

CHAPTER 138

HISTORICAL SOCIETIES; HISTORIC SITES;
ARCHIVES; FIELD ARCHAEOLOGY

HISTORICAL SOCIETIES	
138.01	Minnesota state historical society agency of state government.
138.025	Transfer of control of certain historic sites.
138.027	Transfer of control of Traverse des Sioux historic site.
138.03	Custodian of records.
138.035	State historical society authorized to support the science museum of Minnesota.
138.051	County historical societies.
138.052	Tax levy.
138.053	County historical society; tax levy; cities or towns.
138.054	Minnesota history and government learning center.
HISTORIC SITES	
138.081	Executive council as agency to accept federal funds.
138.09	County boards may acquire historic sites.
ARCHIVES	
138.161	State archives; establishment.
138.163	Preservation and disposal of public records.
138.17	Government records; administration.
138.19	Applications for orders of the panel.
138.20	Record of proceedings.
138.21	Storage space designated by panel.
138.22	Receipts from sales for salvage.
138.225	Prohibition against unauthorized disposal of records; penalty.
138.226	Replevin authority.
138.25	Executive council; administration of federal records legislation.
FIELD ARCHAEOLOGY	
138.31	Definitions.
138.32	Legislative intent.
138.33	Unlicensed field archaeology prohibited.
138.34	Administration of the act.
138.35	State archaeologist.
138.36	Licenses.
138.37	Ownership, custody and use of objects and data.
138.38	Reports of state archaeologist.
138.39	Rules.
138.40	Cooperation of state agencies; development plans.
138.41	Penalties.
138.42	Title.
HISTORIC SITES ACT OF 1965	
138.51	Policy.
138.52	Definitions.
138.53	State historic sites, registry.
138.55	State historic sites; registry, state owned lands administered by the department of natural resources.
138.56	State historic sites; registry, lands owned by the cities and counties of Minnesota.
138.57	State historic sites; registry, federally owned lands.
138.58	State historic sites; registry, privately owned lands.
138.581	State historic sites; registry; lands owned by governmental units outside the state.
138.585	State monuments.
138.59	Notice to Minnesota historical society of land acquisition.
138.60	Duties of the state and governmental subdivisions in regard to state historic sites; prohibitions.
138.61	Cooperation.
138.62	Minnesota historic sites, changes.
138.63	Citation, the Minnesota historic sites act of 1965.
138.64	Contracts authorized.
138.65	Admission fees.
138.66	Contracts for historic site management.
HISTORIC FEATURES OF STATE CAPITOL	
138.67	Definitions.
138.68	Supervision of preservation.
MINNESOTA HISTORIC DISTRICT ACT OF 1971	
138.71	Policy.
138.72	Definition.
138.73	Designation of historic districts.
138.74	Control and maintenance of historic districts.
138.75	Citation.
FOLKLIKE PRESERVATION ACT	
138.81	Citation.
138.82	Findings.
138.83	Definitions.
138.84	Folklore center.
138.85	State folklorist; powers.
138.86	State folklorist; duties; annual report; contributors' rights.
138.87	Folklife information.
138.91	Minnesota humanities commission.
138.92	Local and regional historical interpretive centers.
138.93	Grant-in-aid assistance; non-state owned historical interpretive centers.
138.94	State historical center.
138.95	Native American memorial plan.
138.97	Labor interpretative center.

HISTORICAL SOCIETIES

138.01 MINNESOTA STATE HISTORICAL SOCIETY AGENCY OF STATE GOVERNMENT.

Subdivision 1. For the purposes of Laws 1925, chapter 426, the Minnesota state historical society shall be construed to be an agency of the state government. All appropriations made to the Minnesota historical society shall be subject to the charter of the Minnesota historical society of 1849 and as amended in 1856.

MINNESOTA STATUTES 1986

3199

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.025

Subd. 2. From appropriations made to the Minnesota historical society, employees, with the exception of the director, shall be paid a salary comparable to the salaries paid to state employees in the classified state civil service. Money necessary to meet expenses shall be paid to the society upon certification by the director of the Minnesota historical society of the amount to the commissioner of finance.

Subd. 3. Money appropriated to the Minnesota historical society shall be expended in the manner and under the terms and conditions described by the governing body of the Minnesota historical society.

Subd. 4. The Minnesota historical society may use state money to buy fire, wind, hail, and vandalism insurance.

History: (53-47) 1925 c 426 art 19 s 1; 1976 c 163 s 27; 1979 c 337 s 14

138.02 [Repealed, 1979 c 32 s 1]

138.025 TRANSFER OF CONTROL OF CERTAIN HISTORIC SITES.

Subdivision 1. **Authority.** The authority of the commissioner of natural resources, or any successor thereto, to administer and control the historic sites enumerated in this section is withdrawn, and is hereby conferred upon the Minnesota historical society. The society shall exercise the general administration and control of such sites, preserve their historic features, conduct archaeological investigations, establish necessary interpretive centers, and perform such additional duties and services at such sites as may be deemed necessary and beneficial to such sites. The commissioner of natural resources shall continue to administer and control the state parks enumerated in this section excepting the portions thereof designated as historic sites, the administration and control of which is by this section vested in the Minnesota historical society. The Minnesota historical society may contract with existing state departments and agencies for such materials and services, including utility services, as may be necessary for the administration and maintenance of the sites listed in this section.

Subd. 2. **Fort Snelling State Historical Park.** In accordance with the terms and provisions of this section the Minnesota historical society shall administer and control the historic site within the Fort Snelling state historical park and described as follows:

Commencing, for purposes of locating the point of beginning of tract to be described, at the southwest corner of Section 17, Township 28 North, Range 24 West, 4th P.M., Hennepin county, Minnesota; thence south 39 degrees 54 minutes 57 seconds east, 4015.45 feet; thence south 89 degrees 52 minutes east, 478.97 feet; thence south 48 degrees 48 minutes 53 seconds east, 458.74 feet; thence south 70 degrees 37 minutes 21 seconds east, 1027.97 feet; thence south 37 degrees 30 minutes 09 seconds east, 106.83 feet to the point of beginning of tract to be described; thence south 58 degrees 10 minutes east, 551.05 feet; thence south 77 degrees 48 minutes east, 196.25 feet; thence south 75 degrees 21 minutes east, 318.75 feet; thence south 55 degrees 25 minutes east, 68.91 feet; thence south 77 degrees 33 minutes east, 155.00 feet; thence south 85 degrees 44 minutes east, 214.90 feet; thence south 88 degrees 51 minutes east, 315.70 feet; thence north 07 degrees 37 minutes east, 23.48 feet; thence south 81 degrees 39 minutes east, 119.72 feet; thence south 89 degrees 56 minutes east, 124.71 feet; thence south 01 degrees 14 minutes west, 15.36 feet; thence south 83 degrees 09 minutes 04 seconds east, 247.21 feet; thence south 84 degrees 21 minutes east, 160.85 feet; thence north 83 degrees 50 minutes east, 116.30 feet; thence south 75 degrees 35 minutes east, 94.98 feet; thence south 61 degrees 44 minutes east, 129.51 feet; thence south 85 degrees 19 minutes east, 35.47 feet; thence south 58 degrees 02 minutes east, 82.85 feet; thence south 43 degrees 58 minutes east, 73.35 feet; thence south 38 degrees 45 minutes east, 75.60 feet; thence south 20 degrees 58 minutes east, 36.91 feet; thence south 54 degrees 32 minutes west, 56.06 feet; thence south 45 degrees 26 minutes west, 76.36 feet; thence south 69 degrees 50 minutes west, 124.85 feet; thence south 51 degrees 39 minutes west, 41.99 feet; thence south 74 degrees 06 minutes west, 77.42 feet; thence north 78 degrees 53 minutes west, 31.30 feet; thence south 68 degrees 12 minutes west, 119.0 feet; thence south 42 degrees 01 minute west, 164.66 feet; thence

MINNESOTA STATUTES 1986

south 31 degrees 06 minutes east, 25.22 feet; thence south 65 degrees 06 minutes west, 124.90 feet; thence north 25 degrees 07 minutes west, 115.70 feet; thence south 66 degrees 58 minutes west, 377.51 feet; thence south 14 degrees 06 minutes 07 seconds east, 255.21 feet; thence north 52 degrees 46 minutes 36 seconds west, 563.28 feet; thence north 42 degrees 16 minutes 35 seconds west, 147.00 feet; thence north 30 degrees 24 minutes 05 seconds west, 100.00 feet to reference point A, point of beginning of Chapel tract; thence north 65 degrees 00 minutes 00 seconds west, 175.58 feet; thence north 62 degrees 44 minutes 39 seconds west, 882.17 feet; thence north 27 degrees 06 minutes 46 seconds east, 37.88 feet; thence north 66 degrees 12 minutes 19 seconds west, 40.00 feet; thence north 40 degrees 20 minutes 04 seconds west, 40.00 feet; thence north 24 degrees 18 minutes 29 seconds west, 120.00 feet; thence north 17 degrees 06 minutes 36 seconds east, 50.34 feet; thence north 43 degrees 37 minutes 30 seconds west, 383.71 feet to the point of beginning and there terminating.

Excepting therefrom the Chapel tract described as follows: Reference point A being the point of beginning for Chapel tract; thence north 07 degrees 08 minutes 15 seconds E, 100.00 feet; thence north 48 degrees 43 minutes 35 seconds east, 100.00 feet; thence north 81 degrees 40 minutes 15 seconds east, 100.00 feet; thence south 83 degrees 15 minutes 05 seconds east, 100.00 feet; thence south 61 degrees 43 minutes 35 seconds east, 100.00 feet; thence south 10 degrees 43 minutes 20 seconds east, 450.00 feet; thence south 40 degrees 37 minutes 30 seconds west, 357.55 feet; thence north 42 degrees 16 minutes 35 seconds west, 147.00 feet; thence north 30 degrees 24 minutes 05 seconds west, 100.00 feet to the point of beginning of the Chapel tract and there terminating.

Also, excepting all existing highway and road rights-of-way and power and utility easements.

And including within the historic site the old landing road, as now established, which runs from the fort site to the old landing on the Mississippi River. This roadway is approximately 33 feet in width.

The tract herein described contains 25.5 acres, more or less.

Subd. 2a. Camp Coldwater. In accordance with the terms and provisions of this section, the Minnesota historical society shall administer and control this historic site in Hennepin county which is described as follows: Commencing at the southwest corner of Section 17, Township 28 North Range 24 West of the fourth principal meridian, said corner being MCM 107 of the city of Minneapolis and state of Minnesota coordinate grid systems; thence south 39 degrees 54 minutes 57 seconds east a distance of 4015.45 feet to monument number 2 located on a western extension of the south line of the U. S. Bureau of Mines reservation heretofore established; thence east for a distance of 1192 feet more or less, along the south boundary and fence line of the Bureau of Mines to STA. H.H., the said station being a 1-inch diameter steel rod firmly imbedded in concrete, the center point of which being the southwest corner of the parcel to be described; thence continuing east for an indefinite distance to the center of the main channel of the Mississippi river, the boundary between Hennepin and Ramsey counties; thence northwesterly and northeasterly along the center of the channel for a distance of 1950 feet, more or less; thence west for an indefinite distance to STA. A.A. the station being a 2-inch pipe cap, the exact point being a center punch mark, said point being the northwest corner of the parcel being described; thence south 7 degrees 47 minutes 30 seconds east for a distance of 828.78 feet; thence south 18 degrees 16 minutes 30 seconds east for a distance of 131.27 feet; thence 8 degrees 51 minutes east for a distance of 493.72 feet; thence 53 degrees 59 minutes east for a distance of 198.69 feet; thence south 41 degrees 42 minutes east for a distance of 309.26 feet to the point of beginning comprising 21 acres, more or less.

Subd. 2b. Trail along railroad right-of-way. The department of natural resources may develop a recreation trail along the old railroad right-of-way provided it does not impair any historic sites located within the tract of land described in subdivision 2a.

Subd. 3. Charles A. Lindbergh State Park. In accordance with the terms and provisions of this section the Minnesota historical society shall administer and control the historic site within the Charles A. Lindbergh state park and described as follows:

MINNESOTA STATUTES 1986

3201

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.025

All that portion of the NE 1/4 of Section 25, Township 129 North, Range 30 West and Section 30, Township 129 North, Range 29 West, 5th P.M., Morrison county, Minnesota, lying within the established boundaries of the Charles A. Lindbergh state park and easterly of the westerly right-of-way line of C.S.A.H. No. 52 as now established, said tract containing 17 acres more or less.

Subd. 4. Upper Sioux Agency State Park. In accordance with the terms and provisions of this section the Minnesota historical society shall administer and control the historic site within the Upper Sioux Agency state park and described as follows:

The east 800 feet of the south 600 feet of the NE 1/4 of the SW 1/4; the west 400 feet of the south 600 feet of the NW 1/4 of the SE 1/4; the west 400 feet of the north 200 feet of the SW 1/4 of the SE 1/4; the east 200 feet of the north 200 feet of the SE 1/4 of the SW 1/4; all in Section 29, Township 115 North, Range 38 West and containing 19.28 acres more or less.

Subd. 5. Fort Ridgely State Park. In accordance with the terms and provisions of this section the Minnesota historical society shall administer and control the historic site within the Fort Ridgely state park and described as follows:

The SW 1/4 of the NW 1/4 of the NE 1/4 and the NW 1/4 of the SW 1/4 of the NE 1/4 both in Section 6, Township 111 North, Range 32 West, 5th P.M., Nicollet county, Minnesota, lying within the established boundaries of the Fort Ridgely state park and containing 20 acres more or less.

