

CHAPTER 15

STRUCTURE OF THE EXECUTIVE BRANCH

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SUBCHAPTER I

GENERAL PROVISIONS

15.001 Declaration of policy. (1) THREE BRANCHES OF GOVERNMENT. The "republican form of government" guaranteed by the U.S. constitution contemplates the separation of powers within state government among the legislative, the executive and the judicial branches of the government. The legislative branch has the broad objective of determining policies and programs and review of program performance for programs previously authorized, the executive branch carries out the programs and policies and the judicial branch has the responsibility for adjudicating any conflicts which might arise from the interpretation or application of the laws. It is a traditional concept of American government that the 3 branches are to function separately, without intermingling of authority, except as specifically provided by law.

(2) GOALS OF EXECUTIVE BRANCH ORGANIZATION. (a) As the chief administrative officer of the state, the governor should be provided with the administrative facilities and the author-

ity to carry out the functions of the governor's office efficiently and effectively within the policy limits established by the legislature.

(b) The administrative agencies which comprise the executive branch should be consolidated into a reasonable number of departments and independent agencies consistent with executive capacity to administer effectively at all levels.

(c) The integration of the agencies in the executive branch should be on a functional basis, so that programs can be coordinated.

(d) Each agency in the executive branch should be assigned a name commensurate with the scope of its program responsibilities, and should be integrated into one of the departments or independent agencies of the executive branch as closely as the conflicting goals of administrative integration and responsiveness to the legislature will permit.

(3) GOALS OF CONTINUING REORGANIZATION. Structural reorganization should be a continuing process through careful executive and legislative appraisal of the placement of proposed new programs and the coordination of existing

programs in response to changing emphasis or public needs, and should be consistent with the following goals:

(a) The organization of state government should assure its responsiveness to popular control. It is the goal of reorganization to improve legislative policy-making capability and to improve the administrative capability of the executive to carry out these policies.

(b) The organization of state government should facilitate communication between citizens and government. It is the goal of reorganization through coordination of related programs in function-oriented departments to improve public understanding of government programs and policies and to improve the relationships between citizens and administrative agencies.

(c) The organization of state government shall assure efficient and effective administration of the policies established by the legislature. It is the goal of reorganization to promote efficiency by improving the management and coordination of state services and by eliminating overlapping activities.

History: 1991 a 316

15.01 Definitions. In this chapter:

(1) "Board" means a part-time body functioning as the policy-making unit for a department or independent agency or a part-time body with policy-making or quasi-judicial powers.

(2) "Commission" means a 3-member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the sentencing commission which shall consist of 17 members, the Wisconsin waterways commission which shall consist of 5 members, the parole commission which shall consist of 5 members and the Fox river management commission which shall consist of 7 members. A Wisconsin group created for participation in a continuing interstate body shall be known as a "commission", but is not a commission for purposes of s. 15.06. The parole commission created under s. 15.145 (1) shall be known as a "commission", but is not a commission for purposes of s. 15.06.

(3) "Committee" means a part-time body appointed to study a specific problem and to recommend a solution or policy alternative with respect to that problem, and intended to terminate on the completion of its assignment. Because of their temporary nature, committees shall be created by session law rather than by statute.

(4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Milwaukee river revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2) and the privacy council has the powers specified in s. 19.625.

(5) "Department" means the principal administrative agency within the executive branch of Wisconsin state government, but does not include the independent agencies under subch. III.

(6) "Division," "bureau," "section" and "unit" means the subunits of a department, whether specifically created by law or created by the head of the department for the more economic and efficient administration and operation of the programs assigned to the department. The office of justice assistance in the department of administration has the meaning of "division" under this subsection and the office of health care information in the subunit of the department of

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health and social services having responsibility for health has the meaning of "bureau" under this subsection.

(7) "Examining board" means a part-time body which sets standards of professional competence and conduct for the profession under its supervision, prepares, conducts and grades the examinations of prospective new practitioners, grants licenses, investigates complaints of alleged unprofessional conduct and performs other functions assigned to it by law. "Examining board" includes the board of nursing.

(8) "Head of the department" means the constitutional officer, commission, secretary or part-time policy board, in charge of a department.

(9) "Independent agency" means an administrative agency within the executive branch created under subch. III.

History: 1977 c. 29, 274; 1979 c. 34; 1983 a. 27, 189, 371, 410, 538; 1985 a. 29, 120, 180; 1987 s. 27, 342, 399; 1989 a. 31, 107, 202; 1991 a. 39, 269, 315.

15.02 Offices, departments and independent agencies.

The constitutional offices, administrative departments and independent agencies which comprise the executive branch of Wisconsin state government are structured as follows:

(1) SEPARATE CONSTITUTIONAL OFFICES. The governor, lieutenant governor, secretary of state and state treasurer each head a staff to be termed the "office" of the respective constitutional officer.

(2) PRINCIPAL ADMINISTRATIVE UNITS. The principal administrative unit of the executive branch is a "department" or an "independent agency". Each such unit shall bear a title beginning with the words "State of Wisconsin" and continuing with "department of ..." or with the name of the independent agency. A department may be headed by a constitutional officer, a secretary, a 3-man commission or a part-time policy-making board.

(3) INTERNAL STRUCTURE. (a) The secretary of each department may, subject to sub. (4), establish the internal structure within the office of secretary so as to best suit the purposes of his or her department. No secretary may authorize the designation of "assistant secretary" as the official position title of any employe of his or her department.

(b) For field operations, departments may establish district or area offices which may cut across divisional lines of responsibility.

