



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1406/1
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1 AN ACT relating to: the historic sites operated by the State Historical Society
2 of Wisconsin 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 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.

2. 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.

→ 3. The bill establishes a separate nonlapsible trust fund designated as the ~~Historic Sites Trust Fund~~ consisting of all moneys received from admission, sales,

and other receipts of the historic sites, which may be expended only for the general program operations of the historic sites; all moneys received from contributions, gifts, grants, and bequests made in support of the historic sites, which may be expended only for the purposes for which made or received; and all moneys received by the Historical Society from the sale of memberships in a corporation organized for the purposes of soliciting contributions, gifts, grants, and bequests and providing support for the operation, management, and development of a historic site, which must be transferred to the corporation for which the membership was sold.

4. 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 and providing support for the operation, management, and development of the historic site for which the corporation is organized and maintained. 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 not retained by the corporation shall be deposited in the ~~Historic Sites Trust Fund~~ 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.

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

5. The bill requires 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.

6. Finally, the bill permits the Department of Administration (~~DOA~~) 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.

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. 20.245 (1) (g) of the statutes is amended to read:

2 20.245 (1) (g) *Admissions, sales, and other receipts.* All moneys received from
3 admissions, sales, and other receipts, except moneys received from admission, sales,
4 and other receipts of the historic sites under s. 44.20 (1), and the amount transferred
5 under 2001 Wisconsin Act 16, section 9125 (1mk), for general program operations.

History: 1971 c. 100 s. 23; 1971 c. 125; 1973 c. 30, 90; 1975 c. 39, 224; 1977 c. 29; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27; 1985 a. 29, 316; 1987 a. 27, 395, 399; 1989 a. 31; 1991 a. 39, 226, 269, 315; 1993 a. 16, 257, 399, 471, 490; 1995 a. 3, 27, 216; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109.

6 SECTION 2. 20.245 (1) (h) of the statutes is amended to read:

7 20.245 (1) (h) *Gifts and grants.* All moneys received from contributions, gifts,
8 grants, and bequests, except moneys received from contributions, gifts, grants, and
9 bequests made in support of the historic sites under s. 44.20 (1), to carry out the
10 purposes for which made or received.

History: 1971 c. 100 s. 23; 1971 c. 125; 1973 c. 30, 90; 1975 c. 39, 224; 1977 c. 29; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27; 1985 a. 29, 316; 1987 a. 27, 395, 399; 1989 a. 31; 1991 a. 39, 226, 269, 315; 1993 a. 16, 257, 399, 471, 490; 1995 a. 3, 27, 216; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109.

11 SECTION 3. 20.445 (1) (r) of the statutes is created to read:

12 20.445 (1) (r) *Historic sites trust fund.* As a continuing appropriation, from the
13 historic sites trust fund, all moneys received from admission, sales, and other
14 receipts of the historic sites under s. 44.20 (1), for the general program operations of
15 the historic sites; all moneys received from contributions, gifts, grants, and bequests
16 made in support of the historic sites under s. 44.20 (1), for the purposes for which
17 made or received; and all moneys received from the sale of memberships in a
18 corporation specified in s. 44.20 (3) (b), for transfer to the corporation for which the
19 membership was sold.

20 SECTION 4. 20.923 (6) (bj) of the statutes is created to read:

(gk)

1 20.923 (6) (bj) Historical society: unclassified sales and development
2 professionals employed under s. 44.20 (4) (a).

3 SECTION 5. 25.17 (1) ~~(a)~~ of the statutes is created to read:

4 25.17 (1) ~~(a)~~ Historic sites trust fund (s. 25.74);

5 SECTION 6. 25.74[^] of the statutes is created to read:

6 **25.74 Historic sites trust fund.** There is established a separate nonlapsible
7 trust fund designated as the historic sites trust fund consisting of all moneys received
8 from admissions, sales, and other receipts of the historic sites under s. 44.20 (1), all
9 moneys received from contribution^s, gifts, grants, and bequests made in support of
10 those historic sites, and all moneys received from the sale of memberships in a
11 corporation specified in s. 44.20 (3) (b). Moneys in the fund may be expended only
12 as provided in s. 20.245 (1) (r).

