

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.

State historical society is an official agency and trustee of the state and has no liability for negligent operation or maintenance of elevators which could properly be made the subject of public liability insurance. 39 Atty. Gen. 110.

State historical society is not liable for damages for copyright infringement. 43 Atty. Gen. 166.

State historical society has the right to hold general meetings as a private corporation and it may invite members of junior chapters to attend. 43 Atty. Gen. 190.

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, 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 state conservation 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) 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.

(10) To conduct a research center in American history for the benefit of the students and faculty of the state university 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.

(12) To be the custodian of the official series of the painted portraits of the former governors of Wisconsin and to 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.

History: 1951 c. 457; 1953 c. 61, 357.

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 accept, in behalf of the state, custody of or title to the property, 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 which has been designated a regional depository under s. 44.10, 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.

History: 1951 c. 457; 1953 c. 61.

County or local historical societies incorporated as auxiliaries of the state historical society under (1) do not enjoy the state's sovereign immunity from suit in tort actions. 41 Att. Gen. 303.

44.04 School services. (1) The state historical society, as part of its program as an educational institution, shall offer to the schools in this state such materials as it shall from time to time prepare or make available to facilitate the instruction in the history and civil government of Wisconsin required by s. 40.46 (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 may, in consultation with the department of public instruction, deem 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.

History: 1951 c. 465.

44.05 American history research center. (1) The state 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 from time to time best lend themselves to its work.

History: 1951 c. 457.

44.06 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.

History: 1951 c. 457.

44.07 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 cooperation 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 s. 20.430 (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.

History: 1951 c. 457; 1953 c. 61.

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 Wisconsin 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 employes.

(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, when providing photographic copies or enlargements of records, require of the requestor payment 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 and worthy of permanent preservation. The society may deposit in the regional depositories established under s. 44.10, title remaining in the society, the records of state agencies or their district or regional offices which are primarily created in the geographic area serviced by the depository, but the records of all central departments, offices, establishments and agencies shall remain in the main archives in the capital city under the society's immediate jurisdiction. Nothing in this subsection nor in s. 44.01 shall be construed to prevent the society's taking such steps for the safety of articles and materials entrusted to its care in library, museum or archives, including temporary removal to safer locations, as may be dictated by emergency conditions arising from a state of war, civil rebellion or other catastrophe.

(7) 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.

History: 1951 c. 457.

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 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. The proper officer of any court may offer, and the state historical society may accept for preservation, on order of the judge of the said court, title to such records as have been photo-

graphed or microphotographed or which have been on file for at least 75 years, and which are deemed by said society to be of permanent historical value.

History: 1951 c. 457.

44.10 Regional depositories for records. Said society, through its board of curators, shall have the right and power in its corporate capacity and as trustee of the state to enter into agreements with the state colleges 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, cataloguing, care, housing, preservation and servicing of these and such other material as may be placed by the state historical society or in the name of the state 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.

History: 1951 c. 457; 1953 c. 61.

44.11 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".

History: 1951 c. 457.

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 co-operation of the conservation commission, the society, and such other agencies as may be interested therein in accordance with such arrangements as the commission and society shall from time to time agree upon.

(2) The purpose of this museum as an educational facility shall be to portray graphically the farm and craft practices of by-gone 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 the provisions of s. 44.02 (5), and may from time to time and at its discretion 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.

History: 1953 c. 290.

44.14 Central depository loan collection. (1) It is the purpose of this section to establish a more economical system of handling federal documents in the state of Wisconsin 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 state university, the state law library, the state colleges, the depository libraries and such other college and public libraries in this state as may from time to time desire to share in the benefits of this loan collection.

(2) The state colleges 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 from time to time be deemed necessary and advisable.

History: 1953 c. 161.

44.15 Historical markers commission. (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. To that end, there is created a historical markers commission, consisting of the director of the state historical society who shall be secretary, the state superintendent of public instruction, the chairman of the state highway commission, the conservation director and the director of regional planning. In addition to any that may be specifically enumerated, the commission shall have all powers necessary to perform its duties. It shall meet in Madison in January each year, when it shall elect a chairman, and may hold special meetings at any time or place on call of the chairman or secretary. A member may be represented at such meetings by a representative whom he shall designate in writing.

(2) **MARKING SYSTEM.** The commission 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 commission, 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 commission, or other sites approved by it in writing, and then subject to such conditions as the commission may deem appropriate. The commission may cause the removal of any such markers not so used.

(3) **DONATIONS.** The commission 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 commission. The expenditures thereof shall be audited and paid as other disbursements by the state treasury are audited and paid. The commission may accept the aid, support and co-operation of county, city, village or town agencies, or private agencies or persons in executing its projects. All state boards, commissions, departments and institutions are directed to co-operate with it in the performance of its duties. Applicable laws shall be liberally construed in favor of such co-operation.

History: 1953 c. 192.