

Sec. 5. **Recreation program to be for education purposes.**—The facilities of any school district, operating a recreation program pursuant to the provisions of this act, shall be used primarily for the purpose of conducting the regular school curriculum and related activities, and the use of school facilities for recreation purposes authorized by this act shall be secondary.

Approved April 15, 1937.

CHAPTER 234—H. F. No. 1173

An act providing for a compact between the states of North Dakota, South Dakota and Minnesota, authorizing the creation of a Tristate Waters Commission with power to study the utilization and control of the waters of that portion of the drainage basin of the Red River of the North lying within North Dakota, South Dakota and Minnesota and to utilize and control the waters of the Red River of the North lying within North Dakota, South Dakota and Minnesota.

WHEREAS, the states of North Dakota, South Dakota and Minnesota share the drainage basin of the Red River of the North and have a common interest in the most advantageous utilization of the waters of this drainage basin, in the control of the flood waters of this area, and in the prevention of pollution of these public waters, and

WHEREAS, action by individual states is inadequate to effectuate these purposes in a manner most advantageous to the common welfare of the people living in this drainage basin, and

WHEREAS, the only manner in which effective action can be taken with reference to these purposes is to create by compact between the said three states an interstate authority vested with sufficient power, and

WHEREAS, such an authority can best be created by the passing by the legislatures of each of said states of substantially identical bills providing for the creation of such an interstate authority.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. **Tri-State waters commission created.**—The State of Minnesota does hereby enter into a compact with the states of North Dakota and South Dakota whereby it agrees to cooperate with said states in carrying out the following terms and conditions :

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ARTICLE I.

Each of the states of North Dakota, South Dakota and Minnesota undertake to cooperate with the other two states for the most advantageous utilization of the waters of the Red River of the North, for the control of the flood waters of this river and for the prevention of the pollution of such waters.

ARTICLE II.

To that end the said three states do hereby create a district to be known as the Tristate Waters Area, which shall comprise that portion of the drainage basin of the Red River of the North lying within the boundaries of the said states.

ARTICLE III.

The said three states do hereby create the Tristate Waters Commission, which shall be a body corporate and shall have the powers, duties and jurisdiction, herein set forth and such other powers, duties and jurisdiction as shall hereafter be conferred upon it by acts of the legislatures of each of said three states concurred in, when of a character to require such concurrence, by act of Congress.

ARTICLE IV.

The Tristate Waters Commission, hereafter in this compact called the Commission, shall consist of nine Commissioners, three from each state, appointed by each state in such manner and for such length of term as may be determined by the legislature thereof. Each Commissioner shall be a citizen of the state from which he is appointed, and at least one Commissioner from each state shall be a resident of the drainage area of the Red River of the North. Each Commissioner may be removed or suspended from office in such manner as shall be provided by the law of the state from which he shall be appointed. Each Commissioner shall receive such compensation as may be provided by the legislature of the state he represents, which compensation shall be paid by such state. Each Commissioner shall be paid actual expenses necessarily incurred in the performance of his duties as such Commissioner.

ARTICLE V.

The Commission shall elect from its number a chairman and vice-chairman and shall appoint and at its pleasure remove an executive secretary and such other officers and assistants as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation.

It shall adopt a seal and suitable by-laws and shall promulgate rules and regulations for its management and control.

A majority of the members from each state shall constitute a quorum for the transaction of business, the exercise of any powers, or the performance of any duties, but no action of the Commission shall be binding unless at least two of the members from each state shall vote in favor thereof.

The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the governor of each state setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the said states which may be necessary to carry out the intent and purpose of this compact, and such changes in the area of the district as may seem desirable.

The Commission shall not incur any obligations for salaries, office or other administrative expenses prior to the making of appropriation adequate to meet the same; nor shall the Commission pledge the credit of any of the said states except by and with the authority of the legislatures thereof. Each state reserves the right to provide hereafter by law for the examination and audit of the accounts of the commission by its comptroller or other official.

