

# MINNESOTA STATUTES 1967

1571 HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY 138.051

## CHAPTER 138

### HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY

Sec.		Sec.	
	<b>HISTORICAL SOCIETIES</b>		
138.01	Minnesota state historical society agency of state government	138.36	Licenses
138.02	Minnesota war records commission discontinued	138.37	Ownership, custody and use of objects ar. data
138.03	Minnesota historical society custodian of records	138.38	Reports of state archaeologist
138.051	County historical societies	138.39	Rules and regulations
138.052	Tax levy	138.40	Cooperation of state agencies; disclaimer of intent to burden public
138.053	County historical society; tax levy; cities, villages, boroughs, or towns	138.41	Penalties
	<b>HISTORIC SITES</b>	138.42	Title
138.08	Minnesota historic sites and markers commission	138.51	<b>HISTORIC SITES ACT OF 1965</b>
138.09	County boards may acquire historic sites	138.52	Policy
	<b>ARCHIVES</b>	138.53	Definitions
138.13	Minnesota State Archives Commission	138.54	State historic sites, registry
138.14	Members; organization of commission	138.55	State historic sites; registry, Fort Snelling State Historical Park
138.16	Meetings	138.56	State historic sites; registry, lands owned by the cities of St. Paul and Minneapolis
138.17	Powers and duties of commission	138.57	State historic sites; registry, federally owned lands
138.18	Rules and regulations	138.58	State historic sites; registry, privately owned lands
138.19	Applications for orders of the commission	138.59	Notice to Minnesota Historical Society of land acquisition
138.20	Record of proceedings	138.60	Duties of the state and governmental subdivisions in regard to state historic sites; prohibitions
138.21	Storage space designated by commission	138.61	Cooperation
138.22	Receipts from sales for salvage	138.62	Minnesota historic sites, changes
138.23	Compensation and expenses	138.63	Citation, the Minnesota historic sites act of 1965
138.24	Citation, state archives act		
	<b>FIELD ARCHAEOLOGY</b>		
138.31	Definitions		
138.32	Legislative intent		
138.33	Unlicensed field archaeology prohibited		
138.34	Administration of the act		
138.35	State archaeologist		

### 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.** 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

# MINNESOTA STATUTES 1967

## 138.052 HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY

1572

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]

**138.053 COUNTY HISTORICAL SOCIETY; TAX LEVY; CITIES, VILLAGES, BOROUGHS, OR TOWNS.** The governing body of any city, village, borough, or town excepting cities of the first class may appropriate annually an amount from its general fund of not to exceed one mill of the assessed value of the taxable property in the city, village, borough, or town, but not to exceed \$500, to be paid to the historical society of their respective county to be used for the promotion of historical work and to aid in defraying the expenses of carrying on the historical work in said county. No city, village, borough, or town may appropriate any funds for the benefit of any historical society unless such society shall be affiliated with and approved by the Minnesota historical society.

[1963 c 129 s 1]

**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]

NOTE: Laws 1965, Chapter 685, Section 7, Subdivision 3, reads as follows:

"All the powers and duties imposed upon the Minnesota historic sites and marker's commission by Minnesota Statutes 1961, Sections 138.08 and 138.09, are hereby transferred to and imposed upon the state planning officer. The Minnesota historic sites and marker's commission as heretofore constituted is hereby abolished."

**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 exami-

# MINNESOTA STATUTES 1967

1573 **HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY 138.17**

ner 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.

[1947 c 547 s 2; 1961 c 175 s 1; 1963 c 695 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 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.

# MINNESOTA STATUTES 1967

## 138.18 HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY 1574

**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. The State Archives Commission 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 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, 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, establishing a time period for the retention or disposal of each series of records.

**Subd. 8. Emergency records preservation.** In light of the danger of nuclear or natural disaster, the State Archives Commission 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 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.

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 for its approval or disapproval and no such program shall be instituted until such approval is obtained.