(c) For their internal structure, all departments shall adhere to the following standard terms, and independent agencies are encouraged to review their internal structure and to adhere as much as possible to the following standard terms:

1. The principal subunit of the department is the "division". Each division shall be headed by an "administrator". The office of justice assistance in the department of administration has the meaning of "division" and the executive staff director of the office of justice assistance in the department of administration has the meaning of "administrator" under this subdivision.

2. The principal subunit of the division is the "bureau". Each bureau shall be headed by a "director". The office of health care information in the subunit of the department of health and social services having responsibility for health has the meaning of "bureau" under this subdivision.

3. If further subdivision is necessary, bureaus may be divided into subunits which shall be known as "sections" and which shall be headed by "chiefs" and sections may be divided into subunits which shall be known as "units" and which shall be headed by "supervisors".

(4) INTERNAL ORGANIZATION AND ALLOCATION OF FUNCTIONS. The head of each department or independent agency shall, subject to the approval of the governor, establish the internal organization of the department or independent

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agency and allocate and reallocate duties and functions not assigned by law to an officer or any subunit of the department or independent agency to promote economic and efficient administration and operation of the department or independent agency. The head may delegate and redelegate to any officer or employe of the department or independent agency any function vested by law in the head. The governor may delegate the authority to approve selected organizational changes to the head of any department or independent agency.

History: 1971 c. 261; 1973 c. 12; 1975 c. 39; 1977 c. 29; 1979 c. 221; 1987 a. 27, 399.

Limits of internal departmental reorganization discussed 61 Atty. Gen 306.

15.03 Attachment for limited purposes. Any division, office, commission, council or board attached under this section to a department or independent agency or a specified division thereof shall be a distinct unit of that department, independent agency or specified division. Any division, office, commission, council or board so attached shall exercise its powers, duties and functions prescribed by law, including rule making, licensing and regulation, and operational planning within the area of program responsibility of the division, office, commission, council or board, independently of the head of the department or independent agency, but budgeting, program coordination and related management functions shall be performed under the direction and supervision of the head of the department or independent agency.

History: 1981 c. 347; 1983 a. 27.

15.04 Heads of departments and independent agencies; powers and duties. (1) DUTIES. Each head of a department or independent agency shall:

(a) *Supervision.* Except as provided in s. 15.03, plan, direct, coordinate and execute the functions vested in the department or independent agency.

(b) *Budget.* Biennially compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department or independent agency and each program, subprogram and activity therein.

(c) *Advisory bodies.* In addition to any councils specifically created by law, create and appoint such councils or committees as the operation of the department or independent agency requires. Members of councils and committees created under this general authority shall serve without compensation, but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties and, if such reimbursement is made, such reimbursement in the case of an officer or employe of this state who represents an agency as a member of such a council or committee shall be paid by the agency which pays the officer's or employe's salary.

(d) *Biennial report.* On or before October 15 of each odd-numbered year, submit to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on the performance and operations of the department or independent agency during the preceding biennium, and projecting the goals and objectives of the department or independent agency as developed for the program budget report. The secretary of administration may prescribe the format of the report and may require such other information deemed appropriate. Each department or independent agency shall provide a copy of its biennial report to legislators upon request. Any department or independent agency may issue such additional reports on its findings and recommendations as its operations require. A department or independent agency may, on or before October 15, submit an annual report prepared by it, in place of the

biennial report required under this paragraph, if the submission of the annual reports is approved by the secretary of administration.

(e) *Seal.* Have authority to adopt a seal for the department or independent agency.

(f) *Bonds.* Have authority to require that any officer or employe of the department or independent agency give an official bond under ch. 19, if the secretary of administration agrees that the position held by such officer or employe requires bonding.

(g) *Discrimination review.* In order to determine whether there is any arbitrary discrimination on the basis of race, religion, national origin, sex, marital status or sexual orientation as defined in s. 111.32 (13m), examine and assess the statutes under which the head has powers or regulatory responsibilities, the procedures by which those statutes are administered and the rules promulgated under those statutes. If the department or agency head finds any such discrimination, he or she shall take remedial action, including making recommendations to the appropriate executive, legislative or administrative authority.

(h) *Report of forms and papers used.* Annually, no later than September 1, file with the public records and forms board a report which shall include such information relative to records and forms management as may be specified by the board. The report shall cover all previously unsubmitted forms and papers that were required to be filed with the department or independent agency during the preceding fiscal year.

(i) *Records and forms management program.* Establish and maintain a records and forms management program.

(j) *Records and forms officer.* Appoint a records and forms officer, who shall be responsible for reviewing, consolidating, simplifying, designing and filing all records and forms and who may prevent any form from being put into use.

(k) *Form numbering and filing system.* Establish a numbering and filing system for forms.

(m) *Notice on forms.* See that each form used by the department or independent agency to seek information from municipalities, counties or the public contains on the first page of the form, or in the instructions for completing the form, a conspicuous notice of the authorization for the form, whether or not completing the form is voluntary, if it is not voluntary, the penalty for failure to respond and whether or not any personally identifiable information, as defined under s. 19.62 (5), requested in the form is likely to be used for purposes other than for which it is originally being collected. This paragraph does not apply to state tax forms.

(2) DEPUTY. Each secretary of a department or head of an independent agency under s. 230.08 (2) (L) may appoint a deputy who shall serve at the pleasure of the secretary or agency head outside the classified service. The deputy shall exercise the powers, duties and functions of the secretary or head in the absence of the secretary or head, and shall perform such other duties as the secretary or head prescribes. The adjutant general may appoint 2 deputies as provided in s. 21.18 (1). In this subsection "secretary" includes the attorney general and the state superintendent of public instruction.

