

## MINNESOTA STATUTES

1998

## Jurisdiction, Civil Divisions

## CHAPTER 1

## SOVEREIGNTY, JURISDICTION

1 01	Extent	1.145	State bird
1 02	Jurisdiction over waters	1 146	State fish
1.03	Waters included.	1 147	State gemstone
1 041	Concurrent jurisdiction of state and United States	1 148	State grain
1 042	Consent of state.	1 149	State mushroom.
1 043	Jurisdiction, when to vest	1 1495	State drink
1 0431	Retrocession.	1 1496	State muffin
1 044	Upper Mississippi River Wild Life and Fish Refuge	1 15	Boundary Compact; Michigan, Wisconsin, Minnesota
1.045	State, consent to acquisition of lands	1 16	Maps on file
1.0451	Limits on consent to federal acquisitions of lands in St Louis, Lake, and Cook counties, water and land ownership, duties of state officials	1 21	Great Lakes Basin Compact
1 046	Evidence of consent	1.22	Commissioners.
1.047	Condemnation proceedings in state courts by United States	1 23	State officers, duties
1 048	Effect of repeal of certain laws	1 26	Enemy attack, temporary relocation of seats of government
1 049	Acquisition of lands in Tamarac National Wildlife Refuge by United States	1 27	Local Interim Emergency Succession Act
1 12	Federal flowage easements over highways	1 31	Minnesota–Wisconsin Boundary Compact; policy
1.13	Moneys received credited to highway fund.	1 32	Commission, authority
1 135	State seal	1 33	Representatives, selection
1.141	Official state flag.	1 34	Legislative advisory committee
1.142	State flower.	1.35	Technical advisory task force
1 143	State tree, designation.	1 36	Compensation and reimbursement for expenses
		1 37	Cooperation of state officers.
		1 38	Gifts.
		1 39	Budget.
		1 40	Appropriation
		1 50	Freedom from violence

**1.01 EXTENT.**

The sovereignty and jurisdiction of this state extend to all places within its boundaries as defined in the constitution and, concurrently, to the waters forming a common boundary between this and adjoining states, subject only to rights of jurisdiction acquired by the United States over places in it.

**History:** (1) *RL s 1; 1984 c 628 art 1 s 1*

**1.02 JURISDICTION OVER WATERS.**

Courts and officers having jurisdiction in a county bordering upon Big Stone Lake, Lake Traverse, Bois de Sioux River, or the Red River of the North, have jurisdiction in civil and criminal cases upon those waters concurrently with the courts and officers of other states bordering on them, to the extent any of them forms a common boundary between this state and any other state.

**History:** (2) *1905 c 242 s 1; 1943 c 349 s 1; 1984 c 628 art 1 s 1*

**1.03 WATERS INCLUDED.**

The concurrent jurisdiction of a county and of courts and officers exercising jurisdiction throughout it extends over the water area that would be included if the boundary lines of the county were produced in the direction of their approach and extended across the waters to the opposite shore.

**History:** (3) 1905 c 242 s 2; 1943 c 349 s 2; 1984 c 628 art 1 s 1

**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 in this state owned 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 there, to punish offenses against its laws committed there, and to protect, regulate, control, and dispose of any property of the state there.

Subd. 2. **Land exchange commission may concurr.** In any case not otherwise provided for, the consent of the state to the acquisition by the United States of any land or right or interest in land 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 Minnesota, Article XI, Section 10, upon finding that the acquisition and the methods of the acquisition and the exercise of the jurisdiction are consistent with the best interests of the state, if application for the state's consent is made by an authorized officer of the United States, setting forth a description of the property, with a map when necessary for its proper identification, and the authority for, purpose of, and method used or to be used in acquiring it. The commission may specify the method of acquisition as a condition of its consent.

In case of acquisition by purchase or gift, the state's consent shall be obtained before the execution of any instrument conveying the lands involved or any interest in them to the United States. In case of condemnation, consent shall be obtained before the commencement of a condemnation proceeding.

