Sixth Annual International
LEGISLATORS FORUM

**For Manitoba, Minnesota,
North Dakota, and South Dakota
Saint Paul, Minnesota, May 24-26, 2006**

Front Row: Mr. Ralph Eichler (MB), Honourable Theresa Oswald (MB), Senator Betsy Wergin (MN), Representative Mary Ellen Otremba (MN), Honourable Rosann Wowchuk (MB), Senator Tom Saxhaug (MN), Senator Orv Smidt (SD), Speaker Steve Sviggum (MN).
Second Row: Representative Dale Hargens (SD), Representative Morrie Lanning (MN), Mr. Larry Maguire (MB), Mr. Jack Penner (MB), Representative Ole Aarsvold (ND), Senator Tom Trenbeath (ND).
Third Row: Senator Tom Fischer (ND), Representative Loren Solberg (MN), Senator Jim Peterson (SD), Representative Paul Dennert (SD), Representative Dennis Johnson (ND).
Fourth Row: Senator Rod Skoe (MN), Senator Tom Hansen (SD), Mr. Tom Nevakshonoff (MB), Representative Lois Delmore (ND), Ms. Mavis Tallieu (MB), Senator Joel Heitkamp (ND), Senator Gary Hanson (SD).

Steering Committee and Delegates

2006 Steering Committee

The Steering Committee, appointed to continue activity between annual meetings, is composed of legislators from the four jurisdictions. Members are: Manitoba – Mr. Jack Penner and Honourable Rosann Wowchuk; Minnesota – Representative Morrie Lanning, Senator Tom Saxhaug and Senator Rod Skoe; North Dakota – Representative Ole Aarsvold and Senator Tom Fischer; South Dakota – Senator Gary Hanson and Senator Orv Smidt.

2006 Delegates

Manitoba

- Mr. Ralph Eichler
- Mr. Larry Maguire
- Mr. Tom Nevakshonoff
- Honourable Theresa Oswald
- Mr. Jack Penner
- Ms. Mavis Taillieu
- Honourable Rosann Wowchuk

Minnesota

- Representative Morrie Lanning (R)
- Representative Mary Ellen Otremba (D)
- Representative Maxine Penas (R)
- Senator Tom Saxhaug (D)
- Senator Rod Skoe (D)
- Representative Loren Solberg (D)
- Senator Betsy Wergin (R)

North Dakota

- Representative Ole Aarsvold (D)
- Representative Lois Delmore (D)
- Senator Tom Fischer (R)
- Senator Joel Heitkamp (D)
- Representative Dennis Johnson (R)
- Senator Tom Trenbeath (R)

South Dakota

- Representative Paul Dennert (D)
- Senator Tom Hansen (R)
- Senator Gary Hanson (D)
- Representative Dale Hargens (D)
- Senator Orv Smidt (R)
- Senator Jim Peterson (D)

The sixth annual meeting of the international Legislators Forum began with a Steering Committee meeting on Wednesday evening, May 24, during which the Steering Committee members and staff reviewed the agenda for the annual meeting and discussed updates on agenda items. Following that meeting, a reception was held for all delegates, spouses, presenters and sponsors. Representative Morrie Lanning, 2005-06 Chair of the Steering Committee, welcomed all participants, introduced Steering Committee members, thanked meeting sponsors and asked his fellow Minnesota Steering Committee members, Senators Tom Saxhaug and Rod Skoe to extend their greetings. The formal portion of the meeting began on Thursday, May 25, at 8 a.m. Following self-introductions of delegates, each of the working groups and panels made their presentations and engaged in a question and answer period with delegates.

Special guest speakers included:
- Kim Butler, Canadian Consul General in Minneapolis
- Todd Schwartz, American Consul in Winnipeg
- W.R. (Bill) Crosbie, North American Bureau of Foreign Affairs (Canada)
- Steve Sviggum, Speaker of the Minnesota House of Representatives

The meeting concluded with a sincere thank you to Morrie and the Minnesota delegation for their hospitality and an invitation from the South Dakota delegation to attend the next annual meeting in Pierre, South Dakota.

The delegates to the sixth annual international Legislators Forum gratefully acknowledge the support of the following sponsors:
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Legislators Forum Facilitator:
Dick Gross
Deputy Director and Legal Counsel
The Consensus Council, Inc.
1003 E Interstate Ave, Ste 7
Bismarck, ND 58503
Tel: 701.224.0588 x 102
Fax: 701.224.0787
E-mail: dgross@agree.org
Web: www.agree.org

Sixth Annual Legislators Forum

MAY 24-26, 2006 ❖ SAINT PAUL, MINNESOTA

Science Water Panel

Dr. Dennis Todey, State Climatologist from the Agricultural & Biosystems Engineering Department at South Dakota State University in Brookings began with a presentation on climate in the region. He noted that climate does not respect political boundaries and presented a history of climate changes in the plains area. There has been extreme variability in the climate of the area over time and, although in some areas of the region there has been a wet cycle, the area is extremely vulnerable to drought, and some areas of the region are already experiencing drought. He noted that recent winters, over the last 24 years, have been relatively mild and produced decreasing amounts of snow, that warming is occurring and that the availability of water is now and will continue to be a significant concern.

Fred Anderson, Geologist with the North Dakota Geological Survey in Bismarck, North Dakota, presented on the geological framework of the Red River Valley. He, too, explained the geological history of this region, central to the continent, as a glacially formed area. He explained the morphology of the region, especially of the Red River basin, through description of strata. The bedrock lies 200 to 500 feet below the land surface, with a great number of different layers of sediment above the bedrock, left by glaciers, by river and by man. He said that, while ground water systems represent a readily available supply of water, they are also very limited and that the geology of the region plays a significant role in accessing water and places constraints on such access. The geology influences water gains, losses and storage. The Red River basin is dominated by shallow ground water and limited surface water availability. The influences include seasonal flooding, drought, cut bank erosion, urban development and water quality and quantity. All of these components are interrelated and must be considered individually and collectively. Consideration of these issues at this time for the Red River Valley is very timely.

Dr. Harvey Thorleifson, Professor and Director of the Minnesota Geological Survey at the University of Minnesota in St. Paul, noted that water supply and quality are essential to human survival, that we must

all understand ground and surface water systems and how to protect their availability and quality. Water, he added, is both a resource and hazard, that no one is water rich and that all water is allocated to various uses, including ecosystem reliance and heritage values. We need to think about water as a bank account and that, if spending exceeds income, human beings will have problems. He emphasized that surface water systems do not have a lot of storage and that, while a great deal of water is contained underground, we need to plan for its sustainable use.

