

[CHAPTER 59]

AN ACT

April 2, 1938
[S. 1570]
[Public, No. 456]

Consenting to an interstate compact between the States of Minnesota, South Dakota, and North Dakota relating to the utilization of, the control of the floods of, and the prevention of the pollution of the waters of the Red River of the North and streams tributary thereto.

Compact between
Minnesota, South Da-
kota, and North Da-
kota with respect to
Red River of the
North.
Consent of Congress
granted to.
Proviso.
Federal jurisdiction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the compact and agreement set forth below: *Provided,* That nothing therein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the Red River of the North and streams tributary thereto, or in regard to any of the matters covered by the said compact:

Text.

“A COMPACT BETWEEN THE STATE OF SOUTH DAKOTA, THE STATE OF NORTH DAKOTA AND THE STATE OF MINNESOTA.

“This compact made and entered into by and between the State of South Dakota, the State of North Dakota and the State of Minnesota, Witnesseth:

“Whereas, the Red River of the North, which has its source in the State of South Dakota, and which flows northward, forming the boundary line between the State of Minnesota and the State of North Dakota, has a drainage area which includes a portion of all three states; and,

“Whereas, the surface waters in said drainage area, if properly conserved and regulated, will produce benefits common to all three of said states; and,

“Whereas, the interests of the people of said three states will be best served by the organization of an interstate authority vested with sufficient power; and,

“Whereas, all three states have mutual interests in the regulation and administration of said surface waters in said drainage area; and

“Whereas, it is highly desirable that there be a single agency of all three of said states empowered to further the aforesaid regulation and administration of said surface waters in the interests of all of said states,

“Now, Therefore, the State of South Dakota, the State of North Dakota and the State of Minnesota, do hereby solemnly covenant and agree, each with the other, as follows:

“ARTICLE I.

“The following terms, whenever used in this agreement, shall have the following meanings, unless a different meaning clearly appears in the context:

“(a) The term ‘commission’ shall mean the Tri-State Waters Commission, the corporation created by this agreement and the acts authorizing the same.

“(b) The term ‘acquire’ shall mean and include construct, acquire by purchase, lease, devise, gift or the exercise of the rights of eminent domain, or any other mode of acquisition whatsoever.

“(c) The term ‘federal agency’ shall mean and include the United States of America, the President of the United States of America, the Public Works Administration, the Works Progress Administration, and any and every other authority, agency, or instrumentality of the United States of America heretofore or hereafter created or established.

"(d) The term 'real property' shall mean and include lands, structures, franchises, and interests in land, including waters and riparian rights, and any and all things and rights usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights of way, uses, leases, licenses, and all other incorporeal hereditaments, and every estate, interest or right, legal or equitable, including terms of years and liens thereon by way of judgments, mortgages or otherwise, and also claims for damages to real estate.

"(e) The term 'drainage area' shall mean the area from which surface waters drain from the States of South Dakota, Minnesota and North Dakota into the Red River of the North.

"ARTICLE II.

"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 III.

"To that end the said three states do hereby create a district to be known as the Tri-State 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 IV.

"The said three states do hereby create the Tri-State 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 V.

"The Tri-State 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 VI.

"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 VII.

"It shall be the duty of the Commission to study the various water problems relating to water supply with the Tri-State Waters Area.

"ARTICLE VIII.

"Plans for works on boundary waters in said drainage area 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 Boisse 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 the 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 IX.

“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 X.

“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 XI.

“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 XII.

“This compact shall become operative immediately after it has been signed by the Governor of the State of South Dakota, the Governor of the State of North Dakota and the Governor of the State of Minnesota.

“In testimony whereof the Governor of the State of South Dakota, the Governor of the State of North Dakota and the Governor of the State of Minnesota have signed this compact in triplicate and the seals of said states have been thereunto affixed.

“Done this 23rd day of June, in the year of our Lord One Thousand Nine Hundred Thirty-seven.

“LESLIE JENSON

“Governor of the State of South Dakota

“WILLIAM LANGER

“Governor of the State of North Dakota

“ELMER A. BENSON

“Governor of the State of Minnesota.”

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 2, 1938.

Amendment, etc.

[CHAPTER 60]

AN ACT

Limiting the duties of the chief clerk and chief inspector of the Health Department of the District of Columbia.

April 2, 1938
[H. R. 9100]
[Public, No. 457]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter neither the chief clerk nor the chief inspector of the Health Department of the District of Columbia shall act as a deputy to the health officer of said District.

Approved, April 2, 1938.

Health Department,
D. C.
Chief clerk and chief
inspector; duties limited.