The Commissioner shall meet and organize within thirty days after the effective date of this compact.

ARTICLE VI.

It shall be the duty of the Commission to study the various water problems relating to water supply within the Tristate Waters Area.

ARTICLE VII.

Plans for works on boundary waters in said drainage areas prepared by the state, municipal or industrial agencies shall receive the approval of the Commission before construction is begun.

It shall be the duty of the commission to maintain and control lake levels and stream flow on boundary waters within the area, but such action shall be taken only with the approval of the authorized county or state agencies, in which such lake or stream is located, but said commission shall have no power or jurisdiction over water levels or stream flow in the Otter Tail River which is known as that portion of the Red River originating in Becker and Otter Tail counties extending and flowing through in a southerly and southwesterly direction through the counties of Becker, Otter Tail and Wilkin, and

emptying into the Red River of the North at the junction of the Bois de Sioux at Breckenridge, Minnesota and its chain of lakes and its tributaries.

The Commission shall have power to cooperate with any duly authorized federal, state or municipal agency in studies and surveys, construction, maintenance and operation of water projects within the scope of its jurisdiction.

The Commission shall be authorized to exercise the power of eminent domain, to acquire such real and personal property as may be reasonably necessary to effectuate the purposes of this compact, and to exercise all other powers not inconsistent with the constitutions of the States of North Dakota, South Dakota and Minnesota, or with the constitution of the United States, which may be reasonably necessary or appropriate for or incidental to the effectuation of its authorized purposes, and generally to exercise in connection with its property and affairs and in connection with property within its control any and all powers which may be exercised by a private corporation in connection with similar property and affairs.

ARTICLE VIII.

The Commission shall study the methods of financing the construction, control, maintenance and operation of projects and shall recommend for enactment to the legislatures of the states concerned such legislation as will effectuate the purposes and ends of the Commission.

ARTICLE IX.

Each state shall bear its proportionate share of the expense of the Commission based on the pro rata value to such state of the activities of the Commission, which expense shall be provided for by appropriation by the legislature.

ARTICLE X.

Should any part of this compact be held to be contrary to the constitution of any of said states or of the United States such part of said compact shall become inoperative as to each state but all other severable provisions of this compact shall continue in full force and effect.

ARTICLE XI.

This compact shall become operative immediately after the passage of an act substantially conforming to the compact provisions of this act by the legislatures of each of the three states which are parties

hereto, or, as to such state, in the event that either or both of the other two states parties hereto shall provide for the consummation of this compact by action of the governor, upon the entering into a compact signed by the governor of said state or states and the governor of this state substantially embodying the provisions of this compact. The governor of this state is hereby authorized to enter into such a compact.

Sec. 2. Membership of commission.—The three Commissioners from this state on the Tristate Waters Commission shall be appointed as follows: two of said Commissioners shall be appointed by the governor from residents of the Tristate Waters Area and shall serve for a term of two years. The third shall be the Commissioner of conservation.

Sec. 3. Commissioners to receive per diem and expenses.—Each Commissioner shall be reimbursed for actual expense in attending the meetings of the Commission and in performing his duties as such Commissioner and ten dollars per diem for each day of actual service.

Sec. 4. Appropriations.—There is hereby appropriated to pay this state's share of the expenses of the Commission for the period commencing with the passage of this act and ending June 30, 1938, the sum of \$1500 and for the fiscal year ending June 30, 1939, the sum of \$1500.

Approved April 15, 1937.

CHAPTER 235—H. F. No. 884

An act to prevent unfair competition and unfair trade practice in service trades under certain conditions.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Unfair competition and trade practices prohibited.—That upon application to the Governor of the State of Minnesota for relief from unfair competition and unfair trade practices arising from competition essentially and preponderantly intra-state, resulting in unemployment, economic distress and disorganization of service trades engaged in rendering and performing personal services upon a person or persons and licensed and regulated as such by the state, for the safeguard and protection of the public health from infection or contagion of communicable diseases, the Governor, upon approval