

# Framework of Government

**The framework of Wisconsin government:** an overall view of Wisconsin government, a chart of its organization and a map of state agencies

## Scenes from the Sesquicentennial

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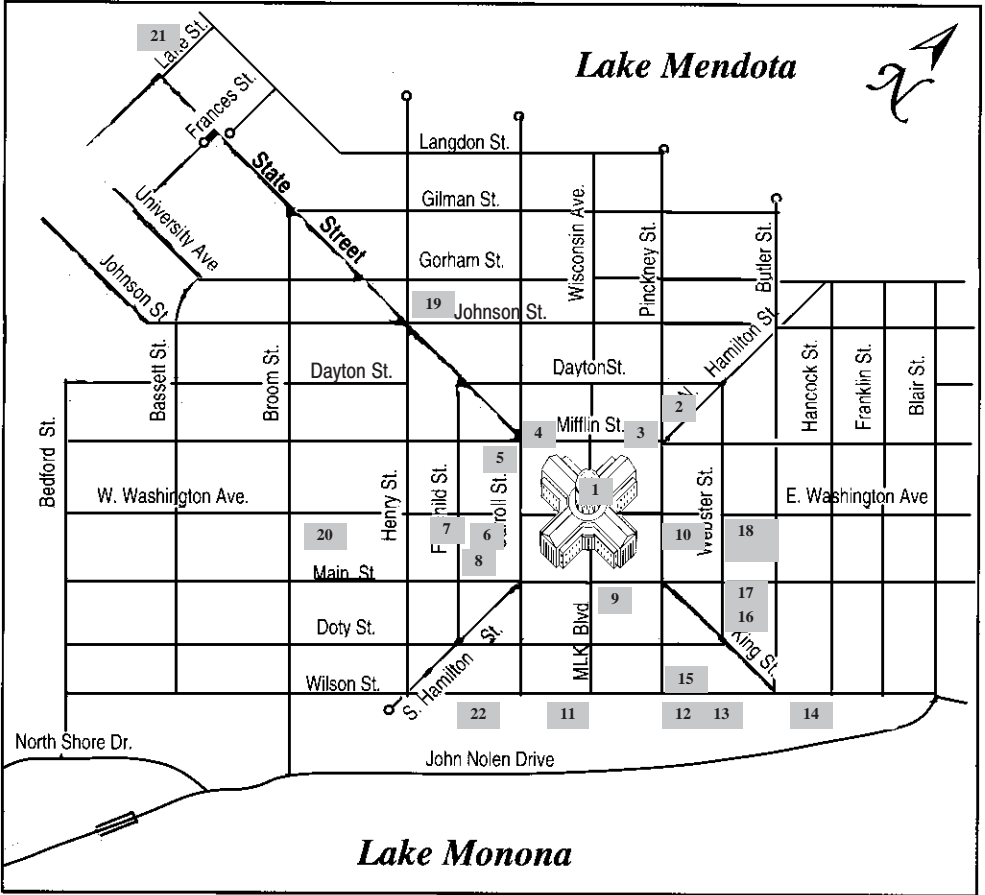


