

not revert to the counties any additional trunk highways or portions thereof until there is adequate funds in such account to repair and restore such reverted highways to reasonable standards, unless such reversion is necessary due to the constitutional limitations on the mileage of the trunk highway system.

Approved May 25, 1971.

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## CHAPTER 529—H.F.No.2670

[Coded in Part]

*An act relating to archives; abolishing the state archives commission; transferring its duties to the department of administration, the Minnesota historical society, the attorney general, and the public examiner; providing for the disposition and reproduction of certain records; amending Minnesota Statutes 1969, Sections 138.17, Subdivisions 1, 3, 4, 5, 6, 7 and 8; 138.18; 138.19; 138.20; and 138.21; repealing Minnesota Statutes 1969, Sections 138.13; 138.14; 138.16; 138.17, Subdivision 2; 138.23; and 138.24.*

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

**Section 1. [138.161] ARCHIVES; REVISION OF LAW; ABOLITION OF STATE ARCHIVES COMMISSION; TRANSFER OF DUTIES.** The state archives commission is hereby abolished. All positions in the state archives commission which relate to record management shall be transferred to the department of administration. The position of state archivist and all other positions of the state archives commission are hereby transferred to the Minnesota state historical society. The person occupying the position of state archivist and such other employees transferred to the Minnesota state historical society shall retain their classified civil service status and shall retain all employment rights accrued to date of transfer. Such rights shall apply only to the individuals transferred not to the positions they fill, such that when a vacancy occurs in the positions transferred to the Minnesota state historical society, such positions shall no longer be in the classified service.

**Sec. 2. [138.162] EQUIPMENT AND SUPPLIES; TRANSFER.** The commissioner of administration shall transfer custodial control of all equipment and supplies of the state archives commission which he determines do not directly relate to record management functions to the Minnesota state historical society. The remainder of the equipment and supplies of the state archives commission shall be transferred to the department of administration.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

**Sec. 3. [138.163] PRESERVATION AND DISPOSAL OF PUBLIC RECORDS.** It is the policy of the legislature that the disposal and preservation of public records be controlled exclusively by Minnesota Statutes, Chapter 138 and by this act, thus, no prior, special or general statute shall be construed to authorize or prevent the disposal of public records at a time or in a manner different than prescribed by such chapter or by this act and no general or special statute enacted subsequent to this act shall be construed to authorize or prevent the disposal of public records at a time or in a manner different than prescribed in chapter 138 or in this act unless it expressly exempts such records from the provisions of such chapter and this act by specific reference to this section.

**Sec. 4.** Minnesota Statutes 1969, Section 138.17, Subdivision 1, is amended to read:

**138.17 PUBLIC RECORDS; ADMINISTRATION.** Subdivision 1. **DESTRUCTION, PRESERVATION, REPRODUCTION OF RECORDS; PRIMA FACIE EVIDENCE.** The ~~commission attorney general, public examiner and director of the Minnesota state historical society, hereinafter director, if all consent,~~ shall have power to direct the destruction, the sale for salvage or the disposition by gift or otherwise of public records as ~~it~~ they may determine to be no longer of any value, and for the preservation of which no reason exists. ~~The commission attorney general, public examiner and director may by unanimous consent also cause order~~ 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 attorney general, public examiner and director~~, 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 attorney general, public examiner and director, by unanimous consent,~~ shall have power to direct the storage of any public records of the 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 this act and of chapter 138,~~ public records comprise all papers, books, maps, photographs or

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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.

Sec. 5. Minnesota Statutes 1969, Section 138.17, Subdivision 3, is amended to read:

Subd. 3. **UNIVERSITY; STATE AGRICULTURAL SOCIETY; HISTORICAL SOCIETY.** ~~Sections 138.13 to 138.23 1 to 14 of this act~~ shall not apply to the public records of the University of Minnesota, the Minnesota State Agriculture Society, or the Minnesota Historical Society.

Sec. 6. Minnesota Statutes 1969, Section 138.17, Subdivision 4, is amended to read:

Subd. 4. **STATE LIBRARY.** No public records of the Minnesota State Library shall be subject to the disposition or orders ~~of the commission provided by this act~~, except with the consent of the state librarian.

Sec. 7. Minnesota Statutes 1969, Section 138.17, Subdivision 5, is amended to read:

Subd. 5. **SUPREME COURT.** No public records of the Supreme Court shall be subject to the disposition or orders ~~of the commission provided by this act~~, except with the consent of the court.

Sec. 8. Minnesota Statutes 1969, Section 138.17, Subdivision 6, is amended to read:

Subd. 6. **ARCHIVIST; EQUIPMENT; SUPPLIES.** ~~The Minnesota State Archives Commission~~ Minnesota state historical society 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 unclassified service employees, except as otherwise provided in this act. ~~The commission~~ Minnesota state historical society 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.

