

Senate Bill 345

Published
September 24, 1965.

CHAPTER 274

AN ACT to create 14.752 and 20.230 of the statutes, relating to creating a Minnesota-Wisconsin boundary area commission, and providing for the joinder of this state in a compact with the state of Minnesota, entered into for the purpose of present and future protection, use and development of the boundary lands, river valleys and waters between the 2 contracting states, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. A compact for the purpose of present and future protection, use and development in the public interest, of the boundary lands, river valleys and waters comprising the boundaries of this state is hereby ratified, enacted into law and entered into with the state of Minnesota and with all other jurisdictions legally joining therein in the form substantially as follows:

BOUNDARY AREA COMPACT.

Article I

PURPOSE AND INTENT.

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

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

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

This state hereby solemnly agrees:

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

To establish a boundary area commission;

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

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

Article II

COMMISSION CREATED.

Section 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 5 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.

Section 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.

Section 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.

Section 4. *Meetings.* The commission shall meet at the call of the chairman, or at the call of 3 of its members, upon 5 days' notice, but at least twice in each calendar year and such mandatory meetings shall not be held in the same calendar quarter year.

Section 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 10 members and shall create a technical advisory committee consisting of not to exceed 10 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 Section 2.

Article III
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:

Section 1. *Co-operation.* Shall co-operate 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;

Section 2. *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.

Section 3. *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 par. (a).

Article IV
STAFF.

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.

Section 1. *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.

Section 2. *State departments and agencies to co-operate.* All officers, employes, 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.

Article V

OPERATING REPORTS.

Section 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.

Section 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 Article VI, Section 3 hereof.

Article VI

FINANCE.

Section 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.

Section 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 Article II, Section 2, nothing in this compact shall be construed as obligating any party state to commit its credit for the operation of the commission.

Section 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.

Section 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.

Article VII

ENTRY INTO FORCE AND WITHDRAWAL.

Section 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.

Section 2. *Enabling legislation.* This compact shall become operative immediately after the passage of an act by any 2 party states incorporating the provisions of this compact into the laws of such states.

Section 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.

Article VIII

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)

SECTION 2. The Minnesota-Wisconsin boundary area commission shall have the powers, duties and functions provided in the compact set out in SECTION 1 of this act.

SECTION 3. 14.752 of the statutes is created to read:

14.752 BOUNDARY AREA COMMISSION. Any boundary area commission created under this section shall constitute the Wisconsin representation on a boundary area commission created jointly by this state and a neighboring state party to the boundary area compact enacted by SECTION I of this act (Chapter 274, laws of 1965) and shall have all the powers and duties granted or imposed by such compact.

(1) **MINNESOTA-WISCONSIN.** There is created a commission of 5 citizens appointed by the governor with the advice and consent of the senate, for staggered terms of 5 years, to constitute the representation of this state on the joint Minnesota-Wisconsin boundary area commission. Vacancies shall be filled for the balance of the unexpired term. In order to assist the commission in the execution of its functions, there is further created a legislative advisory committee comprising the 4 senators and 6 assemblymen appointed as are standing committees in the respective houses, and there is further created a technical advisory committee consisting of 2 members appointed by the governor and of one member each appointed by the governing board or chief executive head of each of the following agencies, to represent such agencies: the attorney general, the department of administration, the department of agriculture, the conservation commission, the state board of health, the public service commission, the department of resource development and the committee on water pollution. The members of the commission and the members of its advisory committees shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, from the appropriation made by s. 20.230 (1), on vouchers approved by the Wisconsin member of the commission selected to serve as its chairman or vice chairman.

(a) The commission may appoint subcommittees for the purpose of conducting specific studies under Article III, sec. 3, par. (a) of the compact enacted by SECTION 1 of this act (Chapter 274, laws of 1965).

(b) The departments and agencies of this state shall within existing appropriations co-operate with the commission and its advisory committees and subcommittees in the execution of their functions and, upon application by the commission, shall to the best of their respective abilities supply the commission with such staff services as the commission requires.

(c) The commission may accept on behalf of the state, from the federal government or from any other source, and may receive and use, gifts and grants of furniture, books, equipment, supplies, money or other property used or useful for the execution of its functions. All moneys received under this paragraph shall be deposited in the general fund and are appropriated therefrom to the commission in accordance with s. 20.230 (41).

SECTION 4. 20.230 of the statutes is created to read:

20.230 BOUNDARY AREA COMMISSION, MINNESOTA-WISCONSIN. There is appropriated from the general fund to the Minnesota-Wisconsin boundary area commission:

(1) On July 1, 1965, and annually thereafter, \$12,500 to cover the costs of the commission including the cost of the actual and necessary expenses incurred by the members of the commission and members of the advisory committees in the performance of their duties under s. 14.752 (1).

(41) GIFTS OR GRANTS. All moneys received from gifts or grants under s. 14.752, to carry out the purposes for which made or received.

SECTION 5. Of the members of the commission first appointed under section 14.752 (1) of the statutes, the governor shall select one each to serve for a term of 1, 2, 3, 4 or 5 years, respectively. Thereafter, all members of the commission shall be appointed in accordance with section 14.752 (1).

Approved September 8, 1965.
