



South Dakota Legislative Research Council

Issue Memorandum 95-15

ANALYSIS OF STATE MUSEUMS

With the passage of the General Appropriation Act for the fiscal year 1996 (FY96), the Legislature took its first, very decisive step toward getting state government out of the museum business. However, the Legislature is not closing the doors or turning over the keys of the non-Regental museums nearly as fast as the Governor had recommended.

Governor Miller's FY96 budget recommendation, which was adopted by Governor Janklow upon his assuming office, proposed closure of the W.H. Over Museum in Vermillion and the Smith-Zimmerman Museum (once known as the Lake County Historical Museum) in Madison. This would have been effected through drastic reduction of general fund support for the two museums. No other legislation was introduced by either Governor addressing these museums.

As proposed to the Legislature, the recommended funding amounts for W. H. Over would have gone from FY95's \$163,443 general and 4 FTEs to \$11,935 general and no FTEs. Smith-Zimmerman would have been reduced from \$43,824 general and 1.5 FTEs to \$2,000 and no FTEs. Presumably, the token amounts of general funding left would have been just enough to keep the lights operating and the furnaces running at the two buildings. A recommended increase of \$100,000 general was proposed to allow the Cultural Heritage Center to absorb the collections of these two museums.¹

The Legislature, however, used that \$100,000 from the general fund for FY96 as part of a down payment on a gradual transition of the operation of the two museums toward privatization. The Legislature appropriated \$100,000 general for W.H. Over and \$40,000 for Smith-Zimmerman for FY96 based on discussion and an eventual agreement reached during the Appropriations Committees' deliberations that considerably less would be appropriated in FY97. Neither museum is to be on the state budget in FY98, according to the committee's Letter of Intent for FY96.

Of course, none of what the Legislature did during the 1995 Session means any change for the dozens of non-state museums, such as Akta-Lakotah in Chamberlain or the Siouxland Heritage Museum in Sioux Falls. The *DIRECTORY OF SOUTH DAKOTA MUSEUMS AND GALLERIES*, published by the Association of South Dakota Museums (ASDM), lists nearly 200 "museums" and galleries. Of those about 40 belong to the ASDM. The broad list includes facilities like the Corn Palace and entities such as the Badlands Petrified Gardens.

According to the American Association of Museums, however, a museum is "an organized and permanent nonprofit institution, essentially educational or esthetic in purpose, with professional staff, which owns and utilizes tangible objects, cares for them and exhibits them to the public on some regular schedule." According to the South Dakota State Historical Society, there are "a

couple dozen” actual museums in South Dakota, including the state-supported ones. The ASDM would define museums as collections, not buildings, a distinction perhaps not in agreement with public perception. The American Association of Museums also emphasizes the collections, as opposed to brick and mortar.

Nor do the actions by the Legislature leave South Dakota without state-supported museums. What was once known as the Robinson Museum in Pierre became the museum portion of the Cultural Heritage Center not long after the opening of that facility in 1989.² The Cultural Heritage Center was funded at \$1,747,848 general (\$138,785 federal and \$128,452 other) and 19 FTEs for FY96. Of those dollars, \$565,585 general is for the FY96 bond payment, the sixth of 20 payments.

Also funded by state government in FY96 are a number of museums located on the campuses of state universities. These museums are: the Agricultural Heritage Museum and the South Dakota Art Museum at South Dakota State University at \$173,523 general and \$93,355 general, respectively; the Museum of Geology at the South Dakota School of Mines and Technology at \$184,384 general; and the Shrine to Music at the University of South Dakota at \$212,285 general. In addition to those is the statutorily-created National Guard Museum funded at less than \$6,000, none of which is general, and the Dakotaland Museum on the South Dakota State Fairgrounds. All of these museums have existed for decades.

Interestingly enough, while on one hand members of the Legislature have been discussing for years ways to reduce or eliminate state support of museums, during

two consecutive fiscal years the Legislature sent general fund dollars to a museum where none had gone before. This occurred when the Legislature appropriated \$25,000 in each of FYs 1990 and 1991 to the Air and Space Museum located at Ellsworth Air Force Base, although, unlike any of the other museums mentioned in this paper, this museum is in no way a state creature.