We can measure rivers, their quality and quantity. It is more difficult to visualize and analyze ground water, but most drinking water comes from ground water, not rivers and streams. They have built a 3D geological map of the Fargo-Moorhead and Winnipeg regions and are forecasting flow systems with optional models to predict groundwater levels. They also use historical and other scientific information to clarify past and predict future flooding and drought. We should understand that one to two floods of the magnitude of the 1997 flood occur every century. And, in evaluating sediments, they have seen a five-fold increase in nutrient load in Lake Winnipeg in the past century.

Dr. Gordon Goldsborough, Associate Professor in the Department of Botany at the University of Manitoba in Winnipeg noted how important it is for neighbors

to be talking to one another about water issues. From his perspective as president of the Manitoba Historical Society, he talked about the arrival of the first printing press in Winnipeg, that it was off-loaded in St. Paul and brought by ox cart to Winnipeg. What would have happened, he asked, if all of the print type had been scattered or lost along the way? It may have changed the history of Manitoba. So human society in this region is very interdependent. We are dealing with an enormous watershed area, where impacts are shared. There are no great topographical barriers, which is why carp, for example, were not found in the region as late as the 1930s but now exist throughout the region.

When we consider species factors, we need to consider the question of too many, too few, and the wrong kind. When we consider water factors, we need to consider environmental quality, the quantity, hydrodynamics and other plants and animals. There was a 99% decline in wetlands in this region from 1800 to 1900. Had that not occurred, the whole watershed would have been better protected from flooding, and the wetlands would have filtered and held water. European cattails were somehow introduced to the region, hybridized with local species and have now taken over. Lake Winnipeg is not dying because of the increased nutrient loads. Algae are flourishing, but that is not what we want. And, even though the Red River is not the primary source of water to Lake

Winnipeg, 58% of phosphorics are delivered to it by the Red River. Often, invasive species are introduced not by boat but by boot, as people track and bring with them species from other areas. Coarse black algae, which are invading Lake Itasca, have been brought back by "snowbirds" from their southern trips. But invasive species come from recreational boating, water diversion and canals, live bait and aquarium and garden trade. Ultimately, invasive species will be introduced. We cannot stop them, but we can slow them down. We need to remember, "It's about the habitat!"

Questions and Answers

Does the deforestation that is occurring in South America cause a significant difference to our climate?

Changes in one area will affect others. Everything is interrelated. Exactly how much change is what makes the difference. The water issues we experience in this region are more local—drained wetlands, farming, rainfall, cooling and warming of the prairie—and we need to understand the impact they have. There are global issues, too, but the local issues are both of greater concern and those we can deal with.

Would each of the presenters offer policy advice on what they believe would be the most important/critical action that the delegates in this forum could do to positively impact climate?

A panelist said there needs to be a recognition, clarification and agreement on societal objectives. What ecosystems do we want to maintain? And everyone needs to focus on doing what is necessary to achieve those objectives. To accomplish this, we must ensure that the best information is available through monitoring and research. We need to improve the awareness of information systems and upgrade the science so we can be prepared to make good decisions. Another panelist suggested that we must support systems that are in place to further scientific knowledge and gain more useful information. We can look at the list of relevant geologic and hydrologic issues and address them individually by developing small/manageable legislative actions.

One panelist urged, "Don't let climate be politicized. We have to have good science and do good science and use that in the development of policy. Otherwise it will become too political and extreme to allow us to make good decisions." A fourth panelist said that everyone must realize how precious water is. It is not unlimited. It is not an inexhaustible resource. Manitoba is a downstream jurisdiction, and, as such, could be cut off. "We need to help people become aware of how much water they use. Everyone should do a water audit. Citizens should be challenged to use water wisely. In our area, water use has doubled in the last several decades. There will be more demands on the limited water that we have, and we will have to use it wisely."

How much original marsh was there? How much is left? How much artificial marsh have we created, and is there any analysis of how effective and useful the artificially created habitats are?

There is little or no inventory of what is currently on the landscape. Although ditches do provide some habitat, they are not like natural or original habitat. There are indicators of increased nutrient run off, and the quality of ditch habitat is poor. Water run off and the time it remains in the ditches also affect its quality.

When we hauled our water, we obviously used much less. Now that we have a ready supply we use between 3,000 to 5,000 gallons/month. The landscape has changed. Can we do things locally (through water management and/or retention) that will have a positive impact in the region?

There are ways that we can affect regional change. Temperature change is caused by changes in the amount and type of wetlands. Open water cools the atmosphere and adds more moisture to the air. Some measures are more effective in holding water on the landscape, not to the extent of what was present in the 1800s, but more systems can be put in place. The Conservation Reserve Program (CRP) was useful to protect and develop wildlife and served as a watershed. It provided benefits to the environment and to producers through non-use payments. Canada does not have a similar program. Local efforts and activities can do a lot and have done a lot to improve water quality. We need to deal with the issues with an awareness that they are all interrelated.

There needs to be a scientific study of what grows on CRP land over years. Wildlife will use this land for shelter or bedding, but then will invade crops. What about the distribution of wetlands? The current policy seems to be to reduce them in urban areas and replace them 2 to 1 in rural areas. Shouldn't they be replaced in the same watershed?

There are unique organisms and characteristics in each area, and one cannot compensate for the other. So simply draining wetlands in one area and replacing wetlands in another will not achieve the same thing.

Water Policy Panel

Lance Yohe, Executive Director, Red River Basin Commission (RRBC), recognized that the Red River is a major water supply source to four jurisdictions and that, with those jurisdictions having different legal and administrative approaches to how they appropriate water and restrict the flow, that will provide ongoing legal and other difficulties. He said that, with four jurisdictions taking different approaches, it makes it very interesting to watch how water is shared. We need to try to find solutions together, to develop consistency and consensus on water law and appropriation.

Rob Matthews, Manager, Water Licensing Branch of Manitoba Water Stewardship, reported that Manitoba water doctrine is embodied in the phrase, "first in time, first in right." Those who are licensed are prioritized under the Manitoba Water Rights Act; and the latest of those licensed are the first cut off in times of water shortage. Domestic users are not licensed under the Act, and they would not be subject to cutbacks during drought conditions under the principle of "first in time, first in right." The Act does not speak directly to conservation issues, which may also be required if shortages occur. However, Winnipeg, which represents nearly 70% of the provincial population, has for a very long time had point of use water metering in residences and businesses served by the municipal water system. Furthermore, for several decades all rural water supply projects approved by the Manitoba Water Services Board have also included point of use water metering. Because of this, Manitoba has one of the highest levels of water metering and lowest rates of water use of all the Canadian provinces as outlined in a recent Statistics Canada report. More work needs to be done in order to establish realistic instream flow values for many Manitoba watercourses. Manitoba has apportionment agreements with neighboring provinces—e.g., Alberta and Saskatchewan—so flows into and out of each province are shared equitably.

