

Tobacco stalemate continues

By **BRIAN DUGGAN**
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No deal is in sight between House Democrats and Republicans to fund the anti-smoking measure approved by voters last November, lawmakers said on Monday.

The scuffle over the funding bill for Measure 3, which originally directed \$12.8 million to an executive anti-smoking committee, started earlier this month when Republicans amended the bill to send the money to the Department of Health instead. The changes also direct \$4.1 million in tobacco settlement funds to the Community Health Trust Fund and puts a sunset on the tobacco cessation efforts.

If nothing is done in the waning days of the 2009 legislative session - six more days to go - the anti-smoking programs established by voters last year will not be funded, which could invite legal action, said Rep. Lee Kaldor, D-Mayville.

"And an election problem in 18 months," he added.

For the past two weeks, Republican lawmakers have been trying to draft compromise versions of the Measure 3 funding bill, but to no avail. In order for an amended version of the initiated measure to pass, two-thirds of the House and Senate must agree. The Senate passed the original bill, 46-0.

"If the bill stays dead then there is no funding," said House Majority Leader Al Carlson, R-Fargo. "I think it would be prudent to reach an agreement."

But Democrats are saying no to the proposed changes to the voter-approved measure, which passed by 54 percent in November. Without Democratic support, an amended version of the bill will not pass.

"The proposals have gotten worse rather than better," Kaldor said. "I think we're done playing the cat and mouse games."

Kaldor said on Monday that he will not accept amendments drafted by Reps. Jon Nelson, R-Rugby, and Gary Kreidt, R-New Salem, because they still nix the executive committee established under Measure 3. The lawmakers met once, two weeks ago to begin talks about a possible compromise.

Still, the executive committee is the sticking point for House Republicans who say it's unnecessary and that it grows government, adding that some voters may not have been aware of the committee when they voted for the bill back in November. The executive committee would oversee and implement the anti-smoking programs that would stem from an advisory commission.

"The voters knew what they were doing when they passed Measure 3," Kaldor said. "To second guess their vote is an insult to their intelligence."

The legislation to fund the anti-smoking efforts established by Measure 3 could be resurrected or added to a bill still in conference committee.

In a letter to the Bismarck Tribune last week, Carlson said, "(Republicans) have never been against the implementation of (Centers for Disease Control and Prevention) Best Practices standards or the level of funding, only the wasteful provisions of SB2063."

Kaldor said on Monday that House Republicans, including Carlson, defeated a measure in 2007 that would have increased funding for tobacco cessation programs from 10 percent of the settlement funds to 16 percent.

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