

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

Milwaukee County Courthouse



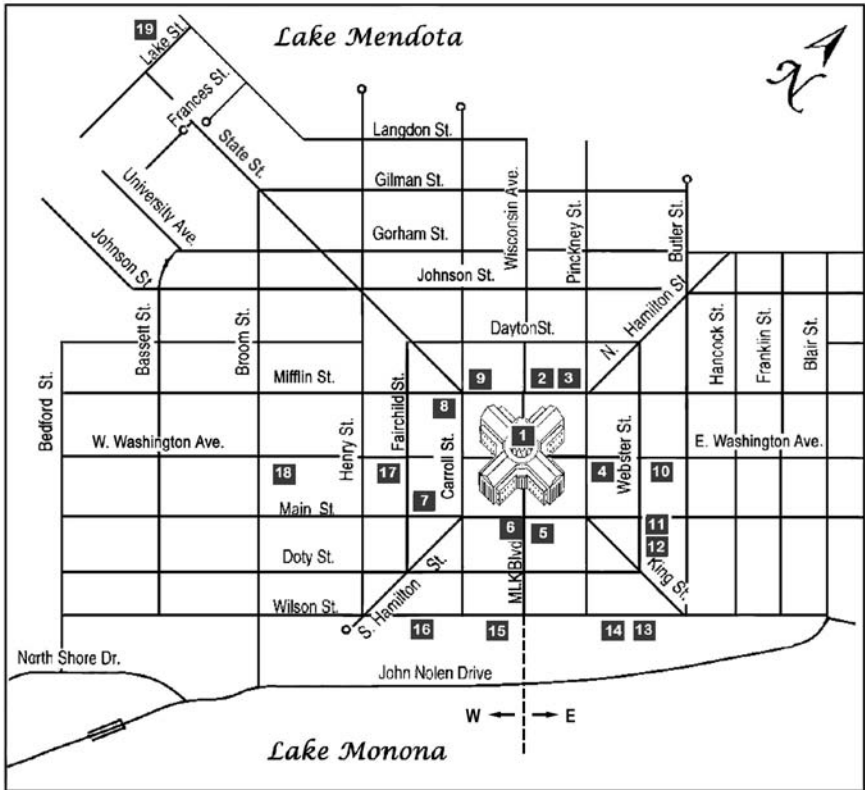
Kathleen Sitter, LRB

LOCATION OF STATE AGENCIES IN MADISON
June 15, 2005

State Agency	Street Address	Map Locator Number
Administration, Department of	101 E. Wilson St.	14
Agriculture, Trade and Consumer Protection, Department of	2811 Agriculture Dr.	—
Attorney General, Office of the	State Capitol, Rm. 114 East	1
Commerce, Department of	201 W. Washington Ave.	17
Corrections, Department of	3099 E. Washington Ave.	—
Educational Approval Board	30 W. Mifflin St., 9th Floor	9
Educational Communications Board	3319 W. Beltline Hwy.	—
Elections Board	17 W. Main St., Suite 310	6
Emergency Management, Wisconsin	2400 Wright St.	—
Employee Trust Funds, Department of	801 W. Badger Rd.	—
Ethics Board	44 E. Mifflin St., Suite 601	3
Financial Institutions, Department of	345 W. Washington Ave.	18
Governor, Office of the	State Capitol, Rm. 115 East	1
Health and Family Services, Department of	1 W. Wilson St.	15
Higher Educational Aids Board	131 W. Wilson St., Suite 902	16
Housing and Economic Development Authority	201 W. Washington Ave.	17
Insurance, Commissioner of	125 S. Webster St.	12
Investment Board	121 E. Wilson St.	13
Justice, Department of	17 W. Main St.	6
Legislative Audit Bureau	22 E. Mifflin St.	2
Legislative Council	1 E. Main St., Suite 401	5
Legislative Fiscal Bureau	1 E. Main St., Suite 301	5
Legislative Reference Bureau	1 E. Main St., Suite 200	5
Legislative Technology Services Bureau	17 S. Fairchild St., Suite 400	7
Lieutenant Governor, Office of the	State Capitol, Rm. 19 East	1
Military Affairs, Department of	2400 Wright St.	—
Natural Resources, Department of	101 S. Webster St.	11
Public Instruction, Department of	125 S. Webster St.	12
Public Service Commission	610 N. Whitney Way	—
Railroads, Office of the Commissioner	610 N. Whitney Way	—
Regulation and Licensing, Department of	1400 E. Washington Ave., Rm. 173	—
Revenue, Department of	2135 Rimrock Rd.	—
Revisor of Statutes Bureau	131 W. Wilson St., Suite 800	16
Secretary of State, Office of the	30 W. Mifflin St., 10th Floor	9
State Courts, Director of	State Capitol, Rm. 16 East	1
State Employment Relations, Office of	101 E. Wilson St.	14
State Law Library	120 Martin Luther King, Jr. Blvd	6
State Historical Society Museum	30 N. Carroll St.	8
State Historical Society of Wisconsin	816 State St.	19
State Public Defender, Office of the	17 S. Fairchild St., 2nd Floor	7
State Treasurer, Office of the	1 S. Pinckney St., Suite 550	4
Supreme Court	State Capitol, Rm. 16 East	1
Technical College System	345 W. Washington Ave., 2nd Floor	18
Tourism, Department of	201 W. Washington Ave.	17
Transportation, Department of	4802 Sheboygan Ave.	—
University of Wisconsin System	1220 Linden Dr.	—
Veterans Affairs, Department of	30 W. Mifflin St.	9
Wisconsin Veterans Museum	30 W. Mifflin St.	9
Workforce Development, Department of	201 E. Washington Ave.	10