13 SECTION 7. 44.20[^] (3) of the statutes is created to read:

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

24 (b) The historical society may enter into a contract with a corporation organized
25 for the purposes of soliciting and accepting contributions, gifts, grants, and bequests

1 and providing support for the operation, management, and development of a historic
2 site under sub. (1) setting forth the methods by which the historical society and the
3 corporation will cooperate to accomplish those purposes. The contract shall provide
4 that any contribution, gift, grant, or bequest accepted by the corporation and not
5 retained by the corporation shall be deposited in the historic sites trust fund and, in
6 accordance with the wishes of the donor, 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 historic sites trust fund and transferred to the corporation for which the
12 membership was sold. ✓

13 SECTION 8. 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

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 9.** 44.20 (4m) of the statutes is created to read:

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

17 **SECTION 10.** 44.20 (5) of the statutes is amended to read:

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

History: 1983 a. 27, 192; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16, 437; 1995 a. 3; 1999 a. 9.

22 **SECTION 11.** 230.08 (2) (cd) of the statutes is created to read:

23 230.08 (2) (cd) All sales and development professionals of the historical society
24 employed under s. 44.20 (4) (a).

1 **SECTION 12.** 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).

History: 1971 c. 55, 125, 215; 1971 c. 270 ss. 20, 27, 28, 30 to 32; 1971 c. 336; Stats. 1971 s. 16.086; 1973 c. 12, 51, 90; 1975 c. 28, 39, 199, 224; 1977 c. 29, 44; 1977 c. 196 ss. 36, 130 (3), (5), (11), 131; 1977 c. 272, 418, 449; Stats. 1977 s. 230.12; 1979 c. 221; 1981 c. 20 s. 2202 (33) (b); 1981 c. 153; 1983 a. 27 ss. 1611am to 1612am, 2200 (15); 1983 a. 140; 1985 a. 29, 34, 42, 119, 332; 1987 a. 33, 83, 340, 399, 403; 1989 a. 39, 56, 117, 119, 124, 153, 336, 359; 1991 a. 269; 1995 a. 37, 88; 1997 a. 14, 237; 1999 a. 42, 102; 2001 a. 16, 29, 35.

11 **SECTION 13. 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.

1 (2) HISTORIC SITE WORKFORCE STUDY. The department of employment relations
2 shall study the practices of the historical society relating to the hiring, classification,
3 and compensation of the employees, both permanent and limited-term, who staff the
4 historic sites operated by the historical society and shall recommend changes in
5 those practices to reflect the seasonal nature of the work at those historic sites. Those
6 changes may include the establishment of a separate classification and pay schedule
7 for seasonal employees employed at the historic sites. The department of
8 employment relations shall submit a report of its study and recommendations to the
9 governor, the secretary of administration, the director of the historical society, and
10 the joint committee on finance, and to the appropriate standing committees of the
11 legislature in the manner provided under section 13.172 (3) of the statutes, by July
12 1, 2004.

13 **SECTION 14. Appropriation changes.**

14 (1) TRANSFER OF UNENCUMBERED BALANCES.

15 (a) The unencumbered balance in the appropriation account under section
16 20.245 (1) (g) of the statutes, as affected by this act, that is attributable to admissions,
17 sales, and other receipts of the historic sites under section 44.20 (1) of the statutes,
18 as determined by the secretary of administration, is transferred to the appropriation
19 account under section 20.245 (1) (r) of the statutes, as created by this act.

20 (b) The unencumbered balance in the appropriation account under section
21 20.245 (1) (h) of the statutes, as affected by this act, that is attributable to
22 contribution, gifts, grants, and bequests made in support of the historic sites under
23 section 44.20 (1) of the statutes, as determined by the secretary of administration,

deposited in the historic sites
trust fund and

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1 is transferred to the appropriation account under section 20.245 (1) (r) of the
2 statutes, as created by this act.

3

(END)

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DRAFT

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1406/1dn
GMM.....

