

CHAPTER 138

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES

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HISTORICAL SOCIETIES

**138.01 MINNESOTA STATE HISTORICAL SOCIETY AGENCY OF STATE GOVERNMENT.** For the purposes of Laws 1925, Chapter 426, the Minnesota state historical society shall be construed to be an agency of the state government.

[1925 c. 426 art. 19 s. 1] (53-47)

**138.02 MINNESOTA WAR RECORDS COMMISSION DISCONTINUED.** The Minnesota war records commission shall turn over all material, records, documents, and papers in its possession to the Minnesota state historical society.

[1925 c. 423 s. 11] (2535-1)

**138.03 MINNESOTA HISTORICAL SOCIETY CUSTODIAN OF RECORDS; COPIES AS EVIDENCE.** Subdivision 1. Two copies of each book, document, journal, map, pamphlet, or report delivered to the Minnesota Historical Society in accordance with the provisions of subdivision 1 shall be preserved by the society and one copy of each thereof shall be sent immediately to the Library of Congress.

Subd. 2. The Minnesota Historical Society is the custodian of the records, files, documents, books, and papers turned over to it from any public office of the state, including any county, city, village, borough, or town office.

Subd. 3. The Minnesota Historical Society may destroy all such records, documents, and papers which it deems to be without legal or administrative value or historical interest. No public document less than six years old shall be destroyed. An accurate list descriptive of the records disposed of and a record of the disposal shall be preserved by the Minnesota Historical Society and by the department or agency in which the records originated.

Subd. 4. The society shall provide for the classification, arranging, and indexing of all public records which it deems of sufficient value and interest to preserve so that these public records may be available for the use of the public.

Subd. 5. Copies and photographic reproductions of papers, documents, files, and records turned over to the society in accordance with the provisions of subdivision 2, including reproduction of records the originals of which have been destroyed, when certified under oath as true copies by the superintendent of the society, shall be admitted as evidence in all courts with the same effect as though certified to by the original custodian thereof.

[1919 c 170 s 1; 1941 c 553 s 5; 1947 c 365 s 2] (8008-1)

**138.04 RECORDS, HOW TRANSFERRED TO SOCIETY.** Any public official is hereby authorized, upon the conditions hereinafter provided, to turn over to the Minnesota state historical society, such records, files, documents, books, and papers in his custody as are not in current use. The society shall present to such official a petition or application in which such records, files, documents, books, or papers shall be described in terms sufficient to identify the same, which petition shall be

approved by the governor, in case of a state officer, by the board of county commissioners, in case of a county officer, and by the governing body of any city, village, or town in case of a city, village, or town officer, which application shall be filed in the office from which the records, files, documents, books, or papers have been turned over to the society. Sections 138.03 and 138.04 shall not repeal or annul the provisions of section 480.09.

[1919 c. 170 s. 2; 1941 c. 553 s. 6] (8008-2)

**138.05 COUNTY BOARD OR CITY COUNCILS MAY FURNISH ROOM FOR HISTORICAL SOCIETIES.** The county board of any county or the governing body of any municipal corporation or public library in the state is hereby authorized and empowered to furnish a room in the court-house of the county, or in the municipal building, or public library, as the case may be, for the use of the historical society of such county, and to furnish light and heat for such room.

[1929 c. 324 s. 1] (5670-11)

**138.06 APPROPRIATIONS FOR COUNTY HISTORICAL SOCIETY.** The County Board of any county in the state having a population of less than 25,000, according to the last United States census, is hereby authorized and empowered to appropriate, out of the revenue fund of such county, such sum, not exceeding \$2,000 annually, and in counties where the population is not less than 25,000, nor more than 75,000, the county board of such county is hereby authorized to appropriate a sum not exceeding \$3,000 annually, and in counties where the population is more than 75,000, the county board is hereby authorized to appropriate a sum not exceeding \$5,000, annually, as it may deem advisable, to be paid to the historical society of such counties, respectively to be used for the promotion of historical work within the borders thereof, and for the collection, preservation, and publication of historical material, and to disseminate historical information of the county, and in general to defray the expense of carrying on the historical work in such county; provided that no county board is authorized to appropriate any funds for the benefit of any county historical society unless such society shall be affiliated with and approved by the Minnesota Historical Society.