**History:** 1943 c 343 s 1; 1965 c 51 s 1; 1976 c 2 s 172; 1984 c 628 art 1 s 1

**1.042 CONSENT OF STATE.**

Subdivision 1. **Given for certain purposes.** The consent of the State of Minnesota is 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 in land in this state required for sites for customs houses, courthouses, hospitals, sanitariums, 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 Minnesota acquired by the United States for any purpose specified in subdivision 1 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, the jurisdiction is ceded to the United States, subject to the conditions and reservations of subdivision 3. When the premises abut upon the navigable waters of Minnesota, the jurisdiction shall include the underwater lands adjacent to them lying between the line of low-water mark and the bulkhead or pierhead 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 ceded land or place is reserved to the state. The state also reserves the right to impose the following taxes:

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

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

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

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

**History:** 1943 c 343 s 2; Ex1959 c 85 s 3,4; 1984 c 628 art 1 s 1

### 1.043 JURISDICTION, WHEN TO VEST.

The jurisdiction granted or ceded to the United States over any place in the state under sections 1.041 or 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 them for the purposes to which the jurisdiction appertains as specified in those sections or until the United States relinquishes to the state full or partial jurisdiction under section 1.0431.

**History:** 1943 c 343 s 3; 1977 c 125 s 1; 1984 c 628 art 1 s 1

### 1.0431 RETROCESSION.

Subdivision 1. **General power.** Notwithstanding any other law, all or any part of the jurisdiction acquired by the United States over any land or place in the state under section 1.041 or 1.042 or any other statute may be retroceded to the state in the manner provided in this section.

Subd. 2. **Offer; acceptance; recording.** Retrocession of jurisdiction shall be initiated by written offer to the governor by an authorized officer of the United States agency having supervision over the land. Retrocession shall not take effect until

(a) the governor, after consulting with the governing bodies of counties or municipalities where all or part of the federal lands are situated, has accepted jurisdiction on behalf of the state,

(b) a certificate evidencing acceptance is filed with the secretary of state, and

(c) a duplicate is recorded in the office of the county recorder of each county where the lands or any part of them are situated.

Subd. 3. **State and local jurisdiction.** The jurisdiction ceded to the state under subdivision 1 shall be exercised by the appropriate state authorities and by the local governmental units where all or part of the affected federal lands are situated.

**History:** 1977 c 125 s 2; 1984 c 628 art 1 s 1

### 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 the areas of land or water, or both, in this state as the United States deems 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 the areas compatible with their maintenance and control by the United States for the purposes and under the terms of that act of Congress.

**History:** 1943 c 343 s 4; 1984 c 628 art 1 s 1

### 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.

**History:** 1943 c 343 s 5; 1984 c 628 art 1 s 1

### 1.0451 LIMITS ON CONSENT TO FEDERAL ACQUISITIONS OF LANDS IN ST. LOUIS, LAKE, AND COOK COUNTIES; WATER AND LAND OWNERSHIP; DUTIES OF STATE OFFICIALS.

Subdivision 1. **Ownership of navigable waters and beds.** Pursuant to applicable federal and state law under which Minnesota was admitted to the union on equal footing with the

original 13 states, navigable waters and their beds located within the exterior boundaries of the state are owned by the state. In a few limited circumstances, as in section 1.044, relating to the Upper Mississippi Wildlife and Fish Refuge, the state has expressly granted its consent and concurrent jurisdiction to the United States to acquire interests in water, as well as land, for a limited purpose and in the limited area described in its consent. Unlike section 1.044, the consent granted by the state in section 1.045 to acquisitions by the United States for the Superior National Forest is limited to land, only. The state has never ceded to the United States, either expressly or implicitly, its ownership of and jurisdiction over the navigable waters and their beds that are located within the exterior boundaries of the forest.

**Subd. 2. State ownership of and jurisdiction over certain lands.** Pursuant to the Organic Act that created the territory of Minnesota (Act of Congress, March 3, 1849, 9 Stat. ch. 121, section 18), and the Enabling Act that authorized the people of the territory of Minnesota to establish the state of Minnesota (Act of Congress, February 26, 1857, 11 Stat. ch. 60, section 5, first paragraph), federal public domain lands located in sections 16 and 36 in every township at the time of statehood were granted to the state for the use of schools, together with equivalent land located in other sections if section 16 or 36 had been disposed of before statehood. In conformity with the terms of the federal grant, the citizens of Minnesota, by constitution, article XI, section 8, have dedicated the proceeds from the sale or other disposition of these school grant lands, and the proceeds from the sale or other disposition of lands subsequently received from the United States under swampland grants, to public school purposes. By constitution, article XI, sections 8 and 10, the disposition of school and swampland grant lands, frequently referred to as trust fund lands, is limited to sale at public auction or exchange. Roughly 100,000 acres of state-owned, mostly trust fund land, is located within that portion of the Superior National Forest that is described as the Boundary Waters Canoe Area Wilderness. Much of this state-owned trust fund land, as well as other state-owned land that is tax-forfeited and is held in trust for local taxing districts, is high-value lakeshore land. The state has not disposed of these lands to the United States and has not ceded jurisdiction over these lands, either expressly or implicitly, to the United States.

