

# MINNESOTA STATUTES

1974

## PART I

### PUBLIC RIGHTS

Sovereignty, Jurisdiction, Civil Divisions

#### CHAPTER 1

##### SOVEREIGNTY, JURISDICTION

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**1.01 EXTENT.** The sovereignty and jurisdiction of this state shall extend to all places within the boundaries thereof as defined in the constitution and, concurrently, to the waters forming a common boundary between this and adjoining states, subject only to such rights of jurisdiction as have been or shall be acquired by the United States over places therein.

[*R L s 1*] (1)

**1.02 JURISDICTION OVER WATERS.** All courts and officers now or hereafter having and exercising jurisdiction in any county which is now or may hereafter be formed in any part of this state bordering upon Big Stone Lake, Lake Traverse, Bois de Sioux River, or the Red River of the North, shall have and exercise jurisdiction in all civil and criminal cases upon such waters concurrently with the courts and officers of other states bordering on such waters, so far and to such extent as any of these bodies of water form a common boundary between this state and any other state.

[*1905 c 242 s 1; 1943 c 349 s 1*] (2)

**1.03 WATERS INCLUDED.** The concurrent jurisdiction of any county now or hereafter formed and of all courts and officers exercising jurisdiction throughout the county shall extend over such water area as would be included if the boundary lines of the county were produced in the direction of their approach and extended across these waters to the opposite shore.

[*1905 c 242 s 2; 1943 c 349 s 2*] (3)

**1.041 CONCURRENT JURISDICTION OF STATE AND UNITED STATES.**

**Subdivision 1. Rights of State.** Except as otherwise expressly provided, the jurisdiction of the United States over any land or other property within this state now owned or hereafter acquired for national purposes is concurrent with and subject to the jurisdiction and right of the state to cause its civil and criminal process to be executed therein, to punish offenses against its laws committed therein, and to protect, regulate, control, and dispose of any property of the state therein.

**Subd. 2. Land exchange commission may concur.** In any case not otherwise provided for, the consent of the State of Minnesota to the acquisition by the United States of any land or right or interest therein, in this state desired for any authorized national purpose, with concurrent jurisdiction as defined in subdivision 1, may be given by concurrence of a majority of the members of the Land Exchange Commission created by the Constitution of the State of Minnesota, Article 8, Section 7, upon finding that such acquisition and the methods thereof and the exercise of such jurisdiction are consistent with the best interests of the state, provided application for such consent is made by an authorized officer of the United States, setting forth a description of the property, with a map when necessary for proper identification thereof, and the authority for, purpose of, and method used or to be used in acquiring the same. The commission may prescribe the use of any specified method of acquisition as a condition of such consent.

In case of acquisition by purchase or gift, such consent shall be obtained prior to the execution of any instrument conveying the lands involved or any interest therein to the United States. In case of condemnation, such consent shall be obtained prior to the commencement of any proceeding therefor.

[1943 c 343 s 1; 1965 c 51 s 1]

**1.042 CONSENT OF STATE.** Subdivision 1. Given for certain purposes. The consent of the State of Minnesota is hereby given in accordance with the Constitution of the United States, Article I, Section 8, Clause 17, to the acquisition by the United States in any manner of any land or right or interest therein in this state required for sites for customs houses, courthouses, hospitals, sanatoriums, post-offices, prisons, reformatories, jails, forestry depots, supply houses, or offices, aviation fields or stations, radio stations, military or naval camps, bases, stations, arsenals, depots, terminals, cantonments, storage places, target ranges, or any other military or naval purpose of the United States.

**Subd. 2. Jurisdiction ceded to United States.** So far as jurisdiction, exclusive or partial, in or over any land or place in this state now owned or hereafter acquired by the United States for any purpose specified in subdivision 1 heretofore has been accepted or hereafter is accepted by the head or other authorized officer of any department or independent establishment or agency of the United States as provided by the laws of the United States, such jurisdiction is hereby ceded to the United States, subject to the conditions and reservations of subdivision 3. When the premises abut upon the navigable waters of this state, such jurisdiction shall extend to and include the underwater lands adjacent thereto lying between the line of low-water mark and the bulkhead or pier-head line as now or hereafter established.

**Subd. 3. Conditions and reservations.** The right of the state to cause its civil and criminal process to be executed in any such land or place is hereby reserved to the state. The state further reserves the right to impose the following taxes:

(A) an income tax on persons residing in such land or place or receiving income from transactions occurring or services performed in such land or place;

(B) a sales or use tax levied on or measured by sales, receipts from sales, purchases, storage, or use of tangible personal property in such land or place;

(C) a tax on personal property situated within such land or place, or on the use of personal property by a private individual, association, or corporation within such land or place, except such personal property as is owned by the United States or is by law exempt from taxation; and

(D) a tax on the use of real property within such land or place by a private individual, association or corporation.

[1943 c 343 s 2; Ex1959 c 85 s 3, 4]

NOTE: Extra Session Laws 1959, Chapter 85, [1.042], Section 5, relating to subdivisions 2 and 3 reads: "Sections 3 and 4 shall not be construed as validating any purported ceding of jurisdiction heretofore made, including any ceding of jurisdiction where such jurisdiction was not required by or under the constitution or laws of the United States."

**1.043 JURISDICTION, WHEN TO VEST.** The jurisdiction granted or ceded to the United States over any place in the state under section 1.041 or section 1.042 shall not vest until the United States has acquired the title to or right of possession of the premises affected, and shall continue only while the United States owns or occupies the same for the purpose or purposes to which such jurisdiction appertains as specified in those sections.

[1943 c 343 s 3]

**1.044 UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE.** Consent of the State of Minnesota is given to the acquisition by the United States by purchase, gift, or lease of such areas of land or water, or both, in this state as the United States may deem necessary for the establishment of the Upper Mississippi River Wild Life and Fish Refuge in accordance with and for the purposes of the act of congress approved June 7, 1924, entitled "An act to establish the Upper Mississippi River Wild Life and Fish Refuge," reserving to the state full and complete jurisdiction and authority over all such areas not incompatible with the maintenance and control thereof by the United States for the purposes and under the terms of that act of congress.

