

CHAPTER 44

STATE HISTORICAL SOCIETY AND LOCAL HISTORICAL SOCIETIES

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44.01 Historical society; corporate structure. (1) The historical society shall constitute a body politic and incorporate by the name of "The State Historical Society of Wisconsin," may sue and be sued, and shall possess all the powers necessary to accomplish the objects and perform the duties prescribed by law.

(2) The historical society may adopt, and change, a seal, a constitution, bylaws and rules, and elect such officers as the constitution or bylaws prescribe. The composition and selection of the board of curators, and eligibility requirements for membership in the society shall be determined by the constitution and bylaws.

(3) The governor, secretary of state and state treasurer shall be ex officio members of the board of curators and shall insure that the interests of the state are protected.

(4) The historical society's acceptance of any benefits granted it by law shall be conclusively deemed its complete acquiescence in all laws enacted concerning the organization and operation of the society.

44.015 Powers. The historical society may:

(1) Acquire real or personal property by gift, bequest or otherwise in any amount and may operate, manage, sell, rent or convey real estate acquired by gift, bequest, foreclosure or other means, upon such terms and conditions as the board of curators deems for its interests but may not sell, mortgage, transfer or dispose of in any manner or remove from its buildings, except for temporary purposes, any article therein without authority of law.

(2) Sell, exchange or otherwise dispose of duplicate books, periodicals or museum objects, or books, periodicals and museum objects outside its field of collection.

(3) Accept collections of private manuscripts, printed materials, tapes, films and artifacts, and it may enforce any and all reasonable restrictions on accessibility to the public, use or dupli-

cation of said collections which are agreed upon by the donor and the historical society.

(4) Take proper steps to promote the study of history by lectures, and diffuse and publish information relating to the description and history of the state.

44.02 Historical society; duties. The historical society shall:

(1) Serve as trustee of the state in the preservation and care of all records, both printed and written, and all articles and other materials of historic interest and significance placed in its custody, and interest itself constructively as the agent of the state in the preservation and care of all similar materials wherever they may be.

(2) Collect by gift, exchange or purchase books, periodicals, pamphlets, records, tracts, manuscripts, maps, charts and other papers, artifacts, relics, paintings, photographs and other materials illustrative of the history of this state in particular and of the West generally.

(3) Conduct research in the history of Wisconsin in particular and of the West generally.

(4) Inculcate through publications, museum extension services and other media a wider and fuller knowledge and appreciation of the history of Wisconsin and its significance.

(5) Keep its main library and museum rooms open at all reasonable hours on business days for the reception of the citizens of this state who may wish to visit the same, without fee; except that the society may collect a fee for admission to historic sites or buildings acquired, leased or operated by the society elsewhere in the state, including areas within state parks or on other state-owned lands which incorporate historic buildings, restorations, museums or remains and which are operated by the society by agreement with the department of natural resources or other departments, or for lectures, pageants or similar special events, or for admission to defray the costs of special exhibits in its several build-

ings of documents, objects or other materials not part of the society's regular collections but brought in on loan from other sources for such special exhibitions. The society may also procure and sell or otherwise dispose of postcards, souvenirs and other appropriate merchandise to help defray the costs of operating its several plants and projects.

(6) Thoroughly catalog the entire collections of said society for the more convenient reference of all persons who have occasion to consult the same.

(7) Loan, for such periods and under such rules and restrictions as it may adopt, to libraries, educational institutions and other organizations or to private individuals in good standing, such books, pamphlets, museum objects, or other materials that if lost or destroyed could easily and without much expense be replaced. No work on genealogy, no newspaper file, or book, map, chart, document, manuscript, pamphlet or other material whatsoever of a rare nature shall be permitted to be sent out from the library except on interlibrary loan to a research library under regulations safeguarding the materials during transit and while in use.

(8) Bind except when microfilmed the unbound books, documents, manuscripts, pamphlets, and especially newspaper files in its possession.

(9) Take an active interest in the preservation and use of the noncurrent public records of historical importance of counties, cities, villages, towns, school districts and other local governmental units.

(10) Conduct a research center in American history for the benefit of the students and faculty of the university of Wisconsin as well as for members of the general public and to facilitate the further understanding by the general public of the significance of the American experiment.

