19TH ANNUAL INTERNATIONAL

LEGISLATORS' FORUM

JUNE 17-19, 2019 - Sioux Falls, South Dakota

MANITOBA | MINNESOTA | NORTH DAKOTA | SOUTH DAKOTA

2019 International Legislators' Forum Jurisdictional Delegates

Manitoba

MLA **Alan Lagimodiere** (PC) - Selkirk
MLA **Jim Maloway** (NDP) - Elmwood
MLA **Flor Marcelino** (NDP) - Logan
MLA **Ted Marcelino** (NDP) - Tyndall Park
MLA **Shannon Martin** (PC) - Morris
MLA **Greg Nesbitt** (PC) - Riding Mountain
*MLA **Dennis Smook** (PC) - La Verendrye
*MLA **Matt Wiebe** (NDP) - Concordia

Minnesota

Representative **Patty Acomb** (DFL) - District 44B
Representative **Jeff Backer** (R) - District 12A
*Representative **Dan Fabian** (R) - District 01A
Senator **Mark Johnson** (R) - District 01
Senator **Erik Simonson** (DFL) - District 07
*Senator **David Tomassoni** (DFL) - District 06
Senator **Bill Weber** (R) - District 22

North Dakota

*Representative **Gretchen Dobervich** (D) - District 11
Senator **Jim Dotzenrod** (D) - District 26
Senator **Joan Heckaman** (D) - District 23
*Senator **Larry Luick** (R) - District 25
Representative **David Monson** (R) - District 10
Representative **Jon O. Nelson** (R) - District 14
Representative **Marvin Nelson** (D) - District 9

South Dakota

Senator **Red Dawn Foster** (D) - District 27
*Representative **Steven Haugaard** (R) - District 10
Representative **Chris Karr** (R) - District 11
Representative **Steven McCleerey** (D) - District 1
*Senator **Reynold Nesiba** (D) - District 15
Representative **Jamie Smith** (D) - District 15
Senator **John Wiik** (R) - District 04
Senator **Jordan Youngberg** (R) - District 08

** Identifies Members of the ILF Steering Committee*

19TH ANNUAL INTERNATIONAL LEGISLATORS' FORUM (ILF)

Monday, June 17 – Wednesday, June 19, 2019
Sioux Falls, South Dakota

Legislators representing Manitoba, Minnesota, North Dakota, and South Dakota, along with presenters, dignitaries and sponsors, gathered at the Hilton Garden Inn (Sioux Falls) – Downtown, June 17 to June 19, 2019 for the 19th Annual International Legislators Forum (ILF).

The ILF is a nonpartisan, consensus-oriented, convening of legislators from the four jurisdictions to meet, learn, share information, understand problems, build relationships, and develop collaborative approaches and solutions on a wide variety of issues relevant to and affecting their jurisdictions. The ILF is convened and facilitated by a neutral third-party, The Consensus Council, Inc. (www.agree.org).

The ILF was established by the International Flood Mitigation Initiative (IFMI), a series of consultations between Manitoba, Minnesota, North Dakota, and South Dakota following the 1997 Red River Basin flood (http://www.virtualacademia.com/pdf/ins449_458.pdf).

Over the past 19 years the ILF has addressed a wide variety of issues, including, but not limited to:

- Water Quantity and Quality;
- Aquatic Invasive Species;
- Human and Animal Health and Food Safety;
- Methamphetamines and Law Enforcement;
- Rural Access to Health Care;
- Genetically Modified Organisms;
- Outmigration and Immigration;
- The Western Hemisphere Travel Initiative (WHTI);
- Tourism;
- Cross-Border and International Trade;
- Economic and Workforce Development;
- Human Trafficking; and
- Environmental Permitting and Review.

The ILF delegates' efforts have resulted in agreements that directly and indirectly impact the jurisdictions and their policies. Highlights and previous years' publications can be found at www.agree.org/legislators-forum/.

The ILF Steering Committee selected these timely topics for the 2019 Forum:

- **An Examination of the Big Sioux River and the Locally-Driven Efforts to Improve the River's Water Quality;**
- **The Regional Impacts of Marijuana Legalization; and**
- **An Examination of the Opioid Crisis in the Northern Plains.**

Presenters and panelists shared their expertise, offered topic specific information, and engaged the delegates in follow-up discussions and interactions. PowerPoints, handouts, contact information and other materials specific to each presentation can be accessed at the Consensus Council's website: http://agree.org/legislators-forum/ilf19/. All presentations included discussions facilitated by the Consensus Council, allowing the delegates and experts to examine the topics in greater detail.

OPIOID
CRISIS
SIOUX
FALLS EMS
SYSTEM

Narcan
Administration
Over Time

why native plants?

Pre-Forum Press Conference

ILF Steering Committee members were interviewed by members of the press. Media about the 2019 ILF can be found at http://agree.org/legislators-forum/ilf19/.

