

**INITIATIVE PETITION
TO THE SECRETARY OF STATE
STATE OF NORTH DAKOTA**

We, the undersigned, being qualified electors request the following initiated law be placed on the ballot as provided by law.

SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

MK Heidi Heitkamp,
Chair
21 Captain Leach Drive,
Mandan, ND 58554

Sandra Ann Adams
5004 S. Bay Drive,
Mandan, ND 58554

Ellen Jarvi Arthur
351 5th St NW,
Valley City, ND 58072

Robert W. Beattie
401 Desiree Dr. ,
Grand Fork, ND 58201

Douglas D. Berglund, MD
222 N 7th Street,
Bismarck, ND 58506

William Brunsman
910 Third Ave. East,
Williston, ND 58801

James B Buhr
613 Chautauque Blvd.,
Valley City, ND 58072

Sharon E. Buhr
613 Chautauqua Blvd.,
Valley City, ND 58072

Sharon A. Clancy
3091 119th Ave. SE,
Valley City, ND 58072

Kevin Collins MD
2015 18th Ave NW,
Minot, ND 58701

Paul D Folden
320 17th Ave N.,
Wahpeton, ND 58075

John M. Grunseth, DDS
402 9th Ave. NW,
Mandan, ND 58554

Wayne Harley Hinrichs
23 4th Ave SE,
Lidgerwood, ND 58053

Jeffrey E. Hostetter
5505 11th Ave.,
Huff, ND 58554

Elizabeth A. Hughes
6530 Island Drive,
Bismarck, ND 58504

James A Hughes, MD
6530 Island Drive,
Bismarck, ND 58504

William D. Hutchison
702 Boyd Dr.,
Grand Forks, ND 58203

Eric Johnson
1605 15th Ave. NE,
Grand Fork, ND 58201

Joyce M Johnson
1012 Second St S Apt 5,
Wahpeton, ND 58075

Keith Johnson
1016 Elbowoods Dr.,
Hazen, ND 58545

Lee Kaldor
14 5th Ave SE,
PO Box 215,
Mayville, ND 58257

David Rue Keehn
1625 4th St N,
Wahpeton, ND 58075

Christopher F. Kemp
1322 4th Ave E,
Williston, ND 58801

Alan Kenien
2985 Peterson Parkway,
Fargo, ND 58102

Dale A. Klein
25 Captain Leach Drive,
Mandan, ND 58554

Kimberly Krohn
2501 Brookside Drive,
Minot, ND 58701

Valerie Kummer
1244 N. Parkview Dr. ,
Bismarck, ND 58501

Charles E Kupchella
3265 Longbow Ct.,
Grand Forks, ND 58203

Karen Evelyn Larson
506 Avenue F. West,
Bismarck, ND 58501

Joanne Luger
455 Arabian Place,
Bismarck, ND 58503

Kathleen Ann Mangskau
98 Country Club Drive,
Bismarck, ND 58501

William Mayo
1473 15th St. N.,
Wahpeton, ND 58075

Alisa Tamar Mitskog
1504 Oakweed Avenue,
Wahpeton, ND 58075

David H. Muggerud
302 9th Ave. N. ,
Hettinger, ND 58639

Nicholas B. Neumann
1939 South Grandview
Lane,
Bismarck, ND 58503

Amy E. Oksa
1415 37th St. E. ,
Dickinson, ND 58601

Daniel Ostlie
821 Harwood Dr.
Fargo, ND 58104

Javayne Oyloe
712 4th St. W,
Williston, ND 58801

Kathleen Perkerewicz
1730 Valley Drive,
Bismarck, ND 58503

R.D. Pohlman
903 South 10th St.,
Grand Forks, ND 58201

Jeanne Prom
2015 N. 16th St, #12,
Bismarck, ND 58501

Doreen G Reinke
319 3rd St. N,
Wahpeton, ND 58075

Wanda J. Rose
1429 Pocatello Dr. ,
Bismarck, ND 58504

Vicki Ann Rosenau
521 4th Ave N.W.,
Valley City, ND 58072

Rosellen M. Sand
2638 10th Ave SE,
Mandan, ND 58554

Kelly Schmidt
210 9th Ave SW,
Minot, ND 58701

S L Scott
PO Box 565,
Watford City, ND 58854

E. Jane Sinner
4492 Oakcreek Dr,
Fargo, ND 58104

George A. Sinner
4492 Oakcreek Dr,
Fargo, ND 58104

Thomas R. Templeton, MD
950 7th Ave. W.,
Dickinson, ND 58601

Todd Twogood, MD
513 Assiniboin Drive,
Bismarck, ND 58503

Laura Weishoff
5745 119 Ave NW,
Ray, ND 58849

Robert M. Wentz
8401 Briardale Dr. ,
Bismarck, ND 58504

Theresa Joy Will
3520 Webster Subdivision,
Valley City, ND 58072

HD Wilson
861 Shadyridge Court SE,
Grand Forks, ND 58201

Herbert J. Wilson
1244 W. Coulee Rd.,
Bismarck, ND 58503

BALLOT TITLE

