

2003 ASSEMBLY BILL 328

May 13, 2003 – Introduced by Representatives KESTELL, HUBER, HINES, GIELOW, GRONEMUS, JESKEWITZ, HAHN, M. WILLIAMS, TOWNS, BERCEAU, OTT, BALOW, OLSEN, ZIEGELBAUER, RHOADES, LOEFFELHOLZ, LADWIG, ALBERS, GUNDERSON, SHILLING, OWENS, LEMAHIEU, J. LEHMAN, BOYLE, FREESE, MILLER, PLOUFF, BIES, VAN ROY, MCCORMICK, VRAKAS, HUNDERTMARK, WEBER, GROTHMAN and GARD, cosponsored by Senators LEIBHAM, RISSER, SCHULTZ, KEDZIE, M. MEYER, KANAVAS, DECKER, A. LASEE, ROESSLER and PLALE. Referred to Committee on Tourism.

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

Analysis by the Legislative Reference Bureau

Under current law, the State Historical Society of Wisconsin (Historical Society) operates certain historic sites known as Stonefield Village, Pendarvis, Villa Louis, Old Wade House, Madeline Island, Old World Wisconsin, H.H. Bennett Studios, and the First Capitol (historic sites). This bill makes the following changes with respect to the operation of those historic sites:

1. The bill requires the Department of Employment Relations to 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 and to recommend changes in those practices to reflect the seasonal nature of the work at the historic sites. The bill specifies that those changes may include the establishment of a separate classification and pay schedule for seasonal employees employed at the historic sites.

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2. The bill establishes a separate nonlapsible trust fund designated as the history preservation partnership trust fund consisting of all moneys received from admission, sales, and other receipts of the Historical Society, which may be expended only for the general program operations of the Historical Society.

3. The bill permits the Historical Society to organize and maintain, for each historic site, a nonstock, nonprofit corporation for the purposes of soliciting 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. The bill requires the Historical Society to organize such a corporation so that contributions to the corporation will be deductible from gross income under the Internal Revenue Code and so that the corporation will be exempt from taxation under that code.

The bill also permits the Historical Society to enter into a contract with a corporation organized for those purposes setting forth the methods by which the Historical Society and the corporation will cooperate to accomplish those purposes. Such a contract shall provide that any contributions, gifts, grants, and bequests accepted by the corporation, and 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 fund, and that any contribution, gift, grant, bequest or other moneys so deposited shall be used exclusively, in accordance with the wishes of the donor, for the operation, management, and development of the historic site for which the corporation was organized.

In addition, the bill permits the Historical Society to sell memberships in a corporation organized for those purposes and requires the Historical Society to transfer all moneys received from the sale of those memberships to the corporation for which the membership was sold.

4. The bill permits the Historical Society and the Department of Tourism to enter into a memorandum of understanding setting forth the responsibilities of that department relating to promoting and marketing the historic sites and the methods that the Historical Society and that department will use to cooperate in promoting and marketing the historic sites.

5. The bill permits the Department of Administration to conduct, in cooperation with the Historical Society, a survey of the condition of the facilities and infrastructure of the historic sites and of the Circus World Museum, which is a museum owned by the Historical Society but operated under a lease agreement with the Circus World Museum Foundation, Inc., and to prepare, in cooperation with the Historical Society, a needs assessment for those facilities and that infrastructure that includes a master plan for each of the historic sites and the Circus World Museum designed to achieve a healthy and sustainable historic site system.

6. The bill creates 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

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sites, at the Circus World Museum, and at the headquarters of the Historical Society. The bill also creates an appropriation to the Building Commission to finance projects under that initiative, but does not authorize the state to contract any public debt for that purpose.

7. The bill requires the director of the Historical Society to include in the biennial report that the director is required to submit to the governor and the legislature information regarding revenues and expenditures for each historic site and the condition of the historic sites. Current law requires the director to submit an annual report of that information to the Joint Committee on Finance.

8. The bill permits the Historical Society, subject to authorization by the legislature or the Joint Committee on Finance, to employ outside the classified service sales and development professionals to engage in activities intended to generate admission, sales, and other receipts for the historic sites and to solicit contributions, gifts, grants, and bequests in support of the historic sites. The bill also permits the Historical Society to provide a compensation plan for those professionals under which those professionals are compensated, in whole or in part, through commissions and bonuses.