Pre-Forum Event – Part 1: First Responders Opioid Presentation and Discussion (Minnehaha County Law Enforcement Center, 415 N. Dakota Ave., Sioux Falls)

The Forum began with a joint presentation from the Minnehaha County Sheriff's Office, PatientCare EMS, Sioux Falls Fire Rescue, and the Minnehaha County Coroner about the impacts of the opioid crisis on the Sioux Falls Emergency Management System. The presenters included:

- **Minnehaha County Sheriff's Office**
  Sheriff Mike Milstead
  Captain Joe Bosma
- **Patient Care EMS**
  Mike Bureau
- **Sioux Falls Fire Rescue**
  Mark Bukovich
- **Minnehaha County Coroner**
  Dr. Kenneth Snell

The presentation dealt with multiple topics within the framework of the drug culture in Sioux Falls. These topics included the dramatic increased usage of Mexican Cartel trafficked methamphetamine, the increased occurrence of overdose-based cardiac arrests, and how first responder utilization of Narcan has decreased overdose cardiac arrest costs.

Pre-Forum Event – Part 2: Observation & Discussion of Big Sioux Water Quality Protection and Restoration Activities (Legacy Park, 7001 W. 12th St., Sioux Falls)

The delegates were treated to a walking tour of Sioux Falls' Legacy Park, one of the parks within the city tied to the efforts to improve the Big Sioux River's water quality.

The walking tour was led by **Andrew Berg**, City of Sioux Falls' Environmental and Stormwater Manager (aberg@siouxfalls.org), **Jay Gilbertson**, Manager and Treasurer of the East Dakota Water Development District (edwdd@brookings.net), and **Jack Majeres**, Chairman of the Moody Conservation District and the Big Sioux Watershed Project Steering Committee (majeresj@hotmail.com).

The tour provided physical examples of the green buffers, no-mow strips, and the importance of using native prairie grass to decrease pollution from runoff into tributaries of the Big Sioux River.

Opening Social – Falls Overlook Cafe (825 N. Weber Ave., Sioux Falls, SD)

The delegates, guests, sponsors, and staff relaxed and enjoyed the picturesque Falls Overlook Café. Sioux Falls' Mayor **Paul Tenhaken** welcomed the delegates.

Deb Birgen, Legislative and Governmental Relations Director, and **Rob Scott-Hovland**, State Legislative Representative, from Missouri River Energy Services were recognized for their company's long-standing support of the International Legislators' Forum. Delegates and other ILF attendees were made aware that Missouri River Energy Services was making itself available to conduct tours of their Sioux Falls facility outside of the regular ILF events.

Opening – Revir Rooms A & B, Hilton Garden Inn – Downtown, Sioux Falls

Following a hearty breakfast, Consensus Council Senior Program Director, Scott Fry, welcomed participants to the 19th annual meeting of the International Legislators' Forum. Providing the Consensus Council's role and background, Scott noted that the organization has facilitated all nineteen ILF meetings.

Scott shared how the International Legislators' Forum was established at the recommendation of the International Flood Mitigation Initiative (IFMI), following the devastating 1997 Red River Flood. Through a Memorandum of Understanding among Manitoba, Minnesota, North Dakota, and South Dakota, the first International Legislators' Forum was organized to increase mutual understanding of issues faced by each jurisdiction and to help lay a foundation for building cooperative agreements among the jurisdictions on flooding and other important issues. Since 2000, legislators have met annually to address issues of common concern.

Scott introduced the ILF Steering Committee members and thanked them for their service to the ILF. They received a round of applause from the group. He then introduced Senator **Reynold Nesiba** and Representative **Steve Haugaard**, South Dakota's ILF Steering Committee representatives and hosts of the 2019 ILF. They welcomed the 2019 ILF delegates and observers to Sioux Falls and the first day of plenary sessions. History and highlights of the area were provided to each delegate by the Sioux Falls Convention and Visitors Bureau.

The delegates completed a round of self-introductions followed by guests and sponsors in attendance. Scott reviewed the Forum's agenda and ground rules and emphasized the Forum's nonpartisan environment, providing the delegates a space for information sharing and the development of agreements and relationships among themselves and their respective jurisdictions. The 2019 ILF Sponsors were thanked. They were:

- **Sanford Health**
- **The Canadian Consulate General of Minneapolis**
- **Missouri River Energy Services**
- **Ducks Unlimited**
- **East Dakota Water Development District**
- **ND Soybean Growers Association**
- **East River Electric Power Cooperative**
- **Brookings Economic Development Corporation**
- **Red River Basin Commission**
- **North Dakota Pharmacy Service Corporation**

(Note: Forum materials are accessible directly on the Consensus Council's website - http://agree.org/legislators-forum/ilf19/.)

Day One – Plenary Session One: Big Sioux Water Quality Efforts

The first plenary session began with a joint presentation and discussion about the Big Sioux River including the efforts and policies undertaken to address the water quality issues impacting the river. Presentations can be found at http://agree.org/legislators-forum/ilf19/. Presenters included:

- **Jay Gilbertson** – Manager/Treasurer, East Dakota Water Development District
- **Andrew Berg** – Environmental and Stormwater Manager, City of Sioux Falls
- **Jack Majeres** – Chairman, Moody Conservation District and Big Sioux River Watershed Project Steering Committee
- **Don Reicosky** – Retired Soil Scientist, USDA-ARS North Central Soil Conservation Research Laboratory
- **Angela Ehlers** – Executive Director, South Dakota Association of Conservation Districts

The session addressed the Big Sioux River Watershed Project focusing attention on the importance of water quality and soil conservation efforts within the Watershed Project and across South Dakota.

