

Amended tobacco measure fails

By BRIAN DUGGAN

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A bill that would have provided the money for anti-smoking programs approved by voters last year failed in the House on Thursday, a day after lawmakers voted to amend the ballot initiative at the objection of Measure 3 supporters.

The bill failed 69-24 after lawmakers voted on Wednesday to send the tobacco settlement funds to the Department of Health instead of a committee established under the ballot measure that passed with 54 percent of the vote.

Will the Legislature now find a way to fund the committee in charge of implementing anti-smoking programs that was approved by voters last year?

The options are varied, but lawmakers can still find ways to fund the anti-smoking measure. Lawmakers could vote to reconsider the bill today, tack it onto another bill still in committee or introduce a delayed bill.

Kathy Mangskau, chairwoman of the tobacco advisory committee established by Measure 3, said \$14 million comes to North Dakota annually from tobacco settlement funds, with \$6.4 million going to the anti-smoking committee established under the ballot initiative.

"I think that (voters) voiced their concerns that these amendments were coming forward and asked them to implement the measure as they had intended," Mangskau said after the House defeated the bill on Thursday. "I do think legislators did hear from a lot of their constituents on this bill."

House Leader Al Carlson, R-Fargo, said Republicans objected to the measure's original language because it would have created a new "agency of government" and that the Department of Health would work just as well to implement anti-smoking campaigns.

"I thought money that this state had pre-committed for bonding for water projects were taken away by this measure," Carlson said, who voted to defeat measure on Thursday after voting to approve the amendments on Wednesday. "And shame on those water coalition people for not selling that issue harder when that was on the ballot."

He said that he hopes a compromise can be reached before the end of the session.

"We are committed to adding as much money to that bill as required by the (Centers for Disease Control and Prevention) best practices," Carlson said.

A string of legislative maneuvers over 48 hours ultimately led to the collapse of the tobacco cessation funding bill Thursday.

Members of the House Appropriations Committee agreed on Tuesday to urge the House to amend the voter-approved measure. Lawmakers voted along party lines on Wednesday to approve the changes to the bill, with the majority of Republicans voting in favor.

But those amendments meant the House would have needed two-thirds of the chamber to support the amended version of the bill, something that was unattainable as long as the majority of Democrats voted nay.

So until the Legislature agrees on how to fund the anti-smoking programs approved by voters: "There's \$41 million at risk here," Carlson said.

Rep. Jon Nelson, R-Wolford, argued the state does not need a new government entity to help with tobacco cessation when the health department already has programs in place.

"Most of the people in North Dakota didn't know what they were voting for with the bureaucratic nightmare that we were setting up," Nelson said.

Rep. Lee Kaldor, D-Mayville, said sending the money to the health department would mean adding another level of bureaucracy there and that the anti-smoking committee approved by voters would have been solely focused on tobacco cessation programs.

"This amendment has damaged the bill considerably, and it is not in the people's interest," Kaldor said. "It is a considerable departure from what the people of North Dakota voted for."

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