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HOUSE OF REPRESENTATIVES
**NORTH DAKOTA
LEGISLATIVE ASSEMBLY**

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Majority Leader

October 10, 2008

Wayne Stenehjem
Attorney General
600 East Boulevard Dept 125
Bismarck, ND 58505-0040

Dear Wayne:

At the last Legislative Council meeting on September 24th, several questions arose relating to Measure 3 which remain unanswered. Therefore, I'm requesting an Attorney General's opinion on the following questions:

1. Does Measure 3 require the Legislature to appropriate funds to meet the U.S. Centers for Disease Control and Prevention's minimum recommended amount for a comprehensive tobacco control program for the state of North Dakota?
2. Measure 3 creates an executive committee to administer a proposed state tobacco control program. It gives the committee the authority to "employ staff and fix their compensation," and the power to "make loans, provide grants, borrow money (and) lease property...and take any action any private citizen...may do..." What limits, if any, are there on staff compensation, amounts of loans, or the duration of terms of lease agreements the executive committee may approve or authorize? Does this act prohibit the hiring of lobbyists or political contributions to candidates or ballot measures?
3. Measure 3 also states that funds needed to implement a comprehensive tobacco control program should be taken from the state water development trust fund if the newly created tobacco prevention and control trust fund does not have sufficient money to pay for the plan. What effect does this provision have if the water development trust fund revenues have already been appropriated by the Legislature, with the approval of the Governor?

I'd appreciate your review and response to these unresolved questions as soon as possible. If you have any questions for me, please give me a call.

Sincerely,

Rick Berg