**Subd. 3. Duties of constitutional officers and other state officials.** In the discharge of their official duties, the governor, attorney general, other constitutional officers, and other public officials, such as the commissioner of natural resources, shall vigorously assert and defend, in all forums, the state's ownership of and jurisdiction over the navigable waters and their beds, the state trust fund lands and lands held in trust for local taxing districts located in the Superior National Forest, the natural resources related to these lands, waters, and beds, and the associated rights of the state and its citizens arising from the state's ownership and jurisdictional interests in these lands, waters, and beds. In furtherance of their duties, the governor, attorney general, other constitutional officers, and other public officials shall, additionally, be especially cognizant of the free rights of travel afforded to citizens of Minnesota and others under the Webster-Ashburton Treaty (proclaimed November 10, 1842) and the Root-Bryce Treaty (proclaimed May 13, 1910) on international and associated boundary waters. Also, in furtherance of their duties, in any exchange or other disposition of state-owned land located within the Boundary Waters Canoe Area Wilderness, the governor, attorney general, state auditor, commissioner of natural resources, and any other public official involved in such matters shall be especially cognizant of the high value of the lakeshore and other state land located within the area.

**History:** 1995 c 124 s 1

#### 1.046 EVIDENCE OF CONSENT.

The consent of the state given under sections 1.041 to 1.048 to the acquisition by the United States of any land or right or interest in land in this state or to the exercise of jurisdiction over any place in this state shall be evidenced by the certificate of the governor, 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) a description of the property,
- (b) the authority for, purpose of, and method used in acquiring it, and
- (c) the conditions of the jurisdiction of the state and the United States over it,

and shall declare the consent of the state under 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 it. One duplicate of the certificate shall be filed with the secretary of state. The other shall be delivered to the applicant, who shall record it in the office of the county recorder of each county in which the land or any part of it is situated.

**History:** 1943 c 343 s 6; 1976 c 181 s 2; 1984 c 628 art 1 s 1

#### **1.047 CONDEMNATION PROCEEDINGS IN STATE COURTS BY UNITED STATES.**

When consent to the acquisition by the United States of any land or any right or interest in land by condemnation is given by sections 1.041 to 1.048, the United States may effect condemnation in the courts of this state in accordance with the laws of this state relating to eminent domain, or may effect condemnation in the courts of the United States as authorized by act of Congress. When consent by the Land Exchange Commission is required by section 1.041 the commission may specify which method of condemnation shall be used as a condition of its consent.

**History:** 1943 c 343 s 7; 1984 c 628 art 1 s 1

#### **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 repealed, but their 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 any of them and the acquisition of the property was completed before the taking effect of Laws 1943, chapter 343, nor any case in which the consent of the state was given by Laws 1941, chapter 66, before the taking effect of Laws 1943, chapter 343.

**History:** 1943 c 343 s 8; 1984 c 628 art 1 s 1

#### **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, other acts notwithstanding.

**History:** 1955 c 346 s 1; 1984 c 628 art 1 s 1

#### **1.12 FEDERAL FLOWAGE EASEMENTS OVER HIGHWAYS.**

When requested by the commissioner of transportation the governor, in behalf of the state, may 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 it is required by the United States to aid a public improvement.

**History:** (6-7) 1937 c 124 s 1; 1976 c 166 s 7; 1984 c 628 art 1 s 1

#### **1.13 MONEYS RECEIVED CREDITED TO HIGHWAY FUND.**

Any payment so received for the granting of an easement shall be deposited in the trunk highway fund.

**History:** (6-8) 1937 c 124 s 2; 1984 c 628 art 1 s 1

#### **1.135 STATE SEAL.**

Subdivision 1. **Purpose.** This section prescribes the design and states the historical symbolism of the Great Seal of the State of Minnesota.

Subd. 2. **Official seal.** The seal described in subdivision 3 is the “Great Seal of the State of Minnesota.” When the seal, the impression of the seal, the scene within the seal, or its likeness is reproduced at state expense, it must conform to subdivision 3 and section 4.04. A seal, impression, scene, or likeness which does not conform to these provisions is not official.