Finally, current law permits the Historical Society to contract with the Wisconsin History Foundation, Inc., for the purpose of administering the historical society's membership program. This bill permits the Historical Society to contract with the Wisconsin Historical Foundation, Inc., or any other nonprofit corporation for the 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 of the Historical Society.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 13.48 (25x) of the statutes is created to read:
2 **13.48 (25x) HISTORY PRESERVATION PARTNERSHIP INITIATIVE.** There is created a
3 program, to be known as the "History Preservation Partnership Initiative," for the
4 purpose of providing financial support to attract private and federal funds to acquire,
5 construct, develop, enlarge, and improve facilities for collections care, public
6 programs, and visitor services at the historic sites owned by the historical society and

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1 at the headquarters of the historical society. Projects financed under the program
2 shall be designed to provide facilities for collections care, public programs, and
3 visitor services at those historic sites and at that headquarters, ancillary systems,
4 and supporting infrastructure. Projects shall be financed from the appropriation
5 under s. 20.866 (2) (zfm) or as otherwise provided in the authorized state building
6 program.

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

9 20.245 (1) (r) *Admissions, sales, and other receipts* History preservation
10 partnership trust fund. All As a continuing appropriation, from the history
11 preservation partnership trust fund, all moneys received from admissions, sales, and
12 other receipts of the historical society and the amount transferred under ~~2001~~ 2003
13 Wisconsin Act 16 ~~.... (this act), section 9125 (1mk)~~ 16 (1), for general program
14 operations, and all contributions, gifts, grants, bequests and other moneys received
15 by a corporation under s. 44.20 (3) (b) that are not retained by the corporation, for
16 the operation, management, and development of the historic site for which the
17 corporation was organized.

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

19 20.245 (1) (h) *Gifts and, grants, and membership sales.* All moneys received
20 from contributions, gifts, grants, and bequests, to carry out the purposes for which
21 made or received, and all moneys received from the sale of memberships in a
22 corporation specified in s. 44.20 (3) (b), for transfer to the corporation for which the
23 membership was sold.

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

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1 20.866 (2) (zfm) *Historical society; historic sites collections, programs, and*
2 *visitor services.* From the capital improvement fund, a sum sufficient for the
3 historical society to acquire, construct, develop, enlarge, or improve facilities for
4 collections care, public programs, and visitor services at the historic sites owned by
5 the historical society and at the headquarters of the historical society. The state may
6 contract public debt in an amount not to exceed \$0 for this purpose.

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

8 20.923 (6) (bj) Historical society: unclassified sales and development
9 professionals employed under s. 44.20 (4) (a).

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

11 25.17 (1) (gr) History preservation partnership trust fund (s. 25.74);

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

13 **25.74 History preservation partnership trust fund.** There is established
14 a separate nonlapsible trust fund designated as the history preservation partnership
15 trust fund consisting of all moneys received from admissions, sales, and other
16 receipts of the historical society, all contributions, gifts, grants, and bequests
17 accepted by a corporation under s. 44.20 (3) (b) that are not retained by the
18 corporation, all moneys received by a corporation under s. 44.20 (3) (b) for goods or
19 services provided by the corporation that are not retained by the corporation, and all
20 moneys transferred under 2003 Wisconsin Act (this act), section 16 (1). Moneys
21 in the fund may be expended only as provided in s. 20.245 (1) (r).

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

23 44.015 (7) Contract with the Wisconsin History Historical Foundation, Inc., or
24 any other nonstock, nonprofit corporation under ch. 181 for the purpose purposes of
25 administering the historical society's membership program, soliciting and accepting

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1 contributions, gifts, grants, and bequests for the historical society, marketing the
2 historical society's goods and services, providing support for the operation,
3 management, and development of the historical society's programs, and performing
4 other functions approved by the board of curators.

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

6 44.20 (3) (a) For each historic site under sub. (1), the historical society may
7 organize and maintain a nonstock, nonprofit corporation under ch. 181 for the
8 purposes of soliciting and accepting contributions, gifts, grants, and bequests for the
9 historic site for which the corporation is organized and maintained, providing goods
10 or services relating to that historic site, and providing support for the operation,
11 management, and development of that historic site. Any corporation organized
12 under this paragraph shall be organized so that contributions to the corporation will
13 be deductible from gross income under section 170 of the Internal Revenue Code, as
14 defined in s. 71.01 (6), and so that the corporation will be exempt from taxation under
15 section 501 of the Internal Revenue code, as defined in s. 71.22 (4), and s. 71.26 (1)
16 (a).