[1947 c 547 s 5; 1961 c 175 s 3-8; 1963 c 695 s 2,3]

**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

# MINNESOTA STATUTES 1967

## 1575 HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY 138.32

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 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]

## FIELD ARCHAEOLOGY

**138.31 DEFINITIONS.** Subdivision 1. As used in sections 138.31 to 138.42, 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.

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.

[1963 c 5 s 1]

**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.

# MINNESOTA STATUTES 1967

## 138.33 HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY

1576

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 138.31 to 138.42; and persons having knowledge of the location of archaeological sites are encouraged to communicate such information to the state archaeologist.

[1963 c 5 s 2]

**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.

[1963 c 5 s 3]

**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 sections 138.31 to 138.42. Some enforcement provisions are shared with the state archaeologist.

[1963 c 5 s 4]

**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.

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 138.36, and to otherwise carry out and enforce sections 138.31 to 138.42.

[1963 c 5 s 5]

**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 138.31 to 138.42.

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 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

# MINNESOTA STATUTES 1967

1577

HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY 138.39

the state archaeologist may waive or abridge provisions of sections 138.31 to 138.42 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.

[1963 c 5 s 6]

**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 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 138.31 to 138.42; they may also accept any gift of money to be used for one or more of the purposes covered by sections 138.31 to 138.42, but shall be held strictly accountable to the state for the use made of any such gift of money.

[1963 c 5 s 7]

**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.

[1963 c 5 s 8]

**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 138.31 to 138.42. In making such rules and regulations, they shall consult with other agencies of the state whose activities may be affected thereby.

[1963 c 5 s 9]

# MINNESOTA STATUTES 1967

## 138.40 HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY

1578

**138.40 COOPERATION OF STATE AGENCIES; DISCLAIMER OF INTENT TO BURDEN PUBLIC.** The department of conservation, the department 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 138.31 to 138.42 and the rules and regulations issued thereunder, but sections 138.31 to 138.42 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.

[1963 c 5 s 10]

**138.41 PENALTIES.** Subdivision 1. **Willful violations.** Whoever violates section 138.33, 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 any other provision of sections 138.31 to 138.42, 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 138.31 to 138.42, 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.

[1963 c 5 s 11]

**138.42 TITLE.** Sections 138.31 to 138.42 may be cited as "the Minnesota field archaeology act of 1963."

[1963 c 5 s 13]

## HISTORIC SITES ACT OF 1965

**138.51 POLICY.** It is in the public interest to provide for the preservation of historic sites, buildings, structures, and antiquities of state and national significance for the inspiration, use, and benefit of the people of the state.

[1965 c 779 s 1]

**138.52 DEFINITIONS.** Subdivision 1. Land or water areas containing historic or archeological value for the purposes of sections 138.51 to 138.63 are designated as "state historic sites." A "state historic site" is also an area designated by the Minnesota historical society as a site possessing historical value of state or national significance. The term "state historic site" includes the items defined in this section.

Subd. 2. A "state historical marker" is a plaque, sign, or marker authorized by the Minnesota historical society and the Minnesota historic sites and markers commission, and includes roadside markers maintained by the department of highways, the department of conservation, or other departments or agencies of the state and its governmental subdivisions.

Subd. 3. A "state historic monument" is an area so designated by statute as a state monument marked by a stone shaft or other memorial marker, and includes contiguous lands owned by the state or any of its governmental subdivisions.

Subd. 4. A "state archeological site" is an area, primarily relating to prehistoric man, designated by the Minnesota historical society and the state archaeologist as possessing state or national significance.

Subd. 5. A "state geographic site" is a geographical feature of outstanding significance and includes, by way of example, the highest point in the state, and the continental divide. It is a site designated by the state geographical board as possessing state or national significance.

