB 130 with the Moore amendment attached which limits cigarette machines to licensed liquor establishments that offer on-sale liquor, that that is a good bill. But I am at the point now where if the Moore amendment stays on this is a good bill, let's move it across and pass it. Without the Moore amendment, I can't vote for LB 130. Thank you.

PRESIDENT MOUL: Thank you, Senator Will. Senator Schmit. Senator Schmit.

SENATOR SCHMIT: Well, Madam President and members, I really have no quarrel with the concerns that Senator Schimek and others have relative to the sale of cigarettes to minors. That should not occur. We know that it occurs time, after time, after time without using the vending machines. My concern here is this. I have been told by the distributors of vending machines who, very frankly, I do not think are present in this