**LOCATION OF STATE AGENCIES IN MADISON**  
**June 30, 1999**

State Agency	Street Address	Map Locator Number
ADMINISTRATION, DEPARTMENT OF	101 E. Wilson St.	12
AGRICULTURE, TRADE AND CONSUMER PROTECTION	2811 Agriculture Dr.	—
ATTORNEY GENERAL, OFFICE OF THE	123 W. Washington Ave.	6
COMMERCE, DEPARTMENT OF	201 W. Washington Ave.	7
CORRECTIONS, DEPARTMENT OF	149 E. Wilson St.	14
CREDIT UNIONS, OFFICE OF	345 W. Washington Ave.	20
EDUCATIONAL COMMUNICATIONS BOARD	3319 W. Beltline Hwy.	—
ELECTIONS BOARD	132 E. Wilson St.	15
EMPLOYE TRUST FUNDS, DEPARTMENT OF	801 W. Badger Rd.	—
EMPLOYMENT RELATIONS, DEPARTMENT OF	345 W. Washington Ave.	20
ETHICS BOARD	44 E. Mifflin St.	3
FINANCIAL INSTITUTIONS, DEPARTMENT OF	345 W. Washington Ave.	20
GOVERNOR, OFFICE OF THE	State Capitol	1
HEALTH AND FAMILY SERVICES, DEPARTMENT OF	1 W. Wilson St.	11
HIGHER EDUCATIONAL AIDS BOARD	131 W. Wilson St.	22
HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY	201 W. Washington Ave.	7
INSURANCE, COMMISSIONER OF	143 E. Wilson St.	13
INVESTMENT BOARD	121 E. Wilson St.	13
JUSTICE, DEPARTMENT OF	123 W. Washington Ave.	6
LEGISLATIVE AUDIT BUREAU	131 W. Wilson St.	22
LEGISLATIVE COUNCIL	1 E. Main St.	9
LEGISLATIVE FISCAL BUREAU	1 E. Main St.	9
LEGISLATIVE REFERENCE BUREAU	100 N. Hamilton St.	2
LEGISLATIVE TECHNOLOGY SERVICES BUREAU	17 S. Fairchild St.	8
LIEUTENANT GOVERNOR, OFFICE OF THE	1 S. Pinckney St.	10
MILITARY AFFAIRS, DEPARTMENT OF	2400 Wright St.	—
NATURAL RESOURCES, DEPARTMENT OF	101 S. Webster St.	17
PUBLIC INSTRUCTION, DEPARTMENT OF	125 S. Webster St.	16
PUBLIC SERVICE COMMISSION	610 N. Whitney Way	—
REGULATION AND LICENSING, DEPARTMENT OF	1400 E. Washington Ave.	—
REVENUE, DEPARTMENT OF	125 S. Webster St.	16
(Income Tax, Sales Tax & Excise Tax Information)	4610/4638 University Ave.	—
REVISOR OF STATUTES BUREAU	131 W. Wilson St.	22
SECRETARY OF STATE, OFFICE OF THE	30 W. Mifflin St.	4
STATE COURTS, DIRECTOR OF	State Capitol	1
STATE HISTORICAL SOCIETY MUSEUM	30 N. Carroll St.	5
STATE HISTORICAL SOCIETY OF WISCONSIN	816 State St.	21
STATE PUBLIC DEFENDER, OFFICE OF THE	315 N. Henry St.	19
STATE TREASURER, OFFICE OF THE	1 S. Pinckney St.	10
SUPREME COURT	State Capitol	1
TECHNICAL COLLEGE SYSTEM	310 Price Place	—
TOURISM, DEPARTMENT OF	201 W. Washington Ave.	7
TRANSPORTATION, DEPARTMENT OF	4802 Sheboygan Ave.	—
UNIVERSITY OF WISCONSIN SYSTEM	1220 Linden Dr.	—
VETERANS AFFAIRS, DEPARTMENT OF	30 W. Mifflin St.	4
WISCONSIN VETERANS MUSEUM	30 W. Mifflin St.	4
WORKFORCE DEVELOPMENT, DEPARTMENT OF	201 E. Washington St.	18

Sources: Wisconsin Department of Administration, *Agency Executive Roster*, February 1998; Wisconsin Legislative Reference Bureau data, June 1999.

### CENTRAL MADISON LOCATOR MAP



Map: City of Madison, Engineering Division, July 1997.

## THE FRAMEWORK OF WISCONSIN GOVERNMENT

### Government at a Glance

The framework of state government in Wisconsin is made up of three branches: legislative, executive and judicial. The legislative branch includes the Wisconsin Legislature, composed of the senate and the assembly, and the service agencies and staff that assist the legislators. The governor heads the executive branch, which includes five other elected constitutional officers, as well as 18 departments, 13 independent agencies, four authorities, and one public nonprofit corporation, all created by statute. The judicial branch consists of the Wisconsin Supreme Court, the Court of Appeals, circuit courts and municipal courts, as well as the staff and advisory groups that assist the courts. Each branch is described in detail in its respective section of the Blue Book.