Subd. 3. **Design.** The design of the seal is as described in this subdivision.

(a) The seal is composed of two concentric borders. The outside forms the border of the seal and the inside forms the border for the illustrations within the seal. The area between the two borders contains lettering.

(b) The seal is two inches in diameter. The outside border has a radius of one inch and resembles the serrated edge of a coin. The width of the border is 1/16 of an inch.

(c) The inside border has a radius of three-fourths of an inch and is composed of a series of closely spaced dots measuring 1/32 of an inch in diameter.

(d) Within the area between the borders “The Great Seal of the State of Minnesota” is printed in capital letters. Under that is the date “1858” with two dagger symbols separating the date and the letters. The lettering is 14-point century bold.

(e) In the area within the inside border is the portrayal of an 1858 Minnesota scene made up of various illustrations that serve to depict a settler plowing the ground near the falls of St. Anthony while he watches an Indian on horseback riding in the distance.

(f) For the purposes of description, when the area within the inside border is divided into quadrants, the following illustrations should be clearly visible in the area described.

(1) In the upper parts of quadrants one and two, the inscription “L’Etoile du Nord” is found on the likeness of a scroll whose length is equal to twice the length of the inscription, but whose ends are twice folded underneath and serve to enhance the inscription. The lettering is 7-point century bold.

(2) In quadrant two is found a likeness of a sun whose ambient rays form a background for a male Indian in loincloth and plume riding on horseback at a gallop. The Indian is sitting erect and is holding a spear in his left hand at an upward 60-degree angle to himself and is looking toward the settler in quadrant four.

(3) In quadrant one, three pine trees form a background for a picturesque resemblance of St. Anthony Falls in 1858.

(4) In quadrants three and four, cultivated ground is found across the lower half of the seal, which provides a background for the scenes in quadrants three and four.

(5) In quadrant three, a tree stump is found with an ax embedded in the stump and a period muzzle loader resting on it. A powder flask is hanging towards the end of the barrel.

(6) In quadrant four, a white barefoot male pioneer wearing clothing and a hat of that period is plowing the earth, using an animal-drawn implement from that period. The animal is not visible. The torso of the man continues into quadrant two, and he has his legs spread apart to simulate movement. He is looking at the Indian.

Subd. 4. **Additional effects; size.** Every effort shall be made to reproduce the seal with justification to the 12 o’clock position and with attention to the authenticity of the illustrations used to create the scene within the seal. The description of the scene in this section does not preclude the graphic inclusion of the effects of movement, sunlight, or falling water when the seal is reproduced. Nor does this section prohibit the enlargement, proportioned reduction, or embossment of the seal for its use in unofficial acts.

Subd. 5. **Historical symbolism of seal.** The sun, visible on the western horizon, signifies summer in the northern hemisphere. The horizon’s visibility signifies the flat plains covering much of Minnesota. The Indian on horseback is riding due south and represents the great Indian heritage of Minnesota. The Indian’s horse and spear and the Pioneer’s ax, rifle, and plow represent tools that were used for hunting and labor. The stump symbolizes the importance of the lumber industry in Minnesota’s history. The Mississippi River and St. Anthony Falls are depicted to note the importance of these resources in transportation and industry. The cultivated ground and the plow symbolize the importance of agriculture in Minnesota. Beyond the falls three pine trees represent the state tree and the three great pine regions of Minnesota; the St. Croix, Mississippi, and Lake Superior.

Subd. 6. **State's duties.** State agencies and departments using the seal, its impression, the scene within the seal or its likeness shall make every effort to bring any seal, impression, scene, or likeness currently fixed to a permanent object into accordance with this section and section 4.04. Expendable material to which the seal or any impression, scene, or likeness is currently affixed may be used until the supply is exhausted. All unused dies and engravings of the Great Seal shall be given to the Minnesota historical society, along with all historical information available about the seal, to be retained in the society's permanent collection.

**History:** 1983 c 119 s 1; 1987 c 384 art 1 s 1

1.14 [Repealed, 1961 c 561 s 17]

### 1.141 OFFICIAL STATE FLAG.

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

Subd. 2. **Photograph.** The secretary of state shall file a photograph of the state flag. The secretary shall also retain custodial control over the sample design flag of the commission for use by the public for copies.

Subd. 3. **Description.** 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 *Cypripedium 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. **Official flag.** The flag described above is the official flag of the state of Minnesota.