Representative Kestell:

In reviewing this draft, please note in particular all of the following:

1. The draft does not authorize bonding for the preservation and protection of the historic sites collection because s. 20.866 (2) (ze) and (zf) already authorizes public debt for the historical society to acquire, construct, develop, enlarge, or improve historic sites to the maximum extent allowable under the Wisconsin Constitution. Specifically, article VIII, section 7 (2) (a) of the Wisconsin Constitution authorizes the state to contract public debt to "acquire, construct, develop, extend, enlarge, or improve land, waters, property, highways, railways, buildings, equipment, or facilities for public purposes," and s. 20.866 (2) (ze) and (zf) already track that exact language for the historic sites. Accordingly, if and when the legislature wishes to authorize the state to contract more public debt for the historical society to acquire, construct, develop, enlarge, or improve historic sites, the legislature may accomplish that goal by simply amending the dollar amount in s. 20.866 (2) (ze) or (zf). ←

2. As instructed, this draft creates a segregated ~~Historic Sites Trust Fund~~ and directs all earned revenue and fundraising revenue of the historic sites to be deposited in that fund and to be used only for purposes of the historic sites. As we have seen, however, in the governor's budget adjustment bill and biennial budget bill, placing those moneys in a segregated fund and limiting the purposes for which they may be expended does not protect those moneys from being transferred to the general fund or used for other purposes by future governors and legislatures. Short of a constitutional amendment, the only way to keep those moneys completely safe from use for other purposes would be to keep those moneys out of the state treasury altogether, for example, by handing over management of all the historic sites to private foundations as in the Circus World model. ←

If you have any questions about the draft, please do not to hesitate to contact me directly at the phone number or e-mail address listed below. ✓

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1406/1dn

GMM:ejs:cph

March 4, 2003

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2. As instructed, this draft creates a segregated historic sites trust fund and directs all earned revenue and fundraising revenue of the historic sites to be deposited in that fund and to be used only for purposes of the historic sites. As we have seen, however, in the governor's budget adjustment bill and biennial budget bill, placing those moneys in a segregated fund and limiting the purposes for which they may be expended does not protect those moneys from being transferred to the general fund or used for other purposes by future governors and legislatures. Short of a constitutional amendment, the only way to keep those moneys completely safe from use for other purposes would be to keep those moneys out of the state treasury altogether, for example, by handing over management of all the historic sites to private foundations as in the Circus World model.

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3/13/03

12

Meeting Rep. Kestell
Dave Pamporn
Robert Thomassgard

□ RM (1)(g); (1)(r) = Make admissions, sales & other receipts of entire Historical Society a SEG Fund

□ Name fund "History Preservation Partnership Trust Fund"

□ Keep Gifts & Grants as PR approp. (1)(h)

- do not separate historic sites / other gifts & grants

- Put money received from "Friends of"

memberships in this approp.

□ Bonding - Create program like Biostar

to attract private money for collections care,

program development, & visitor service facilities

at historic sites

□ Permit Bd. of Curators to contract w/ WI History

Foundation or any other nonprofit corp.

- to administer membership program

- to accept contributions

- to market goods & services

- provide support for Society's programs

- other functions approved by Bd.

for all programs of Society, not just Historic Sites

D Clarify that Friends group operating gift

shop turns over revenue from sales to Society

Eliminate

D ~~Make~~ current annual report on historic sites

to JCF

Instead include in biennial report to Gov + Leg.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1406/1
GMM:cjs:cph

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2003 BILL

, the purposes for which the State Historical Society of Wisconsin may contract with the Wisconsin History Foundation, Inc., or any other nonprofit corporation,

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1 AN ACT to amend 20.245 (1) (g), 20.245 (1) (h), 44.20 (5) and 230.12 (1) (a) 1. b.;
2 and to create 20.245 (1) (r), 20.923 (6) (bj), 25.17 (1) (gk), 25.74, 44.20 (3), 44.20
3 (4), 44.20 (4m) and 230.08 (2) (cd) of the statutes; relating to: the historic sites
4 operated by the State Historical Society of Wisconsin and making an
5 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 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.

2. The bill requires the Department of Employment Relations to study the practices of the Historical Society relating to the hiring, classification, and

providing goods and services relating to that historic site, and providing support for the operation, management, and development of that historic site

BILL

history preservation partnership

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.