Local units of government in Wisconsin include 72 counties, 190 cities, 395 villages, 1,265 towns, and several hundred special districts.

### Origins of the 30th State

In 1998, Wisconsin celebrated its 150th anniversary as a state. Wisconsin's original occupants were Native American hunters who arrived here about 14,000 years ago. The territory's first farmers appear to have been the Hopewell people who raised corn, squash and pumpkins here about 2,000 years ago. They also were hunters and fishers, and their trade routes stretched to the Atlantic Coast and the Gulf of Mexico. Later arrivals included the Chippewa, Ho Chunk (Winnebago), Mahican/Munsee, Menominee, Oneida, Potawatomi and Sioux.

**From Wilderness to Statehood.** The first Europeans to reach Wisconsin were French explorers, fur trappers and missionaries. Thus, Wisconsin was included in the French sphere of influence from the 1630s, through the signing of the 1763 Treaty of Paris that concluded the French and Indian War and ceded the land encompassing Wisconsin to Great Britain. At the end of the Revolutionary War, 20 years later, the British ceded the vast, unsettled territory west of the Appalachian Mountains to the new nation. Actual British control of the area did not end, however, until 1814, following the conclusion of the War of 1812. As a United States territory, Wisconsin was initially governed by the Northwest Ordinance of 1787, and then by the laws of the Indiana Territory, the Illinois Territory, the Michigan Territory, and finally, in 1836, the Wisconsin Territory, as surrounding territories broke away to become states and join the Union.

On August 6, 1846, the Congress of the United States authorized the people living in what was then called the Territory of Wisconsin "to form a constitution and State government, for the purpose of being admitted into the Union". Based on this "enabling act", the people of the territory called a constitutional convention in Madison to draft a fundamental law for governing the state. The first proposal for a constitution was drafted in 1846 and submitted to the people on April 6, 1847, but the voters rejected it on a 14,119-to-20,231 vote because of several controversial provisions involving banking, voting rights, property rights of married women and homesteading.

On March 13, 1848, a second convention submitted its draft, which was ratified by a vote of 16,799 to 6,384. The constitution then adopted remains in force to this day although it has been amended on numerous occasions.

On May 29, 1848, Wisconsin became the 30th state admitted to the Union.

**State Powers and Prohibitions.** The enabling act passed by the U.S. Congress in 1846 declared that the territory of Wisconsin was authorized to form a constitution and state government "on an equal footing with the original States in all respects whatsoever", but from the moment of its birth, the State of Wisconsin, its people, its lawmaking bodies, its administrative machinery, its courts, were also subject to the U.S. Constitution.

The 13 original states specifically delegated a number of powers to the U.S. Congress, and Wisconsin agreed to this delegation when joining the Union. Congress is given the authority to regulate interstate and foreign commerce, maintain armed forces, declare war, coin money, establish a postal system, and grant patents and copyrights. Congress also has power to "make all laws which shall be necessary and proper" for carrying out the responsibilities delegated to it.

The Tenth Amendment to the U.S. Constitution specifies: "The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." Although the powers delegated to the federal government and the powers reserved to the states seem to be neatly delineated, government responsibilities and activi-

ties have not been that clear-cut. In fact, many powers are exercised concurrently by the federal government and the states. Through judicial interpretation and historical change, the powers exercised by Congress have been greatly expanded to include many activities once considered reserved to the states, as well as others not even imagined by the drafters, such as regulation of television and radio or development of a space exploration program. Likewise, the states have broadened their authority as society and technology have changed.

### **The Many Sources of State Law**

On April 20, 1836, the U.S. Congress passed the Organic Law establishing the Wisconsin Territory, as of July 3, 1836. It prescribed that the existing laws of the Territory of Michigan, to which Wisconsin had belonged, were to be “extended over the said territory . . . subject, nevertheless, to be altered, modified or repealed, by the governor and legislative assembly”.