(3) DEPUTY APPROVALS. Positions for which appointment is made under sub. (2) may be authorized only under s. 16.505.

History: 1971 c. 125; 1975 c. 94; 1977 c. 196, 273, 418, 447; 1979 c. 221; 1981 c. 112, 350; 1981 c. 391 s. 210; 1983 a. 27, 524; 1985 a. 29; 1985 a. 180 ss. 2 to 4, 30m; 1985 a. 332; 1987 a. 147 s. 25; 1987 a. 186; 1989 a. 248; 1991 a. 39, 189.

15.05 Secretaries. (1) SELECTION. (a) If a department is under the direction and supervision of a secretary, the secre-

tary shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor.

(b) If a department is under the direction and supervision of a board, the board shall appoint a secretary to serve at the pleasure of the board outside the classified service. In such departments, the powers and duties of the board shall be regulatory, advisory and policy-making, and not administrative. All of the administrative powers and duties of the department are vested in the secretary, to be administered by him or her under the direction of the board. The secretary, with the approval of the board, shall promulgate rules for administering the department and performing the duties assigned to the department.

(3) EXECUTIVE ASSISTANT. Each secretary may appoint an executive assistant to serve at his or her pleasure outside the classified service. The executive assistant shall perform duties as the secretary prescribes. In this subsection, "secretary" includes the attorney general, the adjutant general, the director of the vocational, technical and adult education system and the state superintendent of public instruction.

(4) OFFICIAL OATH. Each secretary shall take and file the official oath prior to assuming office.

(5) EXECUTIVE ASSISTANT APPROVALS. Positions for which appointment is made under sub. (3) may be authorized only under s. 16.505.

History: 1973 c. 90; 1977 c. 4, 196; 1985 a. 18; 1985 a. 332 s. 251 (3); 1989 a. 31, 169.

See note to 17.07, citing *Moses v. Board of Veterans Affairs*, 80 W (2d) 411, 259 NW (2d) 102.

15.06 Commissions and commissioners. (1) SELECTION OF MEMBERS. (a) Except as otherwise provided in this subsection and s. 15.105 (17), the members of commissions shall be nominated by the governor, and with the advice and consent of the senate appointed, for staggered 6-year terms expiring on March 1 of the odd-numbered years.

(ag) Members of the Wisconsin waterways commission shall be nominated by the governor, and with the advice and consent of the senate appointed, for staggered 5-year terms.

(am) The commissioner of transportation shall be nominated by the governor, and with the advice and consent of the senate appointed, for a 6-year term expiring on March 1 of an odd-numbered year.

(b) The commissioners of banking, credit unions, savings and loan, insurance and securities shall each be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The governor may remove from office the commissioners of banking, credit unions, savings and loan, insurance and securities who were appointed for a fixed term before August 1, 1987.

(d) The members of the personnel commission shall be nominated by the governor, and with the advice and consent of the senate appointed, for 5-year terms, subject to the following conditions:

1. At least one member shall be licensed to practice law in this state.

2. They shall possess some professional experience in the field of personnel or labor relations.

3. No member may hold any other position in state employment.

4. No member, when appointed or for 3 years immediately prior to the date of appointment, may have been an officer of a committee in any political party, partisan political club or partisan political organization or have held or been a candidate for any partisan elective public office. No member may become a candidate for or hold any such office.

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5. At no time may more than 2 members be adherents of the same political party.

6. Each member of the commission shall be a U.S. citizen and shall have been a resident of this state for at least 3 years.

(e) Members of the Fox river management commission shall be nominated by the governor, and with the advice and consent of the senate appointed, for 3-year terms.

(f) Members of the gaming commission shall be nominated by the governor, and with the advice and consent of the senate appointed, for 4-year terms expiring on July 1.

(2) SELECTION OF OFFICERS. Each commission may annually elect officers other than a chairperson from among its members as its work requires. Any officer may be reappointed or reelected. At the time of making new nominations to commissions, the governor shall designate a member or nominee of each commission to serve as the commission's chairperson for a 2-year term expiring on March 1 of the odd-numbered year except that:

(a) Commencing March 1, 1979, and thereafter, the labor and industry review commission shall elect one of its members to serve as the commission's chairperson for a 2-year term expiring on March 1 of the odd-numbered year.

(3) FULL-TIME OFFICES. (a) A commissioner may not hold any other office or position of profit or pursue any other business or vocation, but shall devote his or her entire time to the duties of his or her office. This paragraph does not apply to:

1. The commissioner of insurance.

3. The members of the Wisconsin waterways commission.

4. The members of the Fox river management commission.

(b) The commissioner of insurance shall not engage in any other occupation, business or activity that is in any way inconsistent with the performance of the duties of the commissioner of insurance, nor shall the commissioner hold any other public office.

(c) This subsection does not apply to the sentencing commission. The chairperson and members of the sentencing commission shall be reimbursed for expenses under s. 15.07 (5).

(4) CHAIRPERSON; ADMINISTRATIVE DUTIES. The administrative duties of each commission shall be vested in its chairperson, to be administered by the chairperson under the statutes and rules of the commission and subject to the policies established by the commission.

(4m) EXECUTIVE ASSISTANT. Each commission chairperson under s. 230.08 (2) (m) may appoint an executive assistant to serve at his or her pleasure outside the classified service. The executive assistant shall perform duties as the chairperson prescribes.

(5) FREQUENCY OF MEETINGS; PLACE. Every commission shall meet on the call of the chairperson or a majority of its members. Every commission shall maintain its offices in Madison, but may meet or hold hearings at such other locations as will best serve the citizens of this state.

