

CHAPTER 44

HISTORICAL SOCIETIES AND ARTS BOARD

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SUBCHAPTER I

STATE HISTORICAL SOCIETY AND LOCAL HISTORICAL SOCIETIES

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

(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. There shall continue to be a board of curators for governing the historical society with powers substantially the same as at present.

(3) The governor, secretary of state and state treasurer shall be members of the board of curators and shall ensure 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.

History: 1971 c. 125; 1979 c. 110.

44.015 Powers. The historical society may:

(1) Acquire any interest in 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 duplication 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.

History: 1977 c. 29.

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 buildings 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 system 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 worthwhile historical projects and undertakings at the county and local level.

(12) (a) Arrange and schedule the painting of the portrait of the governor or any former governor.

(b) Establish a committee consisting of one member of a Wisconsin college or university art history department, a Wisconsin college or university art department, a member of the board of curators of the state historical society, a member of the arts board and the secretary of administration or his or her designee, that will select, subject to the approval of the governor, an artist to paint the portrait as provided under par. (a).

(c) Costs incurred under pars. (a) and (b) shall be charged to the appropriation under s. 20.245 (1) (fb) up to a limit of \$10,000 per portrait. Costs in excess of \$10,000 per portrait may be charged to the appropriation under s. 20.245 (1) (fb) only with the prior approval of the joint committee on finance.

(d) Be the custodian of the official series of the painted portraits of the governors of Wisconsin and maintain the portraits in proper condition. No person may retouch, restore or alter any such portrait while the artist is alive, other than the artist or a person working under the artist's direction or authorization. The society may permit any or all of the 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 operate, maintain, acquire and develop outdoor historic sites related to the outdoor recreation program under s. 23.30.

(21) Serve as the principal historic preservation agency of the state and in that capacity carry out a program of preservation of historic properties as specified under s. 44.22.

(22) Acquire, maintain and operate historic properties representative of this state's rural and urban heritage.

History: 1971 c. 125; 1977 c. 26, 29; 1979 c. 34; 1981 c. 20.

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 affil-

ated 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 collections 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 cooperative 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 noncurrent 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 microphotographed 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) The historical society, through its board of curators, in its corporate capacity and as trustee of the state may enter into agreements with the university of Wisconsin system or such other public or quasi-public institutions, agencies or corporations as the board of curators of the 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.

History: 1977 c. 26.

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 system under s. 36.11 (12). Section 36.11 (12) shall, so far as appli-

cable, 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. 36.11 (12) they shall be deemed to mean "board of curators of the historical society".

History: 1971 c. 100 s. 23; 1973 c. 335 s. 13.

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 with other state agencies.

History: 1981 c. 93.

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 system, the state law library, 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 university of Wisconsin system 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.

History: 1977 c. 26.

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.

44.21 Historical society parking regulations. The board of curators may establish rules to govern parking of motor vehicles on property under the control of the historical society. Whoever violates such a rule shall forfeit to the state not more than \$25.

History: 1971 c. 170.

44.22 Historic preservation program. (1) **PUBLIC POLICY.** The legislature finds that the historic, architectural, archaeological and cultural heritage of the state is among the most important assets of the state and furthermore that the social, economic and physical development of contemporary society threatens to destroy the remaining vestiges of this heritage. It is therefore declared to be the public policy and in the public interest of this state to engage in a comprehensive program of historic preservation to promote the use and conservation of such property representative of both the rural and urban heritage of the state for education, inspiration, pleasure and enrichment of the citizens of this state.

(2) **DEFINITIONS.** As used in this section:

(a) "Agency of the state" means any office, department, independent agency, or attached

board or commission within the executive branch of state government, or any special purpose authority created by statute.

(b) "Historic preservation" means the research, protection, restoration and rehabilitation of historic properties.

(c) "Historic property" means any building, structure, object, district, area or site that is significant in the history, architecture, archaeology or culture of this state, its rural and urban communities or the nation.

(d) "National register of historic places in Wisconsin" or "the register" means the places in Wisconsin that are listed on the national register of historic places maintained by the U.S. department of the interior.

(e) "Officer" means the state historic preservation officer.

(g) "State review board" means the historic preservation review board.

(h) "Wisconsin inventory of historic places" or "the inventory" means the listing of places that have been identified by the officer as being of some historic significance.

(3) OFFICER. The director of the society shall serve as the state historic preservation officer.

(4) DUTIES OF THE REVIEW BOARD. The state review board shall:

(a) Approve, upon the recommendation of the officer, nominations to the national register of historic places.

(b) Review the state surveys and inventories of historic properties undertaken under this section.

(c) Review and approve the content of the state preservation plan developed under this section.

(d) Review and approve the distribution of federal grants-in-aid for preservation.

(e) Recommend the removal of properties from the national register of historic places.

(f) Act in an advisory capacity to the state historical society.

(g) Notify planning departments of affected municipalities, local landmarks commissions and local historical societies regarding properties being considered for nomination to the national register that are within their jurisdictions, and request them to forward comments regarding nominations from affected neighborhood groups, public bodies and interested citizens.

