

Committee up-ends tobacco resolution

By Janell Cole, N.D. Capitol Bureau

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BISMARCK — A House panel held a two-hour hearing on a tobacco-funds measure Thursday, then converted it into an unrelated concept, prompting an angry reaction from the measure's sponsor.

"I feel totally disrespected," said Sen. John Andrist, R-Crosby, after he heard Thursday evening about the change in his Senate Concurrent Resolution 4038.

Andrist's measure was a constitutional amendment to mandate state tobacco settlement funds be put in a trust for community health programs for various uses.

The House Constitutional Revision Committee changed it to a measure prohibiting people from using state property and resources for political purposes, resembling a bill the House supported earlier in the session but which the Senate killed.

After the hearing Thursday, the House committee recessed, then met later to take action without notice to Andrist or anyone else.

Introduced just this week, Andrist's measure was controversial because it would have asked voters to undo their OK of initiated Measure 3, mandating millions of dollars for anti-tobacco efforts. Andrist testified voters may not have fully understood what they were voting on last November.

The Senate passed SCR4038 on a 24-23 vote on Wednesday.

At Thursday's hearing, Measure 3 supporters asked the House panel to not recommend SCR 4038's passage, saying it's a slap at voters.

Former Attorney General Heidi Heitkamp, chairwoman of the Measure 3 committee, said, "If the citizens want a do-over, they can do exactly what we did (and initiate a different measure by petition)."

Vivian Schafer, a lobbyist for the Children's Caucus, assured the committee she "was of sound mind" when she voted.

"Don't fool around with my vote because I knew what I was voting for," she said.

"Give voters a chance to experience what they passed before you second-guess them," said another, AARP representative Linda Wurtz.

Rep. Kim Koppelman, R-West Fargo, chairman of the House committee, said the amendment changing SCR 4038 came from Rep. Mike Schatz, R-New England, and Rep. Lisa Meier, R-Bismarck and passed with little discussion. In legislative parlance, the change was a "hog house" amendment.

It's not a perversion of the process, Koppelman said, because "a lot of things happen late in the session" but he also added, "I don't think there would have been a lot of support for Senate Concurrent Resolution 4038 in the House."

Andrist fired off an angry message to the House after learning of the change.

"What your constitutional revision committee has done to 4038 is totally over the top," he wrote. "If you accept their amendment you are embarrassing all of us. Kill the d--- bill if you want, or table it, or hide it in the cafeteria — anything that will spare us this stupidity."

In an interview with reporters, Andrist said the amendment could only come from one place — "Who's running the House? That's where it came from," a reference to House Majority Leader Al Carlson, R-Fargo. Carlson denied any involvement.

Andrist said, "My first reaction was I didn't believe it. Now I believe the House can do anything."

He had no forewarning.

"How could you even conceive of something like this happening? It's so far off the wall," Andrist said.

Opponents of SCR 4038 who had spent hours testifying against it were shocked when told later about the change, but glad to have the measure disposed of.

"This really shows ... the measure being proposed was not gaining support," said Kathleen Mangskau of Bismarck.

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