The Wisconsin Constitution continued the laws of the Territory of Wisconsin, by providing in Section 2 of Article XIV: “All laws now in force in the territory of Wisconsin which are not repugnant to this constitution shall remain in force until they expire by their own limitation or be altered or repealed by the legislature.”

In addition to the provisions of the U.S. and Wisconsin Constitutions, the citizens of this state are governed by the wide-ranging laws contained in more than 5,000 pages of the Wisconsin Statutes. Even this body of law is not detailed enough. The Wisconsin Legislature has found that some areas are so technically complex that implementation of legislative policy must be left to specialists charged with administering the law. Thus, the legislature gives certain state agencies the power to issue administrative rules that have the effect of state law.

Notwithstanding the detailed wording of statutory law and administrative rules, there will still be specific points that are subject to various interpretations. In these cases, formal law is further defined by courts or administrative commissions that can interpret state law.

### **Making State Government Work**

According to the general division of state government powers, the legislative branch makes the laws; the executive branch carries them out (or executes them); and the judicial branch interprets them. This very simple description of state government tells only half of the story. Actually, all three branches play a part in establishing public policy, determining the meaning of the law and ensuring the laws are faithfully administered.

When most people think of “the law”, they tend to regard it as something restrictive – a rule prohibiting certain actions. Although this may be one of the outcomes, the real reason for the existence of law in a democratic system is to give the greatest benefits to the greatest number of citizens. The only manner in which this can be achieved is by establishing a firm set of rules that attempt to prescribe for all the limits of their rights and obligations.

**Developing Public Policy.** Policy proposals cannot be formalized as law without legislative action. Every member of the legislature may introduce bills proposing new laws, joint resolutions proposing constitutional amendments, or simple and joint resolutions dealing with other matters. Each legislator also may offer amendments to proposals introduced by other members.

Within the executive branch, the governor has been assigned constitutional duties in the development of formal public policy. The Wisconsin Constitution requires the governor to “communicate to the legislature, at every session, the condition of the state, and recommend such matters . . . for their consideration as he may deem expedient.” This is done in the state of the state message, the budget message and in special messages focusing on particular matters. In cases where a specific problem needs immediate legislative attention, the governor may call the legislature into a special session focusing on the matter. Moreover, all bills passed by the legislature must either be approved by the governor or passed over the governor’s veto (which requires a two-thirds vote in each house) before they can become effective. The veto power gives the governor a great deal of control over the content of any new law. Once a new proposal is enacted, the governor, as the chief executive officer of the state, takes an active part in implementing the policy through day-to-day administration of the law. According to the constitution, the governor “shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws be faithfully executed.”

The judicial branch also has an official role to play in the development of public policy. Although courts have no official lawmaking function, they do have to resolve conflicts and clear up misunderstandings of existing law – that is, they interpret the law. A court decision may occasionally result in an interpretation of a law that has quite a different effect from what the legislature originally intended. The legislature can redraft and clarify that law if it disagrees with the interpretation.

The citizens of Wisconsin constitute the major source of ideas for new legislation. New policy proposals often result from everyday situations citizens encounter in their own communities. If they think that greater property tax relief is needed or that health insurance is unaffordable or that the business climate could be improved, they may decide “there ought to be a law”. An individual may decide to write a letter to the editor of a newspaper, contact a legislator or tell the governor about it. An association to which the person belongs may hire a spokesperson, called a “lobbyist”, to urge introduction of a bill and testify at legislative hearings to present the association’s point of view.

State agencies are another primary source of public policy ideas. While administering current programs, departments are in a natural position to see how policies are working and whether they need to be changed, expanded or abandoned altogether. Department heads have opportunities to discuss their problems with the governor, especially during development of the biennial budget, and they may be invited to contribute expert testimony at legislative hearings.

**Increasing Services.** In 1848, when Wisconsin became a state, government services were relatively simple. In his annual report of 1849, the secretary of state reported payments to only 14 people (including the six constitutional officers) performing functions within the state’s executive branch. In 1998, state employees totaled 71,832, which equated to 53,204 full-time equivalent (FTE) positions, as authorized by the legislature. Approximately half of these workers were employed by the University of Wisconsin System.

