

## CHAPTER 44.

## STATE HISTORICAL SOCIETY AND LOCAL HISTORICAL SOCIETIES.

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**44.01 State historical society; powers.** The state historical society of Wisconsin, organized under an act of the legislature approved on March 4, 1853, shall continue to possess the powers and privileges thereby conferred, subject to the provisions of this chapter and such laws as shall hereafter be enacted, and its acceptance of the benefits herein granted and renewed shall be conclusively deemed its complete acquiescence therein. Said society shall be an official agency and the trustee of the state, and as such shall faithfully expend and apply all money received from the state to the uses and purposes directed by law, and shall hold all its present and future collections and property for the state; and shall not sell, mortgage, transfer or dispose of in any manner, or remove, except for temporary purposes, from its building or buildings any article therein without authority of law; except that the society may sell or exchange its publications, and may sell, exchange or otherwise dispose of duplicate books, periodicals or museum objects, or books, periodicals or museum objects outside of its field of collection to other public libraries, schools, museums or other educational or charitable institutions or their agents. There shall continue to be a board of curators of said society, constituted with substantially the same powers as at present, of which the governor, secretary of state and state treasurer shall be ex officio members and take care that the interests of the state are protected. The society may acquire property, real or personal, by gift, bequest or otherwise, in any amount and may sell for such price and upon such conditions as its finance committee may deem best for its interests, and convey real estate acquired by it by gift or bequest or through the foreclosure of any mortgage.

**44.02 Historical society; duties.** It shall be the duty of the state historical society:

(1) To 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 to interest itself constructively as the agent of the state in the preservation and care of all similar materials wherever they may be.

(2) To 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) To conduct research in the history of Wisconsin in particular and of the west generally.

(4) To 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) To 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 by the society elsewhere in the state, or for admission to defray the cost of special exhibits in its headquarters building or buildings of documents, objects or other materials not part of the society's regular collections but brought in on loans from other sources for such special exhibitions.

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

(7) To loan, in its discretion, 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) To bind except when microfilmed the unbound books, documents, manuscripts, pamphlets, and especially newspaper files in its possession.

(9) To 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. The proper officer of any county, city, village, town, school district or other local governmental unit may offer, and the state historical society may accept, for preservation title to such noncurrent records as in the state historical society's judgment are of permanent historical value and which are no longer needed for administrative purposes by such local governmental unit. Said society, wherever possible, shall place such records in the custody of the appropriate auxiliary historical society, county historian, public library, museum or similar agency or institution in the area of origin, and shall make recommendations to the proper person as to their proper housing, arrangement and care. Only where such arrangements cannot be accomplished, may the said society temporarily transfer such records to 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, title to which is transferred to it under this subsection.

[44.03 to 44.07 Stats. 1947 renumbered section 44.03 (1) to (5) by 1949 c. 52]

**44.03 Auxiliary or affiliated societies.** (1) County or local historical societies without capital stock may be incorporated as auxiliaries of the state 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 any amendments thereto, 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 the same shall first have been approved by the board of curators of the state historical society.

(2) State-wide, county or other patriotic or historical organizations, or chapters thereof in this state may be incorporated as affiliates of the state historical society under section 44.03 (1) if their purposes and programs are similar to and consonant with those of the state historical society and its auxiliaries, or if already incorporated, such organizations or chapters thereof may apply to the said board of curators for affiliation with the state historical society. Upon incorporation under this section or acceptance of affiliation by the said board of curators, whichever is applicable, the applying organization must as an affiliate accept the provisions and shall be entitled to all the benefits of this section. Any such auxiliary or affiliated society shall be a member and entitled to one vote in any general meeting of the state historical society. The board of curators may terminate the affiliation as an auxiliary or affiliate of the state historical society under section 44.03 of any such organization by formal resolution, a copy of which shall be deposited with the secretary of state.