[1965 c 779 s 2]

**138.53 STATE HISTORIC SITES, REGISTRY.** Subdivision 1. The land and water areas enumerated in this section are hereby designated by law as "state historic sites," and this section is a registry of state historic sites situated on property owned by the state, its governmental subdivisions, the Minnesota historical society, the board of regents of the University of Minnesota, and the Olmsted county historical society.

# MINNESOTA STATUTES 1967

1579 HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY 138.53

Subd. 2. Kathio, owned by the Minnesota historical society, is in Mille Lacs county and consists of approximately 112 acres in sections 27 and 28, township 43 north, range 27 west.

Subd. 3. Minnesota Man, owned by the state, is in Otter Tail county, and consists of government lot 5, township 136 north, range 43 west.

Subd. 4. Browns Valley Man, owned by the village of Browns Valley, is in Traverse county and consists of block 23, Platteau Addition, village of Browns Valley.

Subd. 5. Continental Divides, Browns Valley, owned by the state, is in Traverse county and consists of section 29, township 125 north, range 49 west.

Subd. 6. Continental Divide, Virginia, owned by the state, is in St. Louis county and is located at the place where U. S. Highway No. 53 crosses the Laurentian Divide north of Virginia.

Subd. 7. Connor's Fur Post, owned by the state, is in Pine county and consists of approximately 3.73 acres located within government lot 4 and the southwest quarter of the southeast quarter, section 31, township 39 north, range 21 west.

Subd. 8. Bourassa's Fur Post, owned by the Minnesota historical society and the board of regents of the University of Minnesota, is in St. Louis county and consists of government lots 1, 2, 3, 4, and 8 in section 22, township 67 north, range 17 west.

Subd. 9. Fort Ripley, owned by the state, is in Morrison county and is located within the boundaries of Camp Ripley Military Reservation.

Subd. 10. Wood Lake, owned by the state, is in Yellow Medicine county and is located within the boundaries of Wood Lake State Wayside.

Subd. 11. Acton, owned by the state, is in Meeker county and is located within the boundaries of Acton Monument.

Subd. 12. Camp Release, owned by the state, is in Lac qui Parle county and is located within the boundaries of Camp Release Memorial State Wayside.

Subd. 13. Oliver H. Kelley Homestead, owned by the Minnesota historical society, is in Sherburne county and consists of approximately 191.09 acres in sections 14 and 23, township 32 north, range 26 west.

Subd. 14. Wm. W. Mayo House, owned by the city of Le Sueur, is in Le Sueur county and is the city library, located at 118 North Main Street in the city of Le Sueur.

Subd. 15. William G. LeDuc House, owned by the Minnesota historical society, is in Dakota county and consists of a four acre site located in lot 24, Auditor's Subdivision 9, in the city of Hastings.

Subd. 16. Alexander Ramsey House, owned by the Minnesota historical society and the city of Saint Paul, is in Ramsey county and consists of lots 11, 12, 13, and 14, or fractional parts thereof, and lots 4, 15, 16, 17, and 18, all in block 28, Rice and Irvine's Addition to Saint Paul.

Subd. 17. Washington County Courthouse, owned by Washington county, is in Washington county and consists of block 39, original town plat of Stillwater, township 30 north, range 20 west.

Subd. 18. Minnehaha Depot, owned by the Minnesota historical society, is in Hennepin county and consists of approximately one acre within an area bounded by the Chicago, Milwaukee, St. Paul and Pacific railways, I & M main track, 50th street, 42nd street, and Minnehaha avenue in the city of Minneapolis.

Subd. 19. Defender's Monument, Two Battles of New Ulm, owned by the city of New Ulm, is in Brown county and is located on the boulevard on Center street between Washington street and State street in the city of New Ulm.

Subd. 20. Petroglyphs, owned by the Minnesota historical society, is in Cottonwood county and consists of approximately 80 acres in the north half of the north-east quarter, section 9, township 107 north, range 35 west.

Subd. 21. Lower Sioux Agency, owned by the Minnesota historical society, is in Redwood county and consists of approximately 35 acres in section 8, township 112 north, range 34 west.