This growth is primarily the result of the increasing size and complexity of today’s society. At one time, many Wisconsin residents had little opportunity for formal schooling; in 1998, the University of Wisconsin System enrolled nearly 153,000 students; the Technical College System served 439,068 students; and public elementary and secondary enrollments totaled more than 879,500. Once, the wooden Watertown Plank Road constituted an unequaled technological advancement over the muddy wagon trails of the day; by 1997, Wisconsin had 111,500 miles of highways and streets, more than three-fourths paved, and 97 publicly owned airports. In 1900, the average U.S. life expectancy at birth was 47.3 years; by 1990, it had reached 75.4 years (72.0 for males and 78.8 for females). As Wisconsin’s population increases in numbers and lives longer, the state faces many challenges, including improving education, renovating mature industries, developing the economy, protecting the environment, and improving transportation and health care.

**Structural Changes.** Although the framework of Wisconsin government remains substantially as provided by the 1848 constitution, the size of government has vastly increased. The division of power among the three branches is a concept firmly rooted in the American system. However, change is constantly occurring within the framework. Within the executive branch of state government, agencies are created, reorganized and abolished, and their functions are reassigned. The agencies of the legislative branch are revamped to meet the legislature’s changing priorities, and the number and functions of courts must adjust to handle increased caseloads.

### Local Units of Government

In order to carry out its numerous responsibilities, every state has created subordinate units of local government. Because these are legal creations, the legislature may also abolish them, change them, or give them increased or decreased powers and duties. In Wisconsin, the local units of government consist of counties, cities, villages, towns and school districts. (Special districts may be formed to handle regional concerns.) Within the limits of statutory law, each unit has the power to tax and to make legally binding rules governing its own affairs.

**Counties.** Wisconsin has 72 counties. Together, they cover the entire territory of the state. The government offices for each county are located in a municipality within the county designated as the “county seat”. The governing board of the county is the board of supervisors, and across the state these boards vary in membership from 7 in Menominee County to 39 each in Dane County

and Outagamie County. Within a particular county, each supervisor represents, as nearly as practicable, an equal number of inhabitants. County supervisors are chosen in the spring nonpartisan elections for 2-year terms, with the exception of the members of the Milwaukee County Board of Supervisors who serve 4-year terms. Other county officials, all of whom are elected in the fall partisan elections, include the sheriff, who serves a 4-year term, and other administrative officers, serving 2-year terms, such as the district attorney, clerk, treasurer, coroner, register of deeds and clerk of circuit courts. As permitted by law, counties may employ a registered land surveyor in lieu of electing a surveyor, and the majority do. An appointed county medical examiner system may be substituted for an elected coroner. (Milwaukee County must appoint a medical examiner and a registered land surveyor.)

Since January 1, 1987, counties have been required to have a central administrative officer. They may choose to have an elected "county executive", who is elected to a 4-year term in the spring nonpartisan elections, or a "county administrator", appointed by the county board. If the county has neither an executive nor an administrator, the county board must designate an elected or appointed official to serve as "administrative coordinator" for the county. The county board chairperson often is chosen for this post. Nine counties have elected executives; 7 have appointed administrators; and 56 have an appointed administrative coordinator.

**Cities and Villages.** Wisconsin's 190 cities and 395 villages are incorporated under general law. Based on a constitutional amendment ratified in 1924, they have home rule powers to determine their local affairs. In general, minimum population for incorporation as a village is 150 residents for an isolated village and 2,500 for a metropolitan village located in a more densely settled area. For cities, the minimums are 1,000 and 5,000, respectively, but an existing village that exceeds 1,000 population may opt for city status. Depending on population, a city may be assigned to one of four classes, but the city must initiate the change from one class to another when its population changes. For example, Milwaukee currently is the only "first class" city. Although Madison meets the population requirements to change from "second class" to "first class", it has not chosen to do so.