Subd. 6. Grand Mound State Park. The Minnesota historical society shall administer and control the Grand Mound state park as an historic site in accordance with the terms and provisions of this section and is authorized to acquire the site therefor for and in behalf of the state of Minnesota in lieu of the commissioner of administration acting for the commissioner of natural resources as initially authorized by Laws 1963, chapter 790, article V, section 1. Moneys heretofore appropriated for land acquisition purposes are hereby reappropriated to the Minnesota historical society for site acquisition.

Subd. 6a. Fort Renville. In accordance with the terms and provisions of this section, the Minnesota historical society shall administer and control this historic site in Chippewa county which is described as follows:

Beginning at a point 1212.8 feet south of the northwest corner of Section 13, Township 118 north, Range 42 West. (This point being on the west line of said section 13) thence to left 33 degrees 41 minutes a distance of 315.5 feet, thence left 13 degrees 14 minutes, a distance of 145.8 feet, thence right 2 degrees 36 minutes, a distance of 178.0 feet, thence left 29 degrees 19 minutes, a distance of 63.0 feet, thence left 135 degrees 26 minutes, a distance of 235.8 feet, thence right 12 degrees 4 minutes, a distance of 240.0 feet, thence left 2 degrees 2 minutes, a distance of 200 feet, thence left 99 degrees 8 minutes, a distance of 247.6 feet, to point of beginning, containing 2.2 acres.

Subd. 6b. Lac qui Parle mission. In accordance with the terms and provisions of this section the Minnesota historical society shall administer and control the historic site within the Lac qui Parle state recreation area in Chippewa county which is described as follows:

Beginning at a point on the south line of section 13 in Township 118 of Range 42, which point is 916.2 feet west of the southeast corner of lot 4, in said section and which point is 350 feet east of the meander corner of the south line of said section 13, running thence north 535 feet, thence north 5 degrees east 517.1 feet, thence north 37 degrees 10 minutes east 347.5 feet to the north line of said lot 4, thence west along the north line of lots 4 and 3 in said section to the Minnesota river, thence southeasterly and southerly along the Minnesota river to the meander corner aforesaid, thence east 350 feet to the place of beginning, containing 16.79 acres more or less.

The Chippewa mission state wayside is renamed the Lac qui Parle mission state historic site.

Subd. 7. [Repealed, 1976 c 106 s 6]

Subd. 8. [Repealed, 1976 c 106 s 6]

Subd. 9. [Repealed, 1977 c 455 s 95]

Subd. 10. **Split Rock Lighthouse state park.** In accordance with the terms and provisions of this section, the Minnesota historical society shall administer and control the historic site within the Split Rock Lighthouse state park in Lake County and described as follows:

That part of Government lot 3, Section 33, and Government lot 1, Section 32, Township 55 North, Range 8 West, fourth principal meridian, Lake county, comprising the historic Split Rock Lighthouse tract as originally conveyed to the state of Minnesota by the federal government and containing 7.6 acres more or less; and the North 711 feet of the East 300 feet of Government Lot 1, Section 32, Township 55 North, Range 8 West, and the South 711 feet of the North 2,031 feet of Government Lot 3, Section 33, Township 55 North, Range 8 West, containing approximately 17.4 acres, more or less.

Subd. 11. **Birch Coulee battlefield state historic site.** In accordance with the terms and provisions of this section and the laws relating to Birch Coulee battlefield state historic site, the Minnesota historical society shall administer and control the historic site comprising the Birch Coulee state historic site in Renville county and described as follows:

The NE 1/4 of the SE 1/4, Section 19, and part of the NW 1/4 of the SW 1/4, Section 20, Township 113, North, Range 34 West, fifth principal meridian, Renville county, Minnesota and containing 55 acres.

Subd. 12. **Forestville state park.** In accordance with the terms and provisions of this section and as hereinafter provided, the Minnesota historical society shall administer and control the historic site within the Forestville state park, Fillmore county, known as the Forestville state historic site and described as follows:

Starting at a point described by the intersection of the north bank of the south branch of the Root river, Forestville state park and the easterly right-of-way line of the town road located in section 13, T 102 N, R 12W; thence westerly (upstream) along the north bank of the south branch of the Root river, a distance of 375 feet; thence north 10 degrees 30 minutes east, 1,690 feet; thence south 79 degrees 30 minutes east 500 feet; thence south 10 degrees 30 minutes 1,600 feet to the north bank of the south branch of the Root river; thence westerly (upstream) along the north bank 150 feet, more or less to the point of beginning; containing 18.9 acres more or less.

The commissioner of natural resources and the Minnesota historical society shall jointly prepare and enter into an agreement which delineates the responsibilities of each party in the management of the Forestville state historic site. The agreement shall be consistent with the management plan for Forestville state park prepared in compliance with the outdoor recreation act of 1975.

Subd. 13. **Itasca state park.** In accordance with the terms and provisions of this section, the Minnesota historical society shall administer an interpretive program and develop an interpretive center relating to the discovery of the source of the Mississippi river, the Mississippi headwaters region and the establishment of Itasca state park.

History: 1969 c 956 s 1; 1969 c 1129 art 3 s 1; 1973 c 225 s 1-3; 1975 c 204 s 92,93; 1976 c 106 s 1,2; 1977 c 372 s 1,2; 1980 c 546 s 1; 1984 c 654 art 2 s 112

138.027 TRANSFER OF CONTROL OF TRAVERSE DES SIOUX HISTORIC SITE.

After the conveyance of lands described in Laws 1980, Chapter 489, Section 4, the authority of the department of natural resources and its division of parks and recreation, or any successor thereto, to administer and control the following described historic site at Traverse des Sioux is hereby withdrawn, and is hereby conferred upon the Minnesota Historical Society. The society shall exercise the general administration and control of such sites, preserve its historic features, conduct archaeological investigations, establish necessary interpretive centers, and perform such additional duties and services at the site as may be deemed necessary and beneficial:

MINNESOTA STATUTES 1986

3203

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.027

All of Blocks Numbered 11, 12, 13, 18, 19, 20, 25, 26, 27, all being in Traverse des Sioux, North of Sibley Street, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Nicollet County, Minnesota.

EXCEPTING THEREFROM: Part of Block 27, Traverse des Sioux, North of Sibley Street, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Nicollet County, Minnesota, described as follows:

Commencing at the southeast corner of Block No. 27 in Traverse des Sioux, North of Sibley Street; thence westerly 100 feet parallel with the southerly boundary line of said Block 27; thence northerly parallel with the easterly boundary line of said Block 27 a distance of 200 feet; thence easterly parallel with the northerly boundary line of said Block 27, a distance of 100 feet; thence southerly along the easterly boundary line of said Block 27, a distance of 200 feet to the place of beginning, all according to the map or plat thereof on file and of record in the office of the Register of Deeds within and for Nicollet County, Minnesota. Said premises lying immediately north of the land owned by one Melvin Changler, on October 13, 1953.

All that part of Government Lot 8, Section 4, Township 110 North, Range 26 West, lying westerly of the Minnesota River as it now exists and easterly of the easterly right-of-way of U.S. Highway 169. Blocks 29, 30, 31, 32, 36, 37, 38, 39, 45, and 46, together with all vacated streets and alleys contiguous to or apart thereof as shown and vacated by those certain Orders and Decrees of the District Court of said Nicollet County dated October 20, 1914, October 11, 1927, and June 23, 1969, and recorded in the office of the Register of Deeds in and for said Nicollet County on January 4, 1915, in Book "34" of Deeds, on page 576, October 18, 1927, in Book "45" of Deeds, pages 558-559, and June 24, 1969, in Book "123" of Deeds, pages 199-200, respectively, all in Traverse des Sioux, North of Sibley Street, according to the plat thereof, on file in the office of the Register of Deeds in and for said Nicollet County,

EXCEPTING THEREFROM: The right-of-way of U.S. Highway 169. Also, that part of the following described lands lying easterly of U.S. 169:

Commencing on the west bank of the Minnesota River, at a point where an easterly extension of the south line of Ash Street in the town of Traverse des Sioux would intersect said river; thence running westerly along said south line of Ash Street to the east line of Third Street; thence at right angles southerly along said east line of Third Street to the north line of Thomson Street; thence at right angles easterly along said north line of Thomson Street, 940 feet; thence southerly to and along the east line of Blocks 115 and 116 to an existing east-west fence located in Lot 8, Block 116; thence southerly along the east line of Block 116 to the southeasterly corner of Lot 6 in said Block 116 being on the north line of McCann Street; thence easterly along the northerly line of McCann Street extended to the east line of Section 9; thence north along said section line to the Minnesota River; thence along the west bank of said river to the place of beginning; meaning hereby to convey that part of the town plat of Traverse des Sioux vacated by the order of the District Court of said county on the 22nd day of May A.D., 1877. Excepting therefrom the existing U.S. Highway 169 right-of-way, in fee, to the State of Minnesota. Also all of Block 115 and that part of Block 112 lying east of the existing east right-of-way line of Trunk Highway 169, that part of Block 116 lying north of an existing east-west fence located in Lots 2 and 8 of said block, that part of Block 111 lying east of existing east right-of-way of Trunk Highway 169 and north of an existing east-west fence located in Lot 12 of said block. All in the town of Traverse des Sioux, according to the plat thereof.

Also, all of Lots 3, 4, 5, 6 and 7 in Block 116, and that part of Lot 2 and 8 in Block 116 lying southerly of the existing east-west fence. All of Lots 8, 9, 10, 11 in Block 111, and that part of Lot 12 in Block 111 lying southerly of the existing east-west fence. All the aforesaid Lots and Blocks in the town of Traverse des Sioux according to the plat thereof on file in the Office of the Register of Deeds in and for said County of Nicollet.

History: 1980 c 489 s 5

MINNESOTA STATUTES 1986

138.03 CUSTODIAN OF RECORDS.

Subdivision 1. Five copies of each book, document, journal, map, pamphlet, or report, including five copies of Minnesota Statutes and Minnesota Session Laws delivered to the Minnesota historical society in accordance with the provisions of section 15.18 shall be preserved by the society and two copies 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]

History: (8008-1) 1919 c 170 s 1; 1941 c 553 s 5; 1947 c 365 s 2; 1973 c 32 s 1

138.035 STATE HISTORICAL SOCIETY AUTHORIZED TO SUPPORT THE SCIENCE MUSEUM OF MINNESOTA.

The state historical society is authorized to enter into an agreement or agreements with the science museum of Minnesota whereby the state historical society shall make payments to such museum to support and expand its programs and to develop an extension program to bring the facilities of such museum to schools throughout the state. Such agreement or agreements shall provide for the time, amount and method of such payments.

History: 1971 c 910 s 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 courthouse 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 may in its discretion construct or otherwise provide and furnish other suitable housing in the county for such purposes and use.

History: (5670-11) 1929 c 324 s 1; 1957 c 394 s 1

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.

History: 1957 c 394 s 2

138.053 COUNTY HISTORICAL SOCIETY; TAX LEVY; CITIES OR TOWNS.

The governing body of any home rule charter or statutory city 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 or town to be paid to the historical society of their respective county to be used for the promotion

MINNESOTA STATUTES 1986

3205

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.081

of historical work and to aid in defraying the expenses of carrying on the historical work in said county. No city 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.

History: 1963 c 129 s 1; 1973 c 123 art 5 s 7; 1973 c 773 s 1; 1983 c 315 s 1

138.054 MINNESOTA HISTORY AND GOVERNMENT LEARNING CENTER.

Subdivision 1. **Public policy.** The legislature of the state of Minnesota hereby declares that it is an important purpose and function of state government to preserve the people's appreciation of the heritage of the state and to promote and enrich their knowledge and understanding of the government and political tradition of the state; and that there is an urgent need to further these goals by: supporting research; developing resource materials and workshops for public and nonpublic high school students, university interns, and teachers; and utilizing the unique talents and experience of the members of the legislative, executive and judicial branches of the state government.

Subd. 2. **Establishment.** (a) There is hereby established a Minnesota history and government learning center.

(b) The center shall be cosponsored by the Minnesota historical society, the Minnesota state university board and the Minnesota state board of education.

(c) The headquarters of the center shall be the Minnesota historical society.

(d) The director of the Minnesota historical society shall appoint the administrator of the center after consultation with the executive council of the Minnesota historical society, the chancellor of the state university board and the commissioner of education.

(e) High school and university students selected for workshops sponsored by the center shall be apportioned evenly among the legislative districts of the state.

History: 1974 c 355 s 45 subds 1,2; 1975 c 321 s 2

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 [Repealed, 1975 c 353 s 41]

138.081 EXECUTIVE COUNCIL AS AGENCY TO ACCEPT FEDERAL FUNDS.

Subdivision 1. The executive council of the Minnesota historical society is hereby designated the state agency with power to accept any and all moneys provided for or made available to this state by the United States of America or any department or agency thereof for surveys, restoration, construction, equipping, or other purposes relating to the state historic sites program in accordance with the provisions of federal law and any rules or regulations promulgated thereunder and are further authorized to do any and all things required of this state by such federal law and the rules and regulations promulgated thereunder in order to obtain such federal moneys.

