

2003 Assembly Bill 328

Date of enactment: **December 3, 2003**
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2003 WISCONSIN ACT 91

AN ACT *to renumber and amend* 20.245 (1) (g); *to amend* 20.245 (1) (h), 44.015 (7), 44.20 (5) and 230.12 (1) (a) 1. b.; and *to create* 13.48 (25x), 20.866 (2) (zfm), 20.923 (6) (bj), 25.17 (1) (gr), 25.74, 44.20 (3), 44.20 (4), 44.20 (4m) and 230.08 (2) (cd) of the statutes; **relating to:** the historic sites operated by the State Historical Society of Wisconsin, the purposes for which the State Historical Society of Wisconsin may contract with the Wisconsin Historical Foundation, Inc., or any other nonprofit corporation, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.48 (25x) of the statutes is created to read:

13.48 (25x) HISTORY PRESERVATION PARTNERSHIP INITIATIVE. There is created a program, to be known as the "History Preservation Partnership Initiative," for the purpose of providing financial support to attract private and federal funds to acquire, construct, develop, enlarge, and improve facilities for collections care, public programs, and visitor services at the historic sites owned by the historical society and at the headquarters of the historical society. Projects financed under the program shall be designed to provide facilities for collections care, public programs, and visitor services at those historic sites and at that headquarters, ancillary systems, and supporting infrastructure. Projects shall be financed from the appropriation under s. 20.866 (2) (zfm) or as otherwise provided in the authorized state building program.

SECTION 2. 20.245 (1) (g) of the statutes is renumbered 20.245 (1) (r) and amended to read:

20.245 (1) (r) *Admissions, sales, and other receipts History preservation partnership trust fund.* All As a

continuing appropriation, from the history preservation partnership trust fund, all moneys received from admissions, sales, and other receipts of the historical society and the amount transferred under 2001 2003 Wisconsin Act 46 ... (this act), section 9125 (1mk) 16 (1), for general program operations, and all contributions, gifts, grants, bequests and other moneys received by a corporation under s. 44.20 (3) (b) that are not retained by the corporation, for the operation, management, and development of the historic site for which the corporation was organized.

SECTION 3. 20.245 (1) (h) of the statutes is amended to read:

20.245 (1) (h) *Gifts and, grants, and membership sales.* All moneys received from contributions, gifts, grants, and bequests, to carry out the purposes for which made or received, and all moneys received from the sale of memberships in a corporation specified in s. 44.20 (3) (b), for transfer to the corporation for which the membership was sold.

SECTION 4. 20.866 (2) (zfm) of the statutes is created to read:

20.866 (2) (zfm) *Historical society; historic sites collections, programs, and visitor services.* From the capital improvement fund, a sum sufficient for the histor-

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

ical society to acquire, construct, develop, enlarge, or improve facilities for collections care, public programs, and visitor services at the historic sites owned by the historical society and at the headquarters of the historical society. The state may contract public debt in an amount not to exceed \$0 for this purpose.

SECTION 5. 20.923 (6) (bj) of the statutes is created to read:

20.923 (6) (bj) Historical society: unclassified sales and development professionals employed under s. 44.20 (4) (a).

SECTION 6. 25.17 (1) (gr) of the statutes is created to read:

25.17 (1) (gr) History preservation partnership trust fund (s. 25.74);

SECTION 7. 25.74 of the statutes is created to read:

25.74 History preservation partnership trust fund. There is established a separate nonlapsible trust fund designated as the history preservation partnership trust fund consisting of all moneys received from admissions, sales, and other receipts of the historical society, all contributions, gifts, grants, and bequests accepted by a corporation under s. 44.20 (3) (b) that are not retained by the corporation, all moneys received by a corporation under s. 44.20 (3) (b) for goods or services provided by the corporation that are not retained by the corporation, and all moneys transferred under 2003 Wisconsin Act ... (this act), section 16 (1). Moneys in the fund may be expended only as provided in s. 20.245 (1) (r).

SECTION 8. 44.015 (7) of the statutes is amended to read:

44.015 (7) Contract with the Wisconsin Historical Foundation, Inc., or any other nonstock, nonprofit corporation under ch. 181 for the purpose purposes of administering the historical society's membership program, soliciting and accepting contributions, gifts, grants, and bequests for the historical society, marketing the historical society's goods and services, providing support for the operation, management, and development of the historical society's programs, and performing other functions approved by the board of curators.

SECTION 9. 44.20 (3) of the statutes is created to read:

44.20 (3) (a) For each historic site under sub. (1), the historical society may organize and maintain a nonstock, nonprofit corporation under ch. 181 for the purposes of soliciting and accepting contributions, gifts, grants, and bequests for the historic site for which the corporation is organized and maintained, providing goods or services relating to that historic site, and providing support for the operation, management, and development of that historic site. Any corporation organized under this paragraph shall be organized so that contributions to the corporation will be deductible from gross income under section 170 of the Internal Revenue Code, as defined in s. 71.01 (6), and so that the corporation will be exempt from taxation

under section 501 of the Internal Revenue code, as defined in s. 71.22 (4), and s. 71.26 (1) (a).