(6) DUTIES OF THE STATE HISTORICAL SOCIETY. The state historical society shall:

(a) Conduct an ongoing statewide survey to identify and document historic properties, including all those owned by the state, its instrumentalities and political subdivisions.

(b) Prepare, update and maintain the Wisconsin inventory of historic places.

(c) Maintain, publish and disseminate the national register of historic places in Wisconsin.

(d) Serve as the state's principal agency for administration of historic preservation activities and programs of the federal government and maintain the state's eligibility to participate in the programs.

(e) Prepare the state preservation plan and annually review it.

(f) Undertake a program of technical assistance to localities and private parties in furtherance of local and private historic preservation programs.

(g) Administer and distribute grants-in-aid using federal funds in furtherance of preservation and restoration of historic properties in accordance with federal law and regulations of the federal government.

(h) Cooperate with federal, state, and local government agencies in the planning and conduct of specific undertakings affecting historic properties and preservation objectives, and in overall land use planning.

(i) Cooperate with local landmarks commissions and historical societies in coordinating their activities with the state plan and programs for historic preservation.

(j) Review and comment upon those actions of any agency of the state which may have an adverse effect upon historic properties and seek through negotiation the amelioration of adverse effects, if any, in the manner specified in subs. (7) and (8).

(k) Certify historic preservation ordinances.

(7) STATE AGENCY CONSIDERATION. Each agency of the state shall, in its long-range planning and facilities development consider the effects of proposed actions on historic properties identified on the inventory, the register, or otherwise known to the agency and shall during the earliest stages of planning notify the officer of any action which may affect a historic property. To the extent practicable, the administrative procedures established under s. 1.11 shall be used in order to fulfill the requirements of this subsection. The officer shall participate as necessary in the consideration of environmental impact and may arrange negotiations as provided in sub. (8). When possible, efforts to ameliorate adverse effects on historic properties shall occur during the period of consideration of environmental impact.

(8) NEGOTIATIONS. Upon receipt of notification from an agency of the state concerning a proposed action affecting an historic property, the officer shall, as soon as practicable, determine whether the action would adversely affect an historic property on the register, on the

inventory or otherwise known to the officer or the agency and in the judgment of the officer is eligible for the register. The officer shall reach this determination within 30 days or shall notify the agency of the state in writing within such time that more time, not to exceed an additional 30 days, will be required to make adequate determinations and shall advise the agency of the reasons for requiring the extension. If there is an adverse effect, the officer may require negotiations with the agency of the state proposing such action in an attempt to ameliorate such effects. If the negotiations result in agreement as to means of ameliorating such effects, these agreements shall be incorporated in the proposed action. If no agreement is reached, the officer shall prepare a written report on the effects and the status of the negotiations. The officer shall report the results of all attempts to ameliorate adverse effects to the governor and the legislature.

(9) CERTIFICATION OF HISTORIC PRESERVATION ORDINANCES. (a) The state historical society shall certify a historic preservation ordinance if the ordinance does all of the following:

1. Contains criteria for the designation, on a municipal register, of historic structures and historic districts which are substantially similar to the criteria for inclusion in the national register of historic places in Wisconsin.

2. Provides a procedure for the designation of historic structures or historic districts which includes, at a minimum, a nomination process, public notice of nominations and an opportunity for written and oral public comment on nominations.

3. Provides for the exercise of municipal control by ordinance, to achieve the purpose of preserving and rehabilitating historic structures and historic districts.

4. Creates a municipal historic preservation commission.

(b) The owner of a building designated as a historic building on a municipal register of historic property shall provide any information or materials regarding the ordinance which are requested by the state historical society in determining whether to certify the ordinance.

History: 1977 c. 29, 447; 1981 c. 237, 341, 391.

SUBCHAPTER II

ARTS BOARD

44.51 Definitions. In this subchapter, unless the context requires otherwise:

(1) "Board" means the arts board.

(1m) "Operational grant" means a grant awarded by the board to support those administrative costs of an organization which are not

directly related to the development of an artistic performance or product.

(2) "State building" means any permanent structure, which is normally occupied by state employes, wholly or partially enclosed and used for performing or facilitating the performance of the functions of a state agency as defined in s. 20.001 (1), together with all grounds and appurtenant structures and facilities; and

(3) "Work of art" means any original creation of visual art. "Work of art" does not include:

(a) Any reproduction of an original work of art unless directly controlled by the artist as part of a limited edition;

(b) Any decorative, ornamental, functional or landscape element of a state building, unless an artist is specifically commissioned under this subchapter to create unique decorative, ornamental, functional or landscape elements for a particular state building;

(c) Any "art object" which is mass-produced or of standard design; or

(d) Any elements peripheral to the work of art itself, including but not limited to site preparation, or any services necessary for activation of the work of art including but not limited to electricity, water, lighting, security, maintenance and publicity.

History: 1973 c. 90; 1979 c. 221; 1981 c. 20.