(11) Work with the auxiliaries, affiliates and chapters established under s. 44.03 in the encouragement, stimulation and development of worth-while historical projects and undertakings at the county and local level.

(12) Be the custodian of the official series of the painted portraits of the former governors of Wisconsin and maintain such portraits in proper condition. The society may permit any or all of such portraits to be exhibited in such state buildings for such periods of time as it deems feasible.

(13) To faithfully expend and apply all money received to the fulfillment of its duties and purposes as directed by law.

(14) To hold all its present and future property for the state.

(15) To promote a wider appreciation of the American heritage with particular emphasis on

the collection, advancement and dissemination of knowledge of the history of Wisconsin and of the West.

(16) To collect, embody, arrange and preserve in authentic form, a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other materials illustrative of the history of the state.

(17) To preserve the memory of its early pioneers, and to obtain and preserve narratives of their exploits, perils, and adventures.

(18) To exhibit faithfully the antiquities, and the past and present condition, and resources of Wisconsin.

(20) Have authority to acquire and develop outdoor historic sites related to the outdoor recreation program under s. 23.30.

44.03 Affiliated societies. (1) County or local historical societies without capital stock may be incorporated as affiliates of the historical society, to gather and preserve the books, documents and artifacts relating to the history of their region or locality. No fees shall be charged by any register of deeds for recording nor by the secretary of state for filing the articles of organization or its amendments, or for a certificate of incorporation of any such society, but the secretary of state shall not accept articles of incorporation under this section unless they are approved by the board of curators of the historical society.

(2) State-wide, county or other patriotic or historical organizations, or chapters in this state may be incorporated as affiliates of the historical society under sub. (1) if their purposes and programs are similar to and consonant with those of the historical society and its affiliates, or if already incorporated, the organizations or chapters may apply to the board of curators for affiliation with the historical society. Upon incorporation under this section or acceptance of affiliation by the board of curators the applying organization shall as an affiliate accept the provisions and shall be entitled to all the benefits of this section. Any affiliated society shall be a member and entitled to one vote in any general meeting of the historical society. The board of curators may terminate the affiliation as an affiliate of the historical society under this section of any such organization by formal resolution, a copy of which shall be deposited with the secretary of state.

(3) Every affiliated society shall make a report of its work annually to the historical society, which, in its entirety or in part, may be included in the publications of the historical society, and upon application of any affiliated society the historical society may accept, in behalf of the state,

custody of or title to the property, records and collections of the affiliated society or may assist in the disposal thereof. If any affiliated society becomes, in the opinion of the board of curators of the historical society, inactive or defunct, title to such property, records and collections not otherwise provided for in the grants of donors or in the articles of incorporation of the inactive and defunct society, shall vest in the historical society which shall take appropriate action in the public interest for the protection or disposal of such property, records and collections. Preference in disposition shall be given to historical or related organizations in the area or to whatever county or local governmental unit that has aided such affiliate financially.

(4) The historical society, for the purpose of establishing uniformity in organization and methods of work, may prepare and furnish uniform articles of organization and bylaws to any affiliated society, but the affiliate may adopt additional bylaws.

(5) The historical society may provide for annual or other meetings of officers or representatives of affiliated societies at times and places to be fixed by its director, or by such officers or representatives, and the proceedings of such meetings, or portions its director selects, may be included in its published reports. Each affiliated society shall receive a copy of each of the publications of the state society on the same terms as those granted to life members of the state society.

(6) Custody of public records of county, village, town, school district or other governmental units may be accepted by any affiliated society which has been designated a regional depository under s. 44.10, but title to these records shall remain with the historical society. In the event of the dissolution or incapacity of any affiliated society, it shall be obligatory on the last group of officers and members to notify the director of the historical society that the affiliated society can no longer retain custody of these records and to deliver them to a depository designated by the historical society.

44.04 School services. (1) The historical society, as part of its program as an educational institution, shall offer to the schools in this state such materials as it shall prepare or make available to facilitate the instruction in the history and civil government of Wisconsin required by s. 118.01 (1).

(2) To this end it may prepare, publish, issue, loan or circulate such magazines, books, aids, guides and other publications, such visual aids, special exhibits, and other teaching materials

and aids as it, in consultation with the department of public instruction, deems advisable.