(6) QUORUM. A majority of the membership of a commission constitutes a quorum to do business, except that vacancies shall not prevent a commission from doing business. This subsection does not apply to the parole commission.

(7) REPORTS. Every commission attached to a department shall submit to the head of the department, upon request of that person not more often than annually, a report on the operation of the commission.

(8) OFFICIAL OATH. Every commissioner shall take and file the official oath prior to assuming office.

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(9) EXECUTIVE ASSISTANT APPROVALS. Positions for which appointment is made under sub. (4m) may be authorized only under s. 16.505.

History: 1971 c. 193, 307; 1977 c. 29, 196, 274; 1981 c. 347; 1983 a. 27, 371, 410, 538; 1985 a. 29; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 269, 316.

Single member of personnel commission is empowered to act as commissioner where 2 of 3 commission positions are vacant. 68 Atty. Gen. 323.

Commissioner designated chairperson of commission under (2) is not appointed to new position. Art. IV, s. 26, thus precludes salary increase based on such designation. 76 Atty. Gen. 52.

Sub. (3) (a) prohibits commissioner from pursuing business interests which would prevent properly fulfilling duties of office. 77 Atty. Gen. 36.

15.07 Boards. (1) SELECTION OF MEMBERS. (a) If a department or independent agency is under the direction and supervision of a board, the members of the board, other than the members serving on the board because of holding another office or position, shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve for terms prescribed by law, except:

1. Members of the higher educational aids board shall be appointed by the governor without senate confirmation.

2. Members of the elections board shall be appointed as provided in s. 15.61.

3. Members of the employe trust funds board appointed or elected under s. 15.16 (1) (a), (b) and (d) shall be appointed or elected as provided in that section.

4. Members of the investment board appointed under s. 15.76 (3) shall be appointed as provided in that section.

5. The members of the educational communications board appointed under s. 15.57 (5) and (7) shall be appointed as provided in that section.

(b) For each board not covered under par. (a), the governor shall appoint the members of the board, other than the members serving on the board because of holding another office or position and except as otherwise provided, for terms prescribed by law except that the members of the following boards shall be nominated by the governor, and with the advice and consent of the senate appointed, for terms provided by law:

1. Banking review board.
2. Consumer credit review board.
3. Credit union review board.
5. Savings and loan review board.
8. Real estate board.
9. Board on aging and long-term care.
10. Land conservation board.
11. Waste facility siting board.
12. Prison industries board.
14. Deferred compensation board.
15. The 3 members of the lower Wisconsin state riverway board appointed under s. 15.345 (6) (b) 7.
16. Land information board.
17. Real estate appraisers board.
18. Savings bank review board.

(c) Except as provided under par. (cm), fixed terms of members of boards shall expire on May 1 and, if the term is for an even number of years, shall expire in an odd-numbered year.

(cm) The term of one member of the ethics board shall expire on each May 1. The terms of 3 members of the development finance board appointed under s. 15.155 (1) (a) 6 shall expire on May 1 of every even-numbered year and the terms of the other 3 members appointed under s. 15.155 (1) (a) 6 shall expire on May 1 of every odd-numbered year. The terms of the 3 members of the land conservation board appointed under s. 15.135 (4) (b) 2 shall expire on January 1. The terms of members of the real estate board shall expire on July 1. The terms of the appraiser members of the real estate appraisers board shall expire on May 1 in an even-numbered

year. The terms of the members of the radioactive waste review board shall expire as provided in s. 15.915 (4) (c).

(cs) No member of the real estate appraisers board or real estate board may be an officer, director or employe of a private organization that promotes or furthers any profession or occupation regulated by that board.

(2) SELECTION OF OFFICERS. At its first meeting in each year, every board shall elect a chairperson, vice chairperson and secretary each of whom may be reelected for successive terms, except that:

(a) The chairman and vice chairman of the investment board shall be designated biennially by the governor.

(b) The chairperson of the board on health care information shall be designated biennially by the governor.

(c) The chairperson of the board on the U.S.S. Wisconsin shall be designated annually by the governor on each May 1, to be chosen from the members other than ex-officio members.

NOTE: Par. (c) is repealed eff. 7-1-94 by 1991 Wis. Act 269.

(d) The officers elected by the board of regents of the university of Wisconsin system and the board of vocational, technical and adult education shall be known as a president, vice president and secretary.

(e) The representative of the department of justice shall serve as chairman of the claims board and the representative of the department of administration shall serve as its secretary.

(f) The state superintendent of public instruction or his or her designated representative shall serve as chairman of the school district boundary appeal board.

(g) A representative of the department of justice designated by the attorney general shall serve as nonvoting secretary to the law enforcement standards board.

(j) At its first meeting in each even-numbered year, the state capitol and executive residence board shall elect officers for 2-year terms.

(3) FREQUENCY OF MEETINGS. (a) If a department or independent agency is under the direction and supervision of a board, the board shall meet quarterly and may meet at other times on the call of the chairman or a majority of its members.

(b) Except as provided in par. (bm) or (c), each board not covered under par. (a) shall meet annually, and may meet at other times on the call of the chairperson or a majority of its members. The real estate board and the real estate appraisers board shall also meet on the call of the secretary of regulation and licensing or his or her designee within the department.

(bm) 1. The board on health care information shall meet 4 times each year and may meet at other times on the call of the chairperson or a majority of the board's members.

2. The environmental education board shall meet 4 times each year and may meet at other times on the call of the chairperson.