Sources: Wisconsin Department of Administration, *State of Wisconsin Governmental Directory*, June 2004; List of State Agencies at: http://www.wisconsin.gov/state/core/agency_index.html [June 7, 2005].

CENTRAL MADISON LOCATOR MAP



Base map: City of Madison, Engineering Division, July 2000.

THE FRAMEWORK OF WISCONSIN GOVERNMENT

Government at a Glance

Wisconsin state government is divided into three branches: legislative, executive, and judicial. The legislative branch includes the Wisconsin Legislature, which is composed of the senate and the assembly, and the service agencies and staff that assist the legislators. The executive branch, headed by the governor, includes five other elected constitutional officers, as well as 17 departments and 12 independent agencies 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 of the three branches is described in detail in its respective section of the *Blue Book*. In addition, the feature article in this edition focuses on the judicial branch.

Local units of government in Wisconsin include 72 counties, 190 cities, 400 villages, 1,260 towns, and several hundred special districts.

Origins of the 30th State

Wisconsin's original residents 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 in this area 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. Wisconsin was included in the French sphere of influence from the 1630s until the signing of the 1763 Treaty of Paris, which 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 United States of America. (Actual British control of the area did not end, however, until 1814 at the conclusion of the War of 1812.)

As a U.S. territory, Wisconsin was initially governed by the Northwest Ordinance of 1787, and then sequentially by the laws of the Indiana Territory, the Illinois Territory, the Michigan Territory and, finally in 1836, the Wisconsin Territory.

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 new 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 20,231-to-14,119 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". From the moment of its birth, like the original states, the State of Wisconsin, its people, its lawmaking bodies, its administrative machinery, and its courts were subject to the U.S. Constitution.

In ratifying the U.S. Constitution, the 13 original states specifically delegated a number of powers to the U.S. Congress. 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 its responsibilities.

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 might appear to be neatly delineated, government responsibilities and activities have not been that clear-cut. In fact, many powers are exercised concurrently by the federal government and the states. Through judicial interpretation and laws enacted in response to changing societal needs, the powers exercised by Congress have been greatly expanded to include many activities once considered reserved to the states, as well as new authority 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 functions as society and technology have evolved.

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 6,000 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 certain state agencies with 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 provisions that are subject to various interpretations. In these cases, formal law is further defined by courts or administrative commissions authorized to interpret state law.

Making State Government Work

According to the general division of state government powers, the legislative branch enacts 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 part of the story. Actually, all three branches play a part in establishing public policy, determining the meaning of the law, and ensuring that 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 outcome, the real reason for the existence of law in a democratic system is to give the greatest benefit to the greatest number of people while protecting the individual rights prescribed by the federal and state constitutions. The only manner in which this can be achieved is by establishing a specific set of rules that attempt to prescribe for all citizens the limits of their rights and obligations.