(b) The historical society may enter into a contract with a corporation organized for the purposes of soliciting and accepting contributions, gifts, grants, and bequests for a historic site under sub. (1), providing goods or services relating to that historic site, and providing support for the operation, management, and development of that historic site setting forth the methods by which the historical society and the corporation will cooperate to accomplish those purposes. The contract shall provide that any contribution, gift, grant, or bequest accepted by the corporation that is not retained by the corporation shall be deposited in the history preservation partnership trust fund, credited to the appropriation account under s. 20.245 (1) (r), and, in accordance with the wishes of the donor, used exclusively for the operation, management, and development of the historic site for which the corporation was organized and that any moneys received by the corporation for any goods or services provided by the corporation that are not retained by the corporation shall be deposited in the history preservation partnership trust fund, credited to the appropriation account under s. 20.245 (1) (r), and used exclusively for the operation, management, and development of the historic site for which the corporation was organized.

(c) The historical society may sell memberships in a corporation specified in par. (b). All moneys received from the sale of those memberships shall be deposited in the general fund, credited to the appropriation account under s. 20.245 (1) (h), and transferred to the corporation for which the membership was sold.

SECTION 10. 44.20 (4) of the statutes is created to read:

44.20 (4) (a) Subject to authorization under s. 16.505, the historical society may employ outside the classified service sales and development professionals to engage in activities intended to generate admissions, sales, and other receipts for the historic sites under sub. (1) and to solicit contributions, gifts, grants, and bequests in support of those historic sites. The historical society may provide a compensation plan for those professionals under which those professionals are compensated, in whole or in part, through commissions and bonuses.

(b) Notwithstanding s. 230.08 (2) (cd), if a position in the classified service at the historical society is transferred outside the classified service under par. (a) and if the employee holding that position has achieved permanent status in class before the date of that transfer, that employee shall retain, while serving in the unclassified service at the historical society, those protections afforded employees in the classified service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff, or reduction in base pay. Such an employee shall also be eligible for transfer under

s. 230.29 and shall have reinstatement privileges to the classified service under s. 230.33 (1m). If a position in the classified service at the historical society is transferred outside the classified service under par. (a) and if the employee holding that position has not achieved permanent status in class on the date of that transfer, that employee is eligible to receive the protections, privileges, and rights preserved under this paragraph if the employee successfully completes service equivalent to the probationary period required in the classified service for the position that the employee holds on that date.

SECTION 11. 44.20 (4m) of the statutes is created to read:

44.20 (4m) The historical society and the department of tourism may enter into a memorandum of understanding setting forth the responsibilities of the department of tourism relating to promoting and marketing the historic sites under sub. (1) and the methods that the historical society and the department of tourism will use to cooperate in promoting and marketing those historic sites.

SECTION 12. 44.20 (5) of the statutes is amended to read:

44.20 (5) ~~Annually by December 1, the~~ The director of the historical society shall ~~submit a report to the joint committee on finance regarding program include in the biennial report under s. 15.04 (1) (d) information regarding~~ revenues and expenditures for each historic site under sub. (1) and ~~on~~ the condition of the historic sites.

SECTION 13. 230.08 (2) (cd) of the statutes is created to read:

230.08 (2) (cd) All sales and development professionals of the historical society employed under s. 44.20 (4) (a).

SECTION 14. 230.12 (1) (a) 1. b. of the statutes is amended to read:

230.12 (1) (a) 1. b. The provisions governing the pay of all unclassified positions except positions for employees of the University of Wisconsin System, for employees of the legislature ~~which~~ who are not identified under s. 20.923 (4), for employees of a service agency under subch. IV of ch. 13, for employees of the state court system, for employees of the investment board identified under s. 230.08 (2) (p), for one stenographer employed by each elective executive officer under s. 230.08 (2) (g), ~~and~~ for 3 sales representatives of prison industries and one sales manager of prison industries identified under s.

303.01 (10), and for sales and development professional of the historical society employed under s. 44.20 (4) (a).

SECTION 15. Nonstatutory provisions.

(1) HISTORIC SITES NEEDS ASSESSMENT. The department of administration may enter into a contract with the historical society under which the department of administration agrees to conduct, in cooperation with the historical society, a survey of the condition of the facilities and infrastructure of the historic sites owned by the historical society and to prepare, in cooperation with the historical society, a needs assessment for the facilities and infrastructure of those sites that includes a master plan for each of those sites designed to achieve a healthy and sustainable historic site system. If the department of administration conducts the survey and needs assessment, it shall submit a report of that survey and needs assessment to the governor, the director of the historical society, and the joint committee on finance, and to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes, by January 1, 2005.

(2) HISTORIC SITE WORKFORCE STUDY. The department of employment relations shall study the practices of the historical society relating to the hiring, classification, and compensation of the employees, both permanent and limited-term, who staff the historic sites operated by the historical society and shall recommend changes in those practices to reflect the seasonal nature of the work at those historic sites. Those changes may include the establishment of a separate classification and pay schedule for seasonal employees employed at the historic sites. The department of employment relations shall submit a report of its study and recommendations to the governor, the secretary of administration, the director of the historical society, and the joint committee on finance, and to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes, by the first day of the 12th month beginning after the effective date of this subsection.

SECTION 16. Appropriation changes.

(1) The unencumbered balance in the appropriation account under section 20.245 (1) (g), 2001 stats., immediately before the effective date of this subsection is transferred to the history preservation partnership trust fund.