3. The bill establishes a separate nonlapsible trust fund designated as the ~~historic sites~~ *Historical Society* trust fund consisting of all moneys received from admission, sales, and other receipts of the historic sites, which may be expended only for the general program operations of the historic sites; ~~all moneys received from contributions, gifts, grants, and bequests made in support of the historic sites, which may be expended only for the purposes for which made or received; and all moneys received by the Historical Society from the sale of memberships in a corporation organized for the purposes of soliciting contributions, gifts, grants, and bequests and providing support for the operation, management, and development of a historic site, which must be transferred to the corporation for which the membership was sold.~~

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for

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 not retained by the corporation shall be deposited in the historic sites trust fund 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.~~

general

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

transfer

5. The bill requires 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.

used exclusively

6. ~~Finally, the~~ *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

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 fund, and that any contribution, gift, grant, bequest or other moneys so deposited shall

BILL

~~History Preservation Partnership Trust Fund~~ As a continuing

appropriation, from the history preservation partnership trust fund, all

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.

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

History preservation partnership trust fund

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: renumbered 20.245 (1) (r) and

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under ~~2003~~ Wisconsin Act ~~16~~ section 0125 (link), for general program operations,

SECTION 2. 20.245 (1) (h) of the statutes is amended to read:

20.245 (1) (h) ~~Gifts and grants.~~ All moneys received from contributions, gifts,

grants, and bequests, ~~except moneys received from contributions, gifts, grants, and~~

~~bequests made in support of the historic sites under s. 44.20 (1), to carry out the~~

purposes for which made or received.

SECTION 3. 20.245 (1) (r) of the statutes is created to read:

20.245 (1) (r) *Historic sites trust fund.* As a continuing appropriation, from the

historic sites trust fund, all moneys received from admission, sales, and other

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the historic sites; all moneys received from contributions, gifts, grants, and bequests

made in support of the historic sites under s. 44.20 (1), for 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.~~

Score

for transfer to the corporation for which the membership was sold

Insert A

Insert 3-18

Fix Component

Use auto refs are on p. 9

The historical society

Handwritten notes on the right margin, including "make all moneys received from admissions, sales, and other receipts of the historic sites under s. 44.20 (1) for general program operations of the historic sites; all moneys received from contributions, gifts, grants, and bequests made in support of the historic sites under s. 44.20 (1), for 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."

Insert 3-19

BILL

), providing goods or services relating to that historic site, and providing support for the operation, management, and development of that historic site

1 (b) The historical society may enter into a contract with a corporation organized
2 for the purposes of soliciting and accepting contributions, gifts, grants, and bequests
3 ~~and providing support for the operation, management, and development of a historic~~ *(for)*
4 ~~site under sub. (1), setting forth the methods by which the historical society and the~~
5 corporation will cooperate to accomplish those purposes. The contract shall provide
6 that any contribution, gift, grant, or bequest accepted by the corporation and ~~not~~ *(is)*
7 retained by the corporation shall be deposited in the historic sites trust fund, ~~and, in~~ *general*

8 accordance with the wishes of the donor, ~~used exclusively~~ *used exclusively* for the operation,
9 management, and development of the historic site for which the corporation was
10 organized. *Insurance 5-10*

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

credited to the appropriation account under s. 20.245 (1) (h) and in

~~Partnership trust fund, and that any contribution, gift, grant, bequest, or other moneys be deposited~~

SECTION 8. 44.20 (4) of the statutes is created to read:

shall be used exclusively

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

22 (b) Notwithstanding s. 230.08 (2) (cd), if a position in the classified service at
23 the historical society is transferred outside the classified service under par. (a) and
24 if the employee holding that position has achieved permanent status in class before
25

~~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~~

BILL

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

SECTION 9. 44.20 (4m) of the statutes is created to read:

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

SECTION 10. 44.20 (5) of the statutes is amended to read:

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

SECTION 11. 230.08 (2) (cd) of the statutes is created to read:

include in the biennial report under s. 15.04 (1)(d)
information regarding

BILL

1 230.08 (2) (cd) All sales and development professionals of the historical society
2 employed under s. 44.20 (4) (a).