Kent Lokkesmoe, Director for the Division of Waters at the Minnesota Department of Natural Resources, remarked that whiskey is for drinking and water is for fighting over, and it is important to discuss water issues in venues like this to avoid litigation. Minnesota operates under a riparian rights water doctrine that is coupled with reasonable use. The program elements include use priorities as follows:

- Domestic water supply
- Consumptive Use of less than 10,000 gallons per day
- Agriculture irrigation and processing
- Power production
- Consumptive use of over 10,000 gallons per day
- Non-essential uses

Emergency and conservation plans are required for communities over 100 population, and guidelines for the plans were revised in 2005 with a sustainability focus. Such plan approval can include authorization for new wells or increased volumes over a ten-year period if they meet certain benchmarks or implement specific conservation programs.

Dale Frink, North Dakota State Engineer, noted that North Dakota is a prior appropriation state. Water belongs to the state and requires a permit, and all water is close to being fully appropriated, but not yet over-appropriated. Prior appropriation refers to "first in time, first in use, use it or lose it." And all use, except for domestic and livestock purposes, requires a permit. Permits can be condemned, but compensation is required if that is done. If 3 years have passed without use, the permit can be cancelled for non-use. Some type of work is required—that is, the permitee must actually use what the water permit allows. The four jurisdictions (ND, MB, MN, SD) issue permits independently. Only Souris River water is allocated between jurisdictions, so there is real potential for a "train wreck" if agreements are not reached on water allocation.

In North Dakota, conditional permits can be granted, and then use can be demonstrated. Conditional permits require:

- Rights of prior appropriators will not be unduly affected, and mistakes can cause a shut down of a conditional permit
- The proposed means of diversions are adequate
- The proposed use of the water must be beneficial
- The proposed use of the water is in the public interest, considering
    - Harm to other persons
    - Affect on fish, game, recreation
    - The applicant can show the intent and ability to develop the water resource and not simply tie up water that is not being used

Instream flow is not considered a beneficial use in North Dakota, although other states do permit them, but the priority date still rules. There is no specific legal requirement in North Dakota for water conservation, but regional systems are a cost-effective means of achieving conservation, and the State promotes conservation and requires metering for monitoring purposes.

Questions and Answers

Landowners have rights to the water and control its use for sports activities. Do any jurisdictions have taxes on metered water?

Minnesota has a water use fee for all permits, graduated from a basic charge of $101 per year for low volume users up to $7 million per year for very large users. North Dakota has a fee for water use

applications that does not even cover the cost of issuing the permits. The application fees are based on the type of use, with industrial users being charged the highest application fees. There are no fees after a permit is granted.

Manitoba has had an application fee in place since the 1980s. It is one fee for all categories. This is in the process of revision, and the new model will include variable fees. There are no fees currently being charged to municipalities or for irrigation, however; abstraction fees are charged to industrial appropriators.

Drought is inevitable and, given differences in laws in the four jurisdictions, what mechanisms are we going to use to resolve the water appropriation conflicts that will likely arise when we experience the next drought?

The RRBC is currently working on that question. Although it is a complex and difficult task, the potential is enormous. These are obviously policy questions, and they must rely on the laws in the respective jurisdictions for answers. The policy panel presenters and others will be meeting next week in an effort to begin to develop a basin-wide approach to drought policy planning.

In states like the Dakotas that are pursuing the development of ethanol plants, is there trouble on the horizon related to the availability and use of water?

The North Dakota State Water Commission is involved in economic development plans. Water does affect the location of these plants and initiatives. The plants' impact and water needs are involved in the plant location process. Water flows to money. Water is a big issue in plant locations, and in Minnesota, there are efforts to address water issues early.

MN seems to be behind in having potable water for rural areas. Why?

There are many rural water systems in the southwestern part of state. They are expanding and attempting to address the increased quality problems.

In 1988 and again in 1989, Manitoba experienced

significant drought. Will the RRBC provide recommendations to policy makers to set in place a process to mitigate and establish regulations to enforce that water is available?

The Red River has no apportionment agreement, although there is a quality agreement. This issue is "on the plate" to be discussed, and the RRBC will come back to the jurisdictions with recommendations for review and approval. These issues must be addressed to develop effective, long-term approaches.

This seems to be somewhat analogous to the situation between Saskatchewan and Manitoba.

That is seen by some as a model, but there are problems about guaranteeing the availability of the water. The issues are complex, and agreements must deal with dams, out-of-basin transfers and many other issues.

Minnesota has established minimum flow requirements for streams that flow into the Red River. Are there any minimum flow requirements for the Red River itself?

This has not been determined, and it would be difficult to be done "out of concert" with the other jurisdictions. How could this be done on the Minnesota side if there is no reciprocal response from the other sharing jurisdictions?

Pembina County has developed a plan to mitigate drought risk by relying on back up sources of water. This may be a model that should be explored and considered. We have been referring to a 10-year drought cycle, but the data presented earlier does not suggest a 10-year cycle.

This area has the potential to be very different when reviewed historically.

What is the public's willingness to discuss building dams?

In Minnesota, any on-channel structure would be difficult. Off-channel structures for use in retention would be more acceptable. North Dakota is not as restrictive as Minnesota in that regard. In North Dakota, dams can be built, but it is a very difficult, time-consuming process. In Manitoba, an in-stream dam would be difficult to license. Storage in off-stream reservoirs would be more acceptable/workable.

Agreements

Delegates agreed that they may need to reexamine the "Tri-State Commission" federal legislation, which is apparently still in existence but only a shell. Restoring wetlands and developing reservoirs to hold water upstream to prevent flooding and hold water should be encouraged, and incentives should be provided. Large and small water retention areas need to be developed. The Steering Committee or a contingent group of delegates should work with the Red River Basin Commission as it seeks to develop options, including the potential for water allocation agreements, to avoid future litigation over water appropriation. Delegates also supported federal funding for additional filtration of Devils Lake water that is released through the outlet.

Border Crossing Identification Issues

Two panelists discussed "The Western Hemisphere Travel Initiative (WHTI)." Todd P. Schwartz, Consul and Principal Officer at the U.S. Consulate, Manitoba, said he would talk about the WHTI, how we got here and where we are going. The initiative arose out of the 9/11 Commission Report and the Intelligence Reform and Terrorism Prevention Act of 2004. The legislation removes a previous waiver—that is, US and Canadian citizens had been exempt from passport requirements for travel within the Western Hemisphere. Both Canada and the US support the requirement that individuals must present documents to prove identity and citizenship by 1/1/08, regardless of age (if traveling by air or sea, the requirement begins in January of 2007). But the law is intended to improve security in a manner that does not impede the flow of trade or create additional barriers to trade.

The passport is the international gold standard and would allow border professionals to standardize their approach. Right now, customs officials examine thousands of types of identity and citizenship documents from travelers. It would expedite the efficient flow of travelers, but it will take time, funding and patience. There are many discussions going on about the difficulties and costs of obtaining passports. Passports may not be appropriate for most persons in certain areas, so the law authorizes "other" approved travel documents, such as a "PASS" card with basically the same kind information on the card as on a passport. The countries are working to integrate their technology to improve and secure the system.