Question & Answer Session

The presenters were asked how the Watershed Project has been able to get rural participants interested in the buffer strip program and who pays for the efforts. The presenters stated that the rural participants in the Seasonal Riparian Area Management (SRAM) program are paid a lump sum from the Watershed Project for a 10-year lease where the producer sets aside crop land along tributaries and plants it with native grasses. Producers agree to not farm the buffer strip but are able to hay and/or graze livestock after September 30 as long as they leave four inches of growth on the grasses. The presenters observed that this allows the root systems to go deeper, increasing the soils water-holding capacity and reducing utilization of nonrenewable resources.

The presenters were asked to what degree the SRAM program and the riparian strip system used in Minnesota could be used simultaneously. The participants indicated that a program enabling producers to combine SRAM with a compensated riparian strip program would likely incentivize them to increase participation in both programs, just like combining the Federal Conservation Reserve Program (CRP) and SRAM does now.

One of the delegates observed that it will take agriculture producers' involvement to clean up rivers and it looks like these programs are moving South Dakota in the right direction, especially with the greater interest in cover crops among producers.

A question arose regarding how late crop producers might be able to take advantage of cover crops. The presenters indicated that there is research being done regarding coating the cover crop seed so it can be planted at the same time as the late season crop, however, this research has not been adequately completed yet. They also indicated that cover cropping is a relatively young science in commercial scale agriculture and producers also have to be able to keep their fields clean. The presenters also noted that some cover crops like radishes and turnips can be planted with winter crops like winter wheat and rye.

The delegates asked when the Big Sioux is going to be clean enough that people can go into the water? The presenters stated that it took 150 years to create the problems on the Big Sioux and it is going to take a long while for the issues to be resolved. They also stated that the Big Sioux is never going to go back to pre-European settlement conditions as long as people live here; nevertheless, we can develop systems to minimize the damage done to the river. They indicated, that soil is being lost faster than it can be made and that we need to continue to improve our ability to work with Mother Nature.

One delegate commended South Dakota for their compensation to producers but wondered whether the buffer strip areas are increasing nitrate runoff. The presenters indicated that because the Big Sioux Watershed Project is focused primarily on the bacterial and sediment impairments to the water, the Project has not been monitoring nitrates as precisely. However, there have not been any major anomalies from areas that are using buffer strips or low tillage.

The delegates also noted that the slides seemed to indicate that farmland tiling increases carbon loss, why would that be? The presenters indicated that the microbes that tie up the carbon need oxygen to do so and that tiling is speculated to impact the oxygen levels. Some practical compromises can be implemented to mitigate this loss.

The delegates commented that there are many places in North Dakota where a high-water table along with high saline soil entices farmers to aerate their soil using farmland tile to dry it for future planting. Tiling seems to help reduce the saline impacts by allowing the water to pull the salts deeper into the soils away from the topsoil. Delegates further inquired whether the use of deep-rooted prairie grass-based buffer strips and cover crops bring up those salts. The presenters indicated that saline soils are a concern in South Dakota, too, but tilling is reducing the soils in the Big Sioux Drainage and increasing the river's sedimentation. We need to figure out how to manage water rather than letting it run off the soil and, tiling and no-till can both help with that.

The delegates also asked how this information can be shared. Are agriculture students are being taught about soil health and carbon management? And, do we need to pay everyone to do the right thing? It just doesn't seem right to pay farmers NOT to farm. The presenters indicated that we need to do more to reach young producers such as agriculture students about soil health in general with some specificity in using cover crops and addressing salinity problems. The presenters also noted that they recently had some agriculture student interns from South Dakota State University (SDSU) who had not had any classes on soil health. When SDSU was contacted regarding whether soil health classes were required for agriculture students to graduate, they indicated that such classes were not required. The presenters also indicated that North Dakota State University (NDSU) has a good soil science department which has done research showing that 50-foot buffer strips have a 3% increase in soil conservation on fields. The presenters could not confirm whether soil health was a requirement to graduate at NDSU. The delegates stated that they would reach out to SDSU to determine whether soil health could be added to the required curriculum.

One of the delegates asked how to get larger producers to participate in programs like this? The presenters indicated that the best way to get producers to change and adopt systems like the Big Sioux's SRAM program is through word of mouth, producers using these processes will talk about them with their peers.

The presenters were asked how the SRAM payment compares to cash rent. They indicated that SRAM's payments are based on SDSU Extension's irrigated/non-irrigated rent rates, which are right now $70/acre. But, the presenters qualified, the same producer can also make a profit from the SRAM acres by haying it after September and grazing, which can add up to as much as $300/acre.

The delegates asked what the length is of a SRAM contract. The presenters indicated that there are 10- and 15-year contracts and the payment is made in whole at the beginning of the contract.

Another delegate asked what the ILF delegates could learn from South Dakota's experience. The presenters stated that they would have put in place 3-5-year recertifications rather than year-to-year recertifications. They also indicated that, to do it well, counties need to have Geographic Information System (GIS) access. The presenters also stated that if people sign up for SRAM and CRP in the correct order, they can also reduce their tax burden. A delegate indicated that while Minnesota has had buffer laws for years, these laws were mandated with little involvement of important stakeholders, like producers. Often, they stated, time is wasted because the state is unwilling to have a conversation first and then develop policy. The session closed with a discussion around how private property confiscation needs to be compensated and how the stakeholders whose land is being confiscated by mandated buffer strips need to be involved.

