WINNIPEG, MANITOBA, MAY 23-24, 2001

FIRST ANNUAL LEGISLATORS FORUM
FOR MANITOBA, MINNESOTA, NORTH DAKOTA AND SOUTH DAKOTA

Back Row, Left to Right: Senator Joel Heitkamp - ND, Senator Don Brosz - SD, Senator Dennis Frederickson - MN, Minister Ron Lemieux - MB, Mr. Jack Penner - MB, Senator Tom Fischer - ND, Representative Ole Aarsvold - ND, Minister Oscar Lathlin - MB, Representative Rod Skoe - MN, Representative Ken Svedjan - ND, Minister Greg Selinger - MB, Representative David Monson - ND, Representative Jay Duenwald - SD, Senator Paul Dennert - SD, Senator Jim Hutmacher - SD, Representative Gary Hanson - SD

Front Row, Left to Right: Representative Maxine Penas - MN, Dr. Jon Gerrard - MB, Representative Jim Peterson - SD, Senator David Knutson - MN, Mr. Larry Maguire - MB, Mr. Stuart Murray - MB, Senator Ken Solberg - ND, Premier Gary Doer (co-host) - MB, Senator Roger Moe (co-host) - MN, Senator Arnold Brown - SD, Senator Jane Krentz - MN, Representative Steve Dehler - MN, Representative Mary Ellen Otremba - MN, Minister Rosann Wowchuk – MB

Wednesday, May 23, 2001, Crystal Ballroom, Hotel Fort Garry

The first Legislators Forum involving the States of Minnesota, North Dakota and South Dakota and the Province of Manitoba was held in Winnipeg at the invitation of Premier Gary Doer, who, with Senator Roger Moe of Minnesota, co-hosted the Forum. Legislative participants in the forum were:

Manitoba

Honourable Gary Doer, Premier of Manitoba

Honourable Oscar Lathlin, Minister of Conservation

Honourable Rosann Wowchuk, Minister of Agriculture and Food

Honourable Ron Lemieux, Minister of Culture, Heritage and Tourism

Honourable Greg Selinger, Minister of Finance

Mr. Stuart Murray, Leader of the Official Opposition, Progressive Conservative Party of Manitoba

Mr. Larry Maguire, Member of the Legislative Assembly for Arthur-Virden Constituency, Opposition Environment Critic

Mr. Jack Penner, Member of the Legislative Assembly for Emerson Constituency, Opposition Agriculture and Food Critic

Honourable Jon Gerrard, Leader of the Liberal Party of Manitoba

Minnesota

Senator Dennis Frederickson (R)

Senator David L. Knutson (R)

Senator Jane Krentz (D)

Roger D. Moe, Senate Majority Leader (D)

Representative Steve Dehler (R), Speaker Pro Tempore

Representative Mary Ellen Otremba (D), Assistant Minority Leader

Representative Maxine Penas (R)

Representative Rod Skoe (D)

North Dakota

Senator Tom Fischer (R)

Senator Joel C. Heitkamp (D), Assistant Minority Leader

Senator Ken Solberg (R)

Representative Ole Aarsvold (D)

Representative David Monson (R), Assistant Majority Leader

Representative Ken Svedjan (R)

South Dakota

Senator Arnold Brown (R), President Pro Tempore of the Senate

Senator Don Brosz (R)

Senator Paul Dennert (D)

Senator Jim Hutmacher (D), Minority Leader

Representative Jay Duenwald (R), Majority Whip – House

Representative Gary Hanson (D)

Representative Jim Peterson (D)

The proceedings began with a pre-Forum press conference involving the leaders of the four delegations: Premier Gary Doer (MB), Senator Roger Moe (MN), Senator Arnold Brown (SD) and Senator Ken Solberg (ND). The delegation leaders began the press conference with short introductory comments indicating the genesis of the Forum, the International Flood Mitigation Initiative (IFMI), which had made the development of this Forum one of its primary recommendations. All leaders said their hopes were high for this Forum and for succeeding Forums in each of the jurisdictions in coming years. The media asked a few questions, to which the leaders responded, and the Forum began as scheduled at 3 p.m.