Subd. 22. Mayowood, owned by the Olmsted county historical society, is in Olmsted county and consists of approximately 10 acres in section 17, township 106 north, range 14 west.

Subd. 23. Solomon G. Comstock House, owned by the Minnesota historical society, is in Clay county and consists of lots 1 through 8, or fractional parts thereof,

# MINNESOTA STATUTES 1967

## 138.54 HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY 1580

and lots 17 through 24, all in block 3, Highland addition Number 1, in the city of Moorhead.

Subd. 24. Brook Park State Monument, owned by the state, is in Pine county and is located within Brook Park Cemetery, in township 129 north, range 22 west.

Subd. 25. Wendelin E. Grimm Homestead, owned by the Hennepin County Park Reserve District, is in Carver county and consists of the south half of the north-west quarter of section 4, township 116 north, range 24 west.

[1965 c 779 s 3; 1967 c 54 s 1-4, 9]

**138.54 STATE HISTORIC SITES; REGISTRY, FORT SNELLING STATE HISTORICAL PARK.** Subdivision 1. The land and water areas enumerated in this section are hereby designated by law as "state historic sites" and this section is a registry of state historic sites situated on property owned by the state.

Subd. 2. Fort Snelling, owned by the state, is in Dakota, Hennepin, and Ramsey counties and is located within the authorized boundaries of Fort Snelling state historical park.

Subd. 3. Cantonment New Hope, owned by the state, is in Dakota county and is located within the authorized boundaries of Fort Snelling state historical park.

[1965 c 779 s 4; 1967 c 54 s 5, 10]

**138.55 STATE HISTORIC SITES; REGISTRY, STATE OWNED LANDS ADMINISTERED BY THE CONSERVATION DEPARTMENT.** Subdivision 1. The land and water areas enumerated in this section are hereby designated by law as "state historic sites," and this section is a registry of state historic sites situated on property owned by the state and administered by the conservation department.

Subd. 2. Source of the Mississippi River, owned by the state, is in Clearwater county and is located within the boundaries of Itasca State Park.

Subd. 3. Blue Mound, owned by the state, is in Rock county and is located within the boundaries of Blue Mound State Park.

Subd. 4. Old Crow Wing, owned by the state, is in Crow Wing county and is located within the boundaries of Crow Wing State Park.

Subd. 5. Traverse des Sioux, owned by the state, is in Nicollet county and is located within the boundaries of Traverse des Sioux State Memorial Wayside.

Subd. 6. Old Crossing, owned by the state, is in Red Lake county, and consists of the northwest half of the northwest quarter, section 33, township 151 north, range 45 west, or Old Crossing Treaty Memorial State Wayside.

Subd. 7. Grand Portage of the St. Louis River, owned by the state, is in Carlton county and is located within the boundaries of Jay Cooke State Park.

Subd. 8. Savanna Portage, owned by the state, is in Aitkin county and is located within the boundaries of Savanna Portage State Park.

Subd. 9. Lac qui Parle Mission, owned by the state, is in Chippewa county and is located within the boundaries of Chippewa Mission Memorial State Wayside.

Subd. 10. Fort Ridgely, owned by the state, is in Nicollet county and is located within the boundaries of Fort Ridgely State Park.

Subd. 11. Birch Coulee, owned by the state, is in Renville county and is located within the boundaries of Birch Coulee State Memorial Park.

Subd. 12. Upper Sioux Agency, owned by the state, is in Yellow Medicine county and is located within the boundaries of Upper Sioux Agency State Park.

Subd. 13. Ruins of Joseph R. Brown House, owned by the state, is in Renville county and is located within the boundaries of Joseph R. Brown Memorial Park.

Subd. 14. Charles A. Lindbergh House, owned by the state, is in Morrison county and is located within the boundaries of Charles A. Lindbergh State Park.

