

CHAPTER 60—H. F. No. 286

An act providing for a compact between the States of South Dakota and Minnesota, authorizing the creation of a commission with power to determine and control water levels on artificially controlled waters bordering upon both of said states.

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

Section 1. South Dakota, Minnesota boundary waters commission created.—There is hereby created an Inter-State Commission to be known as the South Dakota-Minnesota Boundary Waters Commission, which shall consist of the Director of the Game and Fish Commission of South Dakota and the Commissioner of Conservation of Minnesota, or their legal successors, and an engineer appointed by the mutual consent of the Governors of South Dakota and Minnesota for a period of four years.

Sec. 2. Powers and duties of Commission.—Said Commission shall have power and authority:

(a) To investigate and determine the most desirable and beneficial levels of boundary waters artificially controlled and to prescribe a plan for controlling and regulating said levels.

(b) To prescribe and promulgate rules and procedure for the conduct of its investigations, surveys and hearings.

(c) To make such orders as may be necessary to further the purposes of this act.

(d) To hold hearings and take such evidence as may be presented either after complaint or upon its own initiative as to the desirability of any water level and plan of regulation and to make such orders concerning the same as in the opinion of the Commission is for the best interests of the public.

Sec. 3. Hearings—Publications.—Said hearings shall be held at such time and place as may be designated by the Commission, in either state in any county affected by the subject matter. At least two weeks notice of said hearings shall be published in a legal newspaper in each county of whichever state may be affected by the subject matter of said hearing by publication once each week for two consecutive weeks and notice by mail shall be sent to all property owners in any way affected whose addresses are known or obtainable. All

final orders of the Commission shall be published once each week for two consecutive weeks in a legal newspaper in each county of whichever state may be affected thereby.

Sec. 4. Organization.—The Commission shall meet and organize within 30 days after the effective date of this compact.

Sec. 5. Not to incur obligations.—The Commission shall not incur any obligation for expenses except after an adequate legislative appropriation.

Sec. 6. Commission may secure injunctions.—The Commission may, upon verified petition, apply to the District Court or circuit court in either state, as the case may be, in any county affected by the subject matter, for an injunction restraining the violation of any order, notice, rule or regulation made by it pursuant to the provisions of this act. The Attorneys General of both states shall act as legal advisors to the Commission.

Sec. 7. Act to become effective—When.—This act shall become effective immediately after the passage of an act in substantial conformance herewith by the legislature of South Dakota.

Sec. 8. Appeals to District Court.—Any party aggrieved by any order or determination of the Commission establishing or regulating water levels as above provided for may appeal therefrom to the district court or circuit court, as the case may be, of any county in either state in which the subject matter of the order of determination is wholly or partially located or to the district court of the county in either state where the capitol thereof is located. Notice of appeal must be served upon the Commission or any member thereof within 30 days from the last date of publication of the order appealed from. Appeals may likewise be taken from the judgments of the District Court to the Supreme Court of its respective State.

Approved March 15, 1939.

CHAPTER 61—H. F. No. 335

An act to authorize the governing body in any independent or special school district in any city of the first class, the territorial limits of which school district coincide with the