(c) The emergency medical services assistance board shall meet semiannually and at other times on the call of the chairperson or on petition by 6 of the members.

(4) QUORUM. A majority of the membership of a board constitutes a quorum to do business and, unless a more restrictive provision is adopted by the board, a majority of a quorum may act in any matter within the jurisdiction of the board. This subsection does not apply to actions of the ethics board or the school district boundary appeal board as provided in ss. 19.47 (4) and 117.05 (2) (a).

(5) REIMBURSEMENT FOR EXPENSES; COMPENSATION. Except as provided in sub. (5m), the members of each board shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, such reimbursement in the case of an officer or employe of this state who represents an

agency as a member of a board to be paid by the agency which pays the member's salary. The members shall receive no compensation for their services, except that the following members of boards, except full-time state officers or employees, also shall be paid the per diem stated below for each day on which they were actually and necessarily engaged in the performance of their duties:

- (a) Members of the investment board, \$50 per day.
- (b) Members of the banking review board, \$25 per day but not to exceed \$1,500 per year.
- (d) Members of the board of agriculture, trade and consumer protection, not exceeding \$35 per day as fixed by the board with the approval of the governor, but not to exceed \$1,000 per year.
- (e) In lieu of a per diem, the members of the board of vocational, technical and adult education shall receive \$100 annually.
- (f) Members of the teachers retirement board, appointive members of the Wisconsin retirement board, appointive members of the group insurance board, members of the deferred compensation board and members of the employe trust funds board, \$25 per day.
- (g) Members of the savings and loan review board, \$10 per day.
- (gm) Members of the savings bank review board, \$10 per day.
- (h) Voting members of the land conservation board, \$25 per day.
- (i) Members of the educational approval board, \$25 per day.
- (j) Members of the state fair park board, \$10 per day but not to exceed \$600 per year.
- (k) Members of the ethics board, \$25 per day.
- (L) Members of the school district boundary appeal board, \$25 per day.
- (n) Members of the elections board, \$25 per day.
- (o) Members of the burial sites preservation board, \$25 per day.
- (q) Members of the American Indian language and culture education board, \$25 per day.
- (r) Members of the real estate board, \$25 per day.
- (s) Members of the credit union review board, \$25 per day but not to exceed \$1,500 per year.
- (t) Members of the waste facility siting board who are town or county officials, \$35 per day.
- (w) Members of the lower Wisconsin state riverway board, \$25 per day.
- (x) Members of the real estate appraisers board, \$25 per day.

(5m) LIMITATIONS ON SALARY AND EXPENSES. (b) *Lower Wisconsin state riverway board.* The members, except for the chairperson, of the lower Wisconsin state riverway board shall be reimbursed under sub. (5) for only their necessary and actual travel expenses incurred in the performance of their duties, or shall be paid \$25 plus mileage incurred in the performance of their duties, whichever is greater. The chairperson of the lower Wisconsin state riverway board shall be reimbursed for all his or her actual and necessary expenses incurred in the performance of his or her duties. The lower Wisconsin state riverway board shall determine which expenses of the chairperson are actual and necessary before reimbursement.

(6) REPORTS. Every board created in or attached to a department or independent agency shall submit to the head of the department or independent agency, upon request of that person not more often than annually, a report on the operation of the board.

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(7) OFFICIAL OATH. Each member of a board shall take and file the official oath prior to assuming office.

History: 1971 c. 100 s. 23; 1971 c. 125, 261, 270, 323; 1973 c. 90, 156, 299, 334; 1975 c. 39, 41, 422; 1977 c. 29 ss. 24, 26, 1650m (3); 1977 c. 203, 277, 418, 427; 1979 c. 34, 110, 221, 346; 1981 c. 20, 62, 94, 96, 156, 314, 346, 374, 391; 1983 a. 27, 282, 403; 1985 a. 20, 29, 316; 1987 a. 27, 119, 142, 354, 399, 403; 1989 a. 31, 102, 114, 219, 299, 340; 1991 a. 25, 39, 116, 221, 269, 316.

"Membership" as used in (4) means authorized number of positions and not number of positions which are currently occupied. 66 Atty. Gen. 192, 116

15.08 Examining boards and councils. (1) SELECTION OF MEMBERS. All members of examining boards shall be residents of this state and shall, unless otherwise provided by law, be nominated by the governor, and with the advice and consent of the senate appointed. Appointments shall be for the terms provided by law. Terms shall expire on July 1. No member may serve more than 2 consecutive terms. No member of an examining board may be an officer, director or employee of a private organization which promotes or furthers the profession or occupation regulated by that board.

(1m) PUBLIC MEMBERS. (a) Public members appointed under s. 15.405 or 15.407 shall have all the powers and duties of other members except they shall not prepare questions for or grade any licensing examinations.

(am) Public members appointed under s. 15.405 or 15.407 shall not be, nor ever have been, licensed, certified, registered or engaged in any profession or occupation licensed or otherwise regulated by the board, examining board or examining council to which they are appointed, shall not be married to any person so licensed, certified, registered or engaged, and shall not employ, be employed by or be professionally associated with any person so licensed, certified, registered or engaged.

(b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board and its physical therapists examining council, podiatry examining council, occupational therapy examining council, respiratory care practitioners examining council and council on physician's assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board, the examining board of social workers, marriage and family therapists and professional counselors and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

NOTE: Par. (b) is shown as amended eff. 5-1-93 by 1991 Wis. Act 160. Prior to 5-1-93 it reads:

(b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board and its physical therapists examining council, podiatry examining council, occupational therapy examining council, respiratory care practitioners examining council and council on physician's assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

(c) The membership of each examining board and examining council created in the department of regulation and licensing after June 1, 1975, shall be increased by one member who shall be a public member appointed to serve for the same term served by the other members of such examining board or examining council, unless the act relating to the creation of such examining board or examining council provides that 2 or more public members shall be appointed to such examining board or examining council.