This initiated measure would add seven new sections to the North Dakota Century Code and amend N.D.C.C. section 54-27-25 to establish a tobacco prevention and control advisory committee and an executive committee; develop and fund a comprehensive statewide tobacco prevention and control plan; and create a tobacco prevention and control trust fund to receive tobacco settlement dollars to be administered by the executive committee.

FULL TEXT OF THE MEASURE

IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED. IF NO MATERIAL IS UNDERSCORED OR OVERSTRUCK, THE MEASURE CONTAINS ALL NEW MATERIAL WHICH IS BEING ADDED.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. Seven new sections to the North Dakota Century Code are hereby created and enacted as follows:

Definitions. As used in this Act:

1. “Advisory committee” is the nine-member tobacco prevention and control advisory committee responsible to develop the comprehensive plan.
2. “Comprehensive plan” means a comprehensive statewide tobacco prevention and control program that is consistent with the centers for disease control best practices for comprehensive tobacco prevention and control programs and does not duplicate the work of the community health grant program created in chapter 23-28.
3. “Executive committee” means the three-member committee selected by the advisory committee and charged with implementation and administration of the comprehensive plan.
4. “Tobacco prevention and control fund” consists of all principal and interest of the tobacco prevention and control trust fund established by section 2 of this Act.

Tobacco Prevention and Control Advisory Committee – Membership – Terms - Duties - Removal.

1. The advisory board consists of nine North Dakota residents appointed by the governor for three year terms as follows:

- a. A practicing respiratory therapist familiar with tobacco related diseases;
- b. Four non-state employees that have demonstrated expertise in tobacco prevention and control;
- c. A practicing medical doctor familiar with tobacco related diseases;
- d. A practicing nurse familiar with tobacco related diseases;
- e. A youth between the ages of 14 and 21;
- f. A member of the public with a previously demonstrated interest in fostering tobacco prevention and control.

2. The governor shall select the youth and public member independently; the respiratory therapist from a list of three nominations provided by the North Dakota society for respiratory care; the four tobacco control experts from a list of two nominations per member provided by the North Dakota public health association’s tobacco control section; the medical doctor from a list of three nominations provided by the North Dakota medical association; and the nurse from a list of three nominations provided by the North Dakota nurses association. The governor must make the appointments within three weeks of receiving the respective list of nominees. If the governor fails to make an appointment within three weeks the association that provided the list of nominees shall select the committee member. In the initial appointments for the advisory committee, the governor shall stagger the terms of the members so that the terms of three members expire each fiscal year and that three members are appointed each year by June 30. Accordingly, the governor’s initial appointments must, in some instances, be for terms less than 3 years. The governor shall fill vacancies for the unexpired term as provided in this section.

