

University of Minnesota have exclusive control of the executive affairs of the University; but that business is education, not fire control, nor fire prevention, nor fire fighting. As to fire control, prevention, or extinguishment, the city of Minneapolis have the exclusive authority, power and duty within the limits of the city of Minneapolis, including the campus and property under the control of the board of regents and the means used in performance of such duties rests in the judgment of the officers of the fire department. It is not an executive power of the University to furnish fire service and fire protection. If the city of Minneapolis asserts the power to enforce its ordinances and the state laws in respect to the construction and condition of the buildings on the campus, it is not an interference with the regents in the exercise of their executive power to control the operation of the University. It is not only the duty of the city of Minneapolis to furnish fire protection and fire fighting service to the property situated on and off the campus of the University of Minnesota, owned by the state and under control of the board of regents but the city has the power to enforce its municipal building ordinances which have a relation to fire control and fire protection. OAG March 5, 1948 (688-K).

137.03 INSTRUCTION IN LAW ENFORCEMENT

HISTORY. Ex1937 c 81 s 2; 1941 c 523 s 2; 1943 c 655 s 2.

CHAPTER 138**HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES****HISTORICAL SOCIETIES****138.01 MINNESOTA STATE HISTORICAL SOCIETY AGENCY OF STATE GOVERNMENT**

NOTE: Minnesota Historical Society is a corporation created by Laws 1849, Chapter 44, as amended by Laws 1856, Chapter 15, and revised and amended by Laws 1951, Chapter 26. Laws 1878, Chapter 97, attached to the state appropriation for the society a proviso that before the sum appropriated be made available a determination be had before a competent tribunal determining which group claiming control were legally entitled to manage the affairs of the society. The dispute was determined by the decision in *State v Sibley*, 25 M 387. The court found that the charter of the society was an executed contract between the state and the incorporators; the society is a private corporation of an eleemosynary character, incorporated for the purpose of perpetuating the application of the bounties or donations received. It is not a department of the state. The corporation was made a state agency by Laws 1925, Chapter 426, Article 19, Section 1.

The Minnesota historic sites and marker commission was created by Laws 1941, Chapter 418; and the Minnesota State Archives Commission by Laws 1947, Chapter 547.

NOTE: See sections 84.37 to 84.41.

The limitation contained in Ex1951, Chapter 1, Section 54, on use of funds for salary or expenses of publicity representative is not applicable to the Minnesota Historical Society. OAG May 7, 1953 (230).

138.03 MINNESOTA HISTORICAL SOCIETY CUSTODIAN OF RECORDS; COPIES AS EVIDENCE

If the state archives commission should order any state records disposed of by committing the same to the custody of the state historical society, the said society in its disposition of such records would be bound by the six-year provision found in Laws 1947, Chapter 365. There is nothing in the law which prevents the archives

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commission to exercise the powers conferred upon it in ordering the destruction, or other disposition as it sees fit, of state records less than six years old. OAG Aug. 27, 1947 (851-F).

Under sections 15.17 and 613.36, the register of deeds is apparently prohibited from destroying motor vehicle registrations and transfers for the years 1919, 1920, and 1921. He should proceed under the provisions of sections 138.03 and 138.04 as modified by Laws 1947, Chapter 265. OAG Nov. 18, 1947 (851-F).

There must be statutory authority before records may be destroyed or otherwise disposed of. No statutory authority permits the state soil conservation committee to destroy public records kept and retained by the state agency. OAG April 10, 1950 (851-F).

Sections 138.03 and 138.04 were not repealed by the archives act, and under these sections certain records and material of the Minneapolis-St. Paul sanitary district could be turned over to the Minnesota Historical Society for disposition. OAG Sept. 14, 1950 (851-F).

138.04 RECORDS, HOW TRANSFERRED TO SOCIETY

The provisions of Laws 1953, Chapter 324, relating to the destruction of public records is applicable only to cities of the first class and are not applicable to villages. OAG June 30, 1953 (851-F).

138.05 COUNTY BOARD OR COUNTY COUNCILS MAY FURNISH ROOM FOR HISTORICAL SOCIETIES

The statute authorizes the county board to furnish a room in the courthouse for the county historical society but there is no provision authorizing the board to furnish a room in the county jail for that purpose. OAG Nov. 22, 1949 (772-F).

138.06 APPROPRIATIONS FOR COUNTY HISTORICAL SOCIETY

The city of Windom has no authority to appropriate public moneys to the Cottonwood county historical society. OAG Sept. 14, 1950 (59-A-3).

The county board may in its discretion appropriate money to the county historical society; and the expenditure of the money by the county historical society must be within the purview of the statute. Laws 1947, Chapter 332, does not authorize local governments to appropriate money. OAG Feb. 7, 1949 (125-B).

An appropriation made to the county historical society is paid to the historical society and is not subject to an audit or allowance by the county board. OAG Sept. 18, 1950 (125-B).

The county board of Ramsey county may appropriate county funds to a county historical society to rehabilitate a building owned by the society and shown as a historical shrine. OAG Sept. 14, 1951 (125-B).

138.071 COUNTY HISTORICAL SOCIETIES; TAX LEVIES

HISTORY. 1953 c 180 s 1.

HISTORIC SITES

138.09 COUNTY BOARDS MAY ACQUIRE HISTORIC SITES

HISTORY. 1943 c 462 s 1.

The corporation organized as a county historical society may accept gift of statue and a tract of land on which it will stand. OAG Jan. 13, 1948 (230).

ARCHIVES

138.13 MINNESOTA STATE ARCHIVES COMMISSION

The Minnesota state archives commission is authorized to employ personnel to carry out the powers of the act with funds appropriated therefor. The records clerk and the clerk-stenographer of the commission are in the classified service under state civil service. OAG Feb. 14, 1950 (644-B).

138.17 POWERS AND DUTIES OF THE COMMISSION

A records clerk and a clerk-stenographer of the Minnesota archives commission may be classified in the classified service of the state civil service. OAG Feb. 14, 1950 (644-B).

If the state archives commission should order any state records disposed of by committing the same to the custody of the state historical society, the said society in its disposition of such records would be bound by the six-year provision found in Laws 1947, Chapter 365. But there is nothing in the law which prevents the archives commission to exercise the powers conferred upon it in ordering the destruction, or other disposition as it sees fit, of state records less than six years old. OAG Aug. 27, 1947 (851-F).

It is not advisable to issue a blank order directing sale for salvage of all warrants over six years of age. It is a question of fact whether any reason exists for the preservation of old warrants and if any reasonable reason exists for keeping the warrants they should be kept and preserved. OAG Aug. 29, 1949 (851-F).

The state archives commission may order the destruction of all original bids, together with all documents pertaining to the award of a contract when such documents and papers are no longer of any value and for the preservation of which no reason exists. OAG July 17, 1952 (851-F).

138.24 Unnecessary.

CHAPTER 140

LAW LIBRARIES

140.03-140.18 Local, Hennepin county.

140.19-140.25 Local, Ramsey county.

140.30 FINANCING

A fee is collectible for an appearance by a petitioner in actions originating in Minnesota and for such appearance in actions initiated by another state and filed in the county. OAG March 4, 1952 (144-B-7).

140.34 ESTABLISHMENT OF COUNTY LAW LIBRARY

HISTORY. 1949 c 184 s 1.

140.35 WHO MAY USE

HISTORY. 1949 c 184 s 2.

140.36 MANAGEMENT

HISTORY. 1949 c 184 s 3.