The "Day Pass" is being considered to address the needs of spur of the moment travelers, but it is difficult to issue on a secure basis for a small number of travelers. Emergency situations can be dealt with under the current provisions based on the individual circumstances. Both Homeland Security and the Department of State are very cognizant of the potential for negative economic impact. The impact should not be as bad as has been suggested. Many US travelers are already working to meet the requirement. There has been an increase in passports issued and in the ability to issue them. And a family rate for pass/travel cards is also being considered to minimize economic impact.

Next steps in the US process:

- Advance notice of rule making for air and sea phases
- Public comment and final rules
- There will be the same kind but a separate process for the development/approval of a Passport Card
- Notice of proposed rule making for land crossing will be done next year
- We can all encourage people to get their passports ASAP

W.R. (Bill) Crosbie, of the North American Bureau of Foreign Affairs Canada, said this is a priority issue being dealt with by the Canadian government. It is not a Canada versus the US issue. The US is not saying one thing and Canadians saying something different. There is a growing body of opinion about how we can move forward in such a way as to achieve security and efficiency so that people and goods involved in legitimate trade and tourism can cross

the border. Our governments are working together and sharing similar approaches. The "Smart Border Declaration" is a sign of that working together. We are developing integrated border enforcement teams. Canada has been active in the war on terrorism. The two governments have worked in a way that reflects cooperation and risk-based assessment of resources and time. The WHTI is not just an issue of what documents one uses. It goes to the heart of the US-Canada relationship. The exception has been an extraordinary one. Ours has been the only border where people have not had to demonstrate citizenship before crossing. There is no other relationship like this. Because those entering the US from Mexico have been required to have a visa, the impact of this will be less significant on the southern than on the northern border.

Activities related to sports, conventions, casinos, shopping, and tourism—all the ways we have interacted as communities—will change when this law takes effect. Again, it is not an issue of a document or combination of documents that is the principle point of concern, but whether or not you dedicate resources, infrastructure and technology to use a designated document efficiently to cross the border. Additional lanes, high tech readers, alternative responses to lack of documents, etc., are all complex issues that are integral to the use of the documents in a secure and efficient manner. The Canadian Prime Minister has made it clear that this issue is at the top of his agenda. President Bush has responded positively indicating he is aware of the concerns in Canada about the potential negative impact on trade and tourism and wants the regulations to be compatible with the needs of both countries. President Bush also wants to send a message that this situation is different from that on the southern border.

All sorts of activities are going on at our respective national levels. The US Congress has been involved in intense debates. Senator Leahy has sought to delay the implementation of the law. Senator Coleman wants to change the implementation and/or place conditions on the law before the requirements become effective. The US lawmakers must decide these things. Canada will work with the US to implement US laws and to meet Canadian needs in a proper way

to avoid disruption on the border. As the old saying goes, "Business is great except for the bloody customers!" We are charged with upholding the safety of citizens while they have an opportunity to grow and prosper together. Your voices are critical to the process.

Questions and Answers

What about the ID Card? When rules are designed, will there be exemptions and what about medical and other emergencies? Are we on a path to a national ID card?

Each border crossing will have to have options in place to deal with special situations and demands. The regulations will allow for flexibility but will likely not address exceptions specifically. They will not address emergencies because they are already covered. Medical emergencies can be handled within the scope of the existing rules. New regulations will not have an impact on existing rules. No one wants a national ID card. The Real ID Act requirements on states are the closest we will get to anything like that. Under that law, states are working to standardize information and access to information.

Do you have any statistics on the percentage of Canadian and US citizens who currently hold a passport? How will people be able to efficiently handle the process to get one? There are concerns that there will be increased problems and delays in getting them.

In Canada, 40% of citizens have passports. In the US, just 25% of citizens do. The US has expanded its ability to produce passports. Hurricane Katrina forced changes in the New Orleans passport production facility, a positive development from a tragic situation. Whether it is a "Pass Card" or passport, efforts are underway to be creative and resourceful in meeting the needs. It has been suggested that there could be portable offices (Winnebagos) to visit rural areas and issue documents on the spot.

Regardless of the steps and security efforts, passports can still be forged.

Will there be a Global Positioning System (GPS) chip in passports?

No. New passports will have an electronic identification information chip that can be read automatically, but will not include GPS. The identification chip will have basic information that can be scanned very quickly. When a passport's cover is closed, the cover acts as a barrier so the information cannot be stolen or accessed on a random basis. The chip will allow officers to know when people enter and leave the country.

Will there be a difference between commercial and domestic passports/documents and processes, and will the new system be as streamlined for commercial users as the existing process? Will passports need to be signed or stamped at the time of border crossing?

There is currently a streamlined process in effect for truckers. The intent is to develop and implement systems that will be modeled after this. Passports do not now and will not require stamping.

Will Canada reciprocate by requiring passports? Currently, no US citizen can be denied return entry to the US. If they are not required to have a passport to enter Canada, then can US citizens legally return to the US without one?

Canada has not yet made a decision on this. It is possible that they will reciprocate with a similar

requirement. Although it is true that US citizens cannot be denied return entry to the US (with or without a passport), there would probably be substantial delays and a significant re-entry fee. In any event, returning US citizens would somehow have to establish their identities.

It is easy to recognize the intent of these changes, but it seems that a lot of time, effort and money will be invested in passports, and the requirements will affect a lot of people who have nothing to do with terrorism. Will we achieve what we are trying to achieve? Additionally, there seems to be a constant increase in identity theft and forgery of documents. Will there be a mechanism to deal with this? Will there be increased efforts and resources allocated for enforcement and investigation activities?

Canada is focusing its efforts on improving the quality, security and proper use of existing documents. including birth certificates, drivers' licenses and others. This may be an opportunity to address/deal with security issues and improve the situation relating to identity theft through the improvement of existing documents.

There are many types of people who cross the border, and there is a tremendous amount of trade. What is planned to address the increased demands (lanes and traffic flows) the changes will require? Will there be different types and/or special locations of border crossings? There is a great deal of concern about the people that have to have access (the small border crossings) to get back and forth on a daily basis. Will there be enhancements in the hours, numbers, and locations of crossings to accommodate these needs?

Many of these concerns are being addressed in a cooperative way by and within local communities. Efforts include having shared border posts, sharing costs, facilities and communications. The emphasis is on a local basis.

This issue affects many people in many ways. It affects their daily lives and will impact their lives as communities. It will impact trade and travel. The Eastern Conference of Governors and Premiers took a position in support of an open, secure border and recommended an economic impact study of what will actually happen. What will happen—timelines, technology and steps to postpone the implementation of the regulations? What can the legislators do to influence what happens with this issue and have a positive impact upon it?