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

**History:** 1957 c 155 s 1-4; 1959 c 371 s 1; 1984 c 628 art 1 s 1; 1986 c 444

### 1.142 STATE FLOWER.

Subdivision 1. **Lady slipper.** The pink and white lady slipper, *Cypripedium reginae*, is the official flower of the state of Minnesota.

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

**History:** 1967 c 291 s 1; 1969 c 1129 art 3 s 1; 1984 c 628 art 1 s 1

### 1.143 STATE TREE, DESIGNATION.

Subdivision 1. **Red or Norway pine.** The Red pine (*Pinus resinosa*), more commonly known as Norway pine, is designated as the official state tree of the state of Minnesota.

Subd. 2. **Photograph.** A photograph of the Red pine, to be obtained and approved by the commissioner of natural resources, shall be certified and preserved in the office of the secretary of state.

**History:** 1953 c 20 s 1; 1983 c 119 s 2; 1984 c 628 art 1 s 1

1.144 [Repealed, 1983 c 119 s 4]

**1.145 STATE BIRD.**

Subdivision 1. **Loon.** The loon, *Gavia immer*, is the official bird of the state of Minnesota.

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

**History:** 1961 c 76 s 1,2; 1984 c 628 art 1 s 1

**1.146 STATE FISH.**

Subdivision 1. **Walleye.** The walleye, *Stizostedion v. vitreum*, is the official fish of the state of Minnesota.

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

**History:** 1965 c 576 s 1,2; 1984 c 628 art 1 s 1

**1.147 STATE GEMSTONE.**

Subdivision 1. **Lake Superior agate.** The Lake Superior agate is the official gemstone of the state of Minnesota.

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

**History:** 1969 c 404 s 1; 1984 c 628 art 1 s 1

**1.148 STATE GRAIN.**

Subdivision 1. **Wild rice.** *Zizania aquatica*, commonly known as wild rice or manomin, is the official state grain of the state of Minnesota.

Subd. 2. **Photograph.** A photograph of *zizania aquatica*, commonly known as wild rice or manomin, may be displayed in the office of the secretary of state.

**History:** 1977 c 348 s 1; 1984 c 628 art 1 s 1

**1.149 STATE MUSHROOM.**

Subdivision 1. **Designation.** *Morchella esculenta*, commonly known as the morel, sponge mushroom, or honeycomb morel, is adopted as the official state mushroom of the state of Minnesota.

Subd. 2. **Photograph.** A photograph of the morel, approved by the commissioner of natural resources, shall be preserved and may be displayed in the office of the secretary of state.

**History:** 1984 c 394 s 1

**1.1495 STATE DRINK.**

Milk is adopted as the official drink of the state of Minnesota.

**History:** 1984 c 645 s 1

**1.1496 STATE MUFFIN.**

The blueberry muffin is adopted as the official muffin of the state of Minnesota.

**History:** 1988 c 657 s 1

**1.15 BOUNDARY COMPACT; MICHIGAN, WISCONSIN, MINNESOTA.**

The following compact is 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 equidistant from either shore on the line which is the eastward continuation of the boundary line between Wisconsin and Illinois or latitude 42 degrees 29 minutes 37 seconds North;

Thence to Point B, a point equidistant 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 degrees 12 minutes 00 seconds a distance of 61.55 statute miles;

Thence to Point C, a point equidistant 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 degrees 01 minute 15 seconds, a distance of 22.18 statute miles;

Thence to Point D, a point equidistant 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 degrees 04 minutes 30 seconds, a distance of 30.33 statute miles;

Thence to Point E, a point equidistant 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 degrees 09 minutes 55 seconds, a distance of 54.20 statute miles;

Thence to Point F, a point equidistant 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 degrees 29 minutes 10 seconds, 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 degrees East, on the true azimuth of 40 degrees 34 minutes 10 seconds, a distance of 15.66 statute miles. The latitude and longitude of the named control points is as follows:

Point A - Latitude	42 degrees 29' 37"
Point A - Longitude	87 degrees 01' 15"
Point B - Latitude	43 degrees 22' 50"
Point B - Longitude	87 degrees 08' 50"
Point C - Latitude	43 degrees 42' 00"
Point C - Longitude	87 degrees 07' 20"
Point D - Latitude	44 degrees 07' 55"
Point D - Longitude	87 degrees 00' 45"
Point E - Latitude	44 degrees 52' 50"
Point E - Longitude	86 degrees 41' 10"
Point F - Latitude	45 degrees 05' 20"
Point F - Longitude	86 degrees 29' 30"
Point G - Latitude	45 degrees 14' 10"
Point G - Longitude	86 degrees 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 degrees 27 minutes 24 seconds and a distance of 108.86 statute miles.