Subd. 15. Old Mill, owned by the state, is in Marshall county, and is located within the boundaries of Old Mill State Park.

Subd. 16. Soudan Mine, owned by the state, is in St. Louis County and is located within the boundaries of Tower Soudan State Park.

Subd. 17. Seppman Mill, owned by the state, is in Blue Earth county and located within the boundaries of Minneopa State Park.

Subd. 18. Count Beltrami Monument, owned by the state, is in Beltrami county and is located within the boundaries of Count Beltrami Monument Park.

Subd. 19. Hinckley Fire Monument, owned by the state, is in Pine county and is located within the boundaries of Hinckley Memorial Cemetery, in the village of Hinckley.

# MINNESOTA STATUTES 1967

1581 HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY 138.58

Subd. 20. Meighen Store, owned by the state, is in Fillmore county and is located within the boundaries of Forestville State Park.

[1965 c 779 s 5; 1967 c 54 s 6, 11]

**138.56 STATE HISTORIC SITES; REGISTRY, LANDS OWNED BY THE CITIES OF ST. PAUL AND MINNEAPOLIS.** Subdivision 1. The land and water areas enumerated in this section are hereby designated by law as "state historic sites," and this section is a registry of state historic sites situated on property owned by the cities of St. Paul and Minneapolis.

Subd. 2. Indian Mounds Park, owned by the city of Saint Paul, is in Ramsey county and consists of the northeast quarter of the northwest quarter of section 8, township 28 north, range 22 west.

Subd. 3. Chapel of St. Paul, owned by the city of Saint Paul, is in Ramsey county and consists of lots 2 and 3 and a fractional part of lot 1, block 33, Saint Paul.

Subd. 4. Old State Capitol Site, owned by the city of Saint Paul, is in Ramsey county and consists of Block 6, Bazille's Addition to Saint Paul.

Subd. 5. Minnehaha Falls, owned by the city of Minneapolis, is in Hennepin county and is located within the boundaries of Minnehaha Park, Minneapolis.

[1965 c 779 s 6]

**138.57 STATE HISTORIC SITES; REGISTRY, FEDERALLY OWNED LANDS.** Subdivision 1. The land and water areas enumerated in this section are hereby designated by law as "state historic sites," and this section is a registry of state historic sites situated on property owned by the United States government.

Subd. 2. Flat Lake Mounds, in Becker county, consists of sections 27 and 28, township 141 north, range 39 west, and is located in Tamarac National Wildlife Refuge.

Subd. 3. Eagle Mountain, in Cook county, consists of sections 34 and 35, townships 63 north, range 2 west.

Subd. 4. Red Pipestone Quarries, in Pipestone county, is located within the boundaries of Pipestone National Monument.

Subd. 5. Grand Portage, in Cook county, is located within the boundaries of Grand Portage National Monument.

Subd. 6. Fort Snelling, in Hennepin county, is located within the authorized boundaries of Fort Snelling State Park.

Subd. 7. Camp Coldwater, in Hennepin county, is located within the authorized boundaries of Fort Snelling State Park.

Subd. 8. Duluth Ship Canal, in St. Louis county, is located within the boundaries of Government Park on Minnesota Point in the city of Duluth.

Subd. 9. Minnesota Point Lighthouse, in St. Louis county, is located in the extreme easternmost portion of Minnesota Point in the city of Duluth.

Subd. 10. Major Lawrence Taliaferro's Indian Agency, Fort Snelling, in Hennepin county, is located within the authorized boundaries of Fort Snelling State Park.

[1965 c 779 s 7]

**138.58 STATE HISTORIC SITES; REGISTRY, PRIVATELY OWNED LANDS.** Subdivision 1. The land and water areas enumerated in this section are hereby designated by law as "state historic sites," and this section is a registry of state historic sites situated on property owned by private persons.

Subd. 2. Grand Mound, in Koochiching county, consists of government lot 2, section 32, township 70 north, range 26 west.