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

The governor also plays a major role 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. Before a bill becomes law, it must be passed by the legislature and signed by the governor. If the governor vetoes the bill instead of signing it, it can only become law if it is approved a second time by a two-thirds vote in each house of the legislature. In the case of appropriation bills that authorize spending, such as a budget, the governor can use the “partial veto” and veto only parts of the bill rather than the whole proposal. 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 oversight of the agencies involved in 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 are not involved in the enactment of new laws, they do resolve conflicts about 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 opinions and concerns voiced by 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 determine “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 recommend legislation or appear at legislative hearings.

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 abolished. 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 within the state’s executive branch, and that included the constitutional officers. In 2004, full- and part-time state employees totaled 77,258.

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 2004, the University of Wisconsin System enrolled 173,058 students and in 2003, public elementary and secondary enrollments totaled 880,031. In 2002, the Technical College System served 429,355 students. Once, the wooden Watertown Plank Road constituted an unequaled technological advancement over the muddy wagon trails of the day; by 2004, Wisconsin had 113,269 miles of highways and streets, almost 80% of them paved, and 99 publicly owned airports. In 1900, the average U.S. life expectancy at birth was 47.3 years; by 2001, it had reached 77.2 years (74.4 for males and 79.8 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.

Local Units of Government

In order to carry out its numerous responsibilities, every state has created subordinate units of local government. In most cases, these are legal, rather than constitutional, creations. This means the legislature may abolish them, change them, or give them increased or decreased powers and duties, as it chooses. 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 body of the county is the board of supervisors. The number of supervisors may vary from county to county, but within a particular county each supervisor must represent, as nearly as practicable, an equal number of inhabitants. County supervisors are elected 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 is elected for 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. Reflecting a constitutional amendment ratified on April 5, 2005, by 2008 all county officers will serve 4-year terms. 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 chosen for 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 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. There are 10 counties with elected executives; 10 have appointed administrators; and 48 have an appointed administrative coordinator.

Cities and Villages. Wisconsin’s 190 cities and 400 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 populated 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 elect a mayor and a city common council, but 10 operate under a council-manager system, in which the elected council selects the manager to serve as chief executive. In those cities with the mayor-council form of government, 82 have also appointed full- or part-time city administrators. City alderpersons are elected for 2-year terms in the spring nonpartisan elections, except in Milwaukee, where alderpersons serve 4-year terms.

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 11 villages use a village manager form of government with the manager chosen by the elected board. An additional 83 have created full- or part-time village administrators. Village trustees are elected for 2-year terms in the spring nonpartisan elections.

