

MINNESOTA STATUTES 1975 SUPPLEMENT

138.585 HISTORICAL SOCIETIES; HISTORIC SITES

granite shaft in the city of Sleepy Eye, honoring Santee Sioux Chief Sleepy Eyes (Ishtaba), for whom the city is named, established in 1971.

Subd. 27. Sioux Indians State Monument, in Renville county, a 50-foot granite shaft overlooking trunk highway 19 near Morton honoring the Indians who were friendly to white settlers during the Sioux Uprising of 1862, established in 1971.

[1975 c 353 s 35-38]

138.60 Duties of the state and governmental subdivisions in regard to state historic sites; prohibitions.

[For text of subd 1, see M.S.1974]

Subd. 2. Prohibitions. Neither the state nor any of the instrumentalities of government enumerated in subdivision 1 shall cause to change or alter the physical features or historic character of any site designated in sections 138.53 or 138.56 as a "state historic site" without first obtaining the prior approval thereof in writing of the Minnesota historical society. The state or such instrumentalities of government may appeal to the executive council from any ruling or action of the Minnesota historical society, within 30 days after receiving notice thereof, and after a hearing on the matter the executive council may take such action as it deems necessary including a decision as to whether or not the change or alteration should be approved.

Subd. 3. [Repealed, 1975 c 353 s 41]

[1975 c 353 s 39]

CHAPTER 139. BOARD OF THE ARTS

Sec.		Sec.	
139.01	Repealed.	139.05	Repealed.
139.02	Repealed.	139.07	Definitions. [New]
139.03	Repealed.	139.08	Board of the arts. [New]
139.04	Repealed.	139.09	Executive director; staff. [New]
		139.10	Duties. [New]

139.01 [Repealed, 1975 c 297 s 6]

139.02 [Repealed, 1975 c 297 s 6]

139.03 [Repealed, 1975 c 297 s 6]

139.04 [Repealed, 1975 c 297 s 6]

139.05 [Repealed, 1975 c 297 s 6]

139.07 Definitions.

As used in this chapter, the following terms shall have the definitions given them:

(a) "Arts" means activities resulting in the artistic creation or artistic performance of works of the imagination. Artistic activities include but are not limited to the following forms: music, dance, drama, folk art, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, costume and fashion design, motion pictures, television, radio, tape and sound recording, activities related to the presentation, performance, execution, and exhibition of the art forms, and the study of the arts and their application to the human environment;

(b) "Board" means the board of the arts;

(c) "Director" means the executive director of the board;

(d) "Sponsoring organization" means an association, corporation or other group of persons (1) providing an opportunity for citizens of the state to par-

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ticipate in the creation, performance or appreciation of the arts and (2) qualifying as a tax-exempt organization within the meaning of section 290.05, subdivision 1, clause (i).

[1975 c 297 s 1]

139.08 Board of the arts.

Subdivision 1. Membership. The board of the arts shall consist of 11 members to be appointed by the governor with the advice and consent of the senate. One member shall be appointed from each of the congressional districts, and the remaining members shall be appointed at large. Persons appointed to the board shall have demonstrated experience or interest in the arts. No member shall within two years prior to his appointment have received or applied for, in his own name, a grant, loan or other form of assistance from the board or its predecessor, the state arts council. No more than four of the members shall during their terms of office be officers, directors or employees of recipient sponsoring organizations. The board members shall annually select from their membership a chairman and other officers as they deem necessary.

Subd. 2. Terms of office. Three of the initial members including one at-large member shall be appointed to terms ending the first Monday in January in each of the years 1977, 1979 and 1980. The remaining two members shall be appointed to terms ending the first Monday in January, 1978. Thereafter, the terms of all members of the board shall be four years. Members may serve until their successors are appointed and qualify. If the governor fails to appoint a successor by the July 1 of the year in which the term expires, the term of the member for whom a successor has not been appointed shall extend, subject to the advice and consent of the senate, until the first Monday in January four years after the scheduled end of the original term.

Subd. 3. Compensation. Members shall be compensated at the rate of \$35 per day spent on board activities. In addition, members shall receive reimbursement for expenses in the same manner and amount as state employees. Employees of the state or its political subdivisions shall not be entitled to the per diem, but they shall suffer no loss in compensation or benefits as a result of service on the board. Members not entitled to the per diem shall receive expenses as provided in this subdivision unless the expenses are reimbursed from another source.

Subd. 4. Removal of members; filling vacancies. A member may be removed by the governor at any time (1) for cause after notice and hearing, (2) for failing to submit any report required in subdivision 5, or (3) for missing three consecutive scheduled meetings of the board. The chairman shall inform the governor of a member missing the three meetings. The secretary of the board shall inform in writing a member after two consecutive missed meetings and before the next meeting that the member is subject to removal if he misses the next meeting. Vacancies on the board shall be filled by the governor, with the advice and consent of the senate, for the remainder of the unexpired term.