Subd. 2. The director of the Minnesota historical society, as state historic preservation officer, shall be responsible for the preparation, implementation and administration of the state historic preservation plan and the federal historic preservation act (Public Law Number 89-665) and shall be the state liaison with the National Heritage Program. The director of the Minnesota historical society shall review and approve in writing all grants-in-aid for architectural, archaeological and historic preservation made by state agencies and funded by the state or a combination of state and federal funds in accordance with the state historic preservation plan.

Subd. 3. The Minnesota historical society is designated as the state agency to administer the provisions of the federal act providing for the preservation of historical

MINNESOTA STATUTES 1986

and archaeological data, United States Code, title 16, sections 469 to 469C, insofar as the provisions of the act provide for implementation by the state.

History: 1969 c 894 s 8; 1974 c 249 s 1; 1976 c 316 s 1; 1978 c 717 s 1

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 historical society and to aid in the construction of markers on such lands.

History: 1943 c 462 s 1; 1969 c 9 s 29; 1969 c 894 s 2; 1975 c 353 s 23

ARCHIVES

138.13 [Repealed, 1971 c 529 s 15]

138.14 [Repealed, 1971 c 529 s 15]

138.15 [Repealed, 1961 c 175 s 14]

138.16 [Repealed, 1971 c 529 s 15]

138.161 STATE ARCHIVES; ESTABLISHMENT.

State archives are hereby established and shall be administered by the Minnesota historical society.

History: 1971 c 529 s 1; 1982 c 573 s 2

138.162 [Repealed, 1978 c 717 s 4]

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 this chapter and by Laws 1971, chapter 529, 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 Laws 1971, chapter 529 and no general or special statute enacted subsequent to Laws 1971, chapter 529 shall be construed to authorize or prevent the disposal of public records at a time or in a manner different than prescribed in this chapter or in Laws 1971, chapter 529 unless it expressly exempts such records from the provisions of such chapter and Laws 1971, chapter 529 by specific reference to this section.

History: 1971 c 529 s 3

138.17 GOVERNMENT RECORDS; ADMINISTRATION.

Subdivision 1. **Destruction, preservation, reproduction of records; prima facie evidence.** The attorney general, legislative auditor in the case of state records, state auditor in the case of local records, and director of the Minnesota historical society, hereinafter director, shall constitute the records disposition panel. The members of the panel shall have power by unanimous consent to direct the destruction or sale for salvage of government records determined to be no longer of any value, or to direct the disposition by gift to the Minnesota historical society or otherwise of government records determined to be valuable for preservation. The records disposition panel may by unanimous consent order any of those records to be reproduced by photographic or other means, and order that photographic or other reproductions be substituted for the originals of them. It may direct the destruction or sale for salvage or other disposition of the originals from which they were made. Photographic or other reproductions shall for all purposes be deemed the originals of the records reproduced when so ordered by the records disposition panel, and shall be admissible as evidence in all courts and in proceedings of every kind. A facsimile, exemplified or certified copy of a photographic or other reproduction, or an enlargement or reduction of it, shall have the same effect

and weight as evidence as would a certified or exemplified copy of the original. The records disposition panel, by unanimous consent, may direct the storage of government records, except as herein provided, and direct the storage of photographic or other reproductions. Photographic or other reproductions substituted for original records shall be disposed of in accordance with the procedures provided for the original records. For the purposes of this chapter: (1) The term "government records" means state and local records, including all cards, correspondence, discs, maps, memoranda, microfilms, papers, photographs, recordings, reports, tapes, writings and other data, information or documentary material, regardless of physical form or characteristics, storage media or conditions of use, made or received by an officer or agency of the state and an officer or agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity within the state pursuant to state law or in connection with the transaction of public business by an officer or agency; (2) The term "state record" means a record of a department, office, officer, commission, commissioner, board or any other agency, however styled or designated, of the executive branch of state government; a record of the state legislature; a record of any court, whether of statewide or local jurisdiction; and any other record designated or treated as a state record under state law; (3) The term "local record" means a record of an agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity; (4) The term "records" excludes data and information that does not become part of an official transaction, library and museum material made or acquired and kept solely for reference or exhibit purposes, extra copies of documents kept only for convenience of reference and stock of publications and processed documents, and bonds, coupons, or other obligations or evidences of indebtedness, the destruction or other disposition of which is governed by other laws; (5) The term "state archives" means those records preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of government or because of the value of the information contained in them, when determined to have sufficient historical or other value to warrant continued preservation by the state of Minnesota and accepted for inclusion in the collections of the Minnesota historical society.

Subd. 1a. Records inspection. Government records which a state agency, political subdivision, or statewide system lists on a records disposition application or records schedule, or on which archival assistance or advice is requested, may be inspected by state archives' employees if state archives gives prior notice. Employees of the archives shall have access to the records for the purpose of determining the historical or other continuing value of the records, regardless of the records' classification pursuant to chapter 13. Employees of the archives shall be liable to the penalties set forth for improper disclosure by them of private, confidential, nonpublic, or protected nonpublic data inspected for this purpose.

Subd. 1b. Transfer process. After July 1, 1982, all records deemed to be of continuing value and authorized for transfer to the archives by the records disposition panel shall be retained by the requesting agency or may be transferred to the archives in accordance with subdivision 1, notwithstanding the provisions of chapter 13. The responsible authority of the state agency, political subdivision, or statewide system transferring records to the archives shall notify the archivist or a designee with regard to the records transferred of the classification of the records pursuant to chapter 13.

Subd. 1c. Access to archives records. (a) All records transferred to the archives shall be accessible to the public unless the archives determines that the information:

(1) Was compiled for law enforcement purposes and disclosure would (i) materially impair the effectiveness of an ongoing investigation, criminal intelligence operation, or law enforcement proceeding; (ii) identify a confidential informant; (iii) reveal confidential investigative techniques or procedures, including criminal intelligence activity; or (iv) endanger the life of an individual;

(2) Is administrative or technical information, including software, operating protocols, employee manuals, or other information, the disclosure of which would jeopardize the security of a record keeping system;

(3) Is proprietary information, including computer programs and software and other types of information manufactured or marketed by persons under exclusive legal right, owned by the agency or entrusted to it;

(4) Contains trade secrets or confidential commercial and financial information obtained, upon request, from a person;

(5) Is library, archival, or museum material contributed by private persons to the extent of any lawful limitation imposed upon the material; or

(6) Disclosure would constitute a clearly unwarranted invasion of personal privacy. Disclosure of an individually identifiable record does not constitute a clearly unwarranted invasion of personal privacy if the public interest in disclosure outweighs the privacy interest of the individual.

(b) The society may withhold access to state archives from any person who willfully mutilates, damages, or defaces archival records, or wrongfully removes them from state archives; provided that the society shall notify the person of the decision to withhold access, and the person may, within 30 days, appeal the decision to the executive council of the society.

(c) The state archivist shall notify any person from whom access is withheld pursuant to clause (a). The person may, within 30 days of the day the notice is sent, appeal the archivist's determination to the executive council of the society. The executive council shall, within 30 days of the filing of an appeal, issue a decision determining if the archivist has correctly applied the standards of clause (a). The decision of the executive council may be appealed to the district court of Ramsey county.

Subd. 2. [Repealed, 1971 c 529 s 15]

Subd. 3. **University; state agricultural society; historical society.** Laws 1971, chapter 529, sections 1 to 14 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 provided by Laws 1971, chapter 529, 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 provided by Laws 1971, chapter 529, except with the consent of the court.

Subd. 6. **Archivist; equipment; supplies.** The Minnesota historical society shall employ a professional archivist, who shall be known as the state archivist, and other agents and personnel as are necessary to enable it to carry out its duties and powers. The archivist shall be appointed by the director of the society.

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 commissioner of administration. The state records center which stores and services state records not in state archives shall be administered by the commissioner of administration. The commissioner of administration is empowered to (1) establish standards, procedures, and techniques for effective management of government records, (2) make continuing surveys of paper work operations, and (3) recommend improvements in current records management practices including the use of space, equipment, and supplies employed in creating, maintaining, preserving and disposing of government 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 commissioner in conducting surveys and to establish and maintain an active, continuing program for the economical and efficient management of the records of each agency, county, municipality, or other subdivision of government. When requested by the commissioner, public officials shall assist 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

MINNESOTA STATUTES 1986

3209

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.20

of the records establishing a time period for the retention or disposal of each series of records. When the schedule is unanimously approved by the records disposition panel, 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 prescribed in the schedule for particular records which were created after the approval. A list of records disposed of pursuant to this subdivision shall be forwarded to the commissioner and the archivist by the head of the governmental unit or agency. The archivist shall maintain a list of all records destroyed.

Subd. 8. Emergency records preservation. In light of the danger of nuclear or natural disaster, the 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 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 safekeeping prescribed by the 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 commissioner for approval or disapproval and no such program shall be instituted until such approval is obtained.

History: 1947 c 547 s 5; 1961 c 175 s 3-8; 1963 c 695 s 2,3; 1971 c 529 s 4-10; 1973 c 32 s 2,3; 1973 c 123 art 5 s 7; 1974 c 184 s 8,9; 1976 c 324 s 22; 1978 c 717 s 2; 1981 c 311 s 39; 1982 c 545 s 24; 1982 c 573 s 3-8; 1986 c 444

138.18 [Repealed, 1982 c 573 s 14]

138.19 APPLICATIONS FOR ORDERS OF THE PANEL.

An officer, department, or agency of the state or an officer or agency of a county, city, town, school district, municipal subdivision or corporation, or other public authority or political entity shall apply in writing to the archivist for an order relating to the disposition of any government record. The records disposition panel shall consider and act upon applications and by unanimous consent make orders with respect to them.

History: 1947 c 547 s 7; 1961 c 175 s 10; 1971 c 529 s 12; 1973 c 123 art 5 s 7; 1974 c 184 s 10; 1982 c 573 s 9

138.20 RECORD OF PROCEEDINGS.

The archivist shall keep a record of all orders authorizing the disposition of records. Orders shall be in writing and signed by the records disposition panel, and shall identify the records referred to in them. A certified copy of an order shall be admissible in evidence in any court or proceeding. The records shall be preserved in the office of the archivist and shall be open to public inspection. Proper records shall be kept by the archivist showing where records or reproductions of them have been stored, and also identifying any that have been ordered destroyed, sold for salvage or disposed of by gift or otherwise.

History: 1947 c 547 s 8; 1961 c 175 s 11; 1971 c 529 s 13; 1974 c 184 s 11; 1982 c 573 s 10

MINNESOTA STATUTES 1986

138.21 STORAGE SPACE DESIGNATED BY PANEL.

The Minnesota historical society may direct the storage of government records, including photographic or other reproductions which are state archives.

History: 1947 c 547 s 9; 1961 c 175 s 12; 1971 c 529 s 14; 1974 c 184 s 12; 1982 c 573 s 11

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 fund of the state.

History: 1947 c 547 s 10; 1961 c 175 s 13; 1969 c 399 s 1

138.225 PROHIBITION AGAINST UNAUTHORIZED DISPOSAL OF RECORDS; PENALTY.

Government records shall not be destroyed except by the authority of the records disposition panel. A person who intentionally and unlawfully removes, mutilates, destroys, conceals, alters, defaces or obliterates a record filed or deposited in a public office or with a public officer by authority of law or in state archives, or a public officer or employee who knowingly permits any other person to do any of the foregoing acts, is guilty of a misdemeanor.

History: 1982 c 573 s 12

138.226 REPLEVIN AUTHORITY.

The attorney general may replevin public records which have been unlawfully transferred or removed in violation of sections 15.17, subdivisions 2 and 3; 138.163; 138.17; and 138.21. The records shall be returned to the office of origin, or, in the case of state archives, to the society.

History: 1982 c 573 s 13

138.23 [Repealed, 1971 c 529 s 15]

138.24 [Repealed, 1971 c 529 s 15]

138.25 EXECUTIVE COUNCIL; ADMINISTRATION OF FEDERAL RECORDS LEGISLATION.

The executive council of the Minnesota historical society is hereby designated the state agency to administer the national historic records act in accordance with the provisions of federal law and any rules or regulations promulgated thereunder and is further authorized to do any and all things required of this state by such federal law and the rules and regulations promulgated thereunder in order to obtain such federal moneys.

History: 1973 c 32 s 4

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 or leased 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, historical remains, and other archaeological features on state land or on land subject to the paramount rights of the state. Historical remains do not include bottles or ceramics manufactured after 1875.

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

MINNESOTA STATUTES 1986

3211

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.35

Subd. 4. "Object" means a natural or artificial 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 community 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.

History: 1963 c 5 s 1; 1971 c 48 s 1; 1973 c 349 s 2; 1986 c 444

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 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.

History: 1963 c 5 s 2

138.33 UNLICENSED FIELD ARCHAEOLOGY PROHIBITED.

No person, including state or other public employees 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.

History: 1963 c 5 s 3; 1971 c 48 s 2

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.

History: 1963 c 5 s 4

138.35 STATE ARCHAEOLOGIST.

Subdivision 1. **Appointment.** The state archaeologist shall be a professional archaeologist who is not employed by the Minnesota historical society and shall be appointed by the board of the Minnesota historical society in consultation with the Indian affairs council 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.

History: 1963 c 5 s 5; 1978 c 717 s 3; 1986 c 323 s 1

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. The attorney general upon recommendation of the director of the historical society may apply to the district court for injunctive relief to restrain activities which in the director's opinion may damage historical or archaeological sites on public lands or waters.

Subd. 3. **Emergency licenses.** The director of the historical society or 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 substandard methods, or other good cause.

History: 1963 c 5 s 6; 1971 c 48 s 3; 1986 c 444

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.