Scott thanked the presenters for their diligence in pulling together such a thorough presentation and participating in a lively discussion. The delegates gave the presenters a round of applause.

Day One – Lunch Session: Road Trains

The Forum then adjourned for lunch during which North Dakota Senator **Larry Luick** provided the delegation a presentation on Road Trains, available at https://agree.org/legislators-forum/ilf19/. The presentation covered the difficult question of how to transport goods in the United States and Canada when both countries have 900,000 fewer Commercial Drivers than are currently needed – even as the demand for them continues to increase. Senator **Luick** reported that North Dakota has elected to conduct an Interim Legislative study of the road trains, as a possible mechanism to address the increasing transportation demands and the decreasing number of transporters. He stated that road trains could increase efficiencies,

address driver turnover, baby boomer retirement, and the mandated maximum hours of service impacting drivers. The delegates thanked Senator **Luick** with a round of applause.

Day One – Plenary Session Two: The Regional Impacts of Marijuana Legalization

Due to the recent legalization of recreational marijuana in Canada, the ILF steering committee determined that a discussion of the regional impacts of the legalization of recreational marijuana would be informative. The presentations and comments from the presenters can be found at https://agree.org/legislators-forum/ilf19/ along with their contact information. The presenters for the session were:

- **Jean Robinson** – Legislative Liaison, Colorado Department of Revenue
- **Robert Haivala** – Assistant Attorney General, South Dakota Attorney General's Office
- **Kadri Irwin** – Director of Licensing; Liquor, Gaming, and Cannabis Authority of Manitoba

Each presenter provided a description of their jurisdiction's framework for legalizing marijuana and/or the impacts that other governments' legalization of marijuana are having on their jurisdiction.

Robinson outlined Colorado's marijuana legalization history and the regulatory structures that evolved to manage medical marijuana and the transition to include legalized recreational marijuana. Through ballot measures Colorado legalized medical marijuana in 2000 and recreational marijuana in 2012. Recreational marijuana sales started in 2014 under the licensing authority of the Colorado Department of Revenue (CDR). The CDR regulates people (sellers and purchasers), places (dispensaries), and plants (individual tracking system from seed to sale). Colorado is currently working on regulating plants' high-THC content, concentrates, and edibles.

Haivala described South Dakota's problems caused by other states' marijuana legalization, specifically marijuana trafficking and an increase in drug crimes in Western South Dakota in general. South Dakota is experiencing two types of drug traffickers – individual transporters of products for personal use and bootleggers transporting inexpensive high THC marijuana between markets.

Irwin explained Manitoba's regulatory system in the context of Canada's legalization of recreational marijuana. Canada's system, started in late 2017, is an effort to reduce the black market and provide safe and legal access to products. The Canadian Federal government retains much of the authority in marijuana production and sales. In Manitoba, people are not allowed to have personal grow operations and marijuana sales are only available to those 19 years and older. The province regulates the private retail market and mandates a high level of public education about the product. Manitoba gathered pre-legalization benchmarks by conducting a province-wide survey. They will conduct another survey after a couple of years to determine underserved areas and potential unforeseen impacts. Manitoba does allow municipalities to restrict cannabis locally, but everyone in Manitoba can access marijuana through online orders. Finally, Manitoba imposes a social responsibility fee to address social costs that might occur.

Question & Answer Session

One delegate commented that the Forum should have had a medical voice in the marijuana legalization discussion because legislators also need to be able to address the risks to young people and the high number of ER visits caused by edible overdoses.

The presenters observed that Health Canada has routine monthly calls to discuss issues occurring in the provinces with marijuana legalization and that public protection remains the number one priority on those calls. The presenters also remarked that there definitely needs to be more research on marijuana consumption impacts. The presenters also noted that legislators need to be aware of how powerful the marijuana lobby becomes, once marijuana is legalized.

Another delegate stated that it doesn't seem the role of government to exercise a vice on the public. Sitting on the mental health board has shown him how many people have developed addictions to marijuana and gambling, including increases in suicide and schizophrenia without family history. The presenters added that mental health services' resources are not good, that many facilities are unable to fill the demand from patients in crisis because Medicaid does not cover the costs in South Dakota, and that there are too few providers to meet the needs of the mental health system. The presenters further commented that we need to change our attitudes in general and not just live like we can do whatever we want to do.

The delegates noted that it seems that many people self-medicate because of lack of access to treatment and that we need to be able to address these sufferers. They were intrigued that a baseline set of data were established in Manitoba and that a second set of data will be gathered to determine issues. The presenters indicated that the data are still being analyzed but will be forthcoming. They also noted law enforcement has noticed that intoxicated driving has not increased in the province since legalization.