Subd. 3. [Repealed, 1967 c 54 s 13]

Subd. 4. Yucatan, in Houston county, consists of the northwest quarter of section 8, township 102 north, range 7 west.

Subd. 5. Sweeney Fort, in Goodhue county, consists of the southeast quarter of section 28, township 113 north, range 16 west.

Subd. 6. Orwell Farm, in Otter Tail county, consists of the north half of the northwest quarter, section 33, and the south half of the southwest quarter, section 28, all in township 132 north, range 44 west.

Subd. 7. Kensington Rune Stone Discovery, in Douglas county, consists of the southeast quarter of section 14, township 127 north, range 40 west.

Subd. 8. Buffalo Ridge, in Murray county, consists of the northwest quarter of section 26, township 106 north, range 43 west.

Subd. 9. Carver's Cave, in Ramsey county, consists of block 19, the south-

# MINNESOTA STATUTES 1967

## 138.58 HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY 1582

east quarter of the southeast quarter, in section 32, township 29 north, range 22 west, in the city of Saint Paul.

Subd. 10. Fort St. Charles, in Lake of the Woods county, is located on Magnuson Island in Lake of the Woods.

Subd. 11. Fort Beauharnois, in Goodhue county, consists of government lot 3, section 12, and government lot 1, section 13, township 112 north, range 13 west.

Subd. 12. [Repealed, 1967 c 54 s 13]

Subd. 13. [Repealed, 1967 c 54 s 13]

Subd. 14. Redwood Ferry, in Renville county, consists of approximately five acres, including lots 2 and 3 of section 5, township 112 north, range 34 west.

Subd. 15. Site of Hanging 38 Sioux, in Blue Earth county, is located at the Historic Marker situated at Front and Main streets in the city of Mankato.

Subd. 16. Old Mendota, in Dakota county, consists of the northwest quarter of section 27, and the northeast quarter of section 28, township 28 north, range 23 west, in the village of Mendota.

Subd. 17. Frontenac, in Goodhue county, consists of the southeast quarter of section 2, the northeast quarter of section 11, and the northwest quarter of section 12, in township 112 north, range 13 west, in the village of Frontenac.

Subd. 18. Taylor's Falls, in Chisago county, consists of lots 20, 21, 22, and 23 in block 34; lots 8, 9, 10, and 11 in block 41; and lots 10, 11, and 12 in block 39 in the village of Taylors Falls.

Subd. 19. [Repealed, 1967 c 54 s 13]

Subd. 20. Peter Gideon Homestead, in Hennepin county, consists of division 133, part of government lot 6, section 33, township 117 north, range 23 west.

Subd. 21. Sinclair Lewis Home, in Stearns county, is located at 812 Third street south, in the city of Sauk Centre.

Subd. 22. James J. Hill House, in Ramsey county, consists of lots 4, 5, 6, and 7, block 70, Irvine Addition in the city of Saint Paul.

Subd. 23. Burbank Griggs House, in Ramsey county, consists of lot 1, block 12, Terrace Park Addition in the city of Saint Paul.

Subd. 24. Ole Bakken Cabin, in Polk county, is located in the southwest corner of the southwest quarter of section 29, township 148 north, range 41 west.

Subd. 25. 1848 Convention Site, in Washington county, consists of lots 1 and 2, block 26, original town plat of Stillwater, in township 30 north, range 20 west.

Subd. 26. Site of First Commercial Sawmill, in Washington county, consists of block 47, original plat of village of Marine on St. Croix.

Subd. 27. Nicollet Island, in Hennepin county consists of Nicollet island, government lot 1, section 23, township 29 north, range 24 west.

Subd. 28. Falls of St. Anthony, in Hennepin county, consists of the Falls of St. Anthony located on the east three quarters of the south half of section 23, township 29 north, range 24 west.

Subd. 29. Pickwick Mill, in Winona county, is located within the center of the southwest quarter of section 13, township 106 north, range 6 west.