The voices of those closest to the border need to be heard. The people who are most directly impacted need to share their opinions and voice their opposition. The US side of the issue needs to be addressed in Congress. Allowing for input from the public is the reason the rules are open to public comment. The economic impact will be considered. Legislators and others need to know that they can provide input and comments. Everyone should be aware that the public input opportunities are coming up and should watch for the notices.

Agreements

Delegates agreed that the current exceptions to passport requirements, such as emergency situations, need to be maintained. They expressed serious privacy concerns relative to RFID tags in passports to make processing at the border more efficient and agreed that, if such tags are included, limited information should be contained and appropriate safeguards to prevent ID theft need to be included. The delegates also expressed serious concerns about the time frame for the implementation of the law, especially with regard to costs for individuals and businesses and impact on the economy. They agreed that acceptable alternatives to passports, such as the "Passcard" and Real ID compliant documents issued by states should be explored before imposing the passport requirement.

Minnesota Coal Gasification Project

Tom Micheletti, Principal, Excelsior Energy, presented at lunch on the coal gasification project he is leading in Minnesota. He noted that the "Mesaba Energy Project" is destined to provide energy, innovation and economic development for Minnesota while furthering state and national policy goals. He announced that the project had just been awarded a $36 million grant by the US Department of Energy. With the use of coal, it will provide stable energy pricing, diversify consumers' energy portfolios, hedge against the cost of compliance with tightening emission limits and reduce pressure on the natural gas supply.

It will provide baseload needs with an in-state plant that protects Minnesota's natural environment and provides investment needed to reverse economic decline in northeastern Minnesota by providing jobs, sites and infrastructure and attraction of other new industries that can tap the plant's polygeneration capabilities. The site will be in service by 2011, offering multiple fuel transportation options. It is designed to provide 606 MW through an integrated gasification combined cyclic (IGCC) methodology, which will use Sub-Bituminous, Bituminous and Petcoke Blends, a flexibility it has over conventional coal-fueled technologies. He described the differences in the conventional and IGCC technologies, emphasizing the significantly reduced emissions. The goal is to provide innovation, which will protect the environment and be a steppingstone to FutureGen and Hydrogen Vision. It will help foster technological innovation that enables the US and all coal-rich nations to commit to meaningful carbon constraints with manageable impact on economic growth.

Questions and Answers

This clean coal technology is a steppingstone to the future, and the technology will continue to evolve. What is the life cycle of the proposed plant?

About 40 years. It is modular so that changes can be added as the technology develops. FutureGen is underway on a US and global basis. Currently, 10 or 11 states have bid to host it. Its success depends on the technology. There are and will continue to be some technological challenges, but the expectation is that we will succeed because we have to.

How much synthetic gas will the plant produce? How does lignite fit into this?

The expectation is that the plant will be able to supply industrial facilities with a significant portion of their synthetic natural gas needs. We hope to keep this within our region. Lignite is problematic, but we are designing the plant to be fuel flexible. Currently, it can use a variety of coals and grades, but not lignite.

The Rural Practitioners Working Group

The working group discussed the need for and efforts to provide health care practitioners, especially in rural areas of our region.

Gwen Wagstrom Halaas, MD, MBA, Director, Rural Physician Associate Program, University of Minnesota Medical School, said that the health of rural communities is at risk. Fewer are choosing rural practice, and the need exceeds the supply of services and is likely to grow. Rural health needs include services especially for: Aging, increasingly diverse populations, increased cost and decreased access, increase in chronic diseases and injuries. She presented statistics indicating differences in numbers and salaries of rural health care practitioners, in the age of populations and general health, in rural and urban areas of the country indicating significant differences.

Relative to rural health care providers, there is a maldistribution, they are aging, there are increasing costs of education and practice, there is decreasing interest in providing primary care and there is a need for versatility, communication and procedural skills. For example, while 59% of Minnesota is considered urban, 80% of physicians and 87% of specialists are in urban areas. Rural origin students are underrepresented in medical school—11% of Canadian medical students compared to 22% of the population. There is a dramatic decline in students choosing family medicine and primary care:

- Family medicine: Canada from 44% in 1992 to 28% in 2005 and America from 16% in 1998 to 7% in 2006
- Primary care: America primary care from 53% to 34% and Minnesota primary care from 62% to 46%

She also noted that rural physicians are up to 5 times more likely than their urban counterparts to have a rural background. Rural origin students are:

- Disadvantaged educationally, economically, and by admissions policies
- Older, of lower socioeconomic status, have high debt loads, have increased rates of paid part-time and summer employment, have greater financial stress
- Less likely to have choice of specialty or practice location affected by financial considerations

Gwen pointed out that, both in Manitoba and the states in this region, fewer and fewer physicians are opting for primary care which is important because:

- The greater the supply of primary care physicians, the lower the total and heart disease mortality rates.
- An increase of one primary care physician per 10,000 population has been associated with a 6 percent decrease in all-causes of mortality, and a 3 percent decrease in infant low-birth weight and stroke mortality.
- The higher the specialist-to-population ratios, the higher the cost and mortality rates for total mortality and cancer mortality.

Mary Amundson, MA, Assistant Professor, Center for Rural Health, University of North Dakota, showed maps of the jurisdictions in this region indicating the high number of counties designated areas that are medically underserved and the likelihood of that trend continuing.

Mary and Gwen reported on several efforts over the last decade to enhance the numbers of rural health care providers in this region, including the Rural Physician Program through the University of Minnesota Medical School, an analogous program, Rural Opportunities in Medical Education (ROME), in North Dakota, and Manitoba's Rural Family Medicine Residency Program.

Where there have been successes, it has been because of recruitment of students, particularly in rural areas, at earlier ages, retaining them by getting them involved and interested in science and math courses and rural health care, keeping them in the pipeline by providing ongoing support, financial and other, giving them opportunities for inter-professional education and providing ongoing financial incentives to remain in rural health care.

In summary, recruiting and retaining health care professionals to rural areas will require sustained efforts that include:

- Ongoing commitment to rural students and rural educational programs
- Continue funding for Title VII for primary care and rural health programs
- Support CMS funding for training physicians
- Explore alternative funding sources
- Awareness of health issues and needs
- Regional partnership for education/ training and sharing outcomes information to create efficiencies of scale

Questions and Answers

How many graduates from UND are there currently involved in family practice?

The numbers have decreased some, but they are following the national trend. Historically, the school has been at the award level for number of students entering family medicine. Today students are getting excited and more interested in the sub-specialties. The cost of an education is also a factor. Practitioners do not see a high return in primary or family care.

What is the best way to get rural students interested? What is the emphasis on reaching them? Is the Internet used?