Wisconsin cities currently use two forms of executive organization. The vast majority have a mayor and a city common council, but 10 operate under a council-manager system, in which the council selects the manager to serve as chief executive. In those cities with the mayor-council form of government, 35 have appointed full-time city administrators and 36 have part-time administrators.

In most villages, executive power is vested in the village president, who presides over the village board of trustees and votes as an *ex officio* trustee, but 8 villages use a village manager form of government. An additional 71 have created full- or part-time village administrators.

**Towns.** Town governments govern those areas of Wisconsin that are not included inside the corporate boundaries of either a city or a village. Wisconsin has 1,265 towns (including the entire county of Menominee, which is also designated a town). Towns have only those powers granted by the Wisconsin Statutes. In addition to their traditional responsibility for local road maintenance, town governments carry out a variety of functions and, in some instances, even undertake urban-type services. The town board is usually composed of 3 supervisors, but if a board is authorized to exercise village powers or if the town population is 2,500 or more, it may have up to 5 members. (Menominee County has 7 town board members, who also serve as the county board of supervisors.) Town supervisors are elected for 2-year terms in the spring election. They perform a number of administrative functions, and the town board chairperson has certain executive powers and duties. In addition, the town board may create the position of town administrator.

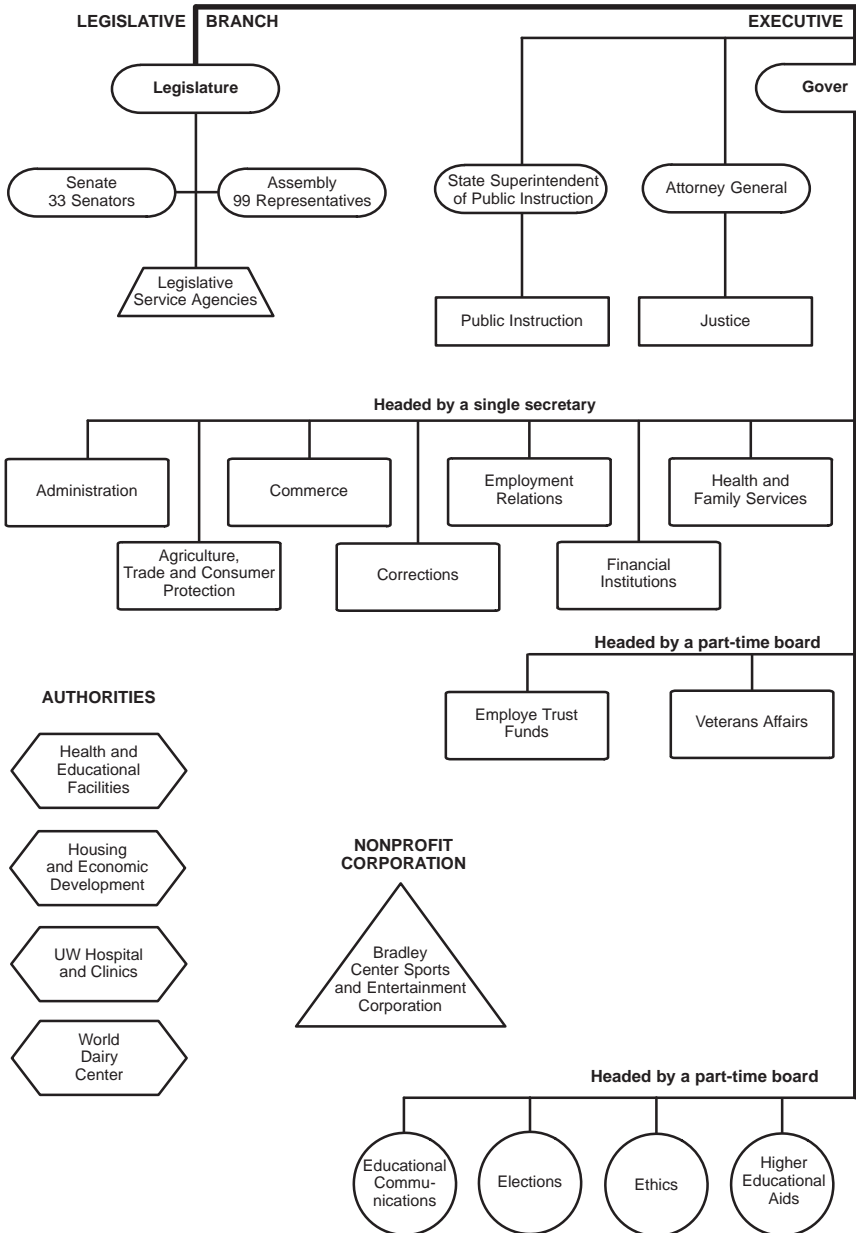
Supervisors are expected to carry out the policies set at the annual town meeting. The annual meeting is held on the second Tuesday of April (or another date set by the electors), and during the meeting all qualified voters of the town are entitled to discuss and vote on matters specified by state law.