History: 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 the office's activities including a summary of the activities of licensees, from the effective date hereof or from the date of the last full report of the state archaeologist.

History: 1963 c 5 s 8; 1986 c 444

138.39 RULES.

The director of the historical society may make and issue such rules, not inconsistent with law, as may be required to carry out the provisions of sections 138.31 to 138.42. In making such rules, they shall consult with other agencies of the state whose activities may be affected thereby.

History: 1963 c 5 s 9; 1985 c 248 s 70

138.40 COOPERATION OF STATE AGENCIES; DEVELOPMENT PLANS.

Subdivision 1. The department of natural resources, the department of transportation, 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 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.

Subd. 2. State and other governmental agencies shall comply with and aid in the enforcement of provisions of sections 138.31 to 138.42. Conservation officers and

other enforcement officers of the department of natural resources shall enforce the provisions of sections 138.31 to 138.42 and report violations to the director of the society. When archaeological or historic sites are known or based on investigations or are suspected to exist on public lands or waters, the agency or department controlling said lands or waters shall use the professional services of archaeologists from the University of Minnesota, Minnesota historical society, or other qualified professional archaeologists, to preserve these sites. In the event that archaeological excavation is required to protect or preserve these sites, state and other governmental agencies may use their funds for such activities.

Subd. 3. When significant archaeological or historic sites are known or suspected to exist on public lands or waters, the agency or department controlling said lands or waters shall submit construction or development plans to the state archaeologist and the director of the society for review prior to the time bids are advertised. The state archaeologist and the society shall promptly review such plans and make recommendations for the preservation of archaeological or historic sites which may be endangered by construction or development activities. When archaeological or historic sites are related to Indian history or religion, the Indian affairs council must be afforded the opportunity to review and recommend action.

History: 1963 c 5 s 10; 1969 c 1129 art 3 s 1; 1971 c 48 s 4; 1976 c 166 s 7; 1985 c 248 s 70; 1986 c 323 s 2

138.41 PENALTIES.

Subdivision 1. **Willful violations.** Whoever willfully 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 issued by the director of the historical society is guilty of a gross misdemeanor.

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.

History: 1963 c 5 s 11; 1971 c 23 s 12; 1971 c 48 s 5; 1985 c 248 s 70

138.42 TITLE.

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

History: 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.

History: 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." The term "state historic site" includes the items defined in section 138.72.

MINNESOTA STATUTES 1986

3215

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.53

Subd. 2. [Repealed, 1975 c 353 s 41]

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

Subd. 4. [Repealed, 1975 c 353 s 41]

Subd. 5. [Repealed, 1975 c 353 s 41]

Subd. 6. [Repealed, 1975 c 353 s 41]

History: 1965 c 779 s 2; 1969 c 9 s 30; 1969 c 1129 art 3 s 1; 1971 c 25 s 26; 1974 c 249 s 2,3; 1975 c 353 s 24

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 county historical societies.

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

Subd. 4. [Repealed, 1975 c 353 s 41]

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. North West Company Snake River Post, owned by the Minnesota historical society and the state, is in Pine county and consists of approximately 94 acres located within government lots 3 and 4 and the southwest quarter of the southeast quarter of section 31, township 39 north, range 21 west, including all riparian rights.

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 and lots 23 - 31 inclusive and 23A - 28A inclusive, Chase first addition and government lot 2, except part platted as town of Chase first addition, all in 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. [Repealed, 1975 c 353 s 41]

Subd. 12. [Repealed, 1975 c 353 s 41]

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 Minnesota historical society, is in LeSueur county, and is located at 118 North Main street in the city of LeSueur.

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 state, 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. [Repealed, 1975 c 353 s 41]

MINNESOTA STATUTES 1986

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 tract, 50th street, 42nd street, and Minnehaha avenue in the city of Minneapolis.

Subd. 19. [Repealed, 1971 c 688 s 8]

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

Subd. 21. Lower Sioux Agency, owned by the Minnesota historical society and the state, is in Redwood county and consists of approximately 242 acres in sections 5, 8 and 9, 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, and lots 17 through 24, all in block 3, Highland addition Number 1, in the city of Moorhead.

Subd. 24. [Repealed, 1971 c 688 s 8]

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 northwest quarter of section 4, township 116 north, range 24 west.

Subd. 26. Folsom House, owned by the state, is in Chisago county and consists of lots 17, 18, 19, 22, 23, 24, 25, and 26, the east half of lot 20, and the east half of lot 21, all in block 34 in the city of Taylors Falls.

Subd. 27. Stumne Mounds, owned by the state, is in Pine county and consists of approximately 62 acres in the north 4 rods of the southwest quarter of the northwest quarter of section 1, township 38 north, range 22 west, and the south half of the northeast quarter of section 2, township 38 north, range 22 west, except that part deeded to the Rural Co-op Power Company.

Subd. 28. [Repealed, 1971 c 688 s 8]

Subd. 29. Alexander Faribault House, owned by the Rice county historical society, is in Rice county and consists of the eastern 105 feet of lot 2, block 76, in the original town of Faribault.

Subd. 30. [Repealed, 1975 c 353 s 41]

Subd. 31. Burbank Livingston Griggs House, owned by the Minnesota historical society, is in Ramsey county and consists of lot 1 in Summit Court, which is a rearrangement of Terrace Court in the city of St. Paul.

Subd. 32. Morrison Mounds, owned by the state, is in Otter Tail county, and 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. 33. Fort Renville, owned by the state, is in Chippewa county, and consists of a part of Lac Qui Parle state park.

Subd. 34. Shakopee Historical District, (Pond Mill Site, prehistorical mounds, Shakopee's city), owned by the city of Shakopee, the Scott county historical society, and the department of transportation of the state of Minnesota, is in Scott county, and the city of Shakopee, and consists of the following portion of section 5; township 115 north, range 22 west: Beginning at a point in the center line of the West Bound lane of T. H. No. 101, distant 1671.07 feet (as measured along center line of said lane) east of the west line of section 5; thence north at right angles a distance of 202 feet; thence deflecting to the west at an angle of 87 degrees-48 minutes a distance of 67.75 feet; thence deflecting to the north at an angle of 23 degrees-10 minutes a distance of 251.4 feet; thence deflecting to the north at an angle of 23 degrees-38 minutes a distance of

MINNESOTA STATUTES 1986

403.1 feet; thence north a distance of 130 feet more or less to a point 30 feet north of the north bank of the Mill creek; thence easterly and parallel to said north bank to the Minnesota river; thence downstream or easterly along the southerly bank of the Minnesota river to the east line of section 5; thence south to highway No. 101 right of way; thence westerly following north boundary of right of way to its intersection with the line running north from the point of origin.

Subd. 35. Fort Ridgely, owned by the state, is in Nicollet county, and is located within the boundaries of Fort Ridgely State Park.

Subd. 36. 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. 37. 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. 38. Grand Mound, owned by the Minnesota historical society, is in Koochiching county and consists of government lot 2, and the west 200 feet of government lot 1, section 32, township 70 north, range 26 west.

Subd. 39. Malmo Prehistoric Site, owned by the state, is in Aitkin county and is located in the northwest quarter of section 32, township 45 north, range 25 west.

Subd. 40. St. Croix Boom Site, owned by the state, is in Washington county and is located within section 15, township 30 north, range 20 west.

Subd. 41. E. St. Julien Cox House, owned by the Nicollet county historical society, is in Nicollet county and is located at 500 North Washington and Sharon streets in St. Peter.

Subd. 42. Hinkly House, owned by the Rock county historical society, is in Rock county and is located at 217 North Freeman avenue in Luverne.

Subd. 43. Hubbard House, owned by the city of Mankato, is in Blue Earth county and is located at 606 South Broad street in Mankato.

Subd. 44. Ottawa Methodist Church, owned by the LeSueur county historical society, is in LeSueur county and consists of lots 4 and 5, block 54, city of Ottawa, township 111 north, range 26 west.

Subd. 45. Saum Schools, owned by the Beltrami county historical society, are in Beltrami county and are located in section 18, township 152 north, range 31 west.

Subd. 46. Swensson House, owned by the Chippewa county historical society, is in Chippewa county and consists of the west half of the east quarter, section 6, township 116, range 39 west.

Subd. 47. Willard Bunnell House, owned by the Winona county historical society, is in Winona county and is located in section 32, township 106 north, range 6 west.

Subd. 48. [Repealed, 1975 c 353 s 41]

Subd. 49. Lac qui Parle Mission, owned by the state, is in Chippewa county and is hereby renamed from Chippewa Mission State Wayside.

Subd. 50. Birch Coulee, owned by the state, is in Renville county and is located within the boundaries of Birch Coulee battlefield state historic site.

Subd. 51. Ruins of Joseph R. Brown House, owned by the state, is in Renville county and is located within the boundaries of Joseph R. Brown State Wayside.

Subd. 52. Old Mill, owned by the state, is in Marshall county, and is located within the boundaries of Old Mill State Park.

Subd. 53. Soudan Mine, owned by the state, is in St. Louis county and is located within the boundaries of Tower Soudan State Park.

Subd. 54. Seppman Mill, owned by the state, is in Blue Earth county and is located within the boundaries of Minncopa State Park.

Subd. 55. Meighen Store, owned by the state, is in Fillmore county and is located within the boundaries of Forestville State Park.

Subd. 56. Split Rock Lighthouse, owned by the state, is in Lake county and consists of six acres within lot 1, section 32, township 55 north, range 8 west and 1.6 acres within lot 3, section 33, township 55 north, range 8 west.

MINNESOTA STATUTES 1986

Subd. 57. Site of First Commercial Sawmill, owned by the Minnesota historical society, is in Washington county and consists of blocks 47 and 48, original plat of Village of Marine on St. Croix.

Subd. 58. Irvine Park historic district, partly owned by the city of St. Paul and portions of which are privately owned, is in Ramsey county and consists of the area described in section 138.73, subdivision 24.

Subd. 59. Minnesota State Capitol, owned by the state, is in Ramsey county, located on a tract bounded by University and Aurora Avenues and Cedar and Park Streets.

Subd. 60. Minnesota Historical Society Building, owned by the state, is in Ramsey county, 690 Cedar Street, St. Paul, Minnesota.

Subd. 61. [Repealed, 1975 c 353 s 41]

Subd. 62. Fort Snelling, owned by the state, is in Dakota, Hennepin, and Ramsey counties and is located within the boundaries of Fort Snelling state park.

Subd. 63. Cantonment New Hope, owned by the state, is in Dakota county and is located within the authorized boundaries of Fort Snelling state park.

Subd. 64. Camp Coldwater, owned by the state, is in Hennepin county.

Subd. 65. Old Fort Snelling historic district is in Hennepin county, and consists of the area described in section 138.73, subdivision 13.

Subd. 66. Fort Beauharnois, owned by the state, is in Goodhue county and is located within the boundaries of Frontenac State Park.

Subd. 67. Harkin-Massopust Store, owned by the Minnesota historical society, is in Nicollet county and consists of five and one-half acres more or less of government lot 17, section 30, township 111 north, range 31 west.

Subd. 68. Aerial Lift Bridge, owned by the city of Duluth, is in St. Louis county and is located within the boundaries of Government Park on Minnesota Point in the city of Duluth.

Subd. 69. Noyes Hall, Tate Hall, Old Laundry Building and contiguous open space at the Minnesota School for the Deaf, owned by the state, is in the city of Faribault in Rice county.

Subd. 70. Administration Building, Dining Hall, Chapel, Shops Building, Superintendents House and contiguous open space at the Minnesota correctional facility-Red Wing, owned by the state, is in the city of Red Wing in Goodhue county.

Subd. 71. Old Administration Building at the Minnesota Veterans Home, owned by the state, designated as Building 10, and located on the grounds of the Veterans Home at 51st Street and Minnehaha Avenue, is in the city of Minneapolis.

History: 1965 c 779 s 3; 1967 c 54 s 1-4,9; 1969 c 894 s 3-5; 1971 c 688 s 1,2; 1973 c 123 art 5 s 7; 1973 c 316 s 1-9; 1974 c 249 s 4-6; 1974 c 580 s 16; 1975 c 353 s 25-29; 1976 c 106 s 3,4; 1976 c 166 s 7; 1976 c 316 s 2-8; 1979 c 102 s 13; 1983 c 26 s 1

138.54 [Repealed, 1975 c 353 s 41]

138.55 STATE HISTORIC SITES; REGISTRY, STATE OWNED LANDS ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES.

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 department of natural resources.

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.

MINNESOTA STATUTES 1986

3219

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.56

Subd. 5. [Repealed, 1980 c 546 s 6]

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. [Repealed, 1973 c 316 s 16]

Subd. 10. [Repealed, 1973 c 316 s 16]

Subd. 11. [Repealed, 1973 c 316 s 16]

Subd. 12. [Repealed, 1973 c 316 s 16]

Subd. 13. [Repealed, 1973 c 316 s 16]

Subd. 14. [Repealed, 1973 c 316 s 16]

Subd. 15. [Repealed, 1973 c 316 s 16]

Subd. 16. [Repealed, 1973 c 316 s 16]

Subd. 17. [Repealed, 1973 c 316 s 16]

Subd. 18. [Repealed, 1975 c 353 s 41]

Subd. 19. [Repealed, 1975 c 353 s 41]

Subd. 20. [Repealed, 1973 c 316 s 16]

Subd. 21. Wegmann Cabin, owned by the state of Minnesota, is in Clearwater county and is located within the boundaries of Itasca State Park.