State general fund support for history, overall, has grown considerably over the years. In 1945 the Legislature appropriated \$11,500 for the Office of History. In 1965 the *Department* of History was appropriated \$35,495 by the Legislature for FY66, and \$36,089 for FY67. In 1985 the Legislature appropriated a total of \$455,994 general for the State Museums Program³ and \$577,369 general for the rest of the Office of History. The 1995 Legislature appropriated \$2,589,686 for the Office of History and the Cultural Heritage Center combined.

Ownership of the various state-supported museums, for the most part, easily breaks down to whether or not the titles are held by the Board of Regents. The Agricultural Heritage Museum and the South Dakota Art Museum at South Dakota State University, the Museum of Geology at the School of Mines, and the Shrine to Music at the University of South Dakota are owned by the Board. (Agricultural Heritage was transferred to the Board in 1995.) The Cultural Heritage Center and, for the next two fiscal years, Smith-Zimmerman and W.H. Over, are held by the Department of Education and Cultural Affairs (DECA). There is also a museum under the control of the Adjutant General, though. The following table shows statutory creation for the museums that are established in state law.

Museum	Controlling Entity	SDCL Cite
Agricultural Heritage	Board of Regents (SDSU)	§13-49-32
Cultural Heritage Center (includes Robinson Museum)	DECA	§§5-15-49 and 1-45-23
Museum of Geology	Board of Regents (SDSMT)	§13-60-8
National Guard Museum	Department of Military and Veterans Affairs	§33-11A-1
Smith-Zimmerman	DECA	§§13-59-12 and 1-45-23
W. H. Over	DECA	§§13-57-6.1 and 1-45-23

In addition, there are three art galleries: Northern Galleries at Northern State University; Ruddell Gallery at Black Hills State University; and University Art Galleries at the University of South Dakota.

According to the Office of History, the various museums have their own purposes or missions. The specialty of the W. H. Over Museum is American Indian culture and natural history, and the purpose of the Smith-Zimmerman Museum concerns pioneer history. The Agricultural Heritage Museum deals with farm history, and the Cultural Heritage Center has American Indian, political, and military history for specialties. There is little statutory support for these missions, so they have essentially been developed by the Office of History and the Historical Society over the years. For example, §13-59-12 lists housing “items of historical interest owned, donated or loaned to the Lake County historical society of historical interest to the state” and country as the purpose for the Smith-Zimmerman Museum. According to §13-60-8, the Museum of Geology and Paleontology is to “collect, interpret, and display the rocks, minerals, and fossils that are characteristic of

South Dakota and North America.”

In total, statute is somewhat less direct as to ownership of the buildings that house the collections that are the museums. The Smith-Zimmerman Museum building is specifically the property of the state, and the collection that is the National Guard museum is clearly the property of the state. As for the others, for the most part it is inferred from the statutes that direct an entity of state government to conduct the functions of the museum that the state owns the collection.

As a technical matter, closing a museum or effecting even as significant a change as designating a different department or entity of state government as that museum’s operator can be as simple as the stroke of a pen. Operation of the Agricultural Heritage Museum, for example, was transferred from DECA to the Board of Regents by executive order of then-Governor Miller. Museums, therefore, can be viewed in the same way as any other state agency in terms of susceptibility to the Governor’s powers of executive branch reorganization and budgetary transfer. Thus, should it be the desire of the Governor, any or all of the

remaining DECA museums could just as well be transferred to the Department of Tourism. (Of course, the Legislature could also refuse general fund support for the museums, a process which it may have just begun.)

As a practical matter, however, such an idea could quickly be stopped. According to Article IV Section 8 of the South Dakota Constitution, the Governor needs only to write an executive order and submit it to the Legislature within five days after it convenes, and the action would take effect 90 days after that date. Either house has until the end of that legislative assembly to introduce and pass by majority vote a resolution disapproving the executive order. Resolutions disapproving executive orders are rare, however.

In conclusion, while South Dakota state government still owns a dozen museums and provides general fund support for them, it is

very possible that such may not be the case in as little as a couple years. The path of history, in this regard, depends upon the force or success of the efforts by those making the moves.

¹ Testimony from the department during budget deliberations professed this amount would not have been near sufficient to move the two museums' collections to Pierre.

² The Soldiers and Sailors World War Memorial Building, which had housed the Robinson Museum, was refurbished as office space and is now under the control of the Department of Military and Veterans Affairs.

³ The program at that time contained the Agricultural Heritage Museum, Smith-Zimmerman Museum, Robinson Museum, and W. H. Over Museum.

This issue memorandum was written by Mark Zickrick, Principal Fiscal Analyst for the Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.