3 **SECTION 12.** 230.12 (1) (a) 1. b. of the statutes is amended to read:

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

13 **SECTION 13. Nonstatutory provisions.**

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

BILL

1 (2) HISTORIC SITE WORKFORCE STUDY. The department of employment relations
2 shall study the practices of the historical society relating to the hiring, classification,
3 and compensation of the employees, both permanent and limited-term, who staff the
4 historic sites operated by the historical society and shall recommend changes in
5 those practices to reflect the seasonal nature of the work at those historic sites. Those
6 changes may include the establishment of a separate classification and pay schedule
7 for seasonal employees employed at the historic sites. The department of
8 employment relations shall submit a report of its study and recommendations to the
9 governor, the secretary of administration, the director of the historical society, and
10 the joint committee on finance, and to the appropriate standing committees of the
11 legislature in the manner provided under section 13.172 (3) of the statutes, by July
12 1, 2004.

SECTION 14. Appropriation changes.**(1) TRANSFER OF UNENCUMBERED BALANCES.**

15 (a) The unencumbered balance in the appropriation account under section
16 20.245 (1) (g) of the statutes, as affected by this act, that is attributable to admissions,
17 sales, and other receipts of the historic sites under section 44.20 (1) of the statutes,
18 as determined by the secretary of administration, is deposited in the historic sites
19 trust fund and transferred to the appropriation account under section 20.245 (1) (r)
20 of the statutes, as created by this act.

21 (b) The unencumbered balance in the appropriation account under section
22 20.245 (1) (b) of the statutes, as affected by this act, that is attributable to
23 contribution, gifts, grants, and bequests made in support of the historic sites under
24 section 44.20 (1) of the statutes, as determined by the secretary of administration,

BILL

create
auto reb
"B"

1 is deposited in the historic sites trust fund and transferred to the appropriation
2 account under section 20.245 (1) (r) of the statutes, as created by this act.

(END) ~~§~~ (§)

create
auto reb
"A"

3
B) SEC# Appropriation changes.

the unencumbered balance

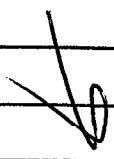
~~SECTION 20.245 (1) (r)~~ the unencumbered balance in the
appropriation account under section 20.245 (1) (g) ~~of the~~
~~statutes~~, 2001 stats., immediately before the effective
date of this ~~sub~~ subsection is transferred to the
history preservation partnership trust funds

non
stat
\$
change

~~transferred to the appropriation account under section
of the statutes
20.245 (1) (r) as affected by this act.~~

Insert A

¶ 7. The bill creates ~~a~~ ~~in the~~ ~~B~~ 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 ~~AA~~ collections care, public programs, and visitor services at the historic sites. The bill also creates an ~~extra~~ ~~an~~ ~~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.



Insert A

~~48.243 (1) (b)~~
~~48.30 (1)~~
~~48.37 (2) (4)~~

¶ 8. The

~~8.7. Finally, 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.

~~Get insert~~





Insert A p. 3

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

administering the Historical Society's membership program, soliciting and accepting contributions, gifts, grants, and requests for the Historical Society,

or any other nonprofit corporation

, providing support for the operation, management, and development of the Historical Society's programs,

1 AN ACT ~~...~~; relating to: the purposes for which the State Historical Society of
2 Wisconsin may contract with the Wisconsin History Foundation, Inc.

Analysis by the Legislative Reference Bureau
EDUCATION

~~OTHER EDUCATIONAL AND CULTURAL AGENCIES~~

~~Current law permits the State Historical Society of Wisconsin (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 History Foundation, Inc., for the purposes of marketing the historical society's goods and services, 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:~~

3 SECTION 1. 44.015 (7) of the statutes is amended to read:

4 44.015 (7) Contract with the Wisconsin History Foundation, Inc., for the
5 purpose purposes of administering the historical society's membership program.

Finally, current

(edit insert)

Insert 3-1
4

41 SEC CR; 13.48 (25x)

41 13.48 (25x) ^B ^C 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 at the historic sites under s. 44.20(1) for collections care, public programs, and visitor services

Projects financed under the program shall be designed to provide facilities for collections care, public programs, ancillary and visitor services at the historic sites, ancillary systems, and supporting infrastructure. Projects shall be

financed from the appropriation under s. 20.866 (2) (2fm) or as otherwise provided in the authorized state building program

(ed. insert)

Insert 3-5

and 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 for
the operations, management and development of the
historic site for which the corporation was
organized

(end insert)

Insert 3-19

2 2fm

SECT# CR; 20.866 (2)(2fm)

20.866 (2) (2fm) Historical society; historic sites

collections, programs, and ^{visitor services}

From the capital improvement

fund, a sum sufficient for the historical society to acquire, construct, develop, enlarge, or improve facilities

at historic sites for collections care, ~~and~~ ^{at historic sites} ~~development~~ and ~~and~~ visitor services

The state may contract public debt in an amount not to exceed \$0 for this purpose.

at the historic sites
Under s. 44.20 (1).