The cohosts of the Forum welcomed the participating legislators and introduced Dick Gross of the Consensus Council and Policy Consensus Initiative (PCI) in ND to facilitate the meeting. Dick began by asking the legislators to introduce themselves, giving their names, the area they are from and how long they had been in the legislature. He then suggested that, as distinct from the traditional legislative process, he hoped that legislators were not here to score points or vote on issues, but to begin a discussion of them in a way that might lead to consensus.

To enhance the effort at gaining a consensus, Dick suggested the following Ground Rules:

1. It's your show
2. Everyone is equal
3. No relevant topic is sacred
4. No discussion is ended
5. Respect each other's opinions and the time
6. Silence on decisions is agreement
7. Make sure the facilitator writes what you meant
8. Have fun

Following those introductions, Dick introduced Sam Schellenberg, Genevieve Thompson and Steve Wennblom to give a summary of IFMI, the IFMI recommendations and their status.

Sam gave a general summary reviewing materials in the binders; Genevieve concentrated on the efforts to develop the Greenway on the Red Trust and the Research and Education Institutes at the Tricolleges in Fargo-Moorhead. Steve gave an update on the Broadcast Media Partnership recommendations and summarized the efforts that have been made to date with regard to television, radio and the Internet. The legislators received copies of all of the presentation materials.

Following a short question and answer session, Jeff Kelly of Manitoba presented on the comparisons and contrasts between the Canadian and US legislative systems and processes and responded to questions.

After the presentations, Dick facilitated a discussion of what the legislators had heard and asked them whether they thought there were ways for the four jurisdictions to work together on flood mitigation.

Several MN legislators summarized the Minnesota Conservation Reserve Enhancement Program (CREP), which they described as CRP enhanced by the Reinvest in Minnesota (RIM) State program. Through CREP, MN takes marginal farmland out of production. It is voluntary, has the support of farmers, environmentalists, hunters and fishermen/women and broad bipartisan support in the legislature. Through CREP, the federal government has paid/is paying landowners $163 million, which has been matched by $73 million in MN funds. Thirty thousand

acres are enrolled in CREP, and 15,000 more are in process. The concept is, "Farm the best; buffer the rest." Minnesota legislators advocated CREP to the other jurisdictions as a way to deal with flooding issues as well as other environmental and economic development issues.

A subsequent discussion on the Greenway suggested that its development would cover tributaries of the Red as well as the mainstem. Legislators seemed to agree that tourism, birding and other opportunities are all enhanced by the Greenway and CREP efforts together.

In this discussion, legislators reminded each other that one jurisdiction's flood mitigation could be another jurisdiction's cause of flooding, so that each jurisdiction needs to consider the impact of its mitigation actions on its neighbor.

Finally, after a discussion of the work done interjurisdictionally between MN and MB on the Roseau River, there was a discussion about doing similar work on the Pembina River between ND and MB, and legislators from the two jurisdictions agreed that such work could be very worthwhile and could ultimately impact Devils Lake.

Summary of discussion/potential areas of agreement regarding the IFMI report:

1. CREP is a valuable tool for all four jurisdictions to enhance flood mitigation, the environment and the economy of the region.

2. The Greenway should extend to the tributaries of the Red.

3. The Greenway and CREP can be good partners in enhancing flood mitigation, the environment and the economy of the region.

4. In all we do on mitigation, we need to consider the impacts on our neighboring jurisdictions.

5. ND and MB can work together on the Pembina River as MN and MB have done on the Roseau River.

The evening of May 23, Manitoba hosted a reception and dinner at the Tavern in the Park.

Thursday, May 24, 2001, Room 200, Legislative Building

The MN delegation had breakfast with the MB Speaker from 7:15 to 8:30 a.m.

Other legislators met with the MN delegation in Room 200 at 8:30 a.m. to begin the second day's session.

Energy

First to present was the MN delegation, which had selected energy issues for discussion. Minnesota legislators discussed activities in the MN legislature during the current and past sessions and indicated that there are numerous areas of energy potential being explored in MN, including wind, biomass, ethanol, nuclear, solar and others. They indicated that an ongoing problem is transmission.

