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ND House panel rewrites public health fund idea

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State Sen. John Andrist asked North Dakota House members to kill his proposal for a new public health trust fund after a House committee rewrote it to restrict the use of public property for campaigning.

"If you accept their amendment, you are embarrassing all of us," the Crosby Republican said in an electronic mail message to House members after the House's Constitutional Revision Committee approved the substitution late Thursday.

"Kill the d--- bill if you want, or table it, or hide it in the cafeteria," Andrist wrote in his e-mail. "Anything that will spare us this stupidity."

Andrist said he believed Rep. Al Carlson, R-Fargo, the House majority leader, was behind the change, which Carlson denied.

"I had nothing to do with it," said Carlson, who went past Andrist at the door of Senate Majority Leader Bob Stenehjem's office as Carlson was leaving a meeting with Stenehjem.

"I know where it came from. I don't have to believe it. Something like that could only come from one place," Andrist said a few moments later. "Who is running the House? That's where it came from."

Andrist's original proposal sought to amend the North Dakota Constitution to establish a public health trust fund that the Legislature would use to distribute grants to the state's 28 local public health districts.

The fund was envisioned as a depository for about \$124 million in extra collections from the state's share of the 1998 settlement of a lawsuit against the nation's largest tobacco companies. The first installment arrived April 20, and payments are expected to continue until 2017.

Senators narrowly endorsed the amendment Wednesday. It ran into strong opposition Thursday at the Constitutional Revision Committee's first hearing on the resolution, with foes saying it would effectively repeal Measure 3, an anti-tobacco initiative that voters approved last November.

Measure 3 established a three-member executive committee to implement a wide-ranging North Dakota tobacco control program. For its financing, the initiative counted on the same share of tobacco lawsuit money that Andrist's proposed public health fund would have claimed.

After the hearing, two committee members, Reps. Mike Schatz, R-New England, and Lisa Meier, R-Bismarck, pushed to rewrite the proposal as a constitutional amendment to restrict the use of state or local government property for political purposes.

The language in the amendment's new version is almost identical to a bill the state Senate defeated Tuesday, 41-6. Senators said the measure was too loosely written and could affect free-speech rights.

"My first reaction was, I didn't believe it," Andrist said about the wholesale changes to his proposal. "Now, I believe the House can do anything ... How could you even conceive of something like this happening? It's so far off the wall."

Andrist introduced the amendment after the House defeated legislation that set aside \$12.8 million to finance the newly formed executive committee's tobacco control program for two years. Senators approved the measure 46-0 on Feb. 17. ___

The resolution is SCR4038.