(end of insert)



Enset 4-13

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

or any other nonstock, nonprofit corporation
under ch. 181

1 **AN ACT** ...; relating to: the purposes for which the State Historical Society of
2 Wisconsin may contract with the Wisconsin History Foundation, Inc.

Analysis by the Legislative Reference Bureau
EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Current law permits the State Historical Society of Wisconsin (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 History Foundation, Inc., for the purposes of marketing the historical society's goods and services 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:

3 SECTION 1. 44.015 (7) of the statutes is amended to read:
4 44.015 (7) Contract with the Wisconsin History Foundation, Inc., for the
5 purpose purposes of administering the historical society's membership program.

Insert 4-13

1 marketing the historical society's goods and services, and performing other functions
2 approved by the board of curators.

3 (END)

soliciting and accepting contributions,
gifts, grants, and bequests for
the historical society,

providing support for the
operation, management,
and development of the
historical society's
programs,

(end of insert)

BILL

historical society, 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,

SECTION 4. 20.923 (6) (b) of the statutes is created to read: and all moneys transferred under 2003 Wisconsin Act 100 (this act),

20.923 (6) (b) Historical society: unclassified sales and development

professionals employed under s. 44.20 (4) (a).

History preservation partnership section

SECTION 5. 25.17 (1) (gr) of the statutes is created to read:

use autored A

(1)

25.17 (1) (gr) Historic sites trust fund (s. 25.74);

LPS: auto refs p. 9

use autored B

SECTION 6. 25.74 of the statutes is created to read:

History preservation partnership

25.74 ~~Historic sites trust fund.~~ There is established a separate nonlapsible

history preservation partnership

trust fund designated as the ~~Historic sites~~ trust fund consisting of all moneys received

from admissions, sales, and other receipts of the historic sites under s. 44.20 (1), all

~~moneys received from contributions, gifts, grants, and bequests made in support of~~

~~those historic sites, and all moneys received from the sale of memberships in a~~

~~corporation specified in s. 44.20 (3) (b).~~ Moneys in the fund may be expended only

as provided in s. 20.245 (1) (r).

historical society and the amount transferred under 2001 Wisconsin Act 16, section 9125 (1mk)

SECTION 7. 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 and

~~providing support for the operation, management, and development of~~ the historic

site for which the corporation is organized and maintained. 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).

), providing goods or services relating to that historic site, and providing support for the operation, management, and development of that historic site

Insert 4-13

Insert 5-10

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
s. 20.245 (1)(r)
account under s. 20.245 (1)(r), and used
exclusively for the operation, management, and
development of the historic ^{site} site for which the
corporation was organized

(end of insert)

4/8/03

Brett Davis (Aide to Sen. Leibham)

Redraft

① Historic Preservation Partnership Initiative
- include Circus World Society's Headquarters

② History Preservation Partnership Trust Fund
- include gifts, grants, etc accepted by
501 (c)(3) corporation

③ Memo. of Understanding w/ Dept of Tourism
- permit not require

④ Correct name is WI Historical Foundation
(not "History" Foundation)



State of Wisconsin
2003 - 2004 LEGISLATURE

Soon

LRB-1406/P 3

GMM:cjs:rs

AMR

2003 BILL

Stacy

SA ✓

Regen cut

Regen cut

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, Inc.,
 7 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 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

BILL

1. ~~under which those professionals are compensated, in whole or in part, through commissions and bonuses.~~

2. 2. 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.

3. 3. 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.

4. 4. 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 ^{and} 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 ~~that are not retained by the corporation shall be deposited in the general fund, 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 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.

4. 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.

5. 5. The bill ~~requires~~ 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.

6. 6. The bill permits the Department of Administration to conduct, in cooperation with the Historical Society, a survey of the condition of the facilities and

BILL *at the* Circus World Museum, and *at* the headquarters of the Historical Society

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

7. 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 sites. 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

8. 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.