There are a number of Health Career Centers that encourage participation and medical career choices. Willmar, Fergus Falls and Hibbing are offering fun, hands-on programs for elementary students. There is an Internet-based curriculum available to students in Minnesota. It provides them foundations and helps to develop interest. There are Area Health Career Units to help develop awareness on rural issues and health care. The focus needs to be geared to younger students along with a re-creation of the educational process that uses those tools to keep students interested.

I understand that there are only limited "slots" available for family practice and nurse practitioners. What are the percentages for these types of professionals practicing in rural communities?

In North Dakota, nurses that come from small/rural areas are more likely to go back into their smaller communities. This is a fairly high percentage. One of the problems is that most of those types of jobs are already taken. Many of the new graduates are not individuals that had/have a tie to the community. They are becoming more specialized, and there are fewer opportunities for nurse practitioners and physician assistants. The Minnesota physician assistant program fills all of its "slots," and they graduate. They tend to specialize and stay in an urban setting. We need to emphasize the team concept and acknowledge that different types of providers need to be available to serve different types of communities.

How well has the program to recruit foreign students or doctors to serve rural communities been working?

There have been 88 foreign graduates recruited to serve rural areas in North Dakota. Initially, about 40% of them remained on a longer-term basis. However, there are many issues, and, at the present time, there is less of a pool, and their visas and retention rate are beginning to drop. Some of them have difficulty adjusting to the rural communities. They long for the east coast, where there are other cultural opportunities. International graduates are filling the "slots" which are not being filled by American students.

Agreements

Delegates agreed that states and the province need to examine scope of practice issues with the potential of broadening scopes of practice in rural areas in need of health care providers. Providers and hospitals in rural areas need a new reimbursement model so that the huge disparity in income can be addressed and so that hospitals can afford to stay open. Ultimately, communities must be involved in developing solutions, working with education, particularly higher education, in their region. More incentives are needed to bring and keep health care practitioners in rural areas. States and the province need to enhance use of telemedicine, other new technologies, better transportation methodologies and regional care centers.

Energy/Renewable Energy Working Group

Brad Crabtree, Director, Powering the Plains (PTP), Great Plains Institute, first gave some background on the Great Plains Institute, which serves the Legislators Forum jurisdictions, plus Iowa and Wisconsin. Powering the Plains is a project of the Institute and a working group of the Legislators Forum, which convenes the public and private sector in a coalition dedicated to harnessing the full energy potential of our region. PTP seeks to add value to energy and agriculture, while mitigating the risks of climate change, and to help jurisdictions capitalize on their energy strengths. It has functioned as a working group of the Legislators Forum ever since its second annual meeting.

During its fourth annual meeting, the Legislators Forum called for a regional energy transition that "relies on clean energy production and carbon sequestration." Its resolution identified some of the region's strategic energy strengths: renewable wind, biofuels, biomass and hydropower; hydrogen from renewables and coal; experience with coal gasification and geologic storage of CO2; sequestration of carbon in soils, wetlands and woodlands and marketing renewable energy and carbon credits. The resolution asked PTP to prepare preliminary scenarios, goals and measurable targets outlining a potential regional energy transition roadmap and to identify legislative measures and institutional arrangements to implement such a roadmap inter-jurisdictionally over time.

Due to the work of PTP with the Legislators Forum over the last two years, hydrogen resolutions and legislation passed in the Dakotas, Minnesota and Iowa; North and South Dakota passed legislative authorities for their jurisdictions to participate in the Midwest Renewable Energy Tracking System; and additional hydrogen legislation cleared the Minnesota Senate in 2006 and will be revisited by both houses in 2007.

Rolf Nordstrom, Director, Upper Midwest Hydrogen Initiative (UMHI), Great Plains Institute, presented research findings, 50-year energy scenarios for our region, and preliminary elements of a regional energy roadmap for the future. Last year, PTP and the Institute partnered with a University of Minnesota research team to develop a software program to model various scenarios of our region's energy future. For this analysis, PTP participants added Montana and Wyoming because of their key roles in the region as major suppliers of coal.

Then, keeping four desired characteristics of a future energy system in mind—1) provide affordable, reliable and diversified regional energy; 2) enhance the region's economy; 3) achieve ever greater levels of efficiency; and 4) avoid, reduce and offset CO2 emissions—project partners modeled four scenarios for the period 2005-2055:

- Business as usual**:** projected growth in electricity demand and increases in CO2 emissions unchanged over 50 years;
- High energy efficiency: with modest coal and renewables and an 80 percent reduction in regional CO2 emissions over 50 years;
- High renewables: with modest coal and efficiency and 80 percent CO2 reduction and
- High coal: with modest renewables and efficiency and 80 percent CO2 reduction.

Of the four scenarios above, the model finds high-energy efficiency to be the lowest cost.

While PTP participants did not recommend specific targets for CO2 reductions to legislators, they did conclude that, if federal policy-makers choose to regulate CO2 emissions in the future, our region has the capability to meet future electricity needs while reducing CO2 emissions by 80 percent between now and 2055, without significant additional costs over business as usual. However, accomplishing this will require significant increases in energy efficiency and in low and zero carbon energy development over the next half-century. In addition, PTP participants offered legislators the following initial conclusions prior to finalizing their regional energy roadmap by late fall 2006:

- Invest in energy efficiency until other energy options become less expensive;
- Accelerate commercialization and deployment of advanced coal technologies with the capture and geologic storage of CO2 emissions;
- Maximize the economic and reliable integration of wind energy onto the electric grid and harness the region's wind energy resource for non-electric applications;
- Launch a biorefinery industry that produces liquid fuels, biogas, electricity and cio-products from cellulosic biomass;
- Advance new low-impact hydropower development;
- Build a hydrogen and fuel cell industry based on regional renewable and carbon-neutral energy resources; and
- Expand electric transmission and energy delivery capacity.

Finally, the draft roadmap executive summary includes a more detailed list of key options by energy sector that PTP participants have identified for consideration by legislators and other policy-makers.

Questions and Answers

What is the mission/purpose of PTP? Are you just an "idea think-tank," or do you work with the industries to develop processes?

We aspire to do both at the Great Plains Institute. We have a small, six-person staff, and we work with many participants/stakeholders who normally do not work together. We want to do more to encourage actual technology demonstration, although it takes longer to get to the point of developing projects than policy recommendations.

What will it take to replace gasoline with biofuels, and is it feasible? How much will a farmer need for his corn to make it work?

It is not possible to completely replace gasoline at current levels of consumption. Cargill estimates that a goal of 10 percent replacement would take 50 percent of the corn crop. It seems that replacing 30 percent of liquid fuels from biomass of one kind or another would be realistic, especially with the advent of cellulosic ethanol and related technologies. I do not have the numbers to answer the cost part of the question.

We need to work in the area of energy efficiency. We need to reduce the costs for consumers, but improve exports. We can do this by reducing consumption to keep from expanding the need even more. Hydro is an efficient and reliable technology that can have low environmental impact. There needs to be greater use of hydro energy in the mix. It is a clean, proven technology. Transmission is a big issue. The energy needs to be moved.