[1929 c. 324 s. 2; 1945 c. 510 s. 1] (5670-12)

**138.07 APPLICATION.** Sections 138.05 and 138.06 shall not affect any other act relating to historical work nor apply to any county which is now authorized by law to make appropriations for such work.

[1929 c. 324 s. 3] (5670-13)

**138.071 COUNTY HISTORICAL SOCIETIES, TAX LEVIES.** In any county of the state, except a county in which is located a city of the first class, the board of county commissioners may make a special tax levy upon all the taxable property in the county of not to exceed one half of one mill. The proceeds from such tax shall be placed in a separate fund, in the control of the county board, for the support of the county historical society.

[1953 c 180 s 1]

#### HISTORIC SITES

**138.08 MINNESOTA HISTORIC SITES AND MARKERS COMMISSION.** There is hereby constituted a non-salaried commission to be known as the "Minnesota Historic Sites and Markers Commission," whose membership shall consist of the director of state parks of the department of conservation, the commissioner of highways, and the superintendent of the Minnesota historical society, or their representatives. The superintendent of the Minnesota historical society shall be ex officio secretary of this commission.

It shall be the duty of this commission to designate as historic sites such sites or areas as have special archeological or historical significance and to authorize the erection of markers thereon.

The commission shall act as an advisory body to give assistance in the erection of markers commemorating historic sites. Plans and inscriptions for such markers shall be submitted to the commission for approval as to form, adequacy, suitability, and accuracy.

[1941 c. 418]

**138.09 COUNTY BOARDS MAY ACQUIRE HISTORIC SITES.** The board of county commissioners of any county is hereby authorized to acquire and maintain tracts of land within the county which are designated as having historical or

archaeological significance and whose acquisition and maintenance are approved by the Minnesota Historic Sites and Markers Commission in accordance with the provisions of section 138.08 and to aid in the construction of markers on such lands.

[1943 c. 462 s. 1]

#### ARCHIVES

**138.13 MINNESOTA STATE ARCHIVES COMMISSION.** There is hereby created a commission of five members to be known as the Minnesota State Archives Commission.

[1947 c 547 s 1]

**138.14 MEMBERS.** The state auditor, the attorney general, the commissioner of administration, the public examiner and the superintendent of the Minnesota State Historical Society shall ex officio constitute said commission.

[1947 c 547 s 2]

**138.15 ORGANIZATION.** The commissioner of administration shall ex officio be the chairman of said commission, and the superintendent of the Minnesota State Historical Society shall ex officio be the secretary of said commission.

[1947 c 547 s 3]

**138.16 MEETINGS.** Meetings of the commission shall be held when called by the chairman or by the secretary or by any two members of the commission. Three members shall constitute a quorum at any meeting. Notice of such meetings may be given by telephone. The chairman shall preside at all meetings of the commission and in case of his absence, a chairman pro tempore shall be chosen by the members present. The secretary shall keep the minutes of each meeting.

[1947 c 547 s 4]

**138.17 POWERS AND DUTIES OF THE COMMISSION.** Subdivision 1. **Destruction, preservation, photographing, and other reproducing of records; prima facie evidence.** The commission shall have power to direct the destruction, the sale for salvage or the disposition by gift or otherwise of such papers, books, documents and records of the state and its agencies as it may determine to be no longer of any value, and for the preservation of which no reason exists. The commission may also cause any of such papers, books, documents and records to be photographed, photostated, microphotographed or microfilmed, or otherwise reproduced, and may make an order that such photographs, photostats, microphotographs, microfilms, or other reproductions, be substituted for the originals thereof, and may direct the destruction or sale for salvage or other disposition of the originals from which the same were made. Any such photographs, photostats, microphotographs, microfilms, or other reproduction so made shall for all purposes be deemed the originals of such papers, books, documents and records so reproduced when so ordered by the commission, and shall be admissible as evidence in all courts and in proceedings of every kind. A facsimile or exemplified or certified copy of any such photograph, photostat, microphotograph, microfilm, or other reproduction, or any enlargement or reduction thereof, shall have the same effect and weight as evidence as would a certified or exemplified copy of the original. The commission shall have power to direct the archival storage of any papers, books, documents or records of the state, or any department or agency thereof, except as herein provided, and to direct the archival storage of such photographs, photostats, microphotographs or microfilms, or other reproduction.