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 ~~History~~ 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 ~~used by the Historical Society~~ Projects

owned by the historical society and ^{at the} the headquarters of the historical society

STET: leave as typed

Insert A

Historical =

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and at that headquarters

those

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

✓

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

Contributions, gifts, grants, bequests and other

✓

7 20.245 (1) (r) ~~Admissions, sales, and other receipts~~ History preservation
8 partnership trust fund. All ~~As a continuing appropriation, from the history~~
9 preservation partnership trust fund, all moneys received from admissions, sales, and
10 other receipts of the historical society and the amount transferred under 2001 2003
11 Wisconsin Act 16 (this act), section 9125 (1mk) 16 (1), for general program
12 operations, and all moneys received by a corporation under s. 44.20 (3) (b)
13 or services provided by the corporation that are not retained by the corporation, for
14 the operation, management, and development of the historic site for which the
15 corporation was organized.

✓

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

17 20.245 (1) (h) Gifts and grants, and membership sales. All moneys received
18 from contributions, gifts, grants, and bequests, to carry out the purposes for which
19 made or received, and all moneys received from the sale of memberships in a
20 corporation specified in s. 44.20 (3) (b), for transfer to the corporation for which the
21 membership was sold.

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

23 20.866 (2) (zfm) Historical society; historic sites collections, programs, and
24 visitor services. From the capital improvement fund, a sum sufficient for the
25 historical society to acquire, construct, develop, enlarge, or improve facilities for

BILL owned by the historical society and at the headquarters of the historical society

1) collections care, public programs, and visitor services at the historic sites ~~under s. 44.20 (3)~~

2) ~~44.20 (3)~~ 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). all contributions, gifts, grants, and bequests accepted by a corporation

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); (b) that are not retained by the corporation

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 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).

Historical

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

44.015 (7) Contract with the Wisconsin ~~History~~ 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.

BILL

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

2 44.20 (3) (a) For each historic site under sub. (1), the historical society may
3 organize and maintain a nonstock, nonprofit corporation under ch. 181 for the
4 purposes of soliciting and accepting contributions, gifts, grants, and bequests for the
5 historic site for which the corporation is organized and maintained, providing goods
6 or services relating to that historic site, and providing support for the operation,
7 management, and development of that historic site. Any corporation organized
8 under this paragraph shall be organized so that contributions to the corporation will
9 be deductible from gross income under section 170 of the Internal Revenue Code, as
10 defined in s. 71.01 (6), and so that the corporation will be exempt from taxation under
11 section 501 of the Internal Revenue code, as defined in s. 71.22 (4), and s. 71.26 (1)

12 (a).

history preservation partnership trust ✓

13 (b) The historical society may enter into a contract with a corporation organized
14 for the purposes of soliciting and accepting contributions, gifts, grants, and bequests
15 for ~~the~~ a historic site under sub. (1), providing goods or services relating to that historic
16 site, and providing support for the operation, management, and development of that
17 historic site setting forth the methods by which the historical society and the
18 corporation will cooperate to accomplish those purposes. The contract shall provide
19 that any contribution, gift, grant, or bequest accepted by the corporation that is not

20 retained by the corporation shall be deposited in the ~~general~~ fund, credited to the
21 appropriation account under s. 20.245 (1) ~~(a)~~ ^(r) ✓, and, in accordance with the wishes of
22 the donor, used exclusively for the operation, management, and development of the
23 historic site for which the corporation was organized and that any moneys received
24 by the corporation for any goods or services provided by the corporation that are not
25 retained by the corporation shall be deposited in the history preservation

BILL

1 partnership trust fund, credited to the appropriation account under s. 20.245 (1) (r),
2 and used exclusively for the operation, management, and development of the historic
3 site for which the corporation was organized.

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

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

9 44.20 (4) (a) Subject to authorization under s. 16.505, the historical society may
10 employ outside the classified service sales and development professionals to engage
11 in activities intended to generate admissions, sales, and other receipts for the
12 historic sites under sub. (1) and to solicit contributions, gifts, grants, and bequests
13 in support of those historic sites. The historical society may provide a compensation
14 plan for those professionals under which those professionals are compensated, in
15 whole or in part, through commissions and bonuses.