Subd. 5. Reports. By November 15 of each year, the board shall prepare and deliver to the legislature and the governor a report which shall include the following:

- (a) a financial statement showing receipts and disbursements for the year ending the preceding June 30, including a listing of the donors and amounts of gifts to the board or its advisory committees valued in excess of \$1,000;
- (b) a brief description of the activities of the board for the preceding year;
- (c) the number of meetings and approximate hours spent by board members in meetings and on other board activities;
- (d) the names of board members and their addresses, occupations, and dates of appointment and re-appointment to the board;
- (e) the names and job classifications of board employees;
- (f) a brief summary of board rules proposed or adopted during the period

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with appropriate citations to the state register and published rules;

(g) the number of requests for assistance received by the board and the number of written and oral complaints received from residents of the state relating to the activities of the board or the performance of the duties of the board as provided in this chapter;

(h) a summary by category of the substance of the complaints and requests referred to in (g) above and the responses of the board thereto;

(i) a listing of all grants, loans or other forms of assistance given by the board. This listing shall indicate (1) the recipients of board assistance who are members of the board or its advisory committees, and (2) each recipient sponsoring organization having a member of the board or its advisory committees as a director, officer or employee. The indication required in clause (2) shall also specify the name of the member who is the officer, director or employee.

[1975 c 297 s 2]

139.09 Executive director; staff.

The director shall be selected by a majority of the board, and shall serve at the pleasure of the board. The director shall be knowledgeable in the arts, and shall have demonstrated proficiency in the administration of programs relating to the arts. The director may upon designation and instruction by the board serve as the state agent to apply for, receive and disburse federal funds made available to the state in furtherance of the arts. The director is the chief administrative officer of the board and is responsible for performing the executive duties of the board as provided in this chapter. He shall not be a member of the board. All other employees of the board shall be in the classified civil service of the state. No employee of the board or its advisory committees may be an applicant for or recipient of board assistance, nor may an employee be an officer, director or employee of a recipient sponsoring organization.

[1975 c 297 s 3]

139.10 Duties.

Subdivision 1. The board shall through the following activities stimulate and encourage the creation, performance and appreciation of the arts in the state:

(a) receive and consider any requests for grants, loans or other forms of assistance;

(b) advise and serve as a technical resource at the request of sponsoring organizations and political subdivisions in the state on programs relating to the arts;

(c) advise and recommend on existing or proposed activities of the departments of the state relating to the arts;

(d) accept gifts and grants to the board and distribute the same in accordance with the instructions of the donor insofar as the instructions are consistent with law;

(e) promulgate by rule procedures to be followed by the board in receiving and reviewing requests for grants, loans or other forms of assistance;

(f) promulgate by rule standards consistent with this chapter to be followed by the board in the distribution of grants, loans and other forms of assistance;

(g) distribute according to the above procedures and standards grants, loans and other forms of assistance for artistic activities to departments and agencies of the state, political subdivisions, sponsoring organizations and, in appropriate cases, to individuals engaged in the creation or performance of the arts; provided that a member of the board shall not participate in deliberations or voting on assistance to groups or persons in which that member has an interest as officer, director, employee or recipient;

(h) appoint advisory committees which the board determines are essential to the performance of its powers and duties under this section; provided

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that no member of an advisory committee shall within two years prior to his appointment have received or applied for in his own name a grant, loan or other form of assistance from the board or its predecessor.

Subd. 2. In performing the duties under subdivision 1, the board shall insofar as reasonably possible:

(a) avoid any actions which infringe on the freedom of artistic expression or which interfere with programs in the state which relate to the arts but which do not involve board assistance;

(b) distribute board assistance equitably according to population throughout the geographical regions of the state;

(c) give special consideration to requests for assistance for the creation or performance of types or variations of the arts which have yet to receive the level of general support and assistance given to the more established types or variations of the arts;

(d) distribute annually to individuals engaged in the creation or performance of the arts at least five percent of the moneys from the state's general fund appropriated to the board for each fiscal year.

[1975 c 297 s 4]

(NOTE: Laws 1975, Chapter 297, Sections 5 and 7 read as follows:

"Sec. 5. The board of the arts is the successor of the state arts council. Classified employees of the council are transferred to the employ of the board without loss of compensation or other benefits. The commissioner of finance shall transfer all appropriated funds and any moneys in the accounts of the council to the board of the arts. Any pending proceedings or activities undertaken or commenced prior to the effective date of this act by the council may be conducted and completed by the board in the same manner and under the same terms and conditions and with the same effect as though they were undertaken and completed by the council prior to the effective date of this act.

Sec. 7. The effective date of this act is January 5, 1976.")

CHAPTER 140. LAW LIBRARIES

Sec.
140.21 Library fee.

Sec.
140.24 Law library trustees.

140.21 Library fee.

Subdivision 1. The clerk of the district court of the second judicial district shall collect a law library fee from each plaintiff and person commencing a civil action in district court, at the time of the filing of the first paper and in the manner in which other fees are collected and in addition thereto, and shall collect a law library fee from each defendant and each other adverse or intervening party, when his appearance is entered in the action or when the first paper on his part is filed.

Subd. 2. The law library trustees shall, with the approval of the Ramsey county board of commissioners, set the amount of the library fee.

Subd. 3. The law library fee is a cost in the action and taxable as such, and is to be allotted for the support of the library.

[1975 c 258 s 1]

140.24 Law library trustees.

Subdivision 1. **Composition.** The management of the law library is under a board of law library trustees, who shall serve without compensation, to be chosen for the terms and in the manner following: The board consists of seven members, namely, two district judges of the second judicial district, selected by the district judges thereof; one municipal judge of the Ramsey county municipal court selected by the municipal judges thereof; three members of the bar elected by the Ramsey county bar association in the manner provided in its bylaws; one member of the board of county commissioners, selected by the county board annually at its annual election of officers of the board.

[1975 c 258 s 2]