

when collected to any county agricultural society of its county for the purposes set forth in said section.

Sec. 2. This act shall become effective only after its approval by a majority of the members of the board of county commissioners of the county of Fillmore, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved February 14, 1963.

CHAPTER 5—H. F. No. 70

[Coded]

An act relating to field archaeology and providing penalties for violations thereof; repealing Minnesota Statutes 1961, Sections 84.37 to 84.41.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[138.31] Minnesota field archaeology act of 1963; definitions.** Subdivision 1. As used in sections 1 to 13, the terms defined in this section have the meanings given them.

Subd. 2. "State site" or "state archaeological site" means a land or water area, owned by or subject to the paramount right of the state, county, township, or municipality where there are objects or other evidence of archaeological interest. This term includes all aboriginal mounds and earthworks, ancient burial grounds, prehistoric ruins, and other archaeological features on state land or on land subject to the paramount rights of the state.

Subd. 3. "Site" or "archaeological site" has the same meaning as "state site" or "state archaeological site."

Subd. 4. "Object" means a natural or man made article, implement, skeleton, bone, or other item of archaeological interest.

Subd. 5. "Field archaeology" means the study of the traces of human culture at any land or water site by means of surveying, digging, sampling, excavating, or removing objects, or going on a site with that intent.

Subd. 6. "Director of the historical society" means the director of the Minnesota historical society.

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Subd. 7. "Historical society" means the Minnesota historical society.

Subd. 8. "The university" means the university of Minnesota.

Subd. 9. "Schools" means universities, colleges, and junior colleges, whether publicly or privately owned.

Subd. 10. "Scientific institutions" means museums, historical societies, foundations for archaeological study, state agencies, and scholarly groups with professional standing and physical facilities for the display, study, and preservation of objects of archaeological interest.

Subd. 11. "Archaeological methods" means scientific procedures used in field archaeology by recognized professional authorities on archaeology.

Subd. 12. "Data" means field notes, photographs, maps, and other records relating to field archaeology.

Subd. 13. "Custodian" means any school or scientific institution which has the physical possession of objects of archaeological significance or data belonging to the state.

Sec. 2. [138.32] **Legislative intent.** The state of Minnesota reserves to itself the exclusive right and privilege of field archaeology on state sites, in order to protect and preserve archaeological and scientific information, matter, and objects.

It is a declaration and statement of legislative intent that field archaeology on privately owned lands should be discouraged except in accordance with both the provisions and spirit of sections 1 to 14; and persons having knowledge of the location of archaeological sites are encouraged to communicate such information to the state archaeologist.

Sec. 3. [138.33] **Unlicensed field archaeology prohibited.** No person other than the state archaeologist and individuals duly licensed by the director of the Minnesota historical society shall engage in any field archaeology on any state site.

Sec. 4. [138.34] **Administration of the act.** The Minnesota historical society shall act as the agency of the state to administer and enforce the provisions of this act. Some enforcement provisions are shared with the state archaeologist.

Sec. 5. [138.35] **State archaeologist.** Subdivision 1. **Appointment.** The state archaeologist shall be a professional archaeologist on the staff of the university and shall be appointed by the director of the Minnesota historical society for a four year term.

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Subd. 2. **Duties of state archaeologist.** The duties of the state archaeologist shall include the following:

(a) To sponsor, engage in, and direct fundamental research into the archaeology of this state and to encourage and coordinate archaeological research and investigation undertaken within the state.

(b) To cooperate with other agencies of the state which may have authority in areas where sites are located, or which may have the responsibility for marking sites, or arranging for their being viewed by the public.

(c) To protect to the extent possible and to encourage the preservation of archaeological sites located on privately owned property.

(d) To retrieve and protect objects of archaeological significance discovered by field archaeology or discovered during the course of any public construction or demolition work, and to the extent possible, those discovered during the course of any other construction or demolition work.

(e) To obtain for the state other objects of archaeological significance, and data relating thereto.

(f) To cooperate with the historical society, the University, and other custodians to preserve objects of archaeological significance, together with the data relating thereto.

(g) To disseminate archaeological facts through the publication of reports of archaeological research conducted within the state.

(h) To approve licensing of qualified persons to engage in field archaeology, as provided in section 6, and to otherwise carry out and enforce sections 1 to 13.

Sec. 6. **[138.36] Licenses.** Subdivision 1. **Content; issuance.** The director of the historical society and the state archaeologist shall formulate and issue such provisions for licenses as are required to carry out and enforce sections 1 to 13.

Subd. 2. **Power to issue.** The director of the Minnesota historical society, acting as an agent of the state, may issue a license to a qualified person approved by the state archaeologist to engage in field archaeology on a specified state site. The director of the Minnesota historical society may also issue a license to a qualified person, either in connection with the right to engage in field archaeology on a specified site, or alone, to engage in purely preliminary or exploratory activities in a specified area where a site is thought to exist. If a state site or an area to be described in a license is under

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the jurisdiction of any other agency of the state, or, if the field archaeology to be licensed may interfere with a project of any other agency, the applicant for a permit shall obtain the approval of that agency. No agency shall withhold approval without good cause.