[1943 c 343 s 4]

**1.045 STATE, CONSENT TO ACQUISITION OF LANDS.** Consent of the State of Minnesota is given to the acquisition by the United States in any manner authorized by act of congress of lands lying within the original boundaries of the Chippewa National Forest and the Superior National Forest for any purpose incident to the development or maintenance of those forests, subject to concurrent jurisdiction of the state and the United States as defined in section 1.041.

[1943 c 343 s 5]

**1.046 EVIDENCE OF CONSENT.** The consent of the state given by or pursuant to the provisions of sections 1.041 to 1.048 to the acquisition by the United States of any land or right or interest therein in this state or to the exercise of jurisdiction over any place in this state shall be evidenced by the certificate of the governor, which shall be issued in duplicate, under the great seal of the state, upon application by an authorized officer of the United States and upon proof that title to the property has vested in the United States. The certificate shall set forth a description of the property, the authority for, purpose of, and method used in acquiring the same, and the conditions of the jurisdiction of the state and the United States in and over the same, and shall declare the consent of the state thereto in accordance with the provisions of sections 1.041 to 1.048, as the case may require. When necessary for proper identification of the property a map may be attached to the certificate, and the applicant may be required to furnish the same. One duplicate of the certificate shall be filed with the secretary of state. The other shall be delivered to the applicant, who shall cause the same to be recorded in the office of the register of deeds of each county in which the land or any part thereof is situated.

[1943 c 343 s 6]

**1.047 CONDEMNATION PROCEEDINGS MAY BE BROUGHT IN STATE COURTS BY UNITED STATES.** In any case where consent to the acquisition by the United States of any land or any right or interest therein by condemnation is given by or under the provisions of sections 1.041 to 1.048, the United States may effect such condemnation in the courts of this state in accordance with the laws of this state relating to eminent domain, or may effect such condemnation in the courts of the United States, as may be authorized by act of congress. In any case where consent by the Land Exchange Commission is required under section 1.041 the commission may specify which method of condemnation shall be used as a condition of such consent.

[1943 c 343 s 7]

**1.048 EFFECT OF REPEAL OF CERTAIN LAWS.** Mason's Minnesota Statutes of 1927, Sections 4 and 5, as amended by Laws 1941, Chapter 66, and Mason's Minnesota Statutes of 1927, Sections 6, 6-2, 6-3, 6-4, 6-5, and 6-6, and Mason's Supplement 1940, Section 6-1, are hereby repealed, but such repeal shall not affect any case in which the consent of the state to the acquisition of property or the exercise of jurisdiction by the United States was given by or under any of said provisions and the acquisition of the property was completed before the taking effect of Laws

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1943, Chapter 343, nor any case in which the consent of the state was given under Laws 1941, Chapter 66, before the taking effect of Laws 1943, Chapter 343.

[1943 c 343 s 8]

**1.049 ACQUISITION OF LANDS IN TAMARAC NATIONAL WILDLIFE REFUGE BY UNITED STATES.** Consent of the State of Minnesota is given to the acquisition by the United States in any manner authorized by act of Congress of lands lying within the original boundaries of the Tamarac National Wildlife Refuge as established by Executive Order No. 7902 dated May 31, 1938, of the President of the United States for any purpose incident to the development or maintenance of that refuge, all acts or parts of acts to the contrary notwithstanding.

[1955 c 346 s 1]

**1.12 FEDERAL FLOWAGE EASEMENTS OVER HIGHWAYS.** When so requested by the commissioner of highways the governor, in behalf of the state, may, from time to time, grant, bargain, sell, and convey to the United States of America any easement for flowage in and upon any easement or fee owned by the State of Minnesota for trunk highway right of way purposes when the same shall be required by the United States in aid of any public improvement.

[1937 c 124 s 1] (6-7)

**1.13 MONEYS RECEIVED CREDITED TO HIGHWAY FUND.** Any payment so received for the granting of an easement shall be deposited in and become a part of the trunk highway fund.

[1937 c 124 s 2] (6-8)

**1.14** [Repealed, 1961 c 561 s 17]

**1.141 OFFICIAL STATE FLAG.** Subdivision 1. The design of the state flag as proposed by the legislative interim commission acting under Laws 1955, Chapter 632, is adopted as the official state flag.

Subd. 2. The secretary of state shall secure and file a photograph of the state flag as adopted by this section. He shall also secure and retain custodial control over the sample design flag of the commission for use by the public for copy purposes.

Subd. 3. The design of the flag shall conform substantially to the following description: The staff is surmounted by a bronze eagle with outspread wings; the flag is rectangular in shape and is on a medium blue background with a narrow gold border and a golden fringe. A circular emblem is contained in the center of the blue field. The circular emblem is on a general white background with a yellow border. The word MINNESOTA is inscribed in red lettering on the lower part of the white field. The white emblem background surrounding a center design contains 19 five pointed stars arranged symmetrically in four groups of four stars each and one group of three stars. The latter group is in the upper part of the center circular white emblem. The group of stars at the top in the white emblem consists of three stars of which the uppermost star is the largest and represents the north star. A center design is contained on the white emblem and is made up of the scenes from the great seal of the state of Minnesota, surrounded by a border of intertwining cypridium reginae, the state flower on a blue field of the same color as the general flag background. The flower border design contains the figures 1819, 1858, 1893.

The coloring is the same on both sides of the flag, but the lettering and the figures appear reversed on one side.

Subd. 4. From and after the passage of this section the state flag as above described shall be the official flag of the state of Minnesota.

Subd. 5. The official state flag shall be flown on the state capitol grounds at all times between the hours of sunrise and sunset.