**School Districts.** There are 426 school districts in Wisconsin. These are special units of government organized to carry out a single function, the operation of the public schools. Each district is run by an elected school board, which appoints the system administrators.

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WISCONSIN STATE GOVERN

January

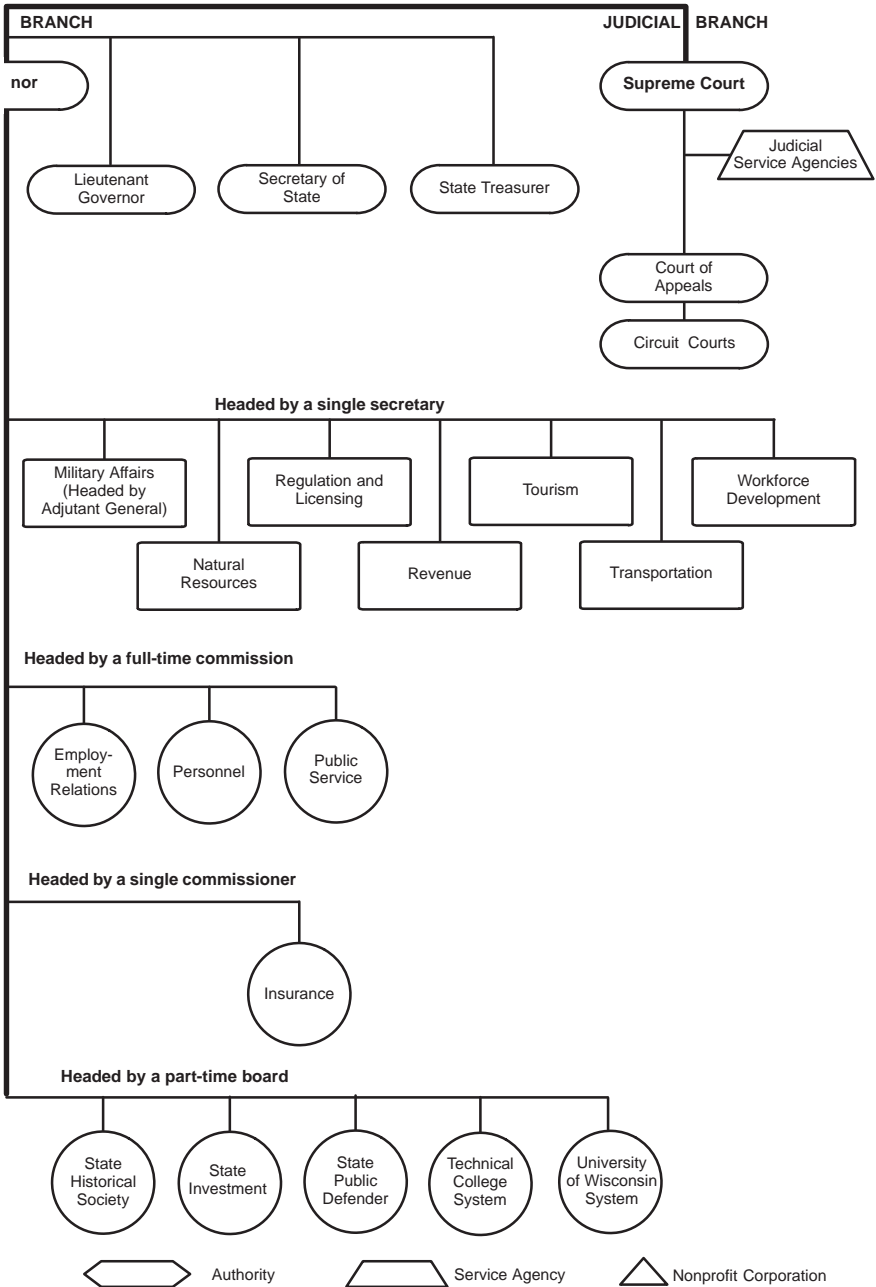


KEY: Constitutional Officer Administrative Department Independent Agency

Units of state government not shown on the chart are listed on following page.

MENT ORGANIZATION

1999



### Units of State Government Not Shown on Organization Chart

The following 56 units of state government (36 boards, 4 commissions, 8 councils, 5 divisions and 3 offices) are independent entities, which are attached to the agencies indicated for administrative purposes under Section 15.03 of the statutes.

#### Boards

Adolescent Pregnancy Prevention and Pregnancy Services Board (DHFS)  
 Board on Aging and Long-Term Care (DOA)  
 Arts Board (Tourism)  
 Burial Sites Preservation Board (State Historical Society)  
 Child Abuse and Neglect Prevention Board (DHFS)  
 Claims Board (DOA)  
 Crime Victims Rights Board (DOJ)  
 Depository Selection Board (DOA)  
 Development Finance Board (Commerce)  
 Disability Board (Governor)  
 Educational Approval Board (Higher Educational Aids)  
 Emergency Medical Services Board (DHFS)  
 Environmental Education Board (UW)  
 Board on Health Care Information (DHFS)  
 Historic Preservation Review Board (State Historical Society)  
 Investment and Local Impact Fund Board (DOR)  
 Kickapoo Reserve Management Board (Tourism)  
 Lake Michigan Commercial Fishing Board (DNR)  
