

Published April 10 2009

Forum editorial: **Amending tobacco control measure offensive**

The arrogance of the majority Republicans in the North Dakota House of Representatives is astounding. Their disdain for the state's voters is outrageous. Fortuitously, the misguided stunt they pulled was turned back decisively.

The arrogance of the majority Republicans in the North Dakota House of Representatives is astounding. Their disdain for the state's voters is outrageous. Fortuitously, the misguided stunt they pulled was turned back decisively.

Earlier this week, the House, on a party line vote, blithely kissed off the will of the voters by making significant changes in the tobacco control initiated measure that won approval last November.

While supporters of the amendments advanced the fiction that they made the measure better, the upshot of their mischief would have been to gut the governing committee mandated by the measure, transfer management to the State Health Department and end the program in eight years.

The \$18 million a biennium in tobacco settlement funds, which under the approved measure are supposed to be managed by the governing committee, would have been folded into the Health Department's budget.

In effect, House Republicans voted to return tobacco cessation programs to the status quo, which was not acceptable and was rejected by North Dakotans. The thrust of the measure is to guarantee that tobacco settlement money will be used as originally intended: for tobacco cessation and education. Before the measure, the Legislature had diverted more than two-thirds of the tobacco money (the settlement dollars are not appropriated tax dollars) to water projects and schools. Voters said no to that legislative formula.

In pushing the amendments, a legislator said the action was taken because North Dakotans did not understand what they were voting for in November. Oh, really? There's the arrogance. There's the disdain for voters' judgment. And there is why lawmakers are perceived as pawns of the tobacco industry and state interests that are more interested in preserving their bottom lines than protecting the health of the people legislators purport to represent. After all, the Legislature has not been a leader in anti-smoking efforts, even as sentiments in the state to restrict smoking and secondhand smoke have been overwhelming.

The House majority was on squishy ground with this insulting maneuver. First, the state constitution restricts what lawmakers can do with laws enacted by initiated measure. The proposed wholesale changes would have been a stake in the heart of the measure's purpose. Second, Republicans employed parliamentary shenanigans to amend the measure's mandate because it takes only a majority to amend. It took two-thirds to adopt the amended bill, but the House vote Thursday afternoon fell far short, 69-24, indicating that even those Republicans who the day before had supported the amendments ran for cover.

That's the good news. The bad news – the disturbing news – was House Republicans' tone-deaf contempt for the voters of North Dakota.