(3) Every such auxiliary or affiliated society shall make a report of its work annually to said state historical society, which, or portions or a synopsis thereof, may be included in the publications of said state society, and upon application of any auxiliary or affiliated society the state society may become, in behalf of the state, the custodian of the records and collections of such auxiliary or affiliated society.

(4) The state historical society, for the purpose of establishing uniformity in organization and methods of work, may prepare and furnish uniform articles of organization and by-laws to any such auxiliary society, but such auxiliary may adopt, from time to time, such additional by-laws as it may desire.

(5) The state historical society may provide for annual or other meetings of officers or representatives of such auxiliary societies at times and places to be fixed by its director, or by such officers or representatives, and the proceedings of such meetings, or such portions thereof as its director may select, may be included in its published reports. Each auxiliary society shall receive a copy of each of the publications of said 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 such auxiliary society under section 44.02 (9), but title to such records shall remain with the state historical society. In the event of the dissolution or incapacity of any such auxiliary society, it shall be obligatory on the last group of officers and members to notify the director of the state historical society that the auxiliary society can no longer retain custody of such records and to deliver such records to such depository as may be designated by the state historical society.

**44.08 Records of state officers.** (1) For the purpose of the permanent preservation of important state records and to provide an orderly method for the disposition of other state records, there shall be established under the state historical society of Wis-

consin a permanent committee on public records, to consist of the director of the said state historical society, the attorney-general, and the state auditor, or their designated representatives. This committee shall pass upon the requests of the state departments or other agencies for the reproduction by microfilm or other process or for the destruction or other disposition of such records, and shall have power to order the destruction, reproduction, temporary or permanent retention, and disposition of the public records of any department or agency of the state, and shall be specifically required to safeguard the legal, financial and historical interests of the state in such records.

(2) (a) Public records for the purposes of this section are defined as all records, documents, correspondence, original papers, files, manuscripts or other materials bearing upon the activities and functions of the department or agency or its officers or employees.

(b) "State agency" means any officer, commission, board, department or bureau of state government.

(3) To secure the destruction or other disposition of noncurrent public records, the head of any department or agency or his designated representative shall forward to the committee an inventory of the records involved, certifying that in so far as his department or agency is concerned the records may be destroyed immediately or at some specified future date. Such records shall be open at all times to inspection by the members of the committee or their designated representatives. The committee shall pass on all such requests and may order such destruction or other disposition as may be dictated by the historical, financial and legal value of the records involved. No public records may be destroyed without the written approval of the originating office or its legal successor and the written approval of the committee on public records, any and all contrary provisions of law notwithstanding.

(4) To secure the reproduction by microfilm or other photographic method of public records of permanent value in such a manner as to make the reproduction admissible as evidence in any court, tribunal or agency, administrative or otherwise, and to enable any state agency to request the destruction of original records without impairing the integrity of files of records having permanent value, any state agency may, upon receiving prior written approval from the committee on public records, cause any public records whatsoever made or received in the regular course of business to be photographed, microfilmed or otherwise reproduced by photography, provided that all records needed for audit purposes shall be kept available in their original form for a period of at least 5 years from their date of origin or until after audit. Provision shall be made for the preservation of any such reproduction in conveniently accessible files in the agency of origin or its successor or in the state archives and all persons shall be entitled to examine and use the same subject to such reasonable rules as may be made by the responsible officer of the state agency having custody of the same.

(5) (a) Any state agency may receive from the committee on public records written approval for microfilming or otherwise reproducing by photographic method state records by submitting to the committee an inventory of the material to be photographed, showing the name of the agency, title of record series, dates covered, and a brief description of the material.