44.53 Powers and duties. (1) The board shall:

(a) Continually study the artistic and cultural activities within the state.

(b) Assist arts activities in the state.

(c) Assist communities in creating and developing their own arts programs.

(d) Encourage and assist freedom of artistic expression.

(e) Adopt rules, pursuant to ch. 227, for the implementation and operations of this subchapter.

(f) Plan and implement, when appropriate funds are available, a program of contracts with or grants-in-aid to, groups or, in appropriate cases, individuals of exceptional talent engaged in or concerned with the arts.

(2) The board may:

(a) Enter into contracts with individuals, organizations, units of government and institutions for services furthering the development of the arts and humanities.

(b) Accept all gifts and grants and expend them for the purposes intended.

(c) Award an operational grant to an organization if the sum of all operational grants awarded in the current year does not exceed 15% of the sum of all grants awarded to organizations under the board's general grants pro-

gram and community arts program in the current year.

History: 1973 c. 90; 1981 c. 20.

44.55 Executive secretary. The board shall appoint an executive secretary outside the classified service to serve at its pleasure.

History: 1973 c. 90.

44.56 Public service requirement. (1) The board shall by rule define "public service" for the purpose of this section.

(2) Every recipient of a grant awarded by the board under the board's general grants program or community arts program from the appropriation under s. 20.215 (1) (b) shall perform a public service which shall be mutually agreed upon by the board and the grant recipient at the time the grant is awarded.

History: 1981 c. 20.

44.57 Fine arts in state buildings. (1) APPLICABILITY. This section does not apply to:

(a) Any contract for the construction, reconstruction, renovation or remodeling of or addition to any state building if the total construction cost of the project is \$250,000 or less.

(b) Sheds, warehouses, highways or streets, or other buildings or spaces which are not open for entry by the general public in the normal use of the building or space.

(c) Game farms, fish hatcheries, nurseries and other production facilities operated by the department of natural resources.

(2) **MINIMUM EXPENDITURE REQUIRED.** (a) Except as provided in par. (b), at least two-tenths of one percent of the appropriation for the construction, reconstruction, renovation or remodeling of or addition to a state building, including but not limited to amounts appropriated for design and supervision, site preparation, equipment and administrative and personnel costs, shall be utilized to acquire one or more works of art to be incorporated into the structure for which the appropriation was made, or displayed inside or on the grounds of that structure.

(b) If the state building to which this section applies is located contiguous to other state buildings, the advisory committee acting under sub. (3) may apply the funds set aside under par. (a) to the acquisition of one or more works of art to be incorporated into one of the other contiguous buildings or to be displayed on the grounds of one or more of the contiguous state buildings.

(3) **ADVISORY COMMITTEE.** (a) After selection of the architect for any project subject to this section, the board shall convene an advisory committee for the purpose of reviewing works of art to be incorporated into the structure.

(b) The committee shall consist of one representative of the bureau of facilities management, one representative of the building commission, the architect for the project, 2 representatives of the board and 2 representatives of the state agency originating the construction request, if the agency is not the department of administration.

(4) **CONTRACTS WITH ARTISTS.** (a) After review of the recommendations of the advisory committee convened under sub. (3), the board shall make the final selection of the artist and the work of art to be incorporated into the project. The board shall ensure that the aggregate of works of art selected under this section represent a wide variety of art forms executed by the broadest feasible diversity of artists.

(b) 1. The board shall enter into one or more contracts to procure the work of art selected for the project. Except as provided in subd. 2, the contracts shall provide for sole ownership of the works of art acquired under this section in the state of Wisconsin.

2. If the work of art to be acquired is an existing work of art and is no longer subject to the control of the artist originating the work of art, the contract shall provide sole ownership in the state of Wisconsin, subject to the existing obligations, if any, of the owner to the originating artist. If the work of art selected is a work of art which is owned by the artist originating the work of art or if the work of art has not been executed on the date of the contract, the contract shall provide for sole ownership in the state of Wisconsin, subject to the following rights retained by the artist unless limited by written agreement between the board and the artist:

a. The right to claim authorship of the work of art.

b. The right to reproduce the work of art, including all rights secured to the artist under federal copyrights laws.

(5) **BOARD RESPONSIBILITIES.** After acquisition of the work of art under sub. (4), the board shall:

(a) Ensure proper execution of the work of art, if the work of art is a new work of art.

(b) Ensure that the work of art acquired under this section is properly installed within the public view.

(c) Cooperate with the bureau of facilities management and consult with the artist or the artist's representative to ensure that each work of art acquired under this section is properly maintained and is not artistically altered without the consent of the artist or the artist's representative.

(d) Ensure that any work of art acquired under this section is maintained and displayed on the grounds of the state building for at least

25 years, unless the board finds that earlier removal is in the public interest. When the board, in consultation with the agency making principal use of the building to which the work of art is appurtenant, determines that the work of art should be removed, the board shall loan the

work of art to an accredited museum in the state or to an educational or other appropriate public institution capable of maintaining and exhibiting the work of art.

History: 1979 c. 221; 1981 c. 20.