(3) It may make such charges as its board of curators shall establish as just and proper to defray in part the costs of this program.

44.05 American history research center.

(1) The historical society, in order to promote the wider understanding of the significance of the American heritage, shall encourage research in American history in general, and in the history of Wisconsin and the west particularly, through its American history research center and the other divisions of this agency, and interpret to the public the nature of the said heritage, and the role of state and local history in elucidating and facilitating the understanding of the American democracy, social, political, cultural and economic.

(2) The society, in pursuit of these goals, may be the beneficiary of bequests in any form, may undertake research projects, make grants-in-aid to students of particular topics germane to the purposes of the center, publicize the American story or parts thereof through publications of various types, exhibits, photographic or microphotographic reproductions, radio, pageantry and such other media as may best lend themselves to its work.

44.06 Depository of public documents.

(1) The historical society shall be the official public documents depository for this state. Three copies of all printed, mimeographed, or otherwise reproduced state publications, reports, releases and other matter published at the expense of the state shall be sent to the historical society by the department of administration in accordance with s. 35.85 (7). In those instances where a given publication is not distributed by the department of administration, 3 copies shall be sent to the historical society by the department, commission or agency of origin.

(2) The director of the historical society shall file with the department of administration, and may revise, lists of state, county, municipal, federal, or other agencies to which state public printing should be distributed in accordance with interstate or international comity, with or without exchange, as provided in s. 35.86, in order to maintain or enlarge the reference collections of the society and the state. The documents so specified shall be shipped to the addressees directly from the office of the department of administration, carriage charges payable by the state.

(3) The historical society shall keep available to other state agencies and to citizens of Wisconsin and other states its public document collec-

tions under such proper and reasonable regulations as may be deemed advisable.

(4) The historical society may loan such documents, except those of rare nature, to other state agencies for official use or on interlibrary loan to other reference libraries under such rules and regulations and for such period as may appear desirable.

(5) The historical society shall prepare a periodic checklist of public documents issued by the state, including all reports, circulars, bulletins and releases issued by the various state departments, boards, commissions and agencies and shall publish this list in such form and with such notes as to show the scope and purpose of such publication.

44.07 Museum extension service. (1) The historical society, in conjunction with its museum program and in order to make its collections and the teaching values of museum materials available on a state-wide basis and to stimulate more effective local museum techniques, may operate a museum extension service with or without the co-operation of other museums or its auxiliary societies.

(2) The said society may for such purpose lend to other museums, public libraries, art galleries, colleges, schools or other responsible institutions or organizations, under such rules and safeguards and for such period as it deems desirable, such items and objects from its collections as are not irreplaceable.

(3) The society may participate in co-operative or joint exhibits with other museums or auxiliary societies in this program, and may out of the appropriation in s. 20.245 (1) extend financial assistance not to exceed \$1,000 in the aggregate in any year to other museums or auxiliaries where and only where such aid is found necessary to enable such other museums or auxiliaries to participate in this program.

(4) Transportation charges and other minor costs of such extension exhibits may be charged the exhibitor.

44.09 County, local and court records.

The proper officer of any county, city, village, town, school district or other local governmental unit may offer, and the historical society may accept for preservation, title to such non-current records as in the historical society's judgment are of permanent historical value and which are no longer needed for administrative purposes by such local governmental unit. The proper officer of any court may offer, and the historical society may accept for preservation, on order of the judge of the court, title to such records as have been photographed or micro-photographed or which have been on file for at

least 75 years, and which are deemed by the historical society to be of permanent historical value.

44.10 Regional depositories for records.

(1) Said society, through its board of curators, in its corporate capacity and as trustee of the state may enter into agreements with the state universities or such other public or quasi-public institutions, agencies or corporations as the said board of curators of the said society shall designate to serve as the regional records depository for a given area. Said agreements shall specify the area to be served by the depository, and the methods of accessioning, cataloging, care, housing, preservation and servicing of these and such other material as may be placed by the historical society or in the name of the historical society in such regional depositories under such agreements, it being the intent of this section to provide an orderly, uniform state-wide system for the retention and preservation of important court, county and local public records on a manageable basis and under proper professional care in the region of origin. Only where such arrangements cannot be accomplished may the said society transfer such records to the state archives. Said society shall compile and maintain for reference purposes as soon as may be convenient a union list of the records of county, city, village, town, school district, or other local governmental unit, or court, title to which is transferred to it under s. 44.09.