The delegates inquired what is being seen in Manitoba in home grow regulation in response to legalization. The presenters indicated that since the provinces of Manitoba and Quebec do not allow home grow marijuana there is no information regarding recreational home grow. Manitoba's medical marijuana law allows people to grow 192 plants, which is more than one person needs. This can result in sales to non-medical users. Presenters also noted that home grow is the biggest issue in Colorado because it is an uncontrolled loophole. Colorado's retail cannabis is highly regulated, but physicians can grow 199 plants per patient and individuals can grow unlimited amounts, creating a grey market for quasi-legal cannabis. Quality control issues have emerged, as well, resulting from recent pesticide recalls of marijuana from Oregon and Colorado.

Another delegate asked whether cannabis sales' tax revenue in Colorado pays for the cost of the social issues occurring with legalization? One presenter noted that there have not been any marijuana-related social problems increases in Colorado and that, while the revenue from cannabis sales are not huge, they allow the state to address issues that would not otherwise be possible. Another presenter noted that there are statistics that show a growth in crime, accidents, and deaths in Colorado since legalization occurred.

Another delegate asked how the different jurisdictions regulate CBD oil. The presenters noted that there are few, if any, regulations regarding CBD oil and that industrial hemp is regulated through the US Department of Agriculture, so they were not able to speak to it.

One of the delegates noted that it seems that the movement toward legalization comes from people who have been illegally consuming it for 40 to 50 years without any major ill effects. If that is the case, why are we jailing people for small amounts of cannabis and how can we

tax it and control it instead? The delegate also asked whether recreational cannabis has caused a decrease in the utilization of medical cannabis. The presenters noted that medical cannabis prescriptions have decreased, and people seem to be willing to pay a much higher tax than that imposed in Colorado.

A delegate asked if medical cannabis is cheaper than recreational cannabis in Colorado. The presenters indicated that it was.

The delegates asked if marijuana needed to be purchased with cash. The presenters stated that Colorado's recreational purchases are cash-only sales to comply with banking practices, but banks are slowly accommodating cannabis transactions.

Another delegate, noting that marijuana seems similar to alcohol or cigarettes, wondered what is being done to keep it out of the hands of minors. The presenters indicated that Colorado is making parent-lead education available to the public. Regulators are also requiring age verification for sales. There, nevertheless, is no way to currently control who the illegal market sells to or what people do with their legally purchased products.

A delegate noted that it seems that the social impacts of cannabis consumption are getting worse because of the increase in potency. The delegates noted data from various states regarding ER/ED visits, hospitalizations, etc., have shown increases because of the potency.

The delegates asked if there was a test to determine impairment from cannabis consumption. The presenters indicated that there are instruments in the early stages of development. There is no established legal level, requiring specially trained law enforcement officials to assess someone who has no- or low-blood-alcohol levels.

Another delegate noted that prohibition seems expensive and inquired whether there was any data regarding a reduction in costs of law enforcement or other costs? One of the presenters indicated that there was a study a few years ago and that they would forward it for inclusion on the ILF website.

Another delegate asked whether medical cannabis is liquid-only, as it is in Minnesota. The presenters indicated that medical cannabis is not specified to be liquid-only in any of the other ILF jurisdictions or Colorado. They also noted that Colorado is dealing with new regulatory

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issues because of new products such as nasal sprays and inhalers, home extraction, and properties other than the THC content.

The delegates noted that there seems to be conflicting information regarding impaired driving. What policies are being considered to address the fact that cannabis stays in the body without impairment longer than alcohol? The presenters stated that the indication of marijuana consumption can last as long as 45 days without impairment symptoms. They also noted that this is an issue for employers as well. Colorado employers are eliminating marijuana from employee drug-testing requirements because there were many jobs, like food service, where marijuana consumption does not have a significant impact on job performance.

The delegates asked by how much the Colorado recreational marijuana legalization ballot measure passed. The presenters indicated it passed with 65 percent of the vote.

The delegates then asked whether there were any guardrails put in place to address issues that develop with marijuana legalization. It was indicated that Manitoba, because of the way Canada legalized marijuana, has the ability to determine what is allowed in their province including THC levels, edibles, and home grow. Another presenter indicated that several of Colorado's neighboring states have sued the state for the impacts from marijuana legalization and have lost.

The delegates asked how zero tolerance jobs such as CDL-holding drivers are dealt with in Colorado. The presenters indicated that positions, such as CDL drivers, are federally regulated and have the same requirements as any other state. If a driver tests positive for THC, they lose their license. For other non-federally regulated positions, it is left to the discretion of the employer.

The presenters were asked whether the marijuana growing in Colorado is done indoors since it has such a high probability of cross-pollinating with hemp. The presenters indicated that most of the marijuana is grown indoors in Colorado because of the short growing season at such a high elevation. There are some areas near Pueblo, they indicated, where some is grown outside, but they couldn't report how it is impacting hemp growers in the state.

Break

After the break the presenters answered some additional questions developed by the Marijuana workgroup to enable the presenters to address issues that are different for each of them.

What supply issues has your jurisdiction faced?

Irwin indicated that Manitoba has had issues with not having enough product for store shelves. Manitoba distributors are only receiving 35% of the product they are ordering because packaging requirements are slowing production and distribution. Canada is trying to carefully manage supply to guarantee there will not be an oversupply.

Robinson indicated that production management is well controlled to reduce the potential for over supply that might increase a diversion to illegal markets. Colorado is keeping tabs on the system to keep risk low. Colorado has three tiers of producers – as long as you are growing 90% of your retail crop and selling 70% of your grown crop you can stay in your tier.