(2) SELECTION OF OFFICERS. At its first meeting in each year, every examining board shall elect from among its members a chairman, vice chairman and, unless otherwise provided by law, a secretary. Any officer may be reelected to succeed himself or herself.

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(3) FREQUENCY OF MEETINGS. (a) Every examining board shall meet annually and may meet at other times on the call of the chairman or of a majority of its members.

(b) The medical examining board shall meet at least 12 times annually.

(c) The hearing and speech examining board shall meet at least once every 3 months.

(4) QUORUM. (a) A majority of the membership of an examining board constitutes a quorum to do business, and a majority of a quorum may act in any matter within the jurisdiction of the examining board.

(b) Notwithstanding par. (a), no certificate or license which entitles the person certified or licensed to practice a trade or profession shall be suspended or revoked without the affirmative vote of two-thirds of the membership of the examining board.

(5) GENERAL POWERS. Each examining board:

(a) May compel the attendance of witnesses, administer oaths, take testimony and receive proof concerning all matters within its jurisdiction.

(b) Shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

(c) May limit, suspend or revoke, or reprimand the holder of, any license, permit or certificate granted by the examining board.

(6) IMPROVEMENT OF THE PROFESSION. In addition to any other duties vested in it by law, each examining board shall foster the standards of education or training pertaining to its own trade or profession, not only in relation of the trade or profession to the interest of the individual or to organized business enterprise, but also in relation to government and to the general welfare. Each examining board shall endeavor, both within and outside its own trade or profession, to bring about a better understanding of the relationship of the particular trade or profession to the general welfare of this state.

(7) COMPENSATION AND REIMBURSEMENT FOR EXPENSES. Each member of an examining board shall, unless the member is a full-time salaried employe of this state, be paid a per diem of \$25 for each day on which the member was actually and necessarily engaged in the performance of examining board duties. Each member of an examining board shall be reimbursed for the actual and necessary expenses incurred in the performance of examining board duties.

(8) OFFICIAL OATH. Every member of an examining board shall take and file the official oath prior to assuming office.

(9) ANNUAL REPORTS. Every examining board shall submit to the head of the department in which it is created, upon request of that person not more often than annually, a report on the operation of the examining board.

(10) SEAL. Every examining board may adopt a seal.

History: 1971 c. 40; 1975 c. 86, 199; 1977 c. 418; 1979 c. 32; 1979 c. 34 ss. 32e to 32s, 2102 (45) (a); 1979 c. 221; 1981 c. 94; 1983 a. 403, 524; 1985 a. 332, 340; 1987 a. 399; 1989 a. 229, 316; 359; 1991 a. 39, 160, 316.

Selection and terms of officers of regulatory and licensing boards discussed 75 Atty Gen. 247 (1986).

15.09 Councils. **(1) SELECTION OF MEMBERS.** (a) Unless otherwise provided by law, the governor shall appoint the members of councils for terms prescribed by law. Except as provided in par. (b), fixed terms shall expire on July 1 and shall, if the term is for an even number of years, expire in an odd-numbered year.

(b) The terms of the members of the council on recycling shall expire as specified under s. 15.347 (17) (c).

(2) SELECTION OF OFFICERS. Unless otherwise provided by law, at its first meeting in each year every council shall elect a chairperson, vice chairperson and secretary from among its members. Any officer may be reelected for successive terms. For any council created under the general authority of s. 15.04 (1) (c), the constitutional officer or secretary heading the department or the chief executive officer of the independent agency in which such council is created shall designate an employe of the department or independent agency to serve as secretary of the council and to be a voting member thereof.

(3) LOCATION AND FREQUENCY OF MEETINGS. Unless otherwise provided by law, every council shall meet at least annually and shall also meet on the call of the head of the department or independent agency in which it is created, and may meet at other times on the call of the chairman or a majority of its members. A council shall meet at such locations as may be determined by it unless the constitutional officer or secretary heading the department or the chief executive officer of the independent agency in which it is created determines a specific meeting place.

(4) QUORUM. Except as otherwise expressly provided, a majority of the membership of a council constitutes a quorum to do business, and a majority of a quorum may act in any matter within the jurisdiction of the council.

(5) POWERS AND DUTIES. Unless otherwise provided by law, a council shall advise the head of the department or independent agency in which it is created and shall function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government.

(6) REIMBURSEMENT FOR EXPENSES. Members of a council shall not be compensated for their services, but members of councils created by statute shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, such reimbursement in the case of an elective or appointive officer or employe of this state who represents an agency as a member of a council to be paid by the agency which pays his or her salary.

(7) REPORTS. Unless a different provision is made by law for transmittal or publication of a report, every council created in a department or independent agency shall submit to the head of the department or independent agency, upon request of that person not more often than annually, a report on the operation of the council.

(8) OFFICIAL OATH. Each member of a council shall take and file the official oath prior to assuming office.

History: 1971 c. 211; 1977 c. 29; 1977 c. 196 s. 131; 1979 c. 34, 346; 1983 a. 27, 388, 410; 1985 a. 84; 1989 a. 335; 1991 a. 39, 189.

SUBCHAPTER II**DEPARTMENTS**

15.10 Department of administration; creation. There is created a department of administration under the direction and supervision of the secretary of administration. The secretary of administration shall be appointed on the basis of recognized interest, administrative and executive ability, training and experience in and knowledge of problems and needs in the field of general administration.