 Lake Superior Commercial Fishing Board (DNR)  
 Land and Water Conservation Board (DATCP)  
 Land Information Board (DOA)  
 Law Enforcement Standards Board (DOJ)  
 Lower Wisconsin State Riverway Board (Tourism)  
 Minority Business Development Board (Commerce)  
 National and Community Service Board (DOA)  
 Pharmacy Internship Board (UW)  
 Prison Industries Board (DOC)  
 Public Records Board (DOA)

Recycling Market Development Board (Commerce)  
 Rural Economic Development Board (Commerce)  
 State Capitol and Executive Residence Board (DOA)  
 State Fair Park Board (Tourism)  
 State Use Board (DOA)  
 Technology for Educational Achievement in Wisconsin (TEACH) Board (DOA)  
 Waste Facility Siting Board (DOA)  
 Wisconsin Conservation Corps Board (DWD)

#### Commissions

Labor and Industry Review Commission (DWD)  
 Tax Appeals Commission (DOA)  
 Wisconsin Sesquicentennial Commission (Governor)  
 Wisconsin Waterways Commission (DNR)

#### Councils

Council on Developmental Disabilities (DHFS)  
 Groundwater Coordinating Council (DNR)  
 Council on Health Care Fraud and Abuse (DOA)  
 Milwaukee Child Welfare Partnership Council (DHFS)  
 Council on Physical Disabilities (DHFS)  
 Council on Recycling (DNR)  
 Wisconsin Land Council (DOA)  
 Women's Council (DOA)

#### Divisions

Division of Banking (DFI)  
 Division of Hearings and Appeals (DOA)  
 Division of Savings and Loan (DFI)  
 Division of Securities (DFI)  
 Division of Trust Lands and Investments (DOA)

#### Offices

Office of Credit Unions (DFI)  
 Office of Justice Assistance (DOA)  
 Office of the Commissioner of Railroads (PSC)

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