History: 1965 c 779 s 5; 1967 c 54 s 6,11; 1969 c 1129 art 3 s 1; 1971 c 688 s 3; 1973 c 123 art 5 s 7

138.56 STATE HISTORIC SITES; REGISTRY, LANDS OWNED BY THE CITIES AND COUNTIES OF MINNESOTA.

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 and counties of the state of Minnesota.

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 4, 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.

Subd. 6. Winona county courthouse, owned by Winona county, is in Winona county and is located between Third and Fourth Streets in the city of Winona.

Subd. 7. The Old Federal Courts building, owned by Ramsey County, located on a tract bounded by Washington and Market and Fifth and Sixth streets.

Subd. 8. Ramsey Mill, owned by the city of Hastings, is in Dakota county and is within the boundaries of Old Mill Park.

Subd. 9. Browns Valley Man, owned by the city of Browns Valley, is in Traverse county and consist of block 23, Platteau Addition, city of Browns Valley.

Subd. 10. 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. 11. Wasioja Seminary, owned by Dodge county, is in Dodge county and consists of one rectangular acre embracing the old seminary walls and the evergreens

MINNESOTA STATUTES 1986

in front, whose dimensions are 11 rods east and west and 14-1/2 rods north and south, lying along the middle of the north line of the public square in the city of Wasioja.

Subd. 12. Taylors Falls Public Library, owned by the city of Taylors Falls, is in Chisago county and is located at 417 Bench Street in the city of Taylors Falls.

Subd. 13. Sandstone school, owned by the school district of Sandstone, is in Pine County and is located in the city of Sandstone.

Subd. 14. Wayzata Depot, owned by the city of Wayzata, is in Hennepin county and is located at 402 East Lake Street in the city of Wayzata.

Subd. 15. Kensington Runestone Discovery, owned by Douglas county, consisting of the southeast quarter of section 14, township 127 north, range 40 west.

Subd. 16. The Henry Wadsworth Longfellow House, a scale replica of the American poet's home, owned by the Minneapolis Park Board and located at 4001 East Minnehaha Parkway in the city of Minneapolis.

History: 1965 c 779 s 6; 1971 c 688 s 4,5; 1973 c 316 s 11-13; 1975 c 353 s 30-34; 1980 c 434 s 1; 1981 c 67 s 1; 1981 c 96 s 1; 1982 c 417 s 1; 1983 c 26 s 2

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. [Repealed, 1975 c 353 s 41]

Subd. 7. [Repealed, 1975 c 353 s 41]

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.

Subd. 11. [Repealed, 1973 c 316 s 16]

Subd. 12. Post office, in Brown county, consists of a part of lots 1, 2, and 3 of block 66, north of Center street in the city of New Ulm.

Subd. 13. Height of Land Portage, in Cook county, consists of section 22, township 65 north, range 2 west, and is located within Superior National Forest.

Subd. 14. [Repealed, 1973 c 316 s 16]

Subd. 15. [Repealed, 1973 c 316 s 16]

History: 1965 c 779 s 7; 1969 c 894 s 6; 1971 c 605 s 1; 1973 c 316 s 14

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. [Repealed, 1973 c 316 s 16]

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.

MINNESOTA STATUTES 1986

3221

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.58

Subd. 5. [Repealed, 1969 c 894 s 9]

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. [Repealed, 1981 c 96 s 2]

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 southeast 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 city 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 city of Frontenac.

Subd. 18. [Repealed, 1969 c 894 s 9]

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. [Repealed, 1969 c 894 s 9]

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 city 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.

MINNESOTA STATUTES 1986

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. Battle Point Site, in Cass county, consists of approximately 120 acres more or less in sections 26, 35, and 36 including both Battle and Sugar Point on Leech Lake, township 143 north, range 29 west, in the 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.

Subd. 38. [Repealed, 1969 c 894 s 9]

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.

Subd. 42. Winnebago Agency House, in Blue Earth county, consists of the north half of the southeast quarter of section 16, township 107 north, range 25 west and is located in McPherson township on the north side of county highway 138.

Subd. 43. Winnebago Agency Store, in Blue Earth county, consists of the northwest quarter of section 16, township 107 north, range 25 west, and is located in McPherson township north of county highway 138.

Subd. 44. Union Depot, in St. Louis county, consists of lots 7, 8, 9, and 10, Third Division, Block C, in the city of Duluth.

Subd. 45. The Gideon Pond House, in Hennepin county, consists of the following portions of section 22, township 27 north, range 24 west: (a) coming at a point in the south line of the southeast quarter of the northeast quarter, 495 feet west of the southeast corner thereof, then west 125 feet, then north par with west line of the southeast quarter of the northeast quarter 232 8/10 feet, then west par with the south line thereof 200 feet, then north par with the west line thereof 166 feet, then west par with the south line thereof 104 feet, then north par with the west line thereof to the north line of the southeast quarter of the northeast quarter, then east along the north line thereof 229 feet, then south par with the east line of the southeast quarter of the northeast quarter 233 feet, then east par with the north line thereof 100 feet, then south par with the east line thereof 400 feet, then east par with the north line thereof 100 feet, then south to the beginning ex road; (b) the southern 166 feet of the northern 1090 feet of the eastern 156 feet of the western 500 feet of the southeast quarter of the northeast quarter; and (c) coming at the southwest corner of the southeast quarter of the northeast quarter, thence north 232.8 feet, thence east 700 feet, thence south 232.8 feet, thence east 125 feet, thence south to the shore of the Minnesota river, thence southwesterly along said W line to beginning, except the western 150 feet of the eastern 1059.55 feet of the southern 200 feet of the northern 2735.12 feet in section 22.

Subd. 46. G. A. R. Hall, in Mecker county, consists of a strip of land 45 feet wide off the north side of lot 5, block 54 in the original townsites of the city of Litchfield.

Subd. 47. Camp Pope, in Redwood county and Delhi township, consists of the north half of section 13, township 113 north, range 36 west.

Subd. 48. Bradbury Homestead is in Otter Tail county and consists of approximately 140 acres and the township road which traverses the site in section 22, township 137 north, range 41 west.

Subd. 49. White Oak Point is in Itasca county and consists of the northwest quarter of the northeast quarter of section 13, township 145 north, range 25 west.

MINNESOTA STATUTES 1986

3223

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.58

Subd. 50. Witch Tree, in Cook county, is located on the tip of Hat Point, east of Grand Portage National Monument and within the Grand Portage Indian Reservation, section 11, township 63 north, range 6 east.

Subd. 51. Pierre Bottineau Gravesite, in Red Lake county, is located in south half of section 29, township 151 north, range 44 west.

Subd. 52. Northern Pacific Shops, in Crow Wing county, is located in the northwest quarter, section 30, township 45 north, range 30 west and the east half of the northeast quarter, section 25, township 45 north, range 31 west, in the city of Brainerd.

Subd. 53. Thoreson House, in Lac qui Parle county, is located in the southwest quarter of section 8, township 118 north, range 42 west.

Subd. 54. O. E. Rolvaag House, in Rice county, is located at 311 Manitou street, in the city of Northfield.

Subd. 55. Mayo Clinic-Plummer Building, in Olmsted county, is located at 110 and 112, Second Avenue, Southwest, in the city of Rochester.

Subd. 56. Volstead House, in Yellow Medicine county, is located at 163 - 9th Avenue, in the city of Granite Falls.

Subd. 57. F. Scott Fitzgerald residence, in Ramsey county, is located at 599 Summit Avenue, in the city of St. Paul.

Subd. 58. Northwest Point, in Lake of the Woods county, consists of government lots 1, 2, 3, and 6, section 15, township 168 north, range 35 west.

Subd. 59. Earle Brown Farm, located in Brooklyn Center, Hennepin county and consists of approximately 7 acres, beginning at the most southerly corner of Tract C, B.C.I.P. Plat 1, thence N. 36 degrees 16 minutes 29 seconds E. a distance of 201.24 feet to the true point of beginning, thence N. 1 degree 27 minutes 09 seconds E. a distance of 535.00 feet, thence S. 88 degrees 32 minutes 36 seconds E. a distance of 538.00 feet, thence S. 1 degree 45 minutes 51 seconds E. a distance of 580.80 feet to a point on the south line of Tract B, thence N. 84 degrees 02 minutes 36 seconds W. a distance of 572.47 feet to the true point of beginning.

Subd. 60. Milwaukee Avenue historic district in the city of Minneapolis in Hennepin county, consists of the area described in section 138.73, subdivision 25.

Subd. 61. Historic hill district in Ramsey county is located within the city of St. Paul and consists of the area described in section 138.73, subdivision 23.

Subd. 62. Fort Pomme de Terre, is in Grant county, Pelican Lake township, and is located within the southwest quarter, section 18, township 130 north, range 41 west.

Subd. 63. August Schell Brewing Company, is in Brown county, and is located on 20th Street South, in the city of New Ulm.

Subd. 64. Frank B. Kellogg House, is in Ramsey county, and is located at 633 Fairmount Avenue, in the city of St. Paul.

Subd. 65. Thorstein Veblen House, is in Rice county, and is located in the northeast quarter of section 12, township 110 north, range 19 west.

Subd. 66. Kettle Falls Hotel, is in St. Louis county, and is located in section 33, township 70 north, range 48 west.

Subd. 67. E. J. Longyear First Diamond Drill Site on the Mesabi Range, is in St. Louis county, and is located in the northwest quarter of the northwest quarter, section 34, township 59 north, range 14 west.

Subd. 68. Hormel House, is in Mower County, and is located at 208 4th Avenue Northwest, in the city of Austin.

Subd. 69. Consumers Pure Ice and Storage Company Building in Benton County, is located abutting the Burlington Northern Railway right-of-way east of Third Street Northeast, in the city of St. Cloud.

History: 1965 c 779 s 8; 1967 c 54 s 12; 1969 c 894 s 7; 1971 c 688 s 7; 1973 c 123 art 5 s 7; 1973 c 316 s 15; 1974 c 249 s 8-10; 1976 c 316 s 9-14; 1981 c 71 s 1; 1982 c 392 s 1; 1986 c 325 s 1

MINNESOTA STATUTES 1986

138.581 STATE HISTORIC SITES; REGISTRY; LANDS OWNED BY GOVERNMENTAL UNITS OUTSIDE THE STATE.

Subdivision 1. The land and water areas enumerated in this section are designated "state historic sites," and this section is a registry of state historic sites situated on property owned by governmental units outside the state or by instrumentalities of those government units.

Subd. 2. The Canadian National Depot, owned by the Canadian National Railroad, is in Roseau county and is located on Main Street in the city of Warroad.

History: 1980 c 434 s 2

138.585 STATE MONUMENTS.

Subdivision 1. The monuments, memorials, tablets, markers and cenotaphs enumerated in this section are "state monuments," officially established as such by the state of Minnesota since 1873.

Subd. 2. Captain John S. Marsh State Monument in Fort Ridgely Cemetery, in memory of Captain John S. Marsh and 25 men killed at Redwood Ferry in the Sioux Uprising of 1862, established in 1873.

Subd. 3. Eliza Miller State Monument, in Fort Ridgely Cemetery, in memory of the valor of Mrs. Eliza Miller during the Siege of Fort Ridgely in the Sioux Uprising of 1862, established in 1877.

Subd. 4. Ness Lutheran Cemetery State Monument, in Meeker county, marks the mass grave of the five settlers killed at the Baker cabin at Acton in 1862, established in 1878.

Subd. 5. Lundborg-Broberg State Monument, in Kandiyohi county, in Lebanon Swedish Cemetery, New London, marks the mass grave of 13 members of two families killed during the Sioux Uprising of 1862, established in 1891.

Subd. 6. Defenders' State Monument, in Brown county, a twenty-four foot granite shaft on Center street, New Ulm, commemorates the two battles fought in this city during the Sioux Uprising of 1862, established in 1891.

Subd. 7. Camp Release State Monument, in Lac qui Parle county, a fifty foot granite shaft in Camp Release Memorial State Wayside, near Montevideo, marks the spot where the Sioux Indians surrendered and released 269 Sioux Uprising captives on September 26, 1862, established in 1894.

Subd. 8. Birch Coulee State Monument, in Renville county, a fifty-two foot granite shaft overlooking highway 19 at Morton, in memory of those who fought in the Battle of Birch Coulee in the Sioux Uprising of 1862, established in 1894.

Subd. 9. Fort Ridgely State Monument, in Nicollet county, a fifty-two foot granite shaft in Fort Ridgely State Park, commemorating the heroism of the fort's defenders during its nine day siege in the Sioux Uprising of 1862, established in 1896.

Subd. 10. Hinckley Fire State Monument, in Pine county, a fifty-two foot granite shaft in Hinckley Memorial Cemetery, marks the mass grave of 248 victims of the Hinckley Fire of 1894, established in 1900.

Subd. 11. Guri Endreson Rosseland State Monument, in Kandiyohi county, in Vikor Lutheran Cemetery, near Willmar, marks the grave of Sioux Uprising heroine Guri Endreson, established in 1907.

Subd. 12. Chief White Cloud State Monument, in Becker county, in Calvary Catholic Cemetery, near White Earth, honoring Chippewa Chief White Cloud, established in 1909.

Subd. 13. Acton State Monument, in Meeker county, a granite shaft at Acton, near Grove City, marks the site of the Howard Baker cabin, where the Sioux Uprising began on August 17, 1862, established in 1909.