Our modeling consistently shows substantial increased future development of renewables, including hydro, under every scenario. We cannot afford to take any generation option off the table given the challenge of meeting future energy demand and reducing CO2 emissions. Fortunately, all major energy resources in the region have current or future potential to provide low or zero-carbon energy with the right technologies and policies. Other regions are not nearly as blessed. This is important politically and economically. Each jurisdiction brings important, viable energy options to the table, which means that we do not have to pit one resource against another, or one jurisdiction's interests against another's. Our shared energy advantages provide a basis for greater regional cooperation.

Does it have the greatest efficiency with no CO2 constraints?

The models will run it, but that is pretty much what is represented in the "business as usual" scenario. Regarding the issue of CO2 emissions, the roadmap document in your materials speaks to the consensus of the various diverse interests at the PTP table. While they may differ on their view of what the policy ought to be, they agree that CO2 regulation is likely coming and that, when that happens, we need to be prepared with a plan for how this region responds.

What about garbage or waste-to-energy options. Are they included in the predictions?

They are included in the analysis. However, their utilization in the electricity sector is projected to be less significant because they represent a smaller and more costly resource by comparison to some other energy sources and technologies.

A key strategy is investing in energy efficiency. What does that mean for government?

The Roadmap catalogs 10 specific ideas, and it is arguably the major category. Utilities make money by selling energy. We need policies by which regulated utilities can benefit financially from investing in energy efficiency and actually selling less energy to their customers. This is called decoupling.

ND has a combination of landfills and agricultural wastes. Is methane part of the picture?

It is significant. Utilization of methane gives you a double benefit in that it is a renewable energy source and its use for energy avoids the natural process of emission into the atmosphere. Methane is a highly potent greenhouse gas and a major contributor to global warming from agriculture. The challenge is how do you reward someone for the methane they are not emitting into the atmosphere? For example, in Europe, companies and others required to reduce their greenhouse gas emissions can instead purchase credits from facilities and projects all over the world that are capturing and using methane for renewable energy, instead of releasing it into the atmosphere.

Is there any interest in the development of fertilizer from wind generation? This would be a community-based wind generation effort, and the best states for wind generation are in this region. The big problem is the transmission lines. Can it be used, and have you done much work on this issue?

The irony is that, as we move to ethanol, we are being forced to import the fertilizer to grow the corn. The fertilizer can be made by using wind power to electrolyze hydrogen from water and to combine nitrogen from the air with the hydrogen to produce the ammonia needed for anhydrous ammonia. The University of Minnesota at Morris plans to scale up a wind-to-hydrogen system by next year. If it works affordably, satisfying Minnesota's fertilizer consumption alone could justify the development of an estimated 2 Gigawatts of wind turbine capacity (nearly three times current levels of wind development in MN). This wind development would not require large-capacity transmission lines or power purchase agreements with utilities.

There was a presentation on transmission a couple years ago. Is there anything more developing on that? Transmission must be addressed.

There are a number of groups and planning initiatives underway, including in Manitoba, involving utilities, regulators, transmission planners and others. They are making progress that will make future transmission easier. These are diverse groups, and the biggest barrier to developing policy is not technical or economic. It is political and relates in particular to concerns over what kind of generation source the new transmission capacity will serve, who benefits and, increasingly, what are the environmental and other impacts of the proposed generation. This is an area where the legislators can have a major impact. We need a political consensus, then the technical issues will be resolved. Meeting future energy needs is going to require a broad portfolio approach. If we can agree what goes on the wires, then the wires will come.

Given the work you have done so far, what are 3 things you would like to see come from this group?

1. It is beneficial to take emerging issues to the citizens. We hope to do that in the fall. We are seeking funding to conduct 6 to 10 community forums. We would like to have the Legislators Forum delegates assist by hosting and participating in them.

2. We will have more policy recommendations in various areas completed this fall. We would like to see members of this Forum help to introduce them in their respective legislative sessions.

3. As the work on the Roadmap comes to closure, there may be other ideas or issues, and we would like to partner with this group to develop appropriate legislation.

Agreements

Delegates agreed that, as PTP proceeds with its work on an energy roadmap for the future of this region, it should encompass fair evaluation of all forms of energy for reliability, cost-effectiveness, availability and being environmentally friendly and that technologies, such as IGCC, that deal with emission issues—e.g., NOx, SOx, Mercury, CO2—should be considered. Delegates also agreed that each jurisdiction brings important, viable energy options to the table, which means that we do not have to pit one resource against another, or one jurisdiction's interests against another's. Our shared energy advantages provide a basis for greater regional cooperation. Hence, we cannot afford to take any energy generation option off the table given the challenge of meeting future energy demand and reducing CO2 emissions. They also agreed that transmission serving all energy resources on a regional basis to provide a reliable, dependable supply of power should be a major priority.

The Delegates stated that they recognize and appreciate the work by representatives of industry, agriculture, state/provincial governments, and non-governmental organizations involved in the Powering the Plains (PTP) project to evaluate long-term energy options for our region and to make consensus recommendations to legislators, especially in the area of electric power generation. The analysis completed by PTP and its research team on the region's electric power sector underscores the fact that transportation represents another major sector that must be prioritized in the development of a regional energy strategy and roadmap. To this end, delegates requested that PTP expand its regional energy scenario analysis to encompass the transportation sector and identify ways to reduce our dependence on energy imported from outside North America while fostering regional economic opportunities. They asked PTP participants to develop recommendations for how our region can:

- Supply a greater share of the energy used in the transportation sector from resources available within our region; and
- Improve energy efficiency in the transportation sector.

Attorneys General Panel on Meth and other addictive substances, Amber Alerts and other justice related issues

North Dakota Attorney General Wayne Stenehjem presented on the impact of North Dakota law on methamphetamine production and abuse. He said that the number of meth lab busts increased by 233% between 2001 and 2003. In response to initial retail restrictions, between 2003 and 2005, meth lab busts dropped by 12%. In the 12 months since additional retail restrictions took effect, meth lab busts have decreased by 80%, and the downward trend continues.