(2) The board of curators may establish county records depositories within the regions served by the regional depositories established in sub. (1). The board may enter into agreements with these county depositories similar to those provided above for regional depositories, and records may be loaned temporarily from regional depository to a county depository, title in all cases remaining in the state society. The union list of records of county, city, village, town, school district or other local governmental units, or court, provided in sub. (1) shall indicate such transfers or loans of records between depositories so as to show at all times the present location of each group of records.

44.11 Central depository library.

The board of curators of the historical society shall have the same authority to participate in the formation and maintenance of a nonprofit-sharing corporation for the purpose of providing and operating a central library depository as is conferred upon the board of regents of the university of Wisconsin under s. 36.06 (9). Section 36.06 (9) shall, so far as applicable, apply to the board of curators of the historical society and for the purposes of this section whenever the

words "board of regents" appear in s. 36.06 (9) they shall be deemed to mean "board of curators of the historical society".

44.12 Educational facilities at Nelson Dewey state park. (1) The state farm and craft museum, located at Nelson Dewey state park, shall be developed by cooperation of the department of natural resources, the society, and such other agencies as may be interested therein in accordance with such arrangements as the department of natural resources and society shall agree upon.

(2) The purpose of this museum as an educational facility shall be to portray graphically the farm and craft practices of bygone days, so that the difficulties of pioneer farming, the great changes in the productivity of farm labor and the rise in rural income and standards of living over the years may be made vivid to this and future generations.

(3) In operating this museum, the society may charge an admission fee to defray in part the costs of operation in accordance with s. 44.02 (5), and may loan objects or materials from this central collection for special occasions and for such special exhibits as it may desire to develop at its main building, at other historic sites within the state, with other historical societies or other state agencies.

44.13 Educational facilities at Old Wade House state park. (1) The state carriage museum, to be known as the Wesley W. Jung Carriage Museum, located at Old Wade House state park, shall be developed by cooperation of the department of natural resources, the society, and such other agencies as may be interested therein, in accordance with such arrangements as the department of natural resources and society agree upon.

(2) The purpose of this museum as an educational facility is to portray graphically the hand and horse-drawn vehicle development in bygone days, so that the great and dramatic changes in land transportation may be made vivid to this and future generations. Selected examples of these vehicles illustrating the ingenuity, inventiveness and artistic skills of the pioneer craftsman may be preserved and exhibited in a dignified, appropriate and effective manner.

(3) In operating this museum, the society may charge an admission fee to defray in part the costs of operation in accordance with s. 44.02 (5).

44.14 Central depository loan collection, federal documents. (1) It is the purpose of this section to establish a more economical system of handling federal documents in this state

in such a way as to effect savings of staff and space to the participating libraries, both state and local; to make such documents more available to more of the people, colleges and libraries of the state, in accordance with the purposes of the federal depository act of 1895 and the needs of the citizens of the state; and to make possible substantial economies in the publication costs of such documents at the federal level as well. To this end the state documents depository established by s. 44.06 may acquire and establish a central state depository and loan collection of federal documents for the benefit of the university of Wisconsin, the state law library, the state universities, the depository libraries and such other college and public libraries in this state as may desire to share in the benefits of this loan collection.

(2) The state universities and the public and other participating libraries, federal regulations permitting, may transfer outright or may loan indefinitely to this central depository any or all federal documents now in their possession which in their opinion are so little used for ready reference purposes as to make their retention unnecessary if copies are available on loan from the central depository loan collection.

(3) Documents so transferred may be used by the society to furnish participating libraries with items needed for their permanent reference collections, for the central loan collection, or for exchange, trade or sale in order to make more complete and useful the central loan collection established by this section.

(4) The board of curators may establish such rules governing the loan of books from the central depository loan collection and may make such charges to cover shipping costs as may be deemed necessary and advisable.

44.15 Historical markers council. (1) **PURPOSES.** It is declared to be in the public interest to stimulate interest in and knowledge of the state by marking sites of special historical, archaeological, geological or legendary significance, and maintaining and developing such sites approximately so as to preserve their individual characteristics. It is the purpose of this section to accomplish such marking, maintenance and development through the historical markers council. In addition to powers specifically enumerated, the council shall have all powers necessary to perform its duties.