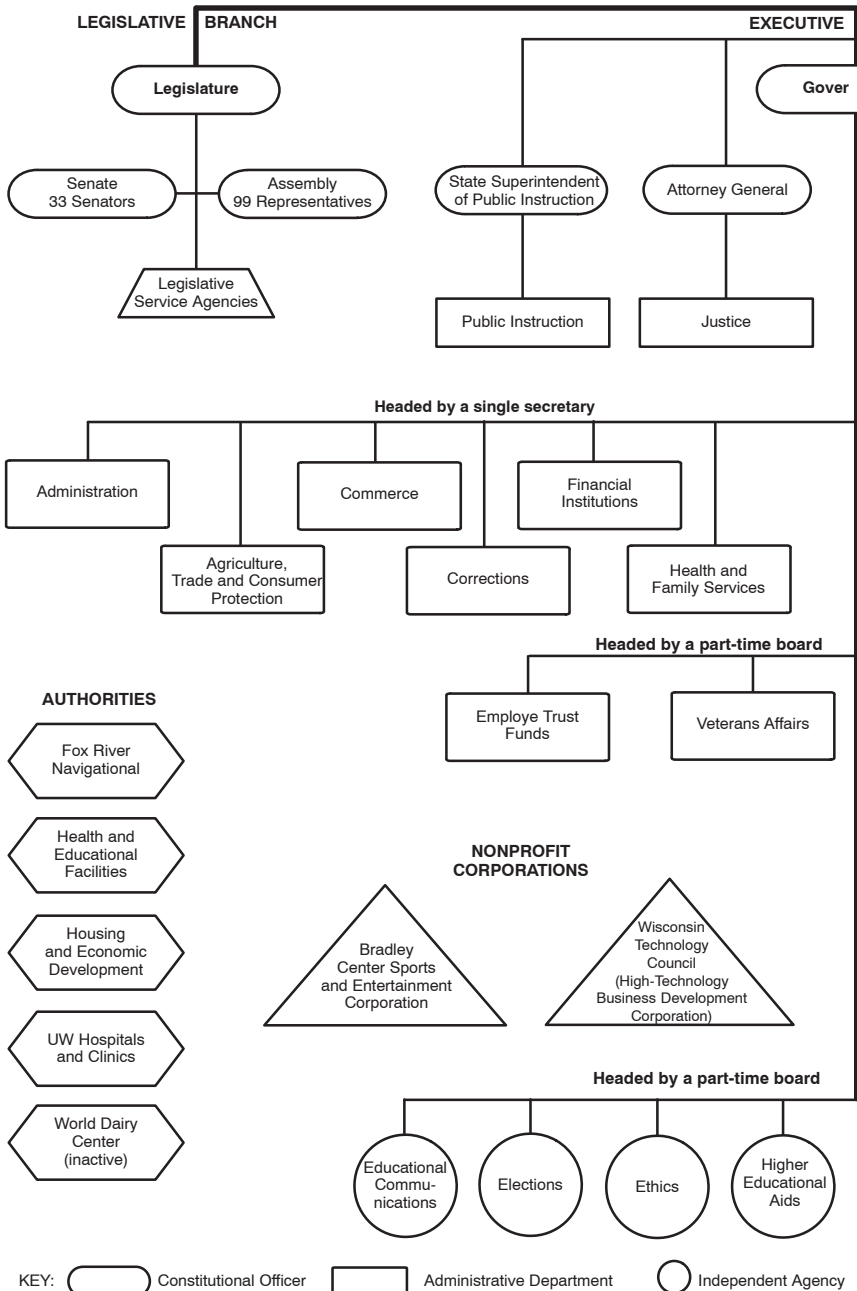
Towns. Town governments govern those areas of Wisconsin that are not included inside the corporate boundaries of either a city or a village. Wisconsin has 1,260 towns, including the entire County of Menominee, which is designated as a town. Towns have only those powers granted by the Wisconsin Statutes. 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 nonpartisan election. They perform a number of administrative functions, and the town board chairperson has certain executive powers and duties. A town board may also 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 district administrators.