16 (b) Notwithstanding s. 230.08 (2) (cd), if a position in the classified service at
17 the historical society is transferred outside the classified service under par. (a) and
18 if the employee holding that position has achieved permanent status in class before
19 the date of that transfer, that employee shall retain, while serving in the unclassified
20 service at the historical society, those protections afforded employees in the ~~classified~~
21 service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension,
22 discharge, layoff, or reduction in base pay. Such an employee shall also be eligible
23 for transfer under s. 230.29 and shall have reinstatement privileges to the classified
24 service under s. 230.33 (1m). If a position in the classified service at the historical
25 society is transferred outside the classified service under par. (a) and if the employee

BILL

1 holding that position has not achieved permanent status in class on the date of that
2 transfer, that employee is eligible to receive the protections, privileges, and rights
3 preserved under this paragraph if the employee successfully completes service
4 equivalent to the probationary period required in the classified service for the
5 position that the employee holds on that date.

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

7 **44.20 (4m)** The historical society and the department of tourism ~~shall~~ ^{may} enter
8 into a memorandum of understanding setting forth the responsibilities of the
9 department of tourism relating to promoting and marketing the historic sites under
10 sub. (1) and the methods that the historical society and the department of tourism
11 will use to cooperate in promoting and marketing those historic sites.

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

13 **44.20 (5)** ~~Annually by December 1, the~~ The director of the historical society
14 shall ~~submit a report to the joint committee on finance regarding program include~~
15 in the biennial report under s. 15.04 (1) (d) information regarding revenues and
16 expenditures for each historic site under sub. (1) and on the condition of the historic
17 sites.

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

19 **230.08 (2) (cd)** All sales and development professionals of the historical society
20 employed under s. 44.20 (4) (a).

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

22 **230.12 (1) (a) 1. b.** The provisions governing the pay of all unclassified positions
23 except positions for employees of the University of Wisconsin System, for employees
24 of the legislature ~~which~~ who are not identified under s. 20.923 (4), for employees of
25 a service agency under subch. IV of ch. 13, for employees of the state court system,

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1 for employees of the investment board identified under s. 230.08 (2) (p), for one
2 stenographer employed by each elective executive officer under s. 230.08 (2) (g), and
3 for 3 sales representatives of prison industries and one sales manager of prison
4 industries identified under s. 303.01 (10), and for sales and development professional
5 of the historical society employed under s. 44.20 (4) (a).

SECTION 15. Nonstatutory provisions.

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

19 (2) HISTORIC SITE WORKFORCE STUDY. The department of employment relations
20 shall study the practices of the historical society relating to the hiring, classification,
21 and compensation of the employees, both permanent and limited-term, who staff the
22 historic sites operated by the historical society and shall recommend changes in
23 those practices to reflect the seasonal nature of the work at those historic sites. Those
24 changes may include the establishment of a separate classification and pay schedule
25 for seasonal employees employed at the historic sites. The department of

BILL**SECTION 15**

1 employment relations shall submit a report of its study and recommendations to the
2 governor, the secretary of administration, the director of the historical society, and
3 the joint committee on finance, and to the appropriate standing committees of the
4 legislature in the manner provided under section 13.172 (3) of the statutes, by July
5 1, 2004.

6 **SECTION 16. Appropriation changes.**

7 (1) The unencumbered balance in the appropriation account under section
8 20.245 (1) (g), 2001 stats., immediately before the effective date of this subsection is
9 transferred to the history preservation partnership trust fund.

10

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1406/2

GMM:cjs:rs

Insert A

2003 BILL

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 History Foundation, Inc.,
7 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:

8 1. 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

BILL

Insert A

under which those professionals are compensated, in whole or in part, through commissions and bonuses.

~~2. 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.~~

~~3. 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.~~

~~4. 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 that are not retained by the corporation shall be deposited in the general fund, 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 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.~~

~~5. The bill requires 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.~~

~~6. The bill permits the Department of Administration to conduct, in cooperation with the Historical Society, a survey of the condition of the facilities and~~

(end insert)

Emery, Lynn

From: Matzen, David
Sent: Monday, April 21, 2003 1:43 PM
To: LRB.Legal
Subject: Draft review: LRB 03-1406/3 Topic: Historic sites; various changes

It has been requested by <Matzen, David> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-1406/3 Topic: Historic sites; various changes