15.103 Same; specified divisions. **(1) DIVISION OF HEARINGS AND APPEALS.** There is created a division of hearings and appeals which is attached to the department of administration under s. 15.03. The administrator of the division shall be appointed by the secretary of administration in the classified service.

(2) **DIVISION OF HOUSING.** There is created in the department of administration a division of housing. The administrator of the division shall be appointed outside the classified service by the secretary of administration.

(3) **DIVISION OF INFORMATION TECHNOLOGY SERVICES.** There is created in the department of administration a division of information technology services.

History: 1977 c. 170, 418; 1979 c. 361 s. 15; 1981 c. 121; 1983 a. 27; 1989 a. 31, 107; 1991 a. 39.

15.105 Same; attached boards, commissions and office.

(1) **TAX APPEALS COMMISSION.** There is created a tax appeals commission which is attached to the department of administration under s. 15.03. Members shall be appointed solely on the basis of fitness to perform the duties of their office, and shall be experienced in tax matters. The commission shall meet at the call of the chairperson or at the call of a majority of its members. The chairperson shall not serve on or under any committee of a political party. The commission shall include but not be limited to a small claims division.

(2) **CLAIMS BOARD.** There is created a claims board, attached to the department of administration under s. 15.03, consisting of a representative of the office of the governor designated by the governor, a representative of the department of administration designated by the secretary of administration, a representative of the department of justice designated by the attorney general and the chairpersons of the senate and assembly committees on finance or their designees appointed at the commencement of each legislative biennium from the membership of their respective committees on finance.

(3) **DEPOSITORY SELECTION BOARD.** There is created a depository selection board which is attached to the department of administration under s. 15.03. The depository selection board shall consist of the state treasurer, the secretary of administration and the executive director of the investment board or their designees.

(4) **PUBLIC RECORDS AND FORMS BOARD.** There is created a public records and forms board which is attached to the department of administration under s. 15.03. The public records and forms board shall consist of the governor, the director of the historical society, the attorney general, the state auditor, a representative of the small business community appointed by the governor, a representative of a newspaper published in this state appointed by the governor, a representative of the permit information center appointed by the secretary of development and the director of the legislative council staff or their designated representatives.

(5) **STATE CAPITOL AND EXECUTIVE RESIDENCE BOARD.** There is created a state capitol and executive residence board, attached to the department of administration under s. 15.03, consisting of the secretary of administration or the secretary's designee, the director of the historical society or the director's designee, an architect or engineer employed by the department of administration appointed by the secretary of administration, 3 senators and 3 representatives to the assembly appointed as are the members of standing committees in their respective houses, and 7 citizen members appointed for staggered 6-year terms of whom at least 2 shall be architects licensed in this state, one shall be a landscape architect and 3 shall be interior designers.

(8) **ARTS BOARD.** There is created an arts board which is attached to the department of administration under s. 15.03. The arts board shall consist of 15 members appointed for 3-year terms who are residents of this state and who are known for their concern for the arts. At least 2 members shall be from the northwest portion of this state, at least 2 members shall be from the northeast portion of this state, at least 2

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members shall be from the southwest portion of this state and at least 2 members shall be from the southeast portion of this state.

(10) **BOARD ON AGING AND LONG-TERM CARE.** There is created a board on aging and long-term care, attached to the department of administration under s. 15.03. The board shall consist of 7 members appointed for staggered 5-year terms. Members shall have demonstrated a continuing interest in the problems of providing long-term care for the aged or disabled. At least 4 members shall be public members with no interest in or affiliation with any nursing home.

(12) **WASTE FACILITY SITING BOARD.** (a) *Creation; membership.* There is created a waste facility siting board, attached to the department of administration under s. 15.03, consisting of the following members:

1. The secretaries of the departments of industry, labor and human relations, transportation, agriculture, trade and consumer protection and development or their formally appointed designees.

2. Two town officials.

3. One county official.

(b) *Terms.* The town officials and the county official shall be appointed for staggered 3-year terms.

(c) *Vacancies.* If a town or county official who is a member leaves office while serving on the board, the member's position on the board is considered vacant until a successor is appointed under s. 15.07 (1) (b).

(d) *Recommendations.* In appointing the town officials and county official to be members under this subsection, the governor shall consider recommendations made by the Wisconsin towns association and the Wisconsin counties association if these recommendations are submitted within 60 days after a town official or county official position on the board becomes vacant.

(e) *Executive director.* The board shall appoint an executive director outside the classified service to serve at its pleasure.

(f) *Assistance.* The executive director may request any state agency to provide assistance necessary for the board to fulfill its duties.

(13) **BOARD ON THE U.S.S. WISCONSIN.** There is created a board on the U.S.S. Wisconsin which is attached to the department of administration under s. 15.03. The board on the U.S.S. Wisconsin shall consist of the secretary of administration or his or her designee; the director of the historical society or his or her designee; and 8 other members appointed for 4-year terms.

NOTE: Sub. (13) is repealed eff. 7-1-94 by 1991 Wis. Act 269.

(16) **LAND INFORMATION BOARD.** (a) *Creation.* There is created a land information board attached to the department of administration under s. 15.03.

(b) *Members.* The board consists of the following members:

1. The secretary of administration, the secretary of agriculture, trade and consumer protection, the secretary of natural resources and the secretary of transportation, or their designees.

2. Four representatives from county and municipal government selected from various geographical regions of the state, including at least one member of a county board of supervisors, at least one member of a city council or village board and at least one person who is a county officer active in land information management, to serve 6-year terms.