In discussing the transmission-related issues, legislators identified health, including electromagnetic fields and stray voltage, aesthetics and emotions. Legislators acknowledged that any new generation capacity, whether wind, solar, fossil fuels, hydro or other would be problematic in significant part because of transmission-related concerns.

Legislators also discussed advances in MN in enhancing the development and use of ethanol and suggested that what MN has done may be a good model for the other three jurisdictions.

Other issues related to energy that were discussed include potential for underground transmission, development of potential new lignite power plants in ND, wind energy development/incentives, the divisiveness of nuclear energy issues, the need to continue to improve air quality around fossil fuel plants, required conservation efforts in MN and the need to educate the public.

Summary of the discussion/potential areas of agreement on energy issues:

1. The jurisdictions need to share research, particularly on health-related transmission issues.
2. We need to compare/contrast our siting processes.
3. We need to do joint public education on transmission and energy-related issues.
4. More research on the aesthetics of siting transmission facilities is needed.
5. We need to enhance communications between and among the four jurisdictions on transmission related issues, perhaps by having representatives of the four jurisdictions meet for future transmission planning. That may enable a harmonized transmission regulatory process.
6. We could have a joint energy spot on state/provincial websites.
7. Regarding ethanol, learning more from MN about what they have done right and wrong with regard to incentives for ethanol would be helpful.

Tourism

The MB delegation selected tourism as the area of emphasis. Discussion indicated that we are each other's primary tourism markets and that the higher gas prices may tend to keep our population within the region for tourism. Tourism, recreation, leisure activities are likely to be the largest industry in this century, and we need to be prepared to take advantage of that together.

Europe has been marketing multiple country visits for years. We should be able to do the same between the US and Canada. We can emphasize our varied ethnic backgrounds, but build on our common heritage, emphasize our

natural resources, the Greenway that touches on all jurisdictions, and the common media market.

Legislators suggested that we need to find ways to leverage our tourism appropriations by joining together. We should be able to market our celebrations/activities with other jurisdictions-e.g., the Lewis and Clark bicentennial. We should be able to emphasize our frontier and First Nations/Aboriginal/ Native American heritage.

The issue of non-resident hunting and fishing and the fact that we are competing with each other and potentially hurting each other by levying high out-of-state fees and/or prohibiting or limiting out-of-state access was discussed. There was a discussion of the Lake of the Woods situation, where several jurisdictions are involved. Without joint action, conservation activities cannot be maximized, and fishermen/women may require multiple licenses to fish. The jurisdictions should work together to minimize those problems.

It was also suggested that we need to do a better job of developing venues for tourism, leisure and recreation activities, or we will be left behind. And we need to address concerns about private property that limits the availability of venues.

It was suggested that the emphasis of tourism efforts in the four jurisdictions is now on summer and fall. We need to do more relative to spring tourism.

Summary of discussion/potential areas of agreement on tourism issues:

1. We need to do joint tourism efforts-coordinated and co-operative:

    A. Building on our common heritage, our natural resources, our ethnic diversity, our Greenway, our media markets in order to enhance ecotourism, birding, trails development and a host of other tourism opportunities.

    B. The four jurisdictions should develop a joint website for tourism with, for example, the new topics of each month.

    C. The four jurisdictions should do a joint conference that could result in a four jurisdiction advisory body to develop joint marketing and pursue a joint strategy.

    D. We should build on each other's tourism related events.

2. Developing reciprocal agreements on hunting, fishing and recreation and joint strategies to address public attitudes which inhibit access would be helpful for all four jurisdictions.

Agricultural Trade and Chemical Regulation Harmonization

The ND delegation related the concerns they have with the lack of harmonization in agriculture, particularly in the use of agricultureal chemicals. Harmonization embraces multiple aspects, including costs, access, certification, dollar differences, size and weight measurements and others. While the major harmonization issues seem to relate to the respective federal governments, there appear to be many state-provincial issues as well.

Many examples of progress were also cited, and progress appears to be continuing. However, in order to make more progress, it was suggested that legislators should draft legislation and assist in the development of regulations that would apply equally and uniformly in these jurisdictions. If done right, such legislation and regulations can become a model for other regions and for the two countries.

