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HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES 138.052

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 section 15.18 shall be preserved by the society and one copy of each thereof shall be sent immediately to the Library of Congress:

Subd. 2. [Repealed, 1961 c 175 s 14]

Subd. 3. [Repealed, 1961 c 175 s 14]

Subd. 4. [Repealed, 1961 c 175 s 14]

Subd. 5. [Repealed, 1961 c 175 s 14]

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

138.04 [Repealed, 1961 c 175 s 14]

138.043 [Repealed, 1961 c 175 s 14]

138.05 [Repealed, 1957 c 394 s 3]

138.051 COUNTY HISTORICAL SOCIETIES. The county board of any county, or the governing body of any municipal corporation, school district or public library therein, is hereby authorized and empowered to set apart and furnish a suitable room or space in the court-house of the county, or in any of its municipal, school or library buildings, as the case may be, for the purposes and use of the historical society of such county, and to furnish light and heat therefor, or the county board may in its discretion construct or otherwise provide and furnish other suitable housing in the county for such purposes and use.

[1929 c 324 s 1; 1957 c 394 s 1] (5670-11)

138.052 TAX LEVY. The county board of any county is authorized and empowered to appropriate, out of the revenue fund of such county or out of the proceeds from a special tax levy upon all the taxable property in the county, such sum as it may deem advisable, to be paid to the historical society of such county, 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.

[1957 c 394 s 2]

138.06 [Repealed, 1957 c 394 s 3]

138.07 [Repealed, 1957 c 394 s 3]

138.071 [Repealed, 1957 c 394 s 3]

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; ORGANIZATION OF COMMISSION. The state auditor, the attorney general, the commissioner of administration, the public examiner and the director of the Minnesota State Historical Society shall ex officio constitute said commission. The commissioner of administration is ex officio chairman of the commission. The director of the Minnesota State Historical Society is ex officio the secretary of the commission.

[1947 c 547 s 2; 1961 c 175 s 1]

138.15 [Repealed, 1961 c 175 s 14]

138.16 MEETINGS. Meetings of the commission shall be held when called by the chairman 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. Minutes of each meeting shall be kept.

[1947 c 547 s 4; 1961 c 175 s 2]

138.17 POWERS AND DUTIES OF COMMISSION. Subdivision 1. **Destruction, preservation, reproduction 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 public records 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 records to be reproduced by photographic or other means, and may make an order that such photographic 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 photographic or other reproductions so made shall for all purposes be deemed the originals of such 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, exemplified or certified copy of any such photographic 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 storage of any public records of the

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state, except as herein provided, and to direct the storage of such photographic or other reproductions. Notwithstanding the provisions of any other law to the contrary, no public record, except as provided in Minnesota Statutes, Section 138.17, Subdivisions 3, 4, and 5, shall be destroyed without the approval of the commission in accordance with Minnesota Statutes, Sections 138.13 to 138.23. For the purpose of Minnesota Statutes, Sections 138.13 to 138.23, and acts amendatory thereof, public records comprise all papers, books, maps, photographs or other documentary material regardless of physical form or characteristics, made or received by all officers or agencies of the state and all officers and agencies of the counties, cities, villages, towns or school districts, or other municipal subdivisions or municipal corporations within the state, in pursuance of the state law or in connection with the transaction of public business by such officers or agencies, as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of government or because of the informational value of data contained therein.

Subd. 2. Scope of powers. The powers of the commission shall extend to all public records of the state, to which Minnesota Statutes, Section 15.17 is applicable, except as herein stated.

Subd. 3. University; State Agricultural Society; Historical Society. Sections 138.13 to 138.23 shall not apply to the public records of the University of Minnesota, the Minnesota State Agriculture Society, or the Minnesota Historical Society.

Subd. 4. State Library. No public 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 public 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. M.S. 1957 [Repealed, 1961 c 175 s 14]

Subd. 6. Archivist; equipment; supplies. The Minnesota State Archives Commission shall employ a professional archivist, who shall be known as the state archivist and records administrator, and such other agents and personnel as are necessary to enable it to carry out its duties and powers. The archivist and all other agents and personnel shall be classified civil service employees. The commission may acquire by purchase or lease such equipment, machines and instruments and such supplies as may be necessary to enable it to carry out its duties and powers.

[1947 c 547 s 5; 1961 c 175 s 3-8]

138.18 RULES AND REGULATIONS. The commission shall have power to adopt rules and regulations consistent with the provisions of sections 138.13 to 138.23 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 public records. It shall also have power to direct every department and agency of the state subject to the provisions of sections 138.13 to 138.23 to submit to it any public record, or a description thereof in writing, for the decision of the commission as to the disposition thereof.

[1947 c 547 s 6; 1961 c 175 s 9]

138.19 APPLICATIONS FOR ORDERS OF THE COMMISSION. Any officer, department, or agency of the state or any officer or agency of a county, city, village, town, school district, or other municipal subdivision or municipal corporation, is authorized to apply in writing to the commission for an order relating to the disposition of any public record. 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 granted to it.

[1947 c 547 s 7; 1961 c 175 s 10]

138.20 RECORD OF PROCEEDINGS. The state archivist 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 shall identify the 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 archivist and shall be open to public inspection. Proper records shall be kept by the state archivist showing where any records or reproductions thereof have been stored, and also identifying such as have been ordered destroyed, sold for salvage or disposed of by gift or otherwise.

[1947 c 547 s 8; 1961 c 175 s 11]

138.21 STORAGE SPACE DESIGNATED BY COMMISSION. When the Min-

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Minnesota State Archives Commission shall have ordered the storage of any public records, 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; 1961 c 175 s 12]

138.22 RECEIPTS FROM SALES FOR SALVAGE. Any moneys received from the sale of records as waste material by the state government shall be deposited in the general revenue fund of the state.

[1947 c 547 s 10; 1961 c 175 s 13]

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 CITATION, STATE ARCHIVES ACT. Sections 138.13 to 138.24 may be cited and referred to as the Minnesota state archives act.

[1947 c 547 s 13]