In 2003, almost 10% of North Dakota high school seniors had tried meth at least once. By 2005, that number had dropped to 5%. The State has used a three-pronged approach—substance abuse prevention, treatment and law enforcement. Relative to prevention, a significant aspect has been to address the issue of precursors. Two components are necessary to manufacture meth—anhydrous ammonia and pseudoephedrine. In order to address those precursor issues, through 2003 legislation, North Dakota has developed:

- Retailer Meth Watch program, training retailers and employees how to identify and report suspicious drug activity
- Anhydrous Ammonia –pilot program for anhydrous nurse tank locks
- Restrictions on over-the-counter retail sales of certain cough and cold medicines
- Criminal penalties for exposing children to controlled substances, chemical substances used to manufacture meth, or drug paraphernalia
- Flexibility for residential treatment options with group insurance plans
- Mandatory sentences when a weapon is involved in an arrest for possession of a controlled substance
- Expanded definition of "deprived child" to include exposure to manufacture of meth
- Restricted sales of pseudoephedrine to 3 grams in a single sale

The 2005 legislation added additional requirements:

- Drug offenders' bail is conditional upon clean urinalysis tests
- Mandatory treatment for first time felony drug offenders
- Additional restrictions on retail sales of ephedrine products
- Penalties for ingesting controlled substances
- Expanded anhydrous ammonia tank lock program

The decrease in meth lab seizures is attributed to the legislation restricting the sales of meth precursors, vigilant efforts of law enforcement, and the public's willingness to report suspicious activities. Another initiative has been the establishment of a state Drug Endangered Children Program to address the needs of children exposed to drug production and use by their parents.

The Combat Meth Act has been passed at the federal level as well which imposes restrictions on the retail sales of certain non-prescription medicines used to manufacture methamphetamine. The Act does not preempt state laws. Instead, the most stringent provision must be followed.

Stenehjem said that next we need:

- Post Seizure Analysis Team—Multi-agency team—Border Patrol, Immigration and Customs Enforcement (ICE), Bureau of Criminal Investigation (BCI), and the North Dakota Highway Patrol and facilitation of information sharing between task forces, analysts across the nation, and the northern border International Border Enforcement Teams (IBET)
- Better Treatment—Expand available treatment programs. The program must be comprehensive and able to effectively address the unique treatment needs of meth addiction.
- Education—Community workshops, public forums, a meth summit, retailer training, elementary school programs, narcotics training for law enforcement, drug endangered children workshops

Gord Mackintosh, Attorney General and Justice Minister from Manitoba, reported that Manitoba learned a great deal from his work with the Legislators Forum and the Governor Sinner Public Policy Symposium as well as the Attorneys General from these states. He noted that there are a lot of moving parts and that Manitoba needs to address both the demand and supply sides of meth and other addictive

drugs. We want to take preventive efforts that minimize the use of pseudoephedrine and raise public awareness.

In January 2006, certain products containing pseudoephedrine went behind the drug counters under the control of pharmacists. Project "Meth Watch" has been developed in major drug stores. Changes in regulations have made it mandatory to report thefts of anhydrous ammonia, which, combined with educational materials that have been developed and distributed, should reduce incidences of theft. We have meth training on line for law enforcement officials, and Ontario and Saskatchewan are on board with us in our efforts. We are in the process of developing child endangerment protocols to protect children in these situations, are using enhanced technology and also implemented a specialized drug treatment court through federal funding. A Manitoba Meth Task Force has been developed and is taking a comprehensive approach.

We know that organized crime is involved, and we need to deal with that aspect of it. While the Canadian federal government licenses the importation of ephedrine/pseudoephedrine, we know we have to monitor the distributors and work with the major foreign pharmaceutical companies, who know that a significant amount of the product they produce ends up in the production of meth. We also need to go after the major meth labs in Mexico.

Gord asked fellow Manitoba Minister Theresa Osborne to address this issue further because she is in charge of the Division of Healthy Living and is working with Gord on these efforts. She indicated that many of the Manitoba delegates at the Legislators Forum are involved with this work as well. They are doing a significant education and media campaign to increase public awareness. They are also doing "street outreach" to get the message to those on the street. Manitoba has introduced the Youth Drug Stabilization Act to address the situation where parents have run out of options so that they can have children placed into detoxification for meth or other addictive drugs for up to 7 days. Alberta and Saskatchewan have passed similar legislation. And Manitoba is building its own capacity for engaging in best practices, such as "motivational interviewing techniques," to address these drug addiction issues.

Minnesota Attorney General Mike Hatch said we have learned a lot in recent years about meth and other addictive drugs. We have learned that one-time use does not often cause addiction but that second time use results in 50% addiction. We know that it takes a long time to detoxify from meth addiction, that over 10% of Minnesota students have tried it and that a great deal of identity theft is related to securing funds for meth. We also know that the local producers of meth represent only 20% of the production, that most of it comes from super labs in Mexico, is gang sponsored and that its introduction into our jurisdictions largely follows the Interstate Highway system. Fighting meth so far has taken at least $120 million in public funds, and its use has caused billions of dollars in damages.

We need to go after the 9 manufacturers of pseudoephedrine that produce 1200 tons of it each year, and they know that 20% of what they produce ends up in meth. We have ignored the liability of the largest, legal drug distributors. Oklahoma has sued Pfizer for distribution. That is a beginning. We have met with law firms that were engaged in the tobacco litigation to determine how we might proceed against these companies.

South Dakota Attorney General Larry Long reported that drug and alcohol addiction drives crime in his State and in the whole country. Of 15,000 felony crimes last year, 5,000 were for drunk driving, and 3,000 were for drug possession and distribution. 13% of males in prison and 40% of females in prison admit to meth addiction, and 80% have either alcohol or drug addiction. He said that, in order to address these issues, the example of parents is essential. The Governor has begun teaching students about the dangers of drug and alcohol addiction, and, when they hear it from the Governor, it makes a difference.

AG Long gave an update on the 24/7 project he had reported on during the Governor Sinner Symposium. They have established pilot projects in some South Dakota counties in which second-time alcohol offenders' incarceration is deferred, during which time they cannot drink, cannot enter an establishment that sells alcohol and must come into the sheriff's office and take a Breathalyzer test at 7 a.m. and 7 p.m. If the test is "hot," they go to jail. Of 55,000 tests administered to date, there has been a 97% success rate. They received a $250,000 federal grant to conduct this project. It takes just 40 cents per person per day to keep them sober, and there are minimal personnel costs associated with the project.

Finally, Gord asked his fellow Attorneys General to sign with him onto agreements to collaborate in the use of Amber Alerts across state and provincial jurisdictions, which they did. The signing event occurred at the Legislators Forum, and is seen in the accompanying photos.

Agreements

Following discussion about the presentation of the Attorneys General, the delegates agreed to endorse the investigation of the major importers and large distributors to determine who is getting what kinds of precursors from whom. Law enforcement and the Attorneys General should identify the large sources of meth and attack them. The delegates also encouraged additional pilot projects like the 24/7 project in South Dakota and drug courts. They agreed that "leveraged coercion" as a way to treat drug and alcohol addicts while on deferred sentences, parole and probation should be explored, recognizing that there are professionals who disagree with coercion of any kind. Civil treatment options to deal with alcohol and drug addictions should also be enhanced. Delegates agreed that we all need to realize that meth addicts may need much longer and more intensive treatment. Delegates also agreed that we need to broaden our education and prevention programs, and some pointed to the Montana public education process as an example that may have potential.

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