

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE CONCURRENT RESOLUTION NO. 4035
(Senators Grindberg, Anderson, Fischer)
(Representatives Carlson, J. Kelsh, Thoreson)
(Approved by the Delayed Bills Committee)

A concurrent resolution urging Congress to establish the Red River Valley Authority as an agency or authorized board of the federal government for the purpose of the regulation and control of water quality of the Red River and regulation and control of the retention and flow of water, including retention by dams or retention ponds or other areas, and of drainage on the Red River.

WHEREAS, the Red River of the North and its contributing tributaries and watershed have experienced repeated problems with massive dangerous and destructive flooding, which has seriously threatened the health, safety, and welfare of citizens along the Red River and caused damage to the property of citizens of federal, state, and local government; and

WHEREAS, the repeated flooding and threat of flooding has required an extraordinary level of time, money, and resources of state, local, and federal government in fighting and recovering from the repeated floods which, in terms of financial impact, may exceed \$200,000,000 for the flood event of spring 2009 and which cumulatively over the past 12 years is estimated to have had a financial impact in the hundreds of millions of dollars; and

WHEREAS, there exists certain regulatory conflicts between urban and rural areas and between different states affected by the Red River and its contributing tributaries, excluding the Souris Basin, such that water quality and quantity concerns are not being consistently addressed, regulated, or enforced; and

WHEREAS, the states of Minnesota, North Dakota, and South Dakota are affected by and therefore have an interest in the control of the volume and flow of water and the retention of water in the Red River as well as the quality of water in the Red River; and

WHEREAS, there are differences in the procedures and regulations of Minnesota, North Dakota, and South Dakota pertaining to the governance and procedures establishing rules for the control of water quality, water flow, water retention, and the enforcement of those laws and rules; and

WHEREAS, the circumstances described in this resolution constitute a matter of interstate concern which the federal government is uniquely able to address;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Sixty-first Legislative Assembly urges the Congress of the United States to establish the Red River Valley Authority as an agency or authorized board of the federal government for the purpose of the regulation and control of water quality of the Red River and regulation and control of the retention and flow of water, including retention by dams or retention ponds or other areas, and of drainage on the Red River; and

BE IT FURTHER RESOLVED, that the Congressional Act establishing the Red River Valley Authority provide a process for the President of the United States to appoint members selected by the Governors of the states of Minnesota, North Dakota, and South Dakota with the board consisting of not more than nine members, four from Minnesota, four from North Dakota, and one from South Dakota and with all but two members being residents of the area serviced by the Red River Valley Authority and with a provision that requires the Governors to select the board members representing individual

citizens; individuals representing business, industry, labor, electric power distribution, the environment, cities, and service organizations; and the Congressional Delegations of the states of Minnesota, North Dakota, and South Dakota in selecting qualified members to serve on the board; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States; the Governors of Minnesota, North Dakota, and South Dakota; and to each member of the Minnesota, North Dakota, and South Dakota Congressional Delegations.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State