3. No individual may serve more than two consecutive three-year terms; however terms of less than three years are not considered in determining an individual's eligibility for reappointment.
4. A quorum of the advisory committee is required to conduct business, but the advisory committee may conduct a meeting with less than a quorum present. A quorum is a majority of the members of the committee. Any action taken requires a vote of the majority of the members present at the meeting.
5. The advisory board shall:
 - a. Select the executive committee;
 - b. Fix the compensation of the advisory committee and the executive committee; however compensation may not exceed compensation allowed to the legislature. Advisory and executive committee members are entitled to reimbursement for mileage and expenses as provided for state officers in addition to any compensation provided;
 - c. Develop the initial comprehensive statewide tobacco prevention and control program that includes support for cessation interventions, community and youth interventions, and health communication; and
 - d. Evaluate the effectiveness of the plan and its implementation and, prior to April 1 of each year, propose any necessary changes to the plan to the executive committee.
6. The governor may remove any member of the advisory committee for malfeasance in office, but the advisory committee is not subject to section 54-07-01.2.
7. No nomination to, or member of, the advisory committee shall have any past or current affiliation with the tobacco industry or any industry, contractor, agent, or organization that engages in the manufacturing, marketing, distributing, sale, or promotion of tobacco or tobacco related products.

Executive Committee. The executive committee of the advisory committee consists of three individuals selected by the advisory committee from its membership. The term of each member is for three years. The initial terms of the members must be staggered so that one member serves a three-year term, one member serves a two-year term and one member serves a one-year term. The determination of initial terms shall be by lot. No individual may serve more than two consecutive three-year terms; however terms of less than three years are not considered in determining an individual's eligibility for reappointment. The advisory committee shall fill vacancies for the unexpired term. An individual selected to serve on the executive committee is no longer eligible to serve if they are not a member of the advisory committee. The executive committee is responsible for the implementation and administration of the comprehensive plan, including the appropriateness of expenditures to implement the comprehensive plan. The executive committee may seek the counsel and advice of the advisory committee in implementing the plan, but the executive committee is the final decision maker.

Powers of the Executive Committee. To implement the purpose of this Act and, in addition to any other authority granted elsewhere in this Act, to support its efforts and implement the comprehensive plan the executive committee may employ staff and fix their compensation, accept grants, property, and gifts, enter contracts, make loans, provide grants, borrow money, lease property, provide direction to the state investment board for investment of the tobacco prevention and control fund, and take any action that any private individual, corporation, or limited liability company lawfully may do except as restricted by the provisions of this Act.

Development of the Comprehensive Plan. The advisory committee must develop the initial comprehensive plan within 180 days of the initial meeting of the advisory committee. The comprehensive plan must be funded at a level equal to or greater than the centers for disease control recommended funding level. Funding for the comprehensive plan must supplement and may not supplant any funding that in the absence of this Act would be or has been provided for the community health trust fund or other health initiatives.

Conflict of Interest. No member of the advisory committee or of the executive committee who has a direct and substantial personal or pecuniary interest in a matter before them may vote or take any action on that matter.

Audit. At least once a biennium, the executive committee shall provide for an independent review of the comprehensive plan to assure that the comprehensive plan is consistent with the centers for disease control best practices. The executive committee shall report the results of that review to the governor and to the state health officer on or before September 1 in each odd numbered year.

SECTION 2. Amendment. Section 54-27-25 of the 2005 supplement to the North Dakota Century Code is hereby amended and reenacted as follows:

54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under ~~sections subsection IX (c)(1) (payments) and XI (calculation and disbursement of payments)~~ of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in *State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc.* ~~All~~ Except as provided in subsection 2, moneys received by the state pursuant to the judgment and all moneys received by the state for enforcement of the judgment under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund must be allocated as follows:

~~1-~~ a. Transfers to a community health trust fund to be administered by the state department of health.

The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.

~~2-~~ b. Transfers to the common schools trust fund to become a part of the principal of that fund.

Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.

~~3-~~ c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.

2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX (c) (2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in *State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc.* Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the ~~tobacco settlement trust fund~~ state.

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota thirty days, and you are a United States citizen. All signers must add their complete residential address or rural route or general delivery address and the date of signing. Every qualified elector signing a petition must do so in the presence of the person circulating the petition.

QUALIFIED ELECTORS

Month, date, year	Name of qualified elector	Residential Address or Complete Rural Route or General Delivery Address	City, State, Zip Code
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