[1957 c 155 s 1, 2, 3, 4; 1959 c 371 s 1]

**1.142 STATE FLOWER.** Subdivision 1. The pink and white lady slipper, *Cypripedium reginae*, is adopted as the official flower of the state of Minnesota.

Subd. 2. A photograph of the pink and white lady slipper, to be obtained and approved by the commissioner of natural resources, shall be preserved in the office of the secretary of state.

[1967 c 291 s 1; 1969 c 1129 art 3 s 1]

**1.143 STATE TREE, DESIGNATION.** The Red pine (*Pinus resinosa*), more commonly known as Norway pine, is hereby designated as the official state tree of the State of Minnesota.

[1953 c 20 s 1]

**1.144 STATE TREE, PHOTOGRAPH.** A photograph of the Red pine (*Pinus resinosa*), more commonly known as Norway pine, to be obtained and approved by the commissioner of natural resources, shall be so certified and be preserved in the office of the secretary of state.

[1953 c 20 s 2; 1969 c 1129 art 3 s 1]

**1.145 STATE BIRD.** Subdivision 1. The loon, *Gavia immer*, is adopted as the official bird of the state of Minnesota.

Subd. 2. A photograph of the loon shall be preserved in the office of the secretary of state.

[1961 c 76 s 1, 2]

**1.146 STATE FISH.** Subdivision 1. The walleye, *Stizostedion v. vitreum*, is adopted as the official fish of the state of Minnesota.

Subd. 2. A photograph of the walleye shall be preserved in the office of the secretary of state.

[1965 c 576 s 1, 2]

**1.147 STATE GEMSTONE.** Subdivision 1. The Lake Superior agate is adopted as the official gemstone of the state of Minnesota.

Subd. 2. A photograph and a typical specimen of the Lake Superior agate shall be preserved in the office of the secretary of state.

[1969 c 404 s 1]

**1.15 BOUNDARY COMPACT; MICHIGAN, WISCONSIN, MINNESOTA.** The following compact is hereby ratified and approved:

**A COMPACT**

Entered into by and between the State of Michigan, the State of Minnesota and the State of Wisconsin, states signatory hereto.

The contracting states solemnly agree:

1. That the boundary between the State of Michigan and the State of Wisconsin in the center of Lake Michigan be and it hereby is finally fixed and established as the line marked A-B-C-D-E-F-G on the map, Exhibit A, annexed hereto, which line is more particularly described as follows:

Starting at Point A, a point equi-distant from either shore on the line which is the eastward continuation of the boundary line between Wisconsin and Illinois or latitude 42° 29' 37" North;

Thence to Point B, a point equi-distant from either shore on the line drawn through the Port Washington Fog Signal and Storm Signal and the White Lake Storm Signal, on a true azimuth of 354° 12' 00" a distance of 61.55 statute miles;

Thence to Point C, a point equi-distant from either shore on a line drawn through the Sheboygan Coast Guard Storm Signal, Fog Signal, Radio Beacon and Little Sable Point Light, on a true azimuth of 03° 01' 15", a distance of 22.18 statute miles;

Thence to Point D, a point equi-distant from either shore on a line drawn through the Twin River Point Light and Fog Signal and Big Sable Fog and Light Signal, on a true azimuth of 10° 04' 30", a distance of 30.33 statute miles;

Thence to Point E, a point equi-distant from either shore on a line from Bailey's Harbor Inland Light and Point Betsie Fog Signal, Radio Beacon, and Distance Finding Station, on a true azimuth of 17° 09' 55", a distance of 54.20 statute miles;

Thence to Point F, a point equi-distant from either shore on a line drawn through the Pilot Island Light and Fog Signal and Sleeping Bear Point Light, on a true azimuth of 33° 29' 10", a distance of 17.24 statute miles;

Thence to Point G, the point determined by the United States Supreme Court decree of March 12, 1936 which is a point 45,600 meters from the center of Rock Island Passage on a bearing of South 60° East, on the true azimuth of 40° 34' 10", a distance of 15.66 statute miles. The latitude and longitude of the named control points is as follows:

Point A—Latitude 42° 29' 37"

Longitude 87° 01' 15"

Point B—Latitude 43° 22' 50"

Longitude 87° 08' 50"

Point C—Latitude 43° 42' 00"

Longitude 87° 07' 20"

Point D—Latitude 44° 07' 55"

Longitude 87° 00' 45"

Point E—Latitude 44° 52' 50"

Longitude 86° 41' 10"

Point F—Latitude 45° 05' 20"  
 Longitude 86° 29' 30"  
 Point G—Latitude 45° 14' 10"  
 Longitude 86° 14' 55"

2. That the western boundary of the State of Michigan in the waters of Lake Superior and the eastern boundary in the waters of Lake Superior of the states of Minnesota and Wisconsin be and it hereby is finally fixed and established as the line marked M-N on the map, Exhibit B, annexed hereto, which line is more particularly described as follows:

Starting at Point M, the point where the line through the middle of the main channel of the Montreal River enters Lake Superior,

Thence in a direct line to Point N, the point where a line drawn through the most easterly point of Pigeon Point and the most southerly point of Pine Point intersects the international boundary, on a true azimuth of 23° 27' 24" and a distance of 108.86 statute miles.