WISCONSIN STATE GOVERNMENT

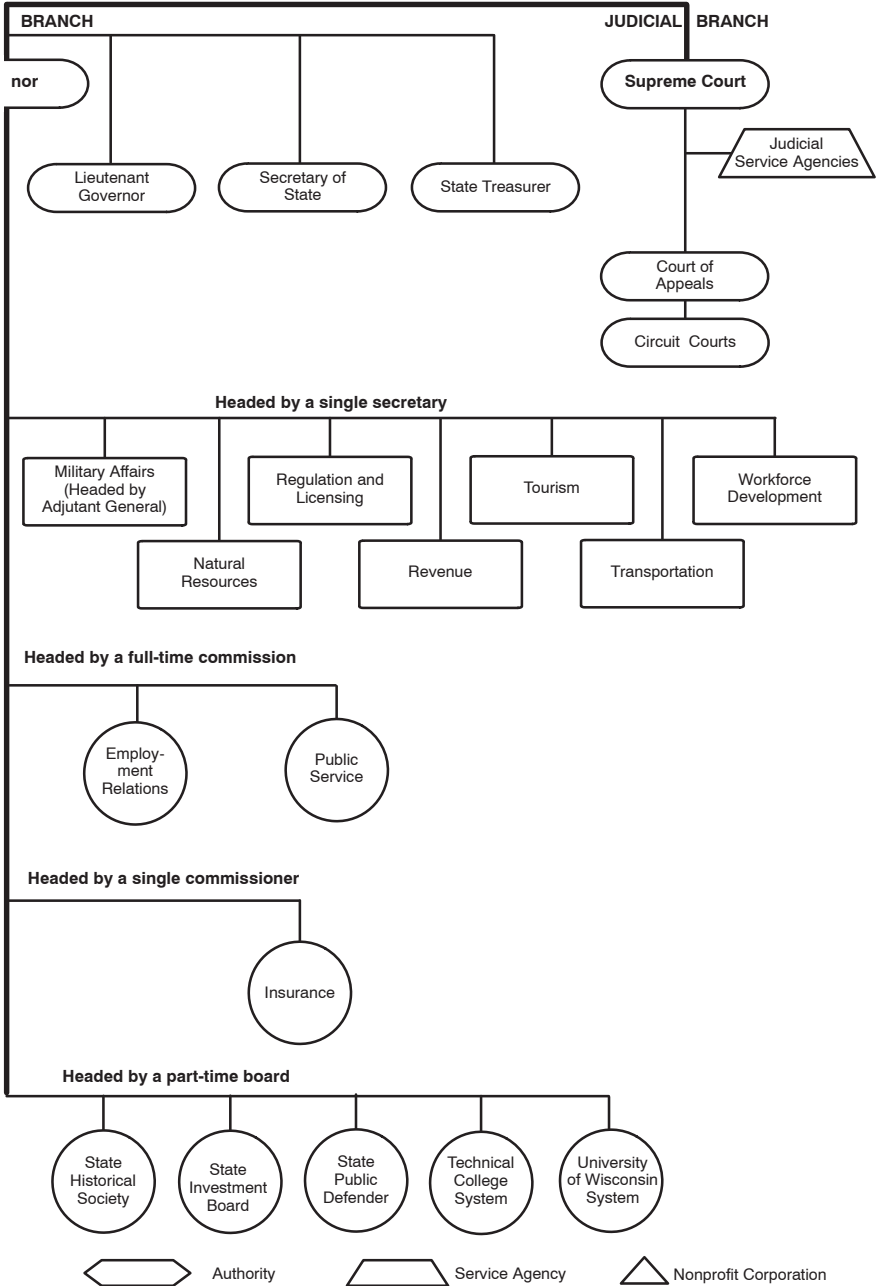
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Units of state government not shown on the chart are listed on following page.

GOVERNMENT ORGANIZATION

2005



Units of State Government Not Shown on Organization Chart

The following units of state government are independent entities, which are attached to the agencies indicated for administrative purposes under Section 15.03 of the statutes.

Boards

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)
 College Savings Program Board (Treasurer)
 Crime Victims Rights Board (DOJ)
 Depository Selection Board (DOA)
 Development Finance Board (Commerce)
 Disability Board (Governor)
 Educational Approval Board (Veterans Affairs)
 Emergency Medical Services Board (DHFS)
 Environmental Education Board (UW)
 Board on Health Care Information (DHFS)
 Historic Preservation Review Board (State Historical Society)
 Incorporation Review Board (DOA)
 Independent Review Board (DHFS)
 Information Technology Management Board (DOA)
 Interstate Adult Offender Supervision Board (DOC)
 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)
 Law Enforcement Standards Board (DOJ)
 Livestock Facility Siting Review Board (DATCP)
 Lower Wisconsin State Riverway Board (Tourism)
 Minority Business Development Board (Commerce)
 National and Community Service Board (DOA)
 Prison Industries Board (DOC)

Public Records Board (DOA)
 Rural Economic Development Board (Commerce)
 Small Business Regulatory Review Board (Commerce)
 State Capitol and Executive Residence Board (DOA)
 State Fair Park Board (Tourism)
 State Use Board (DOA)
 Veterinary Diagnostic Laboratory Board (UW)
 Volunteer Fire Fighter and Emergency Medical Technician Service Award Board (DOA)
 Waste Facility Siting Board (DOA)
 Governor's Work-Based Learning Board (DWD)

Commissions

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

Councils

Council on Developmental Disabilities (DHFS)
 Groundwater Coordinating Council (DNR)
 Invasive Species Council (DNR)
 Milwaukee Child Welfare Partnership Council (DHFS)
 Council on Physical Disabilities (DHFS)
 Council on Recycling (DNR)
 Council on Utility Public Benefits (DOA)
 Wisconsin Land Council (DOA)
 Women's Council (DOA)

Divisions

Division of Hearings and Appeals (DOA)
 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)
 Office of State Employment Relations (DOA)