Subd. 2. **Scope of powers.** The powers of the commission shall extend to all papers, books, documents and records of the state, and its officers, its departments, or its agencies, and to the papers, books, documents and records of the state, its officers, departments and its agencies to which Minnesota Statutes 1945, Section 15.17 is applicable, except as herein stated, but shall not extend to the papers, books, documents or records of counties, cities, villages, towns or school districts, or other municipal subdivisions or municipal corporations within the state. The words "books, papers, records and documents" shall be construed to include also all written matter in printing, typewriting, or in pen or pencil, and writings of any kind, and maps, contracts, photographs, plans, blueprints, drawings, diagrams, drafts, checks, vouchers, stamps and bookkeeping records.

Subd. 3. **University; State Agricultural Society; Historical Society.** Sections 138.13 to 138.24 shall not apply to the papers, books, documents and records of the University of Minnesota, the Minnesota State Agriculture Society, or the Minnesota Historical Society.

**Subd. 4. State Library.** No papers, books, documents or records of the Minnesota State Library shall be subject to the disposition or orders of the commission, except with the consent of the state librarian.

**Subd. 5. Supreme Court.** No papers, books, documents, or records of the Supreme Court shall be subject to the disposition or orders of the commission, except with the consent of the court.

**Subd. 6. Sections 138.03 and 138.04 implemented by commission.** The duties and powers conferred upon the Minnesota State Historical Society by Minnesota Statutes 1945, Section 138.03 and 138.04 in so far as the same relate to official papers, books, documents and records of the state, and except as herein stated, are hereby transferred to and vested in the Minnesota State Archives Commission.

**Subd. 7. Equipment and supplies; employment of agents.** The Minnesota State Archives Commission shall have power to acquire by purchase or to lease such equipment, machines and instruments and such supplies as may be necessary to enable it to carry out its duties and powers as conferred by sections 138.13 to 138.24. Said commission shall also have power to employ such agents and personnel as may be necessary for that purpose.

[1947 c 547 s 5]

**138.18 RULES AND REGULATIONS.** The commission shall have power to adopt rules and regulations consistent with the provisions of sections 138.13 to 138.24 governing its procedure and the performance of its duties hereunder. The commission shall have power to hold hearings, issue subpoenas, and compel the attendance of witnesses and the production of papers, books, documents and records. It shall also have power to direct every department and agency of the state subject to the provisions of sections 138.13 to 138.24 to submit to it papers, books, documents and records, or a description thereof in writing, for the decision of the commission as to the disposition thereof.

[1947 c 547 s 6]

**138.19 APPLICATIONS FOR ORDERS OF THE COMMISSION.** Any officer, department or agency of the state is authorized to apply in writing to the commission for an order relating to the disposition of any of his or its papers, books, documents or records. The commission is authorized to receive, consider and act upon such applications and make such order with respect thereto as it may deem advisable within the powers in sections 138.13 to 138.24 granted to it.

[1947 c 547 s 7]

**138.20 RECORD OF PROCEEDINGS.** The secretary shall keep a record of the proceedings and orders of the commission. Orders of the commission shall be in writing and signed by the chairman and secretary, and shall identify the papers, books, documents and records referred to therein. A certified copy of any such order shall be admissible in evidence in any court or proceeding. Such records shall be preserved in the office of the state auditor and shall be open to public inspection. Proper records shall be kept by the secretary of the commission and filed with the state auditor showing where any papers, books, documents or records, photographs, photostats, microphotographs or microfilms have been stored, and also identifying such as have been ordered destroyed, sold or given away.

[1947 c 547 s 8]

**138.21 STORAGE SPACE DESIGNATED BY COMMISSION.** When the Minnesota State Archives Commission shall have ordered the archival storage of any papers, books, documents and records of the state, or of any such reproductions thereof, the same shall be stored in the space designated by the Minnesota State Archives Commission.

[1947 c 547 s 9]

**138.22 RECEIPTS FROM SALES FOR SALVAGE.** Any moneys received from the sale of papers, books, documents or records as waste material shall be paid into the general revenue fund of the state.

[1947 c 547 s 10]

**138.23 COMPENSATION AND EXPENSES.** The members of the commission shall not receive any additional compensation for their services upon the commission. Expenses incurred by the commission shall be paid by state auditor's warrant after claims therefor have been approved by the commissioner of administration.

[1947 c 547 s 11]

138.24 [Unnecessary.]