# MINNESOTA STATUTES 1998

The latitude and longitude of the named control points is:

Point M – Latitude	46 degrees 34' 05"
Longitude	90 degrees 25' 05"
Point N – Latitude	48 degrees 00' 50"
Longitude	89 degrees 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 degrees 17 minutes 10 seconds, 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 degrees 27 minutes 40 seconds, 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 degrees 50 minutes 20 seconds, a distance of 26.43 statute miles;

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

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

**History:** 1947 c 589 s 1; 1984 c 628 art 1 s 1

## 1.16 MAPS ON FILE.

The maps referred to in the compact in section 1.15 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.

**History:** 1947 c 589 s 2; 1984 c 628 art 1 s 1

1.17 [Repealed, 1996 c 310 s 1]

1.18 [Renumbered 1.049]

### 1.21 GREAT LAKES BASIN COMPACT.

The Great Lakes Basin Compact is ratified, enacted into law, and entered into by this state as a party with any other state or province which, pursuant to Article II of the compact, has legally joined in it 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 property 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 consti-

tution 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 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.

**History:** 1955 c 691 s 1; 1984 c 628 art 1 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. Two shall be members of the house of representatives and two shall be members of the state senate. One member shall be appointed by and serve at the pleasure of the governor. The 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 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.

**History:** 1955 c 691 s 2; 1963 c 389 s 1; 1971 c 380 s 1; 1984 c 628 art 1 s 1

### 1.23 STATE OFFICERS, DUTIES.

All officers of this state shall do all things falling within their respective jurisdictions necessary to or incidental to carrying out the compact in every particular. It is the policy of this state to perform and carry out the compact and to accomplish its purposes. All officers, bureaus, departments and persons of the state government or administration shall, at reasonable times and upon request of the commission, furnish it with information and data possessed by them and aid it by loan of personnel or other means within their legal powers.

**History:** 1955 c 691 s 3; 1984 c 628 art 1 s 1

1.24 [Repealed, 1971 c 960 s 12]

1.25 [Repealed, 1996 c 310 s 1]

### 1.26 ENEMY ATTACK, TEMPORARY RELOCATION OF SEATS OF GOVERNMENT.

Subdivision 1. **Political subdivision defined.** As used in this section, "political subdivision" includes counties, home rule charter and 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.** When, 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 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 a place, or places, in or out of the state as the governor deems advisable under the circumstances, and shall take action and issue orders as necessary for an orderly transition of the affairs of state government to the emergency temporary location, or locations. The emergency temporary location, or locations, shall remain the seat of government until the legislature by law establishes 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.** While the seat of government remains at an emergency temporary location, or locations, all official acts 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 the emergency temporary location, or locations, as if performed at the normal location of the seat of government.

Subd. 4. **Local governments.** When, 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 government at their regular or usual place or places, the governing body of each political subdivision of this state may meet at any

place in or out of the territorial limits of the political subdivision on the call of the presiding officer or any two members of the governing body, and shall designate by ordinance, resolution or other manner, alternate or substitute places as the emergency temporary location, or locations, of government where all, or any part, of the public business may be conducted during the emergency situation. The places may be in or out of the territorial limits of the political subdivision and the state.

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

**Subd. 6. Conflicting laws.** This section shall be supreme if it is employed notwithstanding any other statute, charter or ordinance.

**History:** 1959 c 659 s 1-6; 1973 c 123 art 5 s 7; 1984 c 628 art 1 s 1; 1986 c 444

### 1.27 LOCAL INTERIM EMERGENCY SUCCESSION ACT.

Subdivision 1. **Short title.** This section is 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.

**Subd. 3. Succession to local offices.** The governing body of any county or municipality may enact ordinances or resolutions as necessary to provide for the continuity of its government and the emergency interim succession of its key government officials. The 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 designated by the governing body of a political subdivision under subdivision 3 shall exercise that office until the duly elected or appointed officer resumes the office or a successor is designated as required by law.