Subd. 14. Jackson State Monument, in Jackson county, a granite shaft in Ashley Park, Jackson, in memory of 19 pioneer settlers killed in this area in 1857 and 1862, established in 1909.

MINNESOTA STATUTES 1986

3225

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.585

Subd. 15. Joseph R. Brown State Monument, in Sibley county, a granite shaft in Brown's Cemetery, Henderson, marks the grave of pioneer Joseph R. Brown (1805-1870), established in 1910.

Subd. 16. Wood Lake State Monument, in Yellow Medicine county, a fifty foot granite shaft in Wood Lake State Wayside, near Granite Falls, in memory of seven soldiers who died in the Sioux Uprising battle at this site in 1862, established in 1910.

Subd. 17. Chief Mouzoomaunee State Monument, in Nicollet county, in Fort Ridgely Cemetery, in recognition of the loyalty of Chief Mouzoomaunee and the Chippewa Indians during the Sioux Uprising, established in 1914.

Subd. 18. Brook Park State Monument, in Pine county, a thirty-two foot granite shaft in Brook Park Cemetery, marks the mass grave of 23 Brook Park Township residents who perished in the Great Fire of 1894.

Subd. 19. Schwandt State Monument, in Renville county, on county road No. 15 near North Redwood, in memory of six members of the Johann Schwandt family killed during the Sioux Uprising of 1862, established in 1915.

Subd. 20. Lake Shetek State Monument, in Murray county a twenty-five foot high granite shaft in Lake Shetek State Park, in memory of those killed at this site during the Sioux Uprising of 1862, established in 1925.

Subd. 21. William Colvill State Monument, in Goodhue county, a granite shaft with a statue of William Colvill (1830-1905) honors the colonel who led the First Minnesota Regiment in the Civil War battle of Gettysburg in 1863, established in 1928.

Subd. 22. Milford State Monument, in Brown county, on county road No. 4 near Essig, in memory of over 50 Milford Township settlers killed in the Sioux Uprising of 1862, established in 1929.

Subd. 23. Moose Lake State Monument, in Carlton county, a twenty-seven foot granite shaft in Riverside Cemetery, Moose Lake, in memory of 183 victims of the Fire of 1918, established in 1929.

Subd. 24. Samuel J. Brown State Monument, in Traverse county, a bronze tablet in Sam Brown Memorial Park, Browns Valley, honors Samuel J. Brown (1845-1925), the "Paul Revere of the Northwestern Frontier" for his valiant ride in 1866, established in 1929.

Subd. 25. Count Beltrami State Monument, in Beltrami county, in honor of Count Beltrami to commemorate the discovery of the height of land on the Continental Divide on August 23, 1823, established in 1945.

Subd. 26. Chief Sleepy Eyes State Monument, in Brown county, a twenty-foot granite shaft in the city of Sleepy Eye, honoring Santee Sioux Chief Sleepy Eyes (Ishtaba), for whom the city is named, established in 1971.

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

Subd. 28. Traverse des Sioux State Monument in Nicollet County, including the Traverse des Sioux Treaty Site, where the treaty of Traverse des Sioux was signed in 1851, consists of two tracts divided by United States Highway No. 169 as follows: All that land owned by the state of Minnesota under the jurisdiction of the departments of natural resources and transportation within the statutory boundary of the Traverse des Sioux State Park located westerly of United States Highway No. 169 and northerly of Chestnut Street of the plat of Traverse des Sioux north of Sibley Street and containing approximately 19 acres, more or less, and, all that land owned by the state of Minnesota under the jurisdiction of the department of natural resources within the statutory boundary of the Traverse des Sioux State Park located easterly of United States Highway No. 169 and northerly of McCann Street of the plat of Traverse des Sioux south of Sibley Street, and containing approximately 90 acres, more or less, both parcels located in Sections 4 and 9, Township 110 North, Range 26 West.

Subd. 29. Governor Floyd B. Olson State Monument, in Hennepin county, a

MINNESOTA STATUTES 1986

statue of Floyd B. Olson, who served as Minnesota's 22nd governor from 1931 to 1936, located along trunk highway 55 at Penn Avenue North in the city of Minneapolis, established in 1983.

Subd. 30. Monument to the Living, in Ramsey County, a statue of a military fighting man, created by Roger Brodin to serve as a memento to all living Minnesota veterans, dedicated in May of 1982 and located on the State Capitol grounds in St. Paul, established in 1984.

Subd. 31. Native American monument, in Ramsey county, to memorialize Native Americans, located in a place of honor in the capitol complex in St. Paul.

History: 1971 c 688 s 6; 1975 c 353 s 35-38; 1980 c 546 s 2; 1983 c 32 s 1; 1984 c 507 s 1; 1986 c 398 art 10 s 2

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 or 138.581 as a state historic site, it is the duty of the officer in charge of the acquisition to notify in writing, as promptly as may be expedient, the Minnesota historical society of the acquisition.

History: 1965 c 779 s 9; 1967 c 54 s 7; 1980 c 434 s 3

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, 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 or 138.56 as a "state historic site" without first obtaining the prior approval thereof in writing of the Minnesota historical society. The state or such instrumentalities of government may appeal to the executive council from any ruling or action of the Minnesota historical society, within 30 days after receiving notice thereof, and after a hearing on the matter the executive council may take such action as it deems necessary including a decision as to whether or not the change or alteration should be approved.

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

History: 1965 c 779 s 10; 1969 c 1129 art 3 s 1; 1973 c 123 art 5 s 7; 1975 c 353 s 39

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.

History: 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.

History: 1965 c 779 s 12; 1967 c 54 s 8

MINNESOTA STATUTES 1986

3227

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.68

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."

History: 1965 c 779 s 13

138.64 CONTRACTS AUTHORIZED.

The director of the Minnesota historical society in consultation with the commissioner of education may contract with any or all television corporations or film producers located in the state for the production of a recorded series of programs suitable for use on both educational and commercial television stations. Such series should be suitable for use in connection with the course in Minnesota history offered in the elementary schools of the state. These recordings are to be made on 16mm film and all rights to which are to remain the property of the state of Minnesota.

History: 1969 c 1017 s 1

138.65 ADMISSION FEES.

The Minnesota historical society may establish and collect fees it deems reasonable for admission to the state owned historic sites under its control. These fees shall be deposited in the general fund.

History: 1976 c 163 s 28

138.66 CONTRACTS FOR HISTORIC SITE MANAGEMENT.

The Minnesota historical society may contract with a county, municipality, or a county or local historical society for the management and operation of a state owned historic site. Notwithstanding section 138.65, the contract may provide for the retention of admission fees received by the management unit and for grants in aid to the management unit for use in the sites' operation and maintenance.

History: 1979 c 125 s 1

HISTORIC FEATURES OF STATE CAPITOL

138.67 DEFINITIONS.

Subdivision 1. As used in this section and section 138.68 the terms defined in this section have the meanings given them.

Subd. 2. "Works of art" means paintings, portraits, mural decorations, stained glass, statues, bas-relief, ornaments, furniture, plaques and any other article or structure of a permanent character intended for decoration or commemoration.

Subd. 3. [Repealed, 1974 c 580 s 18]

History: 1971 c 691 s 1

138.68 SUPERVISION OF PRESERVATION.

The works of art in the public and ceremonial areas of the state capitol are declared to possess historical value for the people of Minnesota. The Minnesota state historical society and the capitol area architectural and planning board shall approve the design, structural composition, and location of all monuments, memorials or works of art presently located in the public and ceremonial areas of the state capitol or which shall be placed in such public or ceremonial areas after June 4, 1971. No monument, memorial or work of art shall be relocated or removed from, or placed in such areas or altered or repaired in any way without the approval of the Minnesota state historical society. The Minnesota state historical society shall have final authority over the disposition of any monuments, memorials or works of art removed from the state capitol or the capitol grounds.

History: 1971 c 691 s 2; 1974 c 580 s 17; 1975 c 271 s 6

MINNESOTA STATUTES 1986

MINNESOTA HISTORIC DISTRICT

ACT OF 1971

138.71 POLICY.

The spirit and direction of the state of Minnesota are founded upon and reflected in its historic past. In the effort to preserve the environmental values of the state, outstanding geographical areas possessing historical, architectural and aesthetic values are of paramount importance in the development of the state; in the face of ever increasing extensions of urban centers, highways, and residential, commercial and industrial developments, areas with an unusual concentration of distinctive historical and architectural values are threatened by destruction or impairment. It is in the public interest to provide a sense of community identity and preserve these historic districts which represent and reflect elements of the state's cultural, social, economic, religious, political, architectural and aesthetic heritage.

History: 1971 c 709 s 1

138.72 DEFINITION.

An "historic district" for the purposes of sections 138.71 to 138.75 consists of a number of structures, sites and open spaces of historical and architectural significance which together combine to give such an area historic significance to the state of Minnesota.

History: 1971 c 709 s 2

138.73 DESIGNATION OF HISTORIC DISTRICTS.

Subdivision 1. The land and water areas enumerated and described in the following subdivisions of this section are hereby designated by law as historic districts.

Subd. 2. Pipestone historic district includes the following described property constituting a museum, a vacant lot, a shoe store and a masonic lodge:

(1) The South fifty-seven Feet four inches (S. 57' & 4" except the East two feet (2') of Lot Five (5) and the South Fifty-seven Feet four inches (S. 57' & 4") of Lot Six (6), Block Four (4), Nichols Addition to the City of Pipestone. Subject to any party wall agreements or easements.

(2) All that part of Lot Six (6), Block Four (4), Nichols' Addition to the City of Pipestone, Minnesota, described as follows, to-wit:

Commencing at a point on the west line of said Lot Six (6), 69.7 feet south of the northwest corner thereof; thence east 25.8 feet, more or less, to the west wall of the building now located thereon; thence south along said west wall for 22.97 feet; thence west for 25.8 feet, more or less, to the west line of said Lot Six (6), thence north along said west line for 22.97 feet to the place of beginning,

(3) Beginning at the Northwest Corner of Lot Six (6), Block Four (4), Nichols' Addition to the City of Pipestone, Minnesota, thence East along the North line of Block Four (4), 27.9 feet to the center line of a party wall; thence South 24.0 feet along the center line of a party wall; thence West 4.2 feet along the center line of a party wall; thence South 45.7 feet along the center line of a party wall; thence West along the center line of a party wall 23.7 feet to the West line of said Block Four (4); thence North 69.7 feet to the point of beginning. Subject to a party wall agreement dated May 31, 1964 between the parties hereto.

(4) The following described parcels of land, all of which are located in Block 4, Nichols' Addition to the City of Pipestone:

Parcel A: The West Two (2) feet, Eight (8) inches of Lot Two (2),

Parcel B: Lot Three (3)

Parcel C: Beginning at the northwest corner of Lot 4; running thence south 92 feet along the west side of said lot; thence east 17 feet 6 inches; thence south 8 feet; thence west 10 inches; thence south 50 feet to the south line of Lot 4; thence east 9 feet to the

MINNESOTA STATUTES 1986

3229

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.73

southeast corner of Lot 4; thence north 150 feet to the northeast corner of Lot 4; thence west along the north line of Lot 4 to the place of beginning.

Parcel D: The east 2 feet of Lot 5, except that portion owned by the City of Pipestone, Minnesota.

Parcel E: Commencing at a point 27.9 feet east of the northwest corner of Lot 6, Block 4, Nichols' Addition to City of Pipestone; said point being the center of a party wall; thence east along the north line of Block 4 to a point 2 feet west of the northeast corner of Lot 5, of said Block 4; thence south and parallel with the west line of Block 4, 92 feet 8 inches, thence west and parallel with the north line of Block 4, 51 feet, 4 inches to the west line of Block 4; thence north along the west line of Block 4, to a point 69.7 feet south of the northwest corner of Lot 6, of said Block 4, said point being the center line of a party wall; thence east along the center line of a party wall for 23.7 feet; thence north along the center line of a party wall 45.7 feet; thence east along the center line of a party wall 4.2 feet; thence north along the center line of a party wall 24.0 feet to the point of beginning.

Subd. 3. Angel's Hill historic district in Chisago county is located in the city of Taylors Falls on a hill above the commercial district and encompasses an area bordered on the south by Mill street; on the east by High Rock street and Government street; on the north by Military road and on the west by Mulberry street.

Subd. 4. Chippewa city pioneer village historic district in Chippewa county is located at the junction of highways No. 7 and No. 59 in the city of Montevideo, and encompasses subplot 28, Section 18, township 117 north, range 40 west.

Subd. 5. Grand Portage historic district in Cook county is located within the boundaries of Grand Portage national monument.

Subd. 6. Kathio archaeological district is located in Mille Lacs county and is composed of the area designated as Mille Lacs-Kathio state park plus the north half of Section 25, township 42 north, range 27 west; an area of 11,680 acres more or less.

Subd. 7. Lac qui Parle mission and village historic district in Chippewa and Lac qui Parle counties is comprised of Lac qui Parle state park and the southeast quarter of the northwest quarter, the northeast quarter of the southwest quarter, the northwest quarter of the southeast quarter and the southwest quarter of the northeast quarter of Section 27, township 118 north, range 42 west, in Lac qui Parle county.

Subd. 8. Lake Benton historic district is located in Lincoln county within the city of Lake Benton and includes the south half of Section 5; Section 7; Section 8; the west half of Section 9; the northeast quarter of Section 18; and the north half of Section 17; township 109 north, range 45 west; an area of 2400 acres more or less.