Sec. 9. Minnesota Statutes 1969, Section 138.17, Subdivision 7, is amended to read:

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Subd. 7. **RECORDS MANAGEMENT PROGRAM.** A records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of official records shall be administered by the ~~State Archives Commission~~ commissioner of administration. ~~The State Archives Commission commissioner of administration~~ is empowered to establish standards, procedures, and techniques for effective management of public records, to make continuing surveys of paper work operations, and to recommend improvements in current records management practices including the use of space, equipment, and supplies employed in creating, maintaining, preserving and disposing of public records. It shall be the duty of the head of each state agency and the governing body of each county, municipality, and other subdivision of government to cooperate with the ~~State Archives Commission commissioner~~ in conducting surveys and to establish and maintain an active, continuing program for the economical and efficient management of the records of said agency, county, municipality, or other subdivision of government. When requested by the ~~State Archives Commission commissioner~~, public officials shall assist ~~the commission~~ in the preparation of an inclusive inventory of records in their custody, to which shall be attached a schedule, approved by the head of the governmental unit or agency having custody of the records and the ~~State Archives Commission, commissioner~~ establishing a time period for the retention or disposal of each series of records. When such schedules are unanimously approved by the attorney general, public examiner and director, the head of the governmental unit or agency having custody of the records may dispose of the type of records listed in the schedule at a time and in a manner therein prescribed even though the records were created after such approval provided a list of records disposed of pursuant to this subdivision shall be forwarded to the commissioner and the director by said head of the governmental unit or agency. The state archivist shall maintain a list of all records destroyed.

Sec. 10. Minnesota Statutes 1969, Section 138.17, Subdivision 8, is amended to read:

Subd. 8. **EMERGENCY RECORDS PRESERVATION.** In light of the danger of nuclear or natural disaster, the ~~State Archives Commission commissioner of administration~~ shall establish and maintain a program for the selection and preservation of public records considered essential to the operation of government and to the protection of the rights and interests of persons, and shall make or cause to be made preservation duplicates or designate as preservation duplicates existing copies of such essential public records. Preservation duplicates shall be durable, accurate, complete, and clear, and such duplicates reproduced by photographic or other process which accurately reproduces and forms a durable medium for so reproducing the original shall have the same force and effect for all purposes

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as the original record whether the original record is in existence or not. A transcript, exemplification, or certified copy of such preservation duplicate shall be deemed for all purposes to be a transcript, exemplification, or certified copy of the original record. Such preservation duplicates shall be preserved in the place and manner of safe keeping prescribed by the ~~State Archives Commission~~ commissioner.

Every county, municipality, or other subdivision of government may institute a program for the preservation of necessary documents essential to the continuity of government. Such a program shall first be submitted to the ~~State Archives Commission~~ commissioner for ~~its~~ his approval or disapproval and no such program shall be instituted until such approval is obtained.

Sec. 11. Minnesota Statutes 1969, Section 138.18, is amended to read:

**138.18 RULES AND REGULATIONS.** ~~The commission~~ Minnesota state historical society shall have power to adopt rules and regulations consistent with the provisions of ~~sections 138.13 to 138.23~~ this act and chapter 138 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.~~

Sec. 12. Minnesota Statutes 1969, Section 138.19, is amended to read:

**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~~ Minnesota state historical society for an order relating to the disposition of any public record. ~~The commission is attorney general, public examiner and director are authorized to receive, consider and act upon such applications and by unanimous consent make such order with respect thereto as it they may deem advisable within the powers granted to it them.~~

Sec. 13. Minnesota Statutes 1969, Section 138.20, is amended to read:

**138.20 RECORD OF PROCEEDINGS.** ~~The state archivist director shall keep a record of the proceedings and all orders of the commission authorizing the disposition of records. Orders of the~~

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~~commission~~ shall be in writing and signed by the ~~chairman~~ attorney general, public examiner and director, 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 director~~ and shall be open to public inspection. Proper records shall be kept by the ~~state archivist director~~ 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.

Sec. 14. Minnesota Statutes 1969, Section 138.21, is amended to read:

**138.21 STORAGE SPACE DESIGNATED BY COMMISSION.** When the ~~Minnesota State Archives Commission~~ attorney general, public examiner and director 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~~ Minnesota state historical society.

Sec. 15. Minnesota Statutes 1969, Sections 138.13; 138.14; 138.16; 138.17, Subdivision 2; 138.23; and 138.24 are repealed.

Approved May 25, 1971.

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## CHAPTER 530—H.F.No.134

*An act relating to housing and redevelopment authorities; conflicts of interest by commissioners or employees; amending Minnesota Statutes 1969, Section 462.431.*

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

Section 1. Minnesota Statutes 1969, Section 462.431, is amended to read:

**462.431 HOUSING AND REDEVELOPMENT AUTHORITIES; CONFLICTS OF INTEREST; INTEREST IN PROJECT FORBIDDEN.** No commissioner or employee of an authority shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project. No commissioner or employee of an authority after his

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