Subd. 30. Fugle's Mill, in Olmsted county, is located within section 20, township 105 north, range 13 west, where a paved highway crosses the north branch of the Root river.

Subd. 31. Harkin-Massopust Store, in Nicollet county, consists of the southeast quarter of the southeast quarter of section 30, township 111 north, range 31 west.

Subd. 32. Mountain Iron Mine, in St. Louis county, consists of sections 3 and 4, township 58 north, range 18 west.

Subd. 33. Hull-Rust-Mahoning Mine, in St. Louis county, consists of sections 1 and 2, township 57 north, range 21 west.

Subd. 34. Sugar Point, in Cass county, consists of lot 1, section 35, township 143 north, range 29 west, Leech Lake Indian Reservation.

Subd. 35. Pike's Fort, in Morrison county, consists of lot 1, section 7, township 128 north, range 29 west.

Subd. 36. [Repealed, 1967 c 54 s 13]

Subd. 37. St. John's Episcopal Church, in Clay county, consists of lots 13 through 18, block 39, original town plat of Moorhead, in township 139 north, range 48 west.

# MINNESOTA STATUTES 1967

1583

HISTORICAL SOCIETIES, SITES; ARCHIVES; ARCHAEOLOGY 138.63

Subd. 38. Morrison Mounds, in Otter Tail county, is located in the southwest quarter of the southwest quarter of section 4, and in the northwest quarter of the northwest quarter of section 9, township 133 north, range 40 west.

Subd. 39. James J. Hill Farm, Northcote, in Kittson county, is located in section 16, township 162 north, range 49 west.

Subd. 40. Security Bank and Trust Company of Owatonna, in Steele county, is located in the city of Owatonna in township 107 north, range 20 west.

Subd. 41. St. John's Abbey and University Church, Collegeville, in Stearns county, is located in section 1, township 124 north, range 30 west.

[1965 c 779 s 8; 1967 c 54 s 12]

**138.59 NOTICE TO MINNESOTA HISTORICAL SOCIETY OF LAND ACQUISITION.** Whenever the state or any governmental subdivision thereof acquires any of the property enumerated in section 138.58 as a state historic site it is the duty of the officer in charge of such acquisition to notify in writing, as promptly as may be expedient, the Minnesota historical society of such acquisition.

[1965 c 779 s 9; 1967 c 54 s 7]

**138.60 DUTIES OF THE STATE AND GOVERNMENTAL SUBDIVISIONS**

**IN REGARD TO STATE HISTORIC SITES; PROHIBITIONS.** Subdivision

1. **Notice.** The state, its departments and agencies, including the board of regents of the university of Minnesota, each city, village, borough, town, county, school district, and other body corporate and politic, are by sections 138.51 to 138.63 notified of the existence of "state historic sites" on publicly owned property and on property owned by the Minnesota historical society as enumerated in section 138.53.

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 section 138.53 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. **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 section 138.54 as a "state historic site" without first obtaining the prior approval thereof in writing of the Minnesota historical society and the conservation department.

[1965 c 779 s 10]

**138.61 COOPERATION.** The state and its governmental subdivisions shall cooperate with the Minnesota historical society in safeguarding "state historic sites" and in the preservation of historic and archeological sites.

[1965 c 779 s 11]

**138.62 MINNESOTA HISTORIC SITES, CHANGES.** Sites designated as "state historic sites" by sections 138.53 to 138.58 may be changed from time to time, and the Minnesota historical society is respectfully requested to notify the legislature of the needs for such changes, and to make recommendations in regard thereto so that the registries of historic sites may be kept current and complete.

[1965 c 779 s 12; 1967 c 54 s 8]

**138.63 CITATION, THE MINNESOTA HISTORIC SITES ACT OF 1965.** Sections 138.51 to 138.63 may be cited as "The Minnesota historic sites act of 1965."

[1965 c 779 s 13]