Subd. 9. Lower Sioux agency historic district in Redwood county consists of the northeast quarter of the northwest quarter of Section 8; Government Lots 2 and 3, and the north 8 acres of the southeast quarter of the northeast quarter of Section 8; and the north 6.76 acres of Government Lot 7 in Section 9; all in township 112 north, range 34 west, including 122.86 acres more or less.

Subd. 10. Mantorville historic district in Dodge county is located within the city of Mantorville and includes the southeast quarter of Section 17; the South half of Section 16; the north half of Section 21; the northeast quarter of Section 20; all in township 107 north, range 16 west; an area of 960 acres more or less.

Subd. 11. Minnetonka Mills historic district in Hennepin county is located at the intersection of county highways No. 5 and No. 60 within the limits of the city of Minnetonka in the east half of Section 15, township 117 north, range 22 west, and is comprised of the former village of Minnetonka Mills.

Subd. 12. Morgan Park historic district in St. Louis county is located in the southwest part of the city of Duluth and is composed of the following area:

beginning at a point at the intersection of Commonwealth Avenue and Grand Avenue in Duluth; thence northeasterly along Grand Avenue to the intersection of Grand Avenue and Hulett Avenue; thence southeasterly along Hulett Avenue to the shore of the St. Louis River; thence southeasterly along said shoreline to the long pier

MINNESOTA STATUTES 1986

extending into Spirit Lake; thence northwesterly along a straight line from said point to Commonwealth Avenue; thence north along Commonwealth Avenue to the point of beginning.

Subd. 13. Old Fort Snelling historic district in Hennepin county is located within the following boundaries: beginning at the intersection of the westerly Chicago, Milwaukee, St. Paul and Pacific Railroad (abandoned) right-of-way and the south boundary of Minnehaha state park extended (which is an extension of East 55th Street, Minneapolis); thence east along the extension of East 55th Street to the easterly county line of Hennepin county (center line of Mississippi river); thence southerly and easterly along said county line to the point of intersection of Hennepin, Ramsey and Dakota counties; thence easterly along the Ramsey-Dakota common boundary to intersection with the easterly line of Government Lot No. 2, Section 28, Township 28, north, range 23, west Dakota county; thence south on east line of said Government Lot No. 2, to intersection with the east-west quarter line of said Section 28; thence westerly on said east-west quarter line to the intersection with the easterly right-of-way line of Minnesota state highway No. 5; thence southerly on said right-of-way line to intersect with the metropolitan airport commission boundary line extended; thence northwesterly along last described boundary line to intersection with a line parallel to Old Trunk Highway 100 (Bloomington Road) and 600 feet northwesterly thereof, measured on a line perpendicular to said highway; thence northeasterly on last described parallel line to intersect with the northerly right-of-way line of state highway No. 55; thence westerly on said right-of-way line to intersect with the westerly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad (abandoned); thence northerly on last described right-of-way line to the point of the beginning and there terminating. The tract herein described contains 580 acres more or less.

Subd. 14. Old Frontenac historic district in Goodhue county consists of the city of Frontenac and is comprised of the east half of the southeast quarter of Section 2, the east half of the northeast quarter and the northeast quarter of the southeast quarter of Section 11, that portion of the northwest quarter of Section 12 west of the Mississippi River, the northeast quarter of the southwest quarter and the north half of the southwest quarter of the southwest quarter of Section 12; all in township 112 north, range 13 west.

Subd. 15. Old Mendota historic district in Dakota county on the south bank of the Minnesota river just at the point where the Mississippi and the Minnesota rivers unite and is comprised of the following:

beginning on the east line of Government Lot No. 2, Section 28, township 28 north, range 23 west, Dakota County, south on said line to the Interstate Highway 55; thence southwest on said highway to the intersection with Sibley Highway; thence northeast on said highway to the intersection with "D" Street in Mendota; thence northwest on "D" Street to Chicago and Northwestern Railroad right-of-way; thence on an imaginary line straight north to the Dakota-Ramsey County line; thence southwest on said line to the boundary of Government Lot No. 2 extended north; thence south along said line to the point of beginning, containing 50 acres more or less.

Subd. 16. Ottawa village historic district in LeSueur county is comprised of the city of Ottawa located in the west half of Section 34, township 111 north, range 26 west.

Subd. 17. St. Anthony Falls historic district is in Hennepin county and is located within the city of Minneapolis and is comprised of the following:

beginning at the intersection of Second Street North and the south right-of-way line of proposed Interstate Highway 335 (State Project 2788-01) as identified on February 1, 1972; following Second Street southeasterly to its intersection with Tenth Avenue South; thence northeasterly along Tenth Avenue south and along an imaginary line which is an extension thereof to the beginning of Sixth Avenue Southeast on the east bank of the Mississippi River and along Sixth Avenue Southeast to its intersection with University Avenue; thence northwesterly along University Avenue to the south right-of-way line of proposed Interstate Highway 335 (State Project 2788-01) as identified on February 1, 1972, and thence northwesterly along the proposed Interstate 335 right-of-way to the point of beginning.

MINNESOTA STATUTES 1986

Subd. 18. Shakopee historic district is in Scott county and the city of Shakopee and consists of the following portion of Section 5, township 115 north, range 22 west:

beginning at a point in the center line of the West Bound lane of Trunk Highway No. 101, distant 1671.07 feet (as measured along center line of said lane) east of the west line of Section 5; thence north at right angles a distance of 202 feet; thence deflecting to the north at an angle of 87 degrees 48 minutes a distance of 251.4 feet; thence deflecting to the north at an angle of 23 degrees ten minutes a distance of 403.1 feet; thence north a distance of 130 feet more or less to a point 30 feet north of the north bank of the Mill Creek; thence easterly and parallel to said north bank to the Minnesota River; thence downstream or easterly along the southerly bank of the Minnesota River to the east line of Section 5; thence south to highway No. 101 right-of-way; thence westerly following north boundary of right-of-way to its intersection with the line running north from the point of origin.

Subd. 19. Upper Sioux agency historic district in Yellow Medicine county is comprised of the following area:

beginning at the line dividing Sections 28 and 29 of township 115 north, range 38 west, on the bank of the Yellow Medicine River, follow the bank of the River west from this line to the line dividing Section 30, township 115 north, range 38 west, with Section 25, township 115 north, range 39 west; thence north on said line to State Highway No. 67 (the old Lac qui Parle Trail); thence southeast on said line to the western border of the present Upper Sioux Agency State Park; thence north on the State Park boundary to the Renville-Yellow Medicine County border; thence east on said border to the eastern border of the Upper Sioux Agency State Park; follow this line to the border of Sections 28 and 29, township 115 north, range 38 west; thence south on this line to the bank of the Yellow Medicine River to the point of beginning including 800 acres more or less.

Subd. 20. Village of St. Vincent historic district in Kittson county is located on the Red River two miles south of the Canadian border and across from Pembina, North Dakota and is comprised of Section 8 and the north half of the northeast quarter of Section 11 both in township 163 north, range 51 west.

Subd. 21. Wasioja historic district in Dodge county is located within the city of Wasioja and includes the southeast quarter of the southeast quarter of Section 11; the southwest quarter of Section 12; the northwest quarter of Section 13, and the northeast quarter of Section 14; all in township 107 north, range 17 west; an area of 520 acres more or less.

Subd. 22. Marine on St. Croix historic district in Washington county is located within the city of Marine on St. Croix and includes the southwest quarter of Sec. 6, and the south half of the northwest quarter of Sec. 6, T31N, R19W, the northwest quarter of Sec. 7, T31N, R19W; these areas lying west of the St. Croix River. Also, the southeast quarter of Sec. 1, T31N, R20W, and the east half of the northeast quarter of Sec. 12, T31N, R20W.

Subd. 23. Historic hill district in Ramsey county is located within the city of St. Paul and comprises the area which is located within the following described boundaries: beginning at a point at the intersection of the centerlines of Holly Avenue and North Dale Street in the city of St. Paul; thence north along the centerline of North Dale Street to the point at which it intersects the centerline of Marshall Avenue; thence east along the centerline of Marshall Avenue to the point at which it intersects the centerline of Western Avenue North; thence north along the centerline of Western Avenue North to the point at which it intersects the centerline of Iglehart Avenue; thence east along the centerline of Iglehart Avenue to the point at which it intersects the centerline of Virginia Street; thence south along the centerline of Virginia Street to the point at which it intersects the centerline of Marshall Avenue; thence east along the centerline of Marshall Avenue to the point at which it intersects the centerline of John Ireland Boulevard; thence southwesterly along the centerline of John Ireland Boulevard to the point at which it joins the centerline of Summit Avenue; thence southerly along the centerline of Summit Avenue to the point at which it intersects the northerly right-of-

MINNESOTA STATUTES 1986

way line of Selby Avenue extended; thence easterly along the northerly right-of-way line of Selby Avenue extended to a point parallel with and 300 feet southeasterly of the centerline of Summit Avenue; thence southwesterly along a line parallel with and 300 feet southeasterly of the centerline of Summit Avenue to the point at which it intersects the northeasterly line of lot 3 block 69 of Dayton and Irvine's Addition; thence southeasterly along the northeasterly line of said lot 3 and its southeasterly extension to its intersection with the centerline of Irvine Avenue; thence southwesterly along the centerline of Irvine Avenue to the intersection with the centerline of Western Avenue South; thence southerly along the centerline of Western Avenue South to the intersection with the centerline of Ramsey Street; thence southwesterly on a line to the point on the south line of lot 5, block 6, Terrace Park Addition, distant 100 feet east of the southwest corner of said lot 5; thence west along the south line of lot 5 to the southwest corner of lot 5; thence southwesterly to the northwest corner of lot 1, Auditors Subdivision number 33; thence southerly along the west line of said lot 1 to the point distant 120 feet south of the northwest corner of lot 1; thence southwesterly on a line to the point on the southwesterly line of St. Albans Street distant 120 feet northwesterly of its intersection with the northerly right-of-way line of Pleasant Avenue; thence southeasterly along the northwesterly right-of-way line of St. Albans Street and its southeasterly extension to its intersection with the centerline of Pleasant Avenue; thence southwesterly on a line to the point of intersection of the centerlines of St. Clair Avenue and Pleasant Avenue; thence southwesterly to the point of intersection of the west line of Arbor Street with the most northerly line of Interstate 35-E right-of-way, also being the north line of relocated Grace Street; thence southwesterly on the northerly line of Interstate 35-E (Grace Street) right-of-way to the point at which it intersects the North right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad right-of-way; thence westerly and northwesterly along said right-of-way line to a point at which it intersects the centerline of the alley between Portland and Ashland; thence east along the centerline of said alley to the point at which it intersects the centerline of North Victoria Street; thence north along the centerline of North Victoria Street to the point at which it intersects the centerline of the alley between Holly Avenue and Ashland Avenue; thence east along the centerline of said alley to the point at which it intersects the centerline of North Grotto Avenue; thence south along the centerline of North Grotto Avenue to the point at which it intersects the centerline of Holly Avenue; thence east along Holly Avenue to the point of beginning and there terminating.

Subd. 24. Irvine Park historic district, partly owned by the city of St. Paul and portions of which are privately owned, consisting of all area within the following description: beginning at the center of the intersection of Walnut and West Seventh Street, thence southeasterly along the centerline of Walnut to the intersection of the centerline of the perimeter street surrounding Irvine Park, thence northeasterly to the north corner; thence southeasterly along the centerline of the perimeter street to the intersection of the centerline of Ryan; thence northeasterly along the centerline of Ryan to the northeast edge of Lot 2, Block 35; thence southeasterly to include Lots 2, 3, 4, Block 35, thence southwesterly to the centerline of Hill street including that portion of Hill vacated; thence southwesterly along the centerline of Hill street to the top of the bluff's concrete retaining wall; thence following the concrete of the top of the retaining wall to the centerline of Sherman; thence northwesterly along the centerline of Sherman to the intersection of the centerline of Ryan; thence southwesterly along the centerline of Ryan to the intersection of the line extending from the southwest edge of Lot 11; thence northwesterly along the southwest of edge of Lots 11, 12 of Block 30, to the intersection of the centerline alleyway parallel to Ryan and Exchange, Block 30; thence southwesterly along the centerline of the alleyway to the intersection of the property line running northwest-southeast dividing in half Lot 3, Block 30; thence along the property line to the intersection of the centerline of South Exchange; then northeasterly along the centerline of South Exchange to the intersection of the centerline of Sherman; thence northwesterly along the centerline of Sherman to the intersection of the centerline of Ramsey; thence westerly along Ramsey to the intersection of the centerline of

MINNESOTA STATUTES 1986

3233

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.82

West Seventh; thence northeasterly to the point of beginning. All in Rice and Irvine's Addition to city of St. Paul.

Subd. 25. Milwaukee Avenue historic district in the city of Minneapolis in Hennepin county, extending from Franklin Avenue to Twenty-Fourth Street.

History: 1971 c 709 s 3; 1973 c 123 art 5 s 7; 1973 c 642 s 1,2; 1974 c 171 s 1; 1974 c 249 s 11,12; 1976 c 316 s 15

138.74 CONTROL AND MAINTENANCE OF HISTORIC DISTRICTS.

The governing bodies of the subdivisions of the state in which these historic districts are located shall have the power to create an historic district board or commission for the purpose of providing architectural control of these areas.

Said board or commission shall have the power to provide special zoning conditions for these historic districts, whether owned or controlled privately or by a public body, to impose regulations governing construction, alteration, demolition and use, and to adopt other measures appropriate for the preservation, protection and perpetuation of these historic districts designated by the state of Minnesota.