The latitude and longitude of the named control points is:

Point M—Latitude 46° 34' 05"  
 Longitude 90° 25' 05"  
 Point N—Latitude 48° 00' 50"  
 Longitude 89° 29' 00"

3. That the boundary between the State of Minnesota and the State of Wisconsin in the center of Lake Superior be and it hereby is finally fixed and established as the line marked A-B-C-D on the map, Exhibit B, annexed hereto, which line is more particularly described as follows:

Starting at Point A which is the midpoint on the line M-N described in paragraph 2, supra;

Thence to Point B, the midpoint in a direct line between the mouth of Cross River, Minnesota and the Lighthouse on Outer Island in Wisconsin, on a true azimuth of 272° 17' 10", a distance of 33.15 statute miles;

Thence to Point C, the midpoint in a direct line between the Lighthouse on shore at Two Harbors, Minnesota and the light on the lakeward end of the government east pier at Port Wing, Wisconsin on a true azimuth of 235° 27' 40", a distance of 49.60 statute miles;

Thence to Point D, the midpoint in a direct line at right angles to the central axis of the Superior entry between the tops of the eastern ends of the pierheads at the lakeward ends of the United States government breakwaters at the Superior entry of Duluth Superior Harbor, on a true azimuth of 239° 50' 20", a distance of 26.43 statute miles;

The latitude and longitude of the named control points is as follows:

Point A—Latitude 47° 17' 30"  
 Longitude 89° 57' 00"  
 Point B—Latitude 47° 18' 35"  
 Longitude 90° 39' 15"  
 Point C—Latitude 46° 54' 10"  
 Longitude 91° 31' 25"  
 Point D—Latitude 46° 42' 39.875"  
 Longitude 92° 00' 24.571"

4. All azimuths are measured clockwise from true north.

5. That this compact shall become operative immediately upon its ratification by any state as between it and the other state or states so ratifying. Ratification shall be made by act of the legislature of the ratifying state.

6. That immediately upon ratification of this compact by all three states, each state will appoint two members to a Joint Survey Commission to survey and mark the boundaries defined in this compact by establishing and perpetuating monuments at the reference points on shore by means of which the control points of said boundaries are located. The expense of marking the Lake Michigan Boundary shall be borne jointly by the states of Michigan and Wisconsin; the expense of marking the boundary line described in paragraph 2 above shall be borne equally by the states of Minnesota, Michigan and Wisconsin. The expense of marking the Lake Superior and Superior Bay boundary between Minnesota and Wisconsin shall be borne jointly by the states of Minnesota and Wisconsin.

**1.16 MAPS ON FILE.** The maps referred to in the above compact as Exhibits A, B, and C are the original maps on file with the report of the Michigan-Minnesota-Wisconsin boundary conference in the office of the Secretary of State of Wisconsin, of which duplicate original maps are on file in the office of the Secretary of State of Minnesota.

[1947 c 589 s 2]

**1.17 RATIFICATION.** The Governor of Minnesota is authorized and directed to witness the ratification of this compact by the State of Minnesota by executing the final draft thereof in his own name as Governor for and on behalf of the State of Minnesota and affixing the seal of the State of Minnesota.

[1947 c 589 s 3]

1.18 [Renumbered 1.049]

**1.21 GREAT LAKES BASIN COMPACT.** The Great Lakes Basin Compact is hereby ratified, enacted into law, and entered into by this state as a party thereto with any other state or province which, pursuant to Article II of said compact, has legally joined therein in the form substantially as follows:

The party states solemnly agree:

#### ARTICLE I

The purposes of this compact are, through means of joint or cooperative action:

1. To promote the orderly, integrated, and comprehensive development, use, and conservation of the water resources of the Great Lakes Basin (hereinafter called the Basin),
2. To plan for the welfare and development of the water resources of the Basin as a whole as well as for those portions of the Basin which may have problems of special concern.
3. To make it possible for the states of the Basin and their people to derive the maximum benefit from utilization of public works, in the form of navigational aids or otherwise, which may exist or which may be constructed from time to time.
4. To advise in securing and maintaining a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate uses of the water resources of the Basin.
5. To establish and maintain an intergovernmental agency to the end that the purposes of this compact may be accomplished more effectively.

#### ARTICLE II

A. This compact shall enter into force and become effective and binding when it has been enacted by the legislatures of any four of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and thereafter shall enter into force and become effective and binding as to any other of said states when enacted by the legislature thereof.

B. The Province of Ontario and the Province of Quebec, or either of them, may become states party to this compact by taking such action as their laws and the laws of the Government of Canada may prescribe for adherence thereto. For the purpose of this compact the word "state" shall be construed to include a province of Canada.

#### ARTICLE III

The Great Lakes Commission created by Article IV of this compact shall exercise its powers and perform its functions in respect to the Basin which, for the purposes of this compact, shall consist of so much of the following as may be within the party states:

1. Lakes Erie, Huron, Michigan, Ontario, St. Clair, Superior, and the St. Lawrence River, together with any and all natural or man-made water interconnections between or among them.
2. All rivers, ponds, lakes, streams, and other watercourses which, in their natural state or in their prevailing condition, are tributary to Lakes Erie, Huron, Michigan, Ontario, St. Clair, and Superior or any of them or which comprise part of any watershed draining into any of said lakes.

#### ARTICLE IV

A. There is hereby created an agency of the party states to be known as The Great Lakes Commission (hereinafter called the Commission). In that name the commission may sue and be sued, acquire, hold and convey real and personal prop-

erty and any interest therein. The commission shall have a seal with the words "The Great Lakes Commission" and such other design as it may prescribe engraved thereon by which it shall authenticate its proceedings. Transactions involving real or personal property shall conform to the laws of the state in which the property is located, and the commissioner may by bylaws provide for the execution and acknowledgment of all instruments in its behalf.

B. The commission shall be composed of not less than three commissioners nor more than five commissioners from each party state designated or appointed in accordance with the law of the state which they represent and serving and subject to removal in accordance with such law.

C. Each state delegation shall be entitled to three votes in the commission. The presence of commissioners from a majority of the party states shall constitute a quorum for the transaction of business at any meeting of the commission. Actions of the commission shall be by a majority of the votes cast except that any recommendations made pursuant to Article VI of this compact shall require an affirmative vote of not less than a majority of the votes cast from each of a majority of the states present and voting.

D. The commissioners of any two or more party states may meet separately to consider problems of particular interest to their states but no action taken at any such meeting shall be deemed an action of the commission unless and until the commission shall specifically approve the same.

E. In the absence of any commissioner, his vote may be cast by another representative or commissioner of his state provided that said commissioner or other representative casting said vote shall have a written proxy in proper form as may be required by the commission.