**History:** 1967 c 58 s 1-4; 1984 c 628 art 1 s 1

### 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 ratified, enacted into law and entered into with the state of Wisconsin and all other jurisdictions legally joining in it 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 coordinating 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 cooperate 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. Members 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 immediately 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)

**History:** 1965 c 807 s 1; 1984 c 628 art 1 s 1

**1.32 COMMISSION, AUTHORITY.**

The Minnesota–Wisconsin boundary area commission has the powers, duties, and functions provided in the compact set out in section 1.31.

**History:** 1965 c 807 s 2; 1984 c 628 art 1 s 1

**1.33 REPRESENTATIVES, SELECTION.**

The Minnesota representation on the Minnesota–Wisconsin boundary area commission shall consist of five commissioners appointed by the governor, each for a four-year term. The terms of the commissioners shall be staggered. Vacancies shall be filled by appointment by the governor for the unexpired term.

**History:** 1965 c 807 s 3; 1980 c 476 s 1; 1983 c 305 s 1; 1984 c 628 art 1 s 1

**1.331** [Repealed, 1996 c 310 s 1]

**1.34 LEGISLATIVE ADVISORY COMMITTEE.**

Subdivision 1. **Members; selection.** To assist the Minnesota–Wisconsin boundary area commission in the performance of its duties, a legislative advisory committee is created to be comprised of five members of the house of representatives appointed by the speaker, and five members of the senate 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. **Officers.** The members of the legislative advisory committee shall select a chair and other officers as deemed necessary. The chair of the commission shall rotate every two years between the house and the senate.

**History:** 1965 c 807 s 4; 1973 c 705 s 1; 1984 c 628 art 1 s 1; 1986 c 444; 1997 c 202 art 2 s 1

**1.35 TECHNICAL ADVISORY TASK FORCE.**

Subdivision 1. **Appointed by commission.** To assist the Minnesota–Wisconsin boundary area commission in the performance of its duties, a technical advisory task force com-

prised of ten members is created, to be appointed, as found necessary, by the commission and serve at its pleasure. Each member of the technical advisory task force shall have expertise in the subject matter of the duties of the Minnesota–Wisconsin boundary area commission and be an officer or employee of the executive branch of the state government, or of a governmental subdivision, or body politic and corporate of the state.

Subd. 2. **Officers.** The members of the technical advisory task force shall select a chair and other officers as deemed necessary.

**History:** 1965 c 807 s 5; 1984 c 531 s 1; 1984 c 628 art 1 s 1; 1986 c 444

### 1.36 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.

Subdivision 1. **Commission.** Members of the commission shall serve without compensation, but the actual and necessary expenses incurred by any member in the performance of its duties shall be reimbursed from the appropriations made for the support of the commission.

Subd. 2. **Advisory committee.** Members of the legislative advisory committee shall be compensated and reimbursed for expenses in the same manner that members of legislative standing committees are compensated and reimbursed under section 3.101.

**History:** 1965 c 807 s 6; 1971 c 25 s 1; 1973 c 705 s 2; 1974 c 355 s 63; 1984 c 628 art 1 s 1; 1987 c 384 art 2 s 1

### 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 assist the commission to carry out its duties.

**History:** 1965 c 807 s 7; 1984 c 628 art 1 s 1

### 1.38 GIFTS.

The Minnesota commissioners may accept on behalf of the state a gift from any source, private or public, and use it for the purposes for which it is tendered, consistent with the duties of the Minnesota–Wisconsin boundary area commission. Money so received shall be deposited in the state treasury and is appropriated annually to the commissioners to carry out the terms of the gift.

**History:** 1965 c 807 s 8; 1984 c 628 art 1 s 1

### 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 the period and in the form the commissioner of administration requires.

**History:** 1965 c 807 s 9; 1984 c 628 art 1 s 1; 1986 c 444

### 1.40 APPROPRIATION.

Money appropriated by Minnesota for the support of the commission shall be paid in amounts and at times as the Minnesota commissioners direct. A sufficient amount of the money appropriated shall be withheld 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 chair 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 chairs or any other member designated by the respective committees.

**History:** 1965 c 807 s 10; 1969 c 399 s 1; 1971 c 25 s 2; 1984 c 628 art 1 s 1; 1986 c 444

### 1.50 FREEDOM FROM VIOLENCE.

The state of Minnesota hereby adopts a policy of zero tolerance of violence. It is state policy that every person in the state has a right to live free from violence.

**History:** 1992 c 452 s 1