If you could go back in time, what you tell your predecessors to do differently?

Robinson said that Colorado should not do it constitutionally, making it far too confusing and difficult. She also stated that to be ready for a fast opening they should put stop gaps in for potency limits, approval procedures for other products, develop a bipartisan coalition of legislators with different levels of expertise to encourage greater levels of dialogue, and to fund regulatory agencies well.

Haivala indicated that he would discourage people from transporting cannabis through South Dakota. He also said that South Dakota should avoid Constitutional initiated measures, if possible, because the legislature is not able to repeal a Constitutional amendment. Finally, he said they should be careful with the language in a bill because they will have to live with it.

Irwin indicated that she would tell them to anticipate and prepare for change. Manitoba has enabling legislation that allows for flexibility. They should continue to keep the programs and their data tight; they can be loosened up later. Industry lobbyists can apply a lot of pressure and will go to policy makers if they don't get what they want. Finally, they should create a secretariat of experts to look at issues as they arise.

One of the delegates asked whether Colorado or Manitoba would say that the implementation of marijuana legalization in their jurisdiction has changed the public's perception of the issue. Would it pass again? **Irwin** indicated that the polling is showing that it wasn't as earth-shattering an

event as predicted and there's no great regret. **Robinson** indicated that Colorado doesn't seem to have any major doubts from passing it. People still have the ability to choose. The tax revenue is nice, giving the state more flexibility. Many individuals were not aware of the quantity of products available, and that most who said they wouldn't consume still are not. **Haivala** indicated that South Dakota has reacted by reducing sentences for simple possession.

Another delegate asked if Manitoba or Colorado were tracking the economic or tourism impacts of the legalization of marijuana. **Robinson** indicated that Colorado is tracking business by city and there are new business models developing in the state such as marijuana-based bus tours, marijuana tourism, mobile hospitality sites, and boutique hotels. But, she said, if they aren't selling the product they aren't regulated. **Irwin** stated that Manitoba is collecting some information, but the data are too new to share. Manitoba doesn't allow public smoking and very few hotels allow consumption, so it is not as tourism friendly as Colorado. It does, she said, put a tourist into a difficult situation because you can't smoke it in public and you can't take it across the border. **Robinson** stated that marijuana tourism initially was difficult, too, in Colorado because you had to consume in your own home. However, hospitality licenses have addressed this, and, effective in January 2020, cannabis bars will be permitted.

A delegate then asked what other occupations are prohibited from consuming cannabis. **Robinson** stated that law enforcement officers, teachers, anyone required to pass a drug test are not allowed to consume. She said that there have not been any laws changed because of it and there has been a reduction of drug testing in the state. **Haivala** stated that drug testing is required for law enforcement in South Dakota.

The presenters were thanked for the in-depth session. The delegates gave a round of applause. The meeting was adjourned until the banquet at 6:00 pm.

Banquet – Hilton Garden Inn (Revir C & D)

A reception and dinner, graciously sponsored by the **Consulate General of Canada, Minneapolis, Minnesota**, convened Tuesday evening and provided delegates the opportunity to network with colleagues and peers. Canadian **Consul General Ariel Delouya** and United States **Consul Anthony Pagliai** provided separate comments to the delegates, highlighting the importance and impact of the Canadian/US relationship.

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Plenary Session: Day Two – Opioid Crisis in the Northern Plains – Medical Perspective

Presentation PowerPoints, handouts, contact information and other related materials can be accessed at the Consensus Council's website: http://agree.org/ilf19/. The presenters for the session were from Little Falls, MN:

- **Dr. Heather Bell** – Physician, CHI St. Gabriel's Family Medical Center
- **Dr. Kurt DeVine** – Physician, CHI St. Gabriel's Family Medical Center

Bell and **DeVine** opened the discussion around the opioid epidemic with a presentation from a medical perspective, specifically the success they have witnessed within their community to reduce the number of opioid related deaths, through the ECHO program. Their presentation was followed by a question and answer session specific to their presentation.

Question and Answer

The presenters were asked how the protocols from their efforts differ from Minneapolis protocols. The presenters stated that they are currently working with Hennepin County. Adoption of innovation is faster in smaller towns because there are fewer levels of bureaucracy to educate and manage. Their approach can be scaled to larger or smaller populations, allowing for ready movement from clinic to clinic.

The delegates asked what the program's key indicators of success were. The doctors indicated that they determine a patient's care a success when they are able to return to work functionally. They stated that the program can only work with cooperation between the medical field and law enforcement field, which is happening in rural settings more readily than urban settings.

The delegates asked how paramedics could productively participate in this effort. **Bell** and **DeVine** indicated that paramedics' impact in the process is reduced in their model. Instead, the work needs to be done in the Emergency Room (ER) with follow-up medications like suboxone. The doctors are working to clearly define appropriate ER care in law, especially related to suboxone administration. They also noted that they have found the county jail relationship as the best model for communication and protocol-driven services, where the clinic and county jail staff are the keys to the success of the program.