F. The commission shall elect annually from among its members a chairman and vice-chairman. The commission shall appoint an executive director who shall also act as secretary-treasurer, and who shall be bonded in such amount as the commission may require. The executive director shall serve at the pleasure of the commission and at such compensation and under such terms and conditions as may be fixed by it. The executive director shall be custodian of the records of the commission with authority to affix the commission's official seal and to attest to and certify such records or copies thereof.

G. The executive director, subject to the approval of the commission in such cases as its bylaws may provide, shall appoint and remove or discharge such personnel as may be necessary for the performance of the commission's functions. Subject to the aforesaid approval, the executive director may fix their compensation, define their duties, and require bonds of such of them as the commission may designate.

H. The executive director, on behalf of, as trustee for, and with the approval of the commission, may borrow, accept, or contract for the services of personnel from any state or government or any subdivision or agency thereof, from any intergovernmental agency, or from any institution, person, firm or corporation; and may accept for any of the commission's purposes and functions under this compact any and all donations, gifts, and grants of money, equipment, supplies, materials, and services from any state or government or any subdivision or agency thereof or intergovernmental agency or from any institution, person, firm or corporation and may receive and utilize the same.

I. The commission may establish and maintain one or more offices for the transacting of its business and for such purposes the executive director, on behalf of, as trustee for, and with the approval of the commission, may acquire, hold and dispose of real and personal property necessary to the performance of its functions.

J. No tax levied or imposed by any party state or any political subdivision thereof shall be deemed to apply to property, transactions, or income of the commission.

K. The commission may adopt, amend and rescind bylaws, rules and regulations for the conduct of its business.

L. The organization meeting of the commission shall be held within six months from the effective date of this compact.

M. The commission and its executive director shall make available to the party states any information within its possession and shall always provide free access to its records by duly authorized representatives of such party states.

N. The commission shall keep a written record of its meetings and proceedings



and shall annually make a report thereof to be submitted to the duly designated official of each party state.

O. The commission shall make and transmit annually to the legislature and Governor of each party state a report covering the activities of the commission for the preceding year and embodying such recommendations as may have been adopted by the commission. The commission may issue such additional reports as it may deem desirable.

ARTICLE V

A. The members of the commission shall serve without compensation, but the expenses of each commissioner shall be met by the state which he represents in accordance with the law of that state. All other expenses incurred by the commission in the course of exercising the powers conferred upon it by this compact, unless met in some other manner specifically provided by this compact, shall be paid by the commission out of its own funds.

B. The commission shall submit to the executive head or designated officer of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

C. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Detailed commission budgets shall be recommended by a majority of the votes cast, and the costs shall be allocated equitably among the party states in accordance with their respective interests.

D. The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article IV (H) of this compact, provided that the commission takes specific action setting aside such funds prior to the incurring of any obligations to be met in whole or in part in this manner. Except where the commission makes use of funds available to it under Article IV (H) hereof, the commission shall not incur any obligations prior to the allotment of funds by the party states adequate to meet the same.

E. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under the bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

F. The accounts of the commission shall be open at any reasonable time for inspection by such agency, representative or representatives of the party states as may be duly constituted for that purpose and by others who may be authorized by the commission.

ARTICLE VI

The commission shall have power to:

A. Collect, correlate, interpret, and report on data relating to the water resources and the use thereof in the Basin or any portion thereof.

B. Recommend methods for the orderly, efficient, and balanced development, use, and conservation of the water resources of the Basin or any portion thereof to the party states and to any other governments or agencies having interests in or jurisdiction over the Basin or any portion thereof.

C. Consider the need for and desirability of public works and improvements relating to the water resources in the Basin or any portion thereof.

D. Consider means of improving navigation and port facilities in the Basin or any portion thereof.

E. Consider means of improving and maintaining the fisheries of the Basin or any portion thereof.

F. Recommend policies relating to water resources including the institution and alteration of flood plain and other zoning laws, ordinances and regulations.

G. Recommend uniform or other laws, ordinances, or regulations relating to the development, use and conservation of the Basin's water resources to the party states or any of them and to other governments, political subdivisions, agencies or intergovernmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion thereof.

H. Consider and recommend amendments or agreements supplementary to this compact to the party states or any of them, and assist in the formulation and drafting of such amendments or supplementary agreements.

I. Prepare and publish reports, bulletins, and publications appropriate to this work and fix reasonable sale prices therefor.

J. With respect to the water resources of the Basin or any portion thereof, recommend agreements between the governments of the United States and Canada.

K. Recommend mutual arrangements expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of Canada including but not limited to such agreements and mutual arrangements as are provided for by Article XIII of the Treaty of 1909 Relating to Boundary Waters and Questions Arising Between the United States and Canada. (Treaty Series, No. 548.)

L. Cooperate with the governments of the United States and of Canada, the party states and any public or private agencies or bodies having interests in or jurisdiction sufficient to affect the Basin or any portion thereof.

M. At the request of the United States, or in the event that a province shall be a party state, at the request of the Government of Canada, assist in the negotiation and formulation of any treaty or other mutual arrangement or agreement between the United States and Canada with reference to the Basin or any portion thereof.

N. Make any recommendation and do all things necessary and proper to carry out the powers conferred upon the commission by this compact, provided that no action of the commission shall have the force of law in, or be binding upon, any party state.

#### ARTICLE VII

Each party state agrees to consider the action the commission recommends in respect to:

A. Stabilization of lake levels.

B. Measures for combating pollution, beach erosion, floods, and shore inundation.

C. Uniformity in navigation regulations within the constitutional powers of the states.

D. Proposed navigation aids and improvements.

E. Uniformity or effective coordinating action in fishing laws and regulations and cooperative action to eradicate destructive and parasitical forces endangering the fisheries, wild life and other water resources.