(b) Any such photographic reproduction shall be deemed to be an original record for all purposes, provided: 1. That such reproduction is upon film which complies with the minimum standards of quality approved for permanent photographic records by the national bureau of standards; 2. that the device used to reproduce the records on film shall be one which accurately reproduces the content of the original; 3. that each reel or part of a reel of microfilm shall carry at the beginning a title target giving the name of the agency, brief title of record series, the microfilming project registration number assigned by the committee on public records, and at the end the camera operator's certificate showing the microfilming project registration number, reel number, brief title of record series, a brief description of the first and last document on the reel or part of reel of film, together with a statement signed by the operator substantially as follows: I hereby certify that I have on this ... day of . . . , 19 . . . , photographed the above-described documents in accordance with standards established by section 44.08 (5) (b) and with established procedures; and 4. that a statement of compliance with the minimum standards for quality of film and for processing and developing permanent photographic records as provided by the national bureau of standards shall be photographed on each reel or part of a reel of microfilm immediately following the operator's certificate and authenticated by the company developing or processing the film by signing the statement on the film with an acetate ink or perforating the film with a punch or device suitable for that purpose. The certificate of the operator and the statement of compliance shall be presumptive evidence that all conditions and standards prescribed by this section have been complied with.

(c) Any photographic reproduction meeting the foregoing conditions prescribed shall be taken as and stand in lieu of and have all the effect of the original document and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all cases where the original document is admissible.

(d) An enlarged copy of any photographic reproduction on film made as herein provided and certified by the custodian as provided in section 327.18 (2) shall have the same force and effect as the photographic reproduction itself.

(e) All contracts for photographic reproduction of records to be made as provided in this section shall be entered into by the director of the bureau of purchases as provided by section 15.56 and the cost of making such photographic reproduction shall be paid out of the appropriation of the state agency having the reproduction made.

(f) Each state agency shall, before providing photographic copies or enlargements of records, require of the requestor prepayment of the actual cost thereof. Fees collected shall be paid by the agency into the fund from which its appropriation was made and credited to such appropriation, except as otherwise provided by law.

(g) Nothing in this section shall be construed to prohibit the responsible officer of any state agency from reproducing any document whatsoever, by any method whatsoever, whenever it is necessary for him to do so in the course of carrying out his duties or functions in any case other than where the original document is to be destroyed; but no original public record shall be destroyed after microfilming or other reproduction without the approval of the committee on public records as provided in section 44.08 (3).

(6) The state historical society, as trustee for the state, shall be the ultimate depository of the archives of the state, and the committee on public records may transfer to the said society such original records and reproductions as it may deem proper.

**44.09 Accessioning state records; certified copies.** Said state historical society is hereby required, as soon as practicable, adequately and conveniently to classify and arrange such state records or other official materials as may be transferred to its care, for permanent preservation under the provisions of section 44.08, and to keep the same accessible to all persons interested, under such proper and reasonable regulations as may be found advisable. Copies therefrom shall, on application of any citizen of Wisconsin interested therein, be made and certified by the director of said historical society, or his authorized representative in charge, which certification shall have all the force and effect as if made by the official originally in charge of them.

**44.10 Custodian of governors' portraits.** The state historical society is designated the custodian of the painted portraits of the former governors of Wisconsin and it shall 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 may deem feasible.

**44.11 Depository of public documents.** (1) The state historical society shall be the official public documents depository for the state of Wisconsin. Three copies of all printed, near print, mimeographed, or otherwise reproduced state publications, reports, releases and other matter published at the expense of the state shall be sent to the state historical society by the director of purchases in accordance with section 35.84 (20). In those instances where a given publication is not distributed by the bureau of purchases, 3 copies shall be sent to the state historical society by the department, commission or agency of origin.

(2) The director of the state historical society shall file with the director of purchases, and may from time to time 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 section 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 director of purchases, carriage charges payable by the state.

(3) The state 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 state 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 state 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.

**44.12 Museum extension service.** (1) The state 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 may deem 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 section 20.16 (1) (e) 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.

**44.13 Central depository library.** The board of curators of the state 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 regents of the university of Wisconsin under section 36.06 (9). Section 36.06 (9) shall, so far as applicable, apply to the board of curators of the state historical society and for the purposes of this section whenever the word "regents" appears in section 36.06 (9) it shall be deemed to mean "board of curators of the state historical society".