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## **Tobacco showdown looms on ND Health Dept budget**

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House and Senate negotiators set the stage for a legislative showdown over North Dakota health policy Saturday when Republicans included changes to an anti-tobacco initiative in the state Health Department's budget. The changes may leave state efforts to discourage smoking with only a trickle of money.

"It's a very large mistake," said Sen. Tim Mathern, D-Fargo, who opposed the changes as a member of a House-Senate conference committee that negotiated them Saturday.

Attempts to amend a ballot measure approved by North Dakota voters last November have been a persistent source of legislative friction in the session's closing weeks. Measure 3 established a new advisory board and executive committee, independent of the Health Department, to draft a comprehensive plan to discourage tobacco use.

The measure set up a special fund to finance the effort, which is expected to get \$124 million in the next eight years from a 1998 state lawsuit settlement against the nation's largest tobacco companies.

Last month, the North Dakota House defeated a proposal to provide \$12.9 million for the two new anti-tobacco boards after Republicans insisted the Health Department should administer the money instead. The boards, the Republicans argued, were an expensive bureaucracy and unnecessary for the job of discouraging smoking.

On Saturday, the House-Senate conference committee included a suggested substitute for the defeated bill in the Health Department's budget, without any money. The funds will be provided in a separate spending bill, said Rep. Al Carlson, R-Fargo, the House majority leader.

The full Senate will vote on the conference committee's proposal Monday. It makes a number of changes to Measure 3, including repeal of a provision intended to ensure the Health Department would not use the measure to lessen financial support of its own anti-tobacco efforts.

The conference committee's proposal will need the support of two-thirds of the Senate \_ 32 of its 47 members \_ for the changes to win approval. Senators have not demonstrated any willingness to change the measure; in February, they unanimously approved legislation to provide \$12.9 million to the newly formed anti-tobacco boards over two years.

Should the Senate approve the Health Department's budget without a two-thirds majority, the provisions to change Measure 3 would be invalid, according to legislative rules.

Representatives then would have to decide whether to provide money to Measure 3's governing boards.

Kathleen Mangskau, of Bismarck, who chairs the executive committee established by Measure 3, said the changes may jeopardize the Health Department's existing anti-tobacco efforts by leaving out money needed to match grants from the federal Centers for Disease Control and Prevention.

"There may not be anything left," she said.

Sen. Tom Fischer, R-Fargo, the conference committee's chairman, said he believes the legislation will garner the needed two-thirds support and receive the money it needs. The changes satisfy legislative questions about the workability of Measure 3 while leaving it essentially intact, Fischer believes.

"The smoking cessation programs will actually be able to set their own course, rather than be integrated with the Health Department and have some possible conflicts," Fischer said.

The Health Department budget is SB2004.