F. Suitable hydroelectric power developments.

G. Cooperative programs for control of soil and bank erosion for the general improvement of the Basin.

H. Diversion of waters from and into the Basin.

I. Other measures the commission may recommend to the states pursuant to Article VI of this compact.

#### ARTICLE VIII

This compact shall continue in force and remain binding upon each party state until renounced by act of the legislature of such state, in such form and manner as it may choose and as may be valid and effective to repeal a statute of said state, provided that such renunciation shall not become effective until six months after notice of such action shall have been officially communicated in writing to the executive head of the other party states.

#### ARTICLE IX

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or in the case of a province, to the British North America Act of 1867 as amended, or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to any state, agency, person or circumstance shall not be affected thereby, provided further that if this compact shall be held contrary to the constitution of the United States, or in the case of a province, to the British North America Act of 1867 as amended, or of any party state, the compact shall remain

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in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1955 c 691 s 1]

**1.22 COMMISSIONERS.** In pursuance of Article IV of the compact, there shall be five commissioners on the Great Lakes commission from this state four of whom shall be members of the legislature, two being members of the house of representatives and two being members of the state senate; and one member shall be appointed by and serve at the pleasure of the governor. The said house members shall be appointed by the speaker of the house and the members of the senate shall be appointed by the committee on committees. The commissioners so appointed shall exercise all voting rights conferred by the compact on the commissioners from the party state as provided in Article IV, (B and C) of the compact.

[1955 c 691 s 2; 1963 c 389 s 1; 1971 c 380 s 1]

**1.23 STATE OFFICERS, DUTIES.** All officers of this state are hereby authorized and directed to do all things falling within their respective jurisdictions necessary to or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of this state to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the state government or administration of this state are hereby authorized and directed at reasonable times and upon request of said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal powers respectively.

[1955 c 691 s 3]

**1.24** [Repealed, 1971 c 960 s 12]

**1.25 SECRETARY OF STATE, DUTIES.** The secretary of state is hereby authorized and directed to transmit a duly authenticated copy of sections 1.21 to 1.25 and the compact contained therein to each jurisdiction now party to the compact and to each jurisdiction which subsequently shall become party to the compact.

[1955 c 691 s 6]

**1.26 ENEMY ATTACK, TEMPORARY RELOCATION OF SEATS OF GOVERNMENT.** Subdivision 1. **Political subdivision defined.** As used in this section, political subdivision includes counties, cities, statutory cities, towns, townships, school districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.

Subd. 2. **State government.** Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of state government at the normal location of the seat thereof in the city of St. Paul, Ramsey county, Minnesota, the governor shall, as often as the exigencies of the situation require, by proclamation, declare an emergency temporary location, or locations, for the seat of government at such place, or places, within or without this state as he may deem advisable under the circumstances, and shall take such action and issue such orders as may be necessary for an orderly transition of the affairs of state government to such emergency temporary location, or locations. Such emergency temporary location, or locations, shall remain as the seat of government until the legislature shall by law establish a new location, or locations, or until the emergency is declared to be ended by the governor and the seat of government is returned to its normal location.

Subd. 3. **Validity of official acts of state government.** During such time as the seat of government remains at such emergency temporary location, or locations, all official acts now or hereafter required by law to be performed at the seat of government by any officer, agency, department or authority of this state, including the convening and meeting of the legislature in regular, extraordinary, or emergency session, shall be as valid and binding when performed at such emergency temporary location, or locations, as if performed at the normal location of the seat of government.

Subd. 4. **Local governments.** Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of local gov-

ernment at the regular or usual place or places thereof, the governing body of each political subdivision of this state may meet at any place within or without the territorial limits of such political subdivision on the call of the presiding officer or any two members of such governing body, and shall proceed to establish and designate by ordinance, resolution or other manner, alternate or substitute sites or places as the emergency temporary location, or locations, of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of such political subdivision and may be within or without this state.

Subd. 5. **Validity of acts of local governments.** During the period when the public business is being conducted at the emergency temporary location, or locations, the governing body and other officers of a political subdivision of this state shall have and possess and shall exercise, at such location, or locations, all of the executive, legislative, and judicial powers and functions conferred upon such body and officers by or under its charter, the laws and constitution of this state. All acts of such body and officers shall be as valid and binding as if performed within the territorial limits of their political subdivision.

Subd. 6. **Conflicting laws.** The provisions of this section shall control and be supreme in the event it shall be employed notwithstanding any statutory, charter or ordinance provision to the contrary or in conflict herewith.

[1959 c 659 s 1-6; 1973 c 123 art 5 s 7]

**1.27 LOCAL INTERIM EMERGENCY SUCCESSION ACT.** Subdivision 1. **Short title.** This section shall be known as the local interim emergency succession act.

Subd. 2. **Declaration of policy.** Because of the existing possibility of a nuclear attack or a natural disaster requiring the declaration of a state of emergency, it is found urgent and necessary to insure the continuity of duly elected and lawful leadership of the political subdivisions of the state of Minnesota.

Subd. 3. **Succession to local offices.** The governing body of any county or municipality in the state of Minnesota may enact such ordinances or resolutions as may be necessary to provide for the continuity of their government and the emergency interim succession of their key government officials. Such ordinances and resolutions shall provide a method for temporary emergency appointments to local public offices.

Subd. 4. **Duties and term of successor.** An "interim emergency successor," when so designated by the governing body of that political subdivision as provided for in subdivision 3 shall exercise the powers and duties of that office until the duly elected or appointed officer shall resume the office or a successor is designated as required by law.