The delegates asked for more information regarding suboxone. The doctors indicated that suboxone is an opioid that will help more people that it will hurt. It has the ability to remove withdrawal symptoms but does not impact pain and can't get anyone high. It comes in pill and film forms; both are hard to divert to illegal use because they dissolve quickly. Their research shows that crime goes down in areas with suboxone as the treatment mechanism. The majority of patients respond well and do not become chronic suboxone users.

One of the delegates noted that the program described is not punitive. In North Dakota, they said, people are expelled from Medicaid if they test positive for an opioid. Medicaid recipients addicted to opioids need to be given care, not removed from the system that could help them address their addiction.

Opioid Crisis in the Northern Plains – Law Enforcement and Court System Perspective

Presentation PowerPoints, handouts, contact information and other related materials can be accessed at the Consensus Council's website: http://agree.org/ilf19/. The presenters for the session were:

- **Lt. Randy Brink** – Commander, Sioux Falls Area Drug Task Force, Sioux Falls Police Department
- **Judge Carolina A. Lamas** – Hennepin County District Court

Lt. Brink and **Judge Lamas** presented the Law Enforcement and Judicial System perspective to the opioid and drug culture crisis. **Brink** reviewed the city of Sioux Falls' crime statistics, emphasizing the increasing impact that methamphetamine trafficking is having on the city, in addition to the opioid epidemic. He stated that Sioux Falls had 44 opioid overdose calls in 2018 and that they are currently on track, at 37, to exceed that in 2019. Sioux Falls is opening a community triage center to help address the needs of people addicted to various drugs. **Lamas** discussed how the Minnesota court system has been impacted by the opioid epidemic and other drug addictions. She stated that Minnesota is moving away from the old way of dealing with drug addiction, consisting of prison and probation, to a system of Drug Courts that addresses high risks/needs specific to addiction and recidivism. Minnesota seeks to have drug courts in all counties. Minnesota is attempting to address opioid issues through a federal SAMHSA grant, but there have been challenges getting medically assisted treatment in jail.

Question and Answer

The delegates noted that there is only one juvenile court left in Minnesota and asked why that was the case. The presenters stated that the juvenile court system was not working because they were adult-based structures that do not translate well for kids. The recidivism rate was not decreasing, and a new model has not been developed.

The delegates noted that since some of the opioid problem stems from the abuse of prescription drugs, either because they were over-prescribed or over-lapped each other, then there should be a law requiring pharmacists to report the over-prescription of opioids. The presenters noted that both doctors and pharmacists have access to check patient history and some opioids have been limited to prescriptions that can only come from one physician per patient.

The delegates wondered what people should do with opioid prescriptions they no longer need. The presenters indicated that there are many locations for disposing of drugs such as law enforcement offices, pharmacies, and drug drop-off days.

One of the delegates noted that Manitoba set up a system 22 years ago that tracks the drugs someone is taking and inquired if anyone polices this. The other delegates and the presenters did not know the answer.

The delegates asked whether the reduction in opioid use seen by **Bell** and **DeVine** from their program is also being seen in **Lamas'** court and whether she thought their program would be workable in an urban community, too. **Lamas** noted that there has been a decrease among opioid related crimes and recidivism in her courts and that any system designed to address the problem of opioids also needs to address both recidivism and public safety.

One of the delegates asked what drives meth users to the drug in the first place. The presenters noted that the majority of users they encounter started on the road to drug addiction when they were children resulting from unresolved trauma and other home and family issues.

Another delegate asked what the perceived income levels and other demographics were of those participating in **Lamas'** drug court. **Lamas** indicated that people from all income levels are in her drug court, but there are more males than females in both drug court and veteran court.

The opioid discussion was brought to a close and the presenters were thanked. The delegates gave the presenters a round of applause. The ILF would reconvene after lunch.

FROM THE FLOOR

From the Floor provides delegates the opportunity to engage in open and flexible discussion of their observations and learnings from the Forum. Using a consensus-based decision-making process they develop conclusions, agreements, and recommendations on the issues presented at the Forum.

2019 ILF Conclusions and Recommendations:

Big Sioux Water Quality

The 2019 International Legislators' Forum delegates:

- RECOGNIZE that water quality issues and their solutions often cross jurisdictional boundaries, AGREE that collaborative solutions work better and last longer, RECOMMEND that the ILF jurisdictions work collaboratively to resolve water quality issues where they cross borders.

- RECOGNIZE that programs that increase water quality need to change the culture impacting the water, AGREE that mandates have backlash effects from the public, RECOMMEND that the jurisdictions work to identify stakeholders impacted by and impacting the water quality and bring them together to develop solutions.

- RECOGNIZE the importance and effectiveness of Riparian and Buffer Strips in decreasing the bacteria and sediment load in the Big Sioux River, AGREE that voluntary programs with incentives have a greater likelihood of long-term adoption, RECOMMEND that the jurisdictions adopt programs similar to the Big Sioux Water Quality Project to address decreasing water quality.

Marijuana Legalization Impacts

The 2019 International Legislators' Forum delegates:

- RECOGNIZE that other jurisdictions are going to legalize cannabis, AGREE that there needs to be more research regarding cannabis' impacts, including decriminalization, increased use, its effect as a gateway to other drugs, as well as its medical uses, RECOMMEND the ILF jurisdictions support cannabis research.