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

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1 and, in accordance with the wishes of the donor, used exclusively for the operation,
2 management, and development of the historic site for which the corporation was
3 organized and that any moneys received by the corporation for any goods or services
4 provided by the corporation that are not retained by the corporation shall be
5 deposited in the history preservation partnership trust fund, credited to the
6 appropriation account under s. 20.245 (1) (r), and used exclusively for the operation,
7 management, and development of the historic site for which the corporation was
8 organized.

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

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

14 44.20 (4) (a) Subject to authorization under s. 16.505, the historical society may
15 employ outside the classified service sales and development professionals to engage
16 in activities intended to generate admissions, sales, and other receipts for the
17 historic sites under sub. (1) and to solicit contributions, gifts, grants, and bequests
18 in support of those historic sites. The historical society may provide a compensation
19 plan for those professionals under which those professionals are compensated, in
20 whole or in part, through commissions and bonuses.

21 (b) Notwithstanding s. 230.08 (2) (cd), if a position in the classified service at
22 the historical society is transferred outside the classified service under par. (a) and
23 if the employee holding that position has achieved permanent status in class before
24 the date of that transfer, that employee shall retain, while serving in the unclassified
25 service at the historical society, those protections afforded employees in the classified

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1 service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension,
2 discharge, layoff, or reduction in base pay. Such an employee shall also be eligible
3 for transfer under s. 230.29 and shall have reinstatement privileges to the classified
4 service under s. 230.33 (1m). If a position in the classified service at the historical
5 society is transferred outside the classified service under par. (a) and if the employee
6 holding that position has not achieved permanent status in class on the date of that
7 transfer, that employee is eligible to receive the protections, privileges, and rights
8 preserved under this paragraph if the employee successfully completes service
9 equivalent to the probationary period required in the classified service for the
10 position that the employee holds on that date.

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

12 **44.20 (4m)** The historical society and the department of tourism may enter into
13 a memorandum of understanding setting forth the responsibilities of the department
14 of tourism relating to promoting and marketing the historic sites under sub. (1) and
15 the methods that the historical society and the department of tourism will use to
16 cooperate in promoting and marketing those historic sites.

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

18 **44.20 (5)** ~~Annually by December 1, the~~ The director of the historical society
19 ~~shall submit a report to the joint committee on finance regarding program~~ include
20 in the biennial report under s. 15.04 (1) (d) information regarding revenues and
21 expenditures for each historic site under sub. (1) and ~~on~~ the condition of the historic
22 sites.

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

24 **230.08 (2)** (cd) All sales and development professionals of the historical society
25 employed under s. 44.20 (4) (a).

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

2 230.12 (1) (a) 1. b. The provisions governing the pay of all unclassified positions
3 except positions for employees of the University of Wisconsin System, for employees
4 of the legislature ~~which~~ who are not identified under s. 20.923 (4), for employees of
5 a service agency under subch. IV of ch. 13, for employees of the state court system,
6 for employees of the investment board identified under s. 230.08 (2) (p), for one
7 stenographer employed by each elective executive officer under s. 230.08 (2) (g), and
8 for 3 sales representatives of prison industries and one sales manager of prison
9 industries identified under s. 303.01 (10), and for sales and development professional
10 of the historical society employed under s. 44.20 (4) (a).

11 **SECTION 15. Nonstatutory provisions.**

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

24 (2) HISTORIC SITE WORKFORCE STUDY. The department of employment relations
25 shall study the practices of the historical society relating to the hiring, classification,

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1 and compensation of the employees, both permanent and limited-term, who staff the
2 historic sites operated by the historical society and shall recommend changes in
3 those practices to reflect the seasonal nature of the work at those historic sites. Those
4 changes may include the establishment of a separate classification and pay schedule
5 for seasonal employees employed at the historic sites. The department of
6 employment relations shall submit a report of its study and recommendations to the
7 governor, the secretary of administration, the director of the historical society, and
8 the joint committee on finance, and to the appropriate standing committees of the
9 legislature in the manner provided under section 13.172 (3) of the statutes, by July
10 1, 2004.

SECTION 16. Appropriation changes.

11 (1) The unencumbered balance in the appropriation account under section
12 20.245 (1) (g), 2001 stats., immediately before the effective date of this subsection is
13 transferred to the history preservation partnership trust fund.
14

15 (END)