[1967 c 58 s 1-4]

**1.31 MINNESOTA-WISCONSIN BOUNDARY COMPACT; POLICY.** A compact for the purpose of present and future protection, use and development in the public interest, of the boundary lands, river valleys, and waters comprising the boundaries of this state is hereby ratified, enacted into law and entered into with the state of Wisconsin and with all other jurisdictions legally joining therein in the form substantially as follows:

#### COMPACT

**Sec. 1. COMPACT; PURPOSE AND INTENT.** In order to conduct studies and to develop recommendations relating to the present and future protection, use and development in the public interest, of the lands, river valleys and waters which form the boundary between this state and any other state party to this compact; and

In order to assist in co-ordinating the studies, conservation efforts and planning undertaken by the several departments, agencies or municipalities of the states parties to this compact with respect to such lands, river valleys and waters; and

In order to assist in the participation by states parties to this compact in federal programs which relate to the present and future protection, use and development in the public interest, of such boundary lands, river valleys or waters;

This state hereby solemnly agrees:

To co-operate with any neighboring state party to this compact for the purposes of, and subject to the limitations provided by, this compact;

To establish a boundary area commission;

To consider, and to promote the consideration by its municipalities of, the recommendations of the boundary area commission with respect to:

- (1) Joint regional planning for the development of boundary areas;
- (2) Measures for controlling air and water pollution, maintaining water quality, and controlling water use;
- (3) Programs for control of soil and river bank erosion and the general improvement of the river basins;
- (4) Diversion of waters from and into the rivers;
- (5) Restrictions and regulation of land use development designed to preserve the scenic and recreational attributes of the river basins;
- (6) Other restrictions, regulations or programs the commission may recommend to the party states.

Sec. 2. **COMMISSION CREATED.** Subdivision 1. **Members.** There is hereby created an interstate commission to be known as the boundary area commission of the states parties to this compact. Each party state shall appoint five commissioners. The manner of appointing such commissioners, terms of office and provisions for removal and suspension of commissioners or appointments to fill vacancies shall be determined by each party state pursuant to the laws thereof but each commissioner shall be a resident of the state from which he is appointed.

Subd. 2. **Compensation.** The members of the commission shall serve without compensation, but the actual and necessary expenses incurred by any commissioner in the performance of his duties shall be met by the state which he represents, according to the laws thereof.

Subd. 3. **Officers.** The commission shall annually elect from among its members a chairman who cannot succeed himself, a vice chairman who shall not be a citizen of the state represented by the chairman, and a secretary treasurer.

Subd. 4. **Meetings.** The commission shall meet at the call of the chairman, or at the call of three of its members, upon five days' notice, but at least twice in each calendar year, and such mandatory meetings shall not be held in the same calendar quarter year.

Subd. 5. **Advisory committees.** In order to assist the commission in the execution of its functions, each party state shall create a legislative advisory committee comprising not more than ten members, and shall create a technical advisory committee consisting of not to exceed ten state administrative officers or employees having expertise in the subject matter areas of this compact. Members of the advisory committees shall be reimbursed as provided in subdivision 2.

Sec. 3. **POWERS AND DUTIES.** Subdivision 1. **General powers and duties.** The boundary area commission shall make recommendations, review and correlate studies of the federal government and other agencies, develop plans and evolve findings and do all things necessary and proper to carry out the powers conferred upon the commission by this compact; provided that no recommendation, plan or finding of the commission shall have the force of law or be binding upon or limit the powers of any party state or its departments, agencies, or municipalities. The commission:

Subd. 2. **Cooperation.** Shall cooperate with the federal government of the United States and with any public or private agencies having an interest in, or jurisdiction sufficient to affect, the present and future protection, use and development in the public interest, of the lands, river valleys or waters comprising the boundary of this state with any other party state;

Subd. 3. **Recommendations.** (a) May make recommendations with regard to land and water use in such boundary areas to the proper department, agency or municipality of any party state, including proposed laws, administrative rules, ordinances or other regulations.

(b) For the purpose of obtaining information relative to land and water use in such areas, the commission may hold public hearings.

Subd. 4. **Studies.** (a) May study any land and water conservation, development and use factors which affect the boundary areas of the party states for the purpose of determining the most beneficial and practicable plan for:

1. Regional development;
2. Navigation, including public access to waters;
3. Dams and improvements for flood control and industry;
4. Agriculture;

5. Fish and wildlife;
6. Recreation, including protection of natural, scenic and other cultural resources;
7. The development of housing, commerce and industry;
8. Control of air and water pollution; and
9. Any other beneficial public purposes.

(b) May appoint subcommittees for the purpose of conducting specific studies under clause (a).

**Sec. 4. STAFF.** Subdivision 1. **Employees.** The commission shall, insofar as reasonably possible, maintain an even balance between the party states with respect to the number of employees and the responsibilities thereof, but this compact shall not create a self-executing obligation for the financing of a commission staff by the party states.

Subd. 2. **Executive director.** The commission may appoint an executive director and such other staff as may be necessary, on a full or part time basis, and may engage consultants as needed. Subject to the control of the commission, the executive director shall be in complete charge of the administrative functions of the commission, and shall have such additional powers and duties as the commission may delegate to and require of him.

Subd. 3. **State departments and agencies to cooperate.** All officers, employees, departments and agencies of the states parties to this compact are by this compact encouraged to do all things within their respective jurisdictions, to assist the commission in carrying out the duties imposed upon it by this compact.

**Sec. 5. OPERATING REPORTS.** Subdivision 1. **Minutes.** The commission shall compile and make available to the public a written record of its proceedings and recommendations. The commission may provide for the recording verbatim of any testimony given before it.

Subd. 2. **Reports.** On or before January 15 of each odd numbered year the commission shall make a report to the governor and legislature of each state party to this compact and such report shall include, without limitation because of enumeration, accounts of:

(a) The activities of the commission during the biennium then concluded, and its intended activities for the biennium then commenced; and

(b) The appropriations, gifts and grants, if any, received by the commission, and of the commission's expenditures from such funds as verified by the audit under section 6, subdivision 3 hereof.

**Sec. 6. FINANCE.** Subdivision 1. **Donations, gifts, grants and appropriations.** The commission may accept, for any of its purposes and functions, donations, gifts, grants and appropriations of money, equipment, supplies, materials and services from the federal government of the United States, from any party state or from any department, agency or municipality thereof, or from any institution, person, firm or corporation.