Opioid Epidemic

The 2019 International Legislators' Forum delegates:

- RECOGNIZE the importance of the medical and law enforcement field in addressing the opioid epidemic, AGREE that mechanisms like the Little Falls ECHO program are having a positive impact in rural Minnesota, RECOMMEND that the ILF jurisdictions support similar programs to connect Law Enforcement, Physicians, and others working to reduce the number of deaths from opioid overdoses.

Wrap-Up

Delegates identified and thanked the Steering Committee members, the South Dakota host delegation, sponsors, Canadian Consul General and U.S. Consul and their staff, the staff at the Hilton Garden Inn - Downtown, and the many others who assisted in planning and presenting at the 2019 International Legislators Forum. Participants were asked to complete and submit evaluation forms, including 2020 ILF topic ideas.

Adjournment

Participants were advised that:

- The 2020 International Legislators Forum will be hosted by North Dakota.

- The Steering Committee will meet in September to begin planning the 2020 ILF.

The 2019 International Legislators Forum adjourned with a wish to all for safe travels and an enjoyable and productive remainder of the summer.

INTERNATIONAL LEGISLATORS' FORUM (ILF)
ANNUAL HIGHLIGHTS/FOCUS

The annual meetings of the International Legislators' Forum have addressed these issues:

MN 2002 – Memorandum of Understanding (MOU) among legislative leaders in the four jurisdictions to meet annually and provide substantial support for Conservation Reserve Enhancement Programs (and analogous programs in Canada) in order to address flooding, drought and water quality issues.

SD 2003 – Establishment of a regional renewable fuels working group called Powering the Plains (PTP) and beginning efforts to bring emergency management officials from the four jurisdictions together to enhance cooperation and coordination across borders.

ND 2004 – Beginning of significant efforts to study methamphetamine and pharmaceutical issues across borders in order to address addiction issues and alternatives to incarceration.

MB 2005 – Building on the agreements to address methamphetamine issues across borders, broadened the discussion to include collaboratively addressing all inter-jurisdictional criminal justice issues.

MN 2006 – Emphasized the importance of basing water related public policy issues on sound science. Supported the efforts of the four jurisdictions' Attorneys General to address methamphetamine and criminal justice issues and their signing of an inter-jurisdictional Amber Alert MOU to enhance mobilization in the case of child abduction.

SD 2007 – Provided broad support for the Regional Energy Roadmap that had been developed by the PTP participants, supported the enhancement of broadband technology, especially in rural areas of the four jurisdictions and expressed significant concerns to the US Department of Homeland Security and other relevant US and Canadian entities about the implementation of the Western Hemisphere Travel Initiative (WHTI).

ND 2008 – Highlighted issues related to rural community development, health and infrastructure issues, including the need for further enhancement of broadband technology in the region and continued the ongoing discussions of water (LIDAR mapping), energy and cross-border identification issues.

MB 2009 – While specifically focusing on Lake Winnipeg, the delegates developed agreements to address regional water quality and quantity issues, regional energy issues and cross-border security, identification and tourism.

MN 2010 – Discussions centered on water issues in the Red River basin and included recommendations and requests from the Red River Basin Commission regarding management, impoundment, retention and diversion. Energy, commerce, border security and the media were also highlighted.

SD 2011 – In addition to updates and discussion on the developments in the Red River Basin, the focus of the Forum was on research and development efforts within the four jurisdictions and the existing and potential opportunities for collaborative initiatives.

ND 2012 – The Forum focused on energy (integrated regulations); water (basin-wide collaboration); and trade (coordination and harmonization of regulations and policies).

MB 2013 – Delegates addressed the existing economic relationships throughout the region and explored options to support and expand opportunities to leverage the regional and cross-border relationships to strengthen the economic future of all the jurisdictions. Additionally, the delegates outlined a set of general principles regarding energy development and related policies.

MN 2014 – Members of the delegation, guests and sponsors participated in a variety of agricultural-related presentations, demonstrations and activities that provided an overview of the historical aspects of the agricultural industry, its current role in the region and nation, the use of current and developing technologies, and the ever increasing demands to supply food for the world's growing population.

SD 2015 – Delegates addressed the issues of infrastructure and regulation of highways and railways, models and efforts to address current and future workforce needs, and updates, regulations and initiatives in the Missouri River Basin.

ND 2016 – Delegates addressed genetically modified organisms and their impacts; aquatic invasive species; and human trafficking.

MB 2017 – Delegates received information on farmland use of drain tile, criminal justice reform and reinvestments, and alternative energy and energy systems.

MN 2018 – Delegates received information on international trade issues impacting the northern plains and environmental permitting and review in the jurisdictions. The delegates were also able to tour the Soudan Underground Mine State Park and US Steel's Mintac Mine in Mount Iron, MN.

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Thank you

A number of individuals, agencies, groups, businesses and organizations provided assistance, sponsorship and expertise to support the many aspects and components of the 2019 International Legislators' Forum. Although it is not possible to identify everyone, the Steering Committee would like to express their sincere gratitude and appreciation to everyone who provided support and assistance in so many ways. They helped to make this year's Forum a reality and a success.

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A special thanks to all of our planning group partners, the presenters and their staffs, who shared so graciously and patiently of their expertise and knowledge, and who took time from their very busy schedules to assist in planning, preparing, developing and providing information and materials.

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