The governing body of the subdivision of the state in which these historic districts are located may amend zoning ordinances to encompass these historic districts in zoning legislation to insure the maintenance of the character of each historic district designated in sections 138.71 to 138.75.

Said governing body shall have the authority to prevent the construction of buildings of a character not in conformity with that of the historic district.

Said governing body shall have the authority to remove blighting influences, including signs, unsightly structures and debris, incompatible with the maintenance of the physical well-being of the historic district.

History: 1971 c 709 s 4

138.75 CITATION.

Sections 138.71 to 138.75 may be cited as "the Minnesota historic district act of 1971."

History: 1971 c 709 s 5

FOLKLIFE PRESERVATION ACT

138.81 CITATION.

Sections 138.81 to 138.87 may be cited as the Minnesota folklife preservation act.

History: 1976 c 117 s 1

138.82 FINDINGS.

The legislature finds that:

(1) The diversity inherent in Minnesota folklife has contributed greatly to the cultural richness of the state and has fostered a sense of individuality and identity among its people;

(2) The history of the state of Minnesota effectively demonstrates that building a strong state does not require the sacrifice of cultural differences;

(3) Folklife has a fundamental influence on the desires, beliefs, values, and character of the people;

(4) It is appropriate and necessary for the state to support research and scholarship in Minnesota folklife in order to contribute to an understanding of the complex problems of the basic desires, beliefs, and values of people in both rural and urban areas;

(5) The encouragement and support of Minnesota folklife and the study thereof, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the state government; and

(6) It is in the interest of the general welfare of the nation to preserve, support, revitalize, and disseminate Minnesota folklife traditions and arts.

It is the purpose of sections 138.81 to 138.87 to establish in the Minnesota historical society a center for the study of Minnesota folklife and the position of state folklorist to develop, promote, and implement a program of support for and research in Minnesota folklife.

History: 1976 c 117 s 2

138.83 DEFINITIONS.

As used in sections 138.81 to 138.87 "Minnesota folklife" means the traditional customs and expressions of the spirit common to a group of people within any area of the state and includes vocal and instrumental music, dance, drama, lore, beliefs, language, humor, handicraft, painting, sculpture, architecture, other forms of creative and artistic expression, and skills related to the preservation, presentation, performance, and exhibition of the cultural heritage of any family, ethnic, religious, occupational, racial, regional, or other grouping of Minnesota people.

History: 1976 c 117 s 3

138.84 FOLKLORE CENTER.

Subdivision 1. There is created in the Minnesota historical society a center for the study of Minnesota folklife.

Subd. 2. The director of the center shall be the state folklorist who shall be a professional folklorist on the staff of the Minnesota historical society appointed by the director of the Minnesota historical society.

History: 1976 c 117 s 4

138.85 STATE FOLKLORIST; POWERS.

Subdivision 1. The state folklorist shall exercise the powers conferred in this section with the approval of the director of the Minnesota historical society.

Subd. 2. The folklorist may accept gifts and grants for the support of the center; receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be for the purposes of the center, and use, sell or otherwise dispose of such property for the purpose of carrying out its functions.

Subd. 3. The state folklorist may enter into contracts with, award grants, loans, and scholarships to individuals and groups, and in the case of clause (5), private radio and television broadcasters, museums, educational institutions and corporations for the purpose of:

(1) Support and promotion of research, scholarship, and training in Minnesota folklife;

(2) Support and promotion of live performances, festivals, exhibits, and workshops related to Minnesota folklife;

(3) Purchase, receipt, support, and promotion of exhibitions and displays, including presentations by still and motion picture films and audio and visual magnetic-tape recordings, which represent or illustrate some aspect of Minnesota folklife;

(4) Purchase, production and support of exhibitions, projects, presentations, and materials especially designed for classroom use representing or illustrating some aspect of Minnesota folklife; and

(5) Making arrangements to present, display, exhibit, disseminate, communicate and broadcast to local, regional, or state audiences any item referred to in subdivision 4, clause (2).

Subd. 4. The state folklorist may:

(1) Establish and maintain branches of the center in conjunction with any state department, agency, or institution;

MINNESOTA STATUTES 1986

3235

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.87

(2) Procure, receive, purchase, and collect for preservation or retention in an appropriate archive or museum creative works, exhibitions, presentations, objects, materials, artifacts, and audio and visual records including still and motion picture film, records, audio and visual magnetic tape recordings, written records, and manuscripts which represent or illustrate some aspect of Minnesota folklife;

(3) Establish procedures for loaning or making available any item in the archives authorized by sections 138.81 to 138.87 to any individual or group;

(4) Loan, lease, or otherwise make available to public, private, and nonprofit educational institutions items developed pursuant to subdivision 3, clause (4);

(5) Develop and implement other programs to preserve, support, revitalize, and disseminate Minnesota folklife.

History: 1976 c 117 s 5

138.86 STATE FOLKLORIST; DUTIES; ANNUAL REPORT; CONTRIBUTORS' RIGHTS.

Subdivision 1. It shall be the duty of the state folklorist to:

(1) Sponsor, engage in, and direct fundamental research into the folklife of this state and to encourage and coordinate folklife research and investigation undertaken within the state;

(2) Cooperate with other agencies of the state which may have authority to determine the location of folklife materials;

(3) Protect to the extent possible and encourage the preservation of folklife items located on privately owned property or otherwise in the private possession of individuals;

(4) Obtain for the state objects of folklife significance and data relating to the objects;

(5) Cooperate with the university of Minnesota and other institutions and organizations to preserve and collect Minnesota folklife, together with the data relating to the folklife; and

(6) Disseminate folklife information through the publication of reports of folklife research conducted within the state.

Subd. 2. The state folklorist shall submit to the director of the Minnesota historical society an annual report concerning the operation of the center, including a detailed statement of all private and public funds received and expended by the center and such recommendations as the center deems appropriate.

Subd. 3. The state folklorist shall avoid any actions which infringe on the personal rights of individuals contributing to the center.

History: 1976 c 117 s 6

138.87 FOLKLIFE INFORMATION.

In order to maximize communication and cooperation among those collecting or studying Minnesota folklife, to protect the rights of persons who give information to collectors and students of Minnesota folklife, and to assist those who wish to represent accurately the folklife of the state of Minnesota, the state folklorist may establish procedures by which persons who collect or study Minnesota folklife may:

(1) submit their plans and report their ongoing and final findings to the center;

(2) report to the center any use, publication, or production of their work, and provide copies of any publication; and

(3) provide at no cost to themselves copies of their fieldwork data for deposit in the archive of the center to be used in accordance with the wishes of the donor.

History: 1976 c 117 s 7

138.91 MINNESOTA HUMANITIES COMMISSION.

Subdivision 1. From money appropriated to it for this purpose the Minnesota historical society shall make grants to the Minnesota humanities commission for its general operations and management. A grant shall not be made unless matched by an equal amount of federal money. At least 50 percent of the amount appropriated shall be used for cooperation with and service for other groups, agencies, and institutions outside the seven-county metropolitan area for the support and dissemination of the humanities.

Subd. 2. The Minnesota humanities commission shall report to the legislature by September 1 of each year on the use of these grants. The report shall include an itemized account of the programs and projects supported and the source of money for each. The report shall show actual expenditures for the fiscal year ending the preceding June 30 and proposed expenditures for the fiscal year beginning the preceding July 1.

History: 1979 c 337 s 15

138.92 LOCAL AND REGIONAL HISTORICAL INTERPRETIVE CENTERS.

A historical interpretive center shall be operated and maintained by the agency, society, corporation, or political subdivision that owns it. State money shall not be used for operating or maintenance expenses of any historical interpretive center not owned by the state of Minnesota or the Minnesota historical society.

History: 1979 c 337 s 16

138.93 GRANT-IN-AID ASSISTANCE; NON-STATE OWNED HISTORICAL INTERPRETIVE CENTERS.

Subdivision 1. **State assistance.** The state may pay part of the cost of construction of non-state-owned historical interpretive center projects. The state's share may not exceed 50 percent of the cost of any project. In regions 3, 4, 9, 10, and 11, expenditures from appropriations by the 1977, 1978, and 1979 legislature shall be considered part of the state share of the project cost for the purposes of this section. No more than ten percent of the state's share of future appropriations pursuant to this section may be used for professional services. Development regions are the regions designated pursuant to section 462.385. There shall not be more than one state assisted project in each region.

Subd. 2. **Selection process.** Each regional planning commission, except in regions 3, 4, 9, 10 and 11, may request designation of a non-state-owned historical interpretive center. Applications shall be received by the commission for 180 days thereafter. Applications shall be in the form prescribed by the Minnesota historical society and include a master plan in accordance with the Minnesota outdoor recreation act of 1975. The regional planning commission may establish an advisory committee of 20 members from the region to make recommendations.

Subd. 3. **Designation.** After receipt of the regional planning commission's recommendation and review of the master plan in accordance with subdivision 5, the Minnesota historical society shall designate the center and notify the owner applicant and the regional planning commission of the designation; however, in region 4, the Red River Valley Center at Moorhead is designated; in region 10, the Mississippi Interpretive Center at Winona is designated; in region 9, the Agricultural Interpretive Center at Waseca is designated; in region 3, the Lake Superior Museum of Transportation and Industry is designated; in region 11, the historic Washington County Courthouse at Stillwater is designated.

Subd. 4. **Master plans.** The owner shall prepare and submit to the regional planning commission a master plan for the development and management of the center, in a format and detail appropriate for the project. The regional planning commission shall choose a project and report its choice to the Minnesota historical society. The Minnesota historical society shall make the master plan available for review and comment by the public and other state agencies for at least 30 days. Copies

MINNESOTA STATUTES 1986

3237

HISTORICAL SOCIETIES; HISTORIC SITES; ARCHIVES; FIELD ARCHAEOLOGY 138.97

of the master plan shall be submitted to the commissioner of energy and economic development for review and comment.

Subd. 5. Master plan review and approval. The Minnesota historical society shall review the master plan to determine whether it:

- (a) Provides for development of the center in a manner consistent with the purposes of this section;
- (b) Recognizes historical values and resources that relate to the area involved;
- (c) Provides an historical program based on sound historical research; and,
- (d) Meets the requirement of section 138.92.

Within 60 days after receipt of a master plan, the Minnesota historical society shall notify the owner that the plan has been reviewed, and forward its recommendations for any changes it might suggest. The owner shall review the recommendations and notify the Minnesota historical society of the disposition made of them. The plan may be approved by the society only after all conditions of this section have been met. The society shall forward all approved master plans to the appropriate regional planning commission and the owner. If the society rejects a project chosen by a regional planning commission the commission may again request applications in accordance with subdivision 2 in the subsequent fiscal year.

Subd. 6. Appropriation requests. The Minnesota historical society may seek appropriations for grant-in-aid assistance pursuant to this section and sections 16A.10 and 16A.11.

History: 1980 c 614 s 90; 1981 c 356 s 170; 1983 c 289 s 115 subd 1

138.94 STATE HISTORICAL CENTER.

The historical building at 690 Cedar Street and the land housing the Mechanic Arts gymnasium, parking lot, and any other properties between those entities and the historical building at 690 Cedar Street is hereby designated as the state historical center, and is to be used for such purposes notwithstanding any other law to the contrary. Authority for administration and control of the state historical center is conferred on the Minnesota historical society. The society is not exempt from rental or lease costs by the state. The state will maintain and provide custodial, security, and climate control services for the historical center.

History: 1981 c 357 s 30; 1Sp1985 c 10 s 74

138.95 NATIVE AMERICAN MEMORIAL PLAN.

The Minnesota historical society shall develop a plan for selecting a design for a capitol mall memorial to Native Americans. The selection may involve a design competition with a prize for the winning design. Funding may involve state funds or gifts from private or public sources.

History: 1986 c 398 art 10 s 1

138.97 LABOR INTERPRETATIVE CENTER.

Subdivision 1. Public policy. The legislature declares that it is an important purpose and function of state government to preserve and interpret the story of workers and their institutions in Minnesota and enrich the people's knowledge of the many contributions of the labor movement and how the history of working people in Minnesota has shaped the state's history.

Subd. 2. Establishment. There is established a labor interpretative center as a part of the Minnesota historical society's state history center within the state capitol complex as defined in section 15.50, subdivision 2.

Subd. 3. Governance. The center shall be developed during its planning phase under the guidance of a labor interpretative task force whose chair is appointed by the governor. The chair shall select the members of the task force. The task force shall complete its work within 18 months of August 1, 1986. The task force shall dissolve

MINNESOTA STATUTES 1986

after the 18 months or when its work is completed, whichever is sooner. An advisory council shall be appointed by the director of the Minnesota historical society after the dissolution of the task force to assist the director with the operation of the center.

Subd. 4. **Administration.** The center shall be administered by an administrator appointed by the director of the Minnesota historical society. The administrator will be chosen solely on the basis of training, experience, and proven competence in the field of American labor history.

Subd. 5. **Program.** The program of the labor interpretative center may be carried out by exhibit, audio-visual programs, research, publication, and public programs, or other activities as recommended by the advisory council.

Subd. 6. **Operation.** The operation of the center shall be consistent with statutes and policies governing the Minnesota historical society.

Subd. 7. **Funding.** The cost for capital improvements for the labor interpretative center is not part of the total cost of the state history center for the purpose of the cost limitation specified in Laws 1985, First Special Session chapter 15, section 11.

History: *1Sp1986 c 3 art 4 s 8*