Subd. 2. **Expenditures.** All expenses incurred by the commission in exercising the powers conferred, or executing the duties imposed, upon it by this compact, unless otherwise provided in this compact, shall be paid by the commission out of the funds then available to it. The commission shall not go into debt. Except as provided in section 2, subdivision 2, nothing in this compact shall be construed as obligating any party state to commit its credit for the operation of the commission.

Subd. 3. **Annual audit.** The commission shall keep accurate accounts of all receipts and disbursements which shall be audited as of December 31 of each year by a qualified public accountant.

Subd. 4. **Budget.** The commission shall submit to the officer designated by the laws of each party state, at such times as required by the laws of each party state, a budget of its actual past and estimated future expenditures, for such periods as are required by the laws of each party state.

**Sec. 7. ENTRY INTO FORCE AND WITHDRAWAL.** Subdivision 1. **Signature.** The governor of each party state is authorized and directed to witness the ratification of this compact for his state by executing the final draft thereof in his own name as governor for and on behalf of his state and affixing thereto, pursuant to the laws of his state, the official seal of his state.

Subd. 2. **Enabling legislation.** This compact shall become operative immedi-

ately after the passage of an act by any two party states incorporating the provisions of this compact into the laws of such states.

**Subd. 3. Withdrawal.** Any state acceding to this compact reserves the right at any time to withdraw from such compact, but such withdrawal shall be based upon a law properly enacted according to the constitution and laws of the withdrawing party state.

**Sec. 8. CONSTRUCTION AND SEVERABILITY.** This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact or any part thereof shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and, as to the state so affected, in full force and effect as to all severable matters. (End of Compact)

[1965 c 807 s 1]

**1.32 COMMISSION, AUTHORITY.** The Minnesota-Wisconsin boundary area commission shall have the powers, duties, and functions provided in the compact set out in section 1.31.

[1965 c 807 s 2]

**1.33 REPRESENTATIVES, SELECTION.** In pursuance of section 1.31 creating the Minnesota-Wisconsin boundary area commission, the Minnesota representation thereon shall consist of five commissioners appointed by the governor, by and with the advice and consent of the senate, each for a four year term, but at the pleasure of the governor. Vacancies shall be filled by appointment by the governor with the advice and consent of the senate. The term of the first members of the commission shall commence on July 1, 1965. Vacancies shall be filled by the governor for the unexpired term.

[1965 c 807 s 3]

**1.34 LEGISLATIVE ADVISORY COMMITTEE.** Subdivision 1. In order to assist the Minnesota-Wisconsin boundary area commission in the performance of its duties, there is created a legislative advisory committee comprised of five members of the house of representatives to be appointed by the speaker, and five members of the senate to be appointed by the committee on committees. The members of the advisory committee shall be selected by January 31 of each odd numbered year. Vacancies, when the legislature is not in regular session, shall be filled by appointment of the last duly elected speaker, in the case of members of the house of representatives, and the last duly elected members of the committee on committees, in the case of members of the senate.

**Subd. 2.** The members of the legislative advisory committee shall select a chairman and such other officers as may be deemed necessary.

[1965 c 807 s 4; 1973 c 705 s 1]

**1.35 TECHNICAL ADVISORY COMMITTEE.** Subdivision 1. In order to assist the Minnesota-Wisconsin boundary area commission in the performance of its duties, there is created a technical advisory committee comprised of ten members, to be appointed by the governor and to serve at his pleasure. Each member of the technical advisory committee shall have expertise in the subject matter of the duties of the Minnesota-Wisconsin boundary area commission, and shall be either an officer or employee of the executive branch of the state government, or of any governmental subdivision, or body politic and corporate of the state.

**Subd. 2.** The members of the technical advisory committee shall select a chairman and such other officers as may be deemed necessary.

[1965 c 807 s 5]

**1.36 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.** Subdivision 1. Members of the commission shall serve without compensation, but the actual and necessary expenses incurred by any member thereof in the performance of his duties shall be reimbursed from the appropriations made for the support of the commission by the state of Minnesota.

**Subd. 2.** Members of the legislative advisory committee shall be compensated and reimbursed for expenses in the same manner that members of legisla-

tive standing committees are compensated and reimbursed pursuant to section 3.102.

[1965 c 807 s 6; 1971 c 25 s 1; 1973 c 705 s 2; 1974 c 355 s 63]

**1.37 COOPERATION OF STATE OFFICERS.** All departments and agencies of the state shall cooperate with the commission and its advisory committees in the execution of their functions, and shall assist the commission in carrying out the duties imposed upon it.

[1965 c 807 s 7]

**1.38 GIFTS.** The Minnesota commissioners may accept on behalf of the state a gift from any source, private or public, and may use such gift for the purposes for which tendered, consistent with the duties of the Minnesota-Wisconsin boundary area commission. Any money so received shall be deposited in the state treasury, and the amount thereof is hereby appropriated annually to the commissioners for the purpose of carrying out the terms and provisions of such gift.

[1965 c 807 s 8]

**1.39 BUDGET.** The Minnesota commissioners shall submit a budget of the estimated expenditures of the commission from time to time to the commissioner of administration for such period and in such form as he shall require.

[1965 c 807 s 9]

**1.40 APPROPRIATION.** Money appropriated by Minnesota for the support of the commission shall be paid over in such amounts and at such times as the Minnesota commissioners shall direct. Sufficient money of such appropriation, however, shall be withheld in order to reimburse the Minnesota members of the commission and the members of the advisory committees for their expenses. Expenses of the commissioners shall be paid on the authorization of the chairman of the commission, or upon the authorization of any other person designated by it. Expenses of the members of the two advisory committees shall be paid on the authorization of the respective chairmen or any other member designated by the respective committees.

[1965 c 807 s 10; 1969 c 399 s 1; 1971 c 25 s 2]