Duplication of research in new product development is wasteful. We should be part

of those insisting that, as new products are developed and licensed, prior to marketing, maximum harmonization should be required.

After successful regional efforts, we need to approach our respective federal governments.

There was also a significant discussion of the hemp industry as one which is legal on the Canadian side of the border and is legal in some of our states but, because of federal government restrictions, cannot be grown in the US. While growing hemp is legal in Canada, processing facilities do not have enough product or market to make the industry thrive in Canada either. It was suggested that joint work on and marketing of the hemp industry could be helpful in presenting the positive aspects of hemp to the US federal government.

Summary of discussion/potential areas of agreement on agricultural/chemical harmonization:

1. We should jointly draft agricultural harmonization legislation and assist in the development of regulations in our four jurisdictions that will apply here and be an example at our national levels; we should insist that new agricultural products assure maximum harmonization before being marketed in our region.

2. Joint efforts to advance the hemp industry could be helpful to all four jurisdictions.

Animal Health

The SD delegation related concerns relative to animal health and discussed what SD is doing.

SD has taken significant proactive action to address foot and mouth disease. Its Governor has held a state-wide conference, which presenters and participants from many other jurisdictions attended. The legislature has given the Governor and Agriculture Commissioner broad authority to act to prevent/respond to an outbreak, including powers similar to declaring martial law in a limited area – examples include, quarantine, stopping traffic, discouraging travel overseas – basically locking up the state.

MN has passed legislation based on the SD model. There appears to be real potential for regional action in this area.

Legislators felt we need to act on a regional basis to prevent the disease or its spread in our area. Concerns were expressed about the truthfulness of other countries in revealing whether they have the disease and about the potential for sabotage by introduction of the disease. It was also suggested that there are other diseases that we should be preparing for together. Whatever is done needs to be done to avoid scare tactics.

Based on the discussion the legislators agreed to a resolution relative to this issue, which, in draft form, is:

Legislators from MN, MB, ND and SD gathered on May 23-24, 2001 in Winnipeg, Manitoba agree:

1. All jurisdictions have plans in place and are responding proactively on an individual jurisdiction basis to prevent the introduction of such diseases as foot and mouth or prevent its spread.

2. All jurisdictions should examine the efforts of the other jurisdictions in order to enhance their own contingency plans.

3. All jurisdictions will cooperate in planning and developing a regional strategy to prevent this disease and to respond co-operatively if it is introduced.

4. All jurisdictions will ensure widespread dissemination of information on their individual and joint/regional strategies in order to reassure our own populations and our markets.

5. What we do together should become a model for other jurisdictions.

Copies of this resolution should be sent to our Governors and the Premier.

Future Meetings

Legislators then discussed whether this meeting had been productive and whether the meetings should continue. They agreed that it had been very productive and agreed that the following mechanisms should ensure that the work done at this Forum was just the beginning:

1. Each legislator/delegation should go back to his/her jurisdiction and share these common understandings with relevant agencies in his/her state.

2. There should be follow-up meetings, perhaps in conjunction with other legislative meetings, such as CSG or NCSL or others.

3. There will be a regional meeting in MN on environment/energy issues in September. It may be a good venue for the steering committee to continue these discussions and move agreements forward.

4. A summary of this information should go to all attendees with a survey as to the priorities legislators have for future work and meetings.

5. MN has invited the legislators of the four jurisdictions to MN in May of next year for a full follow-up meeting.

6. An eight-person steering committee should be appointed soon in a way that meets the needs of each of the jurisdictions and the steering committee should meet within three months to continue the discussion and build on the momentum generated by this meeting.

7. Manitoba will assign people to work with Dick Gross to move ahead on this continuing meeting process.

8. We need to continue the facilitation of our meetings and determine funding for this ongoing effort through such things as appropriations and/or foundation or other support.

The meeting ended at 1 p.m. and was followed by a press conference involving the four delegation leaders. The legislators from MN, ND and SD were then introduced to the Manitoba Legislative Assembly.