(2) **MARKING SYSTEM.** The council shall plan, develop and publicize a uniform official system of marking for state historical, archaeological, geological and legendary sites. Such sites shall be marked with markers of standard design, selected and approved by the council,

which shall be displayed at each site with an inscription setting forth the facts of particular interest. Such standard design markers shall not be used to mark sites other than those designated by the council, or other sites approved by it in writing, and then subject to such conditions as the council deems appropriate. The council may cause the removal of any such markers not so used.

(3) **DONATIONS.** The council may accept gifts, appropriations and bequests made to it for the purposes of this section and use them as far as practicable in accordance with the wishes of the donor. All money so received shall promptly be paid into the state treasury and be paid out on order of the council. The expenditures thereof shall be audited and paid as other disbursements by the state treasury are audited and paid. The council may accept the aid, support and cooperation of county, city, village or town agencies, or private agencies or persons in executing its projects. All state departments, independent agencies and institutions are directed to cooperate with it in the performance of its duties. Applicable laws shall be liberally construed in favor of such cooperation.

44.20 Society, additional powers to provide structures, facilities and permanent improvements. (1) As used in this section unless the context requires otherwise:

(a) "Existing building" in relation to any conveyance, lease or sublease made under sub. (2) means buildings and other structures in this state which are of regional, state or national historical significance and in the judgment of the board of curators are needed and useful for historical society purposes, and all equipment therefor and all improvements and additions thereto, which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

(b) "New building" in relation to any conveyance, lease or sublease made under sub. (2) means such buildings, structures, facilities and permanent improvements as in the judgment of the board of curators are needed and useful for historical society purposes in connection with lands and structures in this state which are of regional, state or national historical significance, and all equipment therefor or for existing buildings, and all improvements and additions thereto or to existing buildings, which are erected, constructed or installed after the making of such conveyance, lease or sublease.

(c) "Corporation" in relation to any conveyance, lease or sublease made under sub. (2) means a nonstock, nonprofit corporation organ-

ized under ch. 181 or any law amendatory thereof or supplemental thereto.

(2) In order to provide land and new buildings and to enable the construction and financing of such new buildings and the financing of such land, to refinance indebtedness hereafter created by a corporation for the purpose of providing new buildings or additions or improvements thereto which are located on land owned by or owned by the state and held for the historical society or by a corporation or for any one or more of said purposes but for no other purpose unless authorized by law, the society has the following powers and duties:

(a) Without limitation by reason of any other provisions of the statutes, the power to sell and to convey title in fee simple to a corporation any lands or any land and any existing buildings thereon owned by or owned by the state and held for the society for such consideration and upon such terms and conditions as in the judgment of the board are in the public interest.

(b) The power to lease to a corporation for a term or terms not exceeding 50 years each any lands or any land and any existing buildings thereon owned by or owned by the state and held for the society upon such terms and conditions as in the judgment of the board are in the public interest.

(c) The power to lease or sublease from a corporation and to make available for public use any lands or any such land and existing buildings conveyed or leased to such corporation under pars. (a) and (b) and any new buildings erected on such land or on any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the board are in the public interest.

(d) The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made under this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

(e) The power to pledge and assign all or any part of the revenues derived from the operation of any lands or such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings under par. (c).

(f) The power to covenant and agree in any lease or sublease of such new buildings made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of such lands or new buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(g) The power to covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of any lands or existing buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(h) The power and duty, upon receipt of notice of any assignment by a corporation of any lease or sublease made under par. (c), or of any of its rights under any such sublease, to recognize and give effect to such assignment, and to pay to the assignees thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(3) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (2) (c) and may be sued therefor on contract as in other contract

actions under ch. 285, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(4) Nothing in this section empowers the society to incur any state debt.

(5) All powers and duties conferred upon the historical society pursuant to this section shall be exercised and performed by resolution of the board. All conveyances, leases and subleases made pursuant to this section, when authorized pursuant to resolution of the board, shall be made, executed and delivered in the name of the society and shall be signed by the director as the chief administrative officer of the society.

(6) All laws conflicting with this section are, insofar as they conflict with this section and no further, superseded by this section.