Subd. 3. Emergency licenses. The director of the historical society or the state archaeologist may waive or abridge provisions of sections 1 to 13 in an emergency in which objects of interest to the state are found in the course of construction or demolition work, or in other situations in which time is of the essence to save objects or gather data. The director of the historical society or the state archaeologist may issue short form emergency licenses to persons *not otherwise qualified to enable them to salvage objects or gather data in the time available.*

Subd. 4. Renewal of licenses. The director of the Minnesota historical society may renew any license for another calendar year. The application for renewal shall be made in the form and contain the information required by the state archaeologist.

Subd. 5. Revocation and suspension. The director of the historical society or the state archaeologist may revoke or suspend a license because of the improper conduct of the licensee, the use of improper or sub standard methods, or other good cause.

Sec. 7. [138.37] Ownership, custody and use of objects and data. **Subdivision 1. Title to objects and data.** The state reserves to itself the title to all objects found and data gathered in field archaeology, except as provided in subdivisions 2 and 3. Although a license may name a custodian other than the state archaeologist, title to the objects and data nevertheless is reserved to the state, and physical possession of them reverts to the state if the custodian named ceases to exist, or if the state archaeologist finds that the custodian is not properly caring for them or keeping them conveniently available for study by students of archaeology.

Subd. 2. Field archaeology on behalf of nonresident schools and scientific institutions. The director of the Minnesota historical society, with the approval of the state archaeologist, may agree for the state with an agency of another state, or with a school or scientific institution of another state, to permit qualified persons acting for the nonresident agency, school, or institution to be licensed to engage in field archaeology in this state. Under such an agreement, the director of the historical society and the state archaeologist shall, at the time the license is issued, determine the disposition of the objects found.

Subd. 3. Disposal of and acquisition of objects. If the

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best interests of this state are deemed served thereby, the state archaeologist, with the approval of the director of the historical society, may barter one or more objects belonging to this state for one or more objects belonging to another state, a private person, or any school, scientific institution, or other body having title thereto; and the state archaeologist, with the approval of the director of the historical society, may dispose of one or more objects belonging to this state. The state archaeologist and director of the Minnesota historical society may accept on behalf of the state any gift of an object, of data, or of any deed to a privately owned site if they deem the gift valuable to the state under the provisions of sections 1 to 13; they may also accept any gift of money to be used for one or more of the purposes covered by sections 1 to 13, but shall be held strictly accountable to the state for the use made of any such gift of money.

Sec. 8. **[138.38] Reports of state archaeologist.** The state archaeologist shall consult with and keep the director of the historical society informed as to significant field archaeology, projected or in progress, and as to significant discoveries made. Annually, and also upon leaving office, the state archaeologist shall file with the director of the historical society a full report of his activities including a summary of the activities of his licensees, from the effective date hereof or from the date of the last full report of the state archaeologist.

Sec. 9. **[138.39] Rules and regulations.** The director of the historical society may make and issue such rules and regulations, not inconsistent with law, as may be required to carry out the provisions of sections 1 to 13. In making such rules and regulations, they shall consult with other agencies of the state whose activities may be affected thereby.

Sec. 10. **[138.40] Cooperation of state agencies; disclaimer of intent to burden public.** The department of conservation, the departments of highways, and all other state agencies whose activities may be affected, shall cooperate with the historical society and the state archaeologist to carry out the provisions of sections 1 to 13 and the rules and regulations issued thereunder, but sections 1 to 13 are not meant to burden persons who wish to use state property for recreational and other lawful purposes or to unnecessarily restrict the use of state property.

Sec. 11. **[138.41] Penalties.** Subdivision 1. **Willful violations.** Whoever violates section 3, or willfully defaces, injures, destroys, displaces, or removes any object or data belonging to the state, or willfully interferes with evidence or work on any state site or other site for which a license has been issued, or willfully violates

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any other provision of sections 1 to 14, or the rules and regulations issued by the director of the historical society, upon conviction, shall be punishable by a fine of not more than \$100 or imprisonment for not more than 90 days, or both.

Subd. 2. **Other penalties.** The director of the Minnesota historical society may suspend or revoke the license of any licensee, or refuse another license, or initially refuse a license to any person who has violated a provision of sections 1 to 13, whether the violation is willful or not. Also, the director may refuse to name a school or a scientific institution as the custodian of objects or data under any license or agreement whatever, if that school or scientific institution has failed in its duty to care for and preserve objects or data belonging to the state or has failed to make such objects or data conveniently available to students of archaeology.

Sec. 12. **Laws repealed.** Minnesota Statutes 1961, Sections 84.37, 84.38, 84.39, 84.40, and 84.41 are repealed. This repeal does not affect any right in specific property heretofore acquired under section 84.39.

Sec. 13. **Title.** Sections 1 to 13 may be cited as "the Minnesota field archaeology act of 1963."

Sec. 14. **Effective date.** Sections 1 to 13 are effective July 1, 1963.

Approved February 14, 1963.

CHAPTER 6—S. F. No. 30

An act relating to cattle sales; authorizing the sale of certain female cattle without vaccination in certain cases; amending Minnesota Statutes 1961, Section 35.245, Subdivision 3.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 35.245, Subdivision 3, is amended to read:

Subd. 3. **Female cattle, sale without test or vaccination.** Female cattle under 18 months of age of beef type and breed may be sold in quarantine for feeding or grazing purposes without a test for, or vaccination against brucellosis, pursuant to rules and regulations prescribed by the state livestock sanitary board provided the purchaser

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