3. Four representatives chosen from public utilities and private businesses selected from various geographical regions of the state, including at least one public utility representative

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and at least one representative of a professional land information organization, to serve 6-year terms.

4. The state cartographer.

(c) *Advisory members.* The state historic preservation officer, the secretary of revenue and the state geologist, or their designees, a representative of a regional planning commission who is selected by the board, a county employe active in land information management who is selected by the board, and representatives of state and federal agencies active in land information management who are selected by the board, shall serve as nonvoting, advisory members of the board.

(17) **SENTENCING COMMISSION.** (a) There is created a sentencing commission which is attached to the department of administration under s. 15.03. The commission consists of 17 members as follows:

1. The secretary of corrections or his or her designee.
2. The chairperson of the parole commission.
3. Four circuit judges nominated by the chief justice of the supreme court and appointed by the governor.
4. The public defender or his or her designee.
5. One attorney in private practice who has experience representing defendants in criminal actions, appointed by the governor.
6. The attorney general or his or her designee.
7. One prosecuting attorney appointed by the governor.
8. Three members who are not attorneys and who have been victims of felonies or who have demonstrated sensitivity and concern for crime victims, appointed by the governor.
9. One member each nominated by the speaker of the assembly, the senate majority leader and the minority leader in each house and appointed by the governor.

(b) The members shall be appointed under par. (a) to provide geographic, racial, social and gender diversity on the commission. Notwithstanding s. 15.06 (1), the members under par. (a) 1, 2, 4 and 6 serve by reason of their offices and the members under par. (a) 3, 5, 7, 8 and 9 shall serve 6-year terms expiring on March 1 of the odd-numbered years.

(c) Notwithstanding s. 15.06 (2), the governor shall designate one of the members of the commission as chairperson.

(18) **WISCONSIN CONSERVATION CORPS BOARD.** (a) *Creation.* There is created a Wisconsin conservation corps board which is attached to the department of administration under s. 15.03.

(b) *Membership.* The Wisconsin conservation corps board consists of 7 members appointed by the governor from various areas of the state in a manner designed to provide regional, environmental and agricultural representation.

(c) *Liaison representatives.* The secretary of agriculture, trade and consumer protection, the secretary of health and social services, the secretary of industry, labor and human relations, the secretary of natural resources and the chancellor of the university of Wisconsin-extension, or a designee of such a secretary or the chancellor, shall serve as liaison representatives to the Wisconsin conservation corps board, and provide information to and assist the board. The liaison representatives are not board members and may not vote on any board decision or action.

(d) *Terms.* Members of the Wisconsin conservation corps board shall serve staggered 6-year terms.

(19) **OFFICE OF JUSTICE ASSISTANCE.** There is created an office of justice assistance which is attached to the department of administration under s. 15.03. The executive staff director of the office shall be appointed by the governor to serve at the pleasure of the governor.

(22) **STATE USE BOARD.** There is created a state use board which is attached to the department of administration under s. 15.03. The board shall consist of 8 members appointed to

serve for 4-year terms, including a representative of the department of administration; a representative of the subunit of the department of health and social services which administers mental health laws; a representative of the subunit of the department of health and social services which administers vocational rehabilitation laws; 2 representatives of private businesses, one of whom shall represent a small business; one representative of a work center, as defined in s. 16.752; and one member who does not represent any of the foregoing entities. A member vacates his or her office if the member loses the status upon which his or her appointment is based. In this subsection, "small business" means an independently owned and operated business which is not dominant in its field and which has had less than \$2,500,000 in gross annual sales for each of the 2 previous calendar years or has 25 or fewer employes.

History: 1971 c. 40, 164, 270; 1973 c. 90, 333; 1975 c. 397; 1977 c. 29 s. 1649; 1977 c. 196 ss. 9, 10; 1977 c. 325, 392, 396, 418, 447; 1981 c. 20, 62, 182, 350, 374; 1983 a. 27, 91; 1983 a. 192 s. 303 (7); 1983 a. 371; 1985 a. 29 ss. 68 to 70, 87, 3202 (27); 1985 a. 180 s. 30m; 1987 a. 27, 142; 1987 a. 147 s. 25; 1987 a. 204, 342; 1989 a. 31, 56, 107, 345; 1991 a. 212, 269.

15.107 **Same; councils.** (2) **COUNCIL ON SMALL BUSINESS, VETERAN-OWNED BUSINESS AND MINORITY BUSINESS OPPORTUNITIES.** There is created in the department of administration a council on small business, veteran-owned business and minority business opportunities consisting of 13 members, appointed by the secretary of administration for 3-year terms, with representation as follows: at least 2 shall be owners or employes of small businesses at least 51% owned by one or more members of a racial minority group; at least one shall be an owner or employe of a small business at least 51% owned by one or more handicapped persons; at least one shall be an owner or employe of a small business operated on a nonprofit basis for the rehabilitation of disabled persons; at least 2 shall be owners or employes of veteran-owned businesses, as defined in s. 16.75 (4) (d); at least one shall be a representative of the department of development; and at least one shall be a consumer member. No member may serve for more than 2 consecutive full terms. The secretary of administration, or a department employe who is the secretary's designee, shall serve as the council's nonvoting secretary.

(4) **HOUSING ADVISORY COUNCIL.** (a) There is created in the department of administration a housing advisory council.

(b) The council consists of the following members:

1. The administrator of the division of housing in the department of administration or the designee of the administrator.
 2. Four members appointed by the governor.
 3. Two members appointed by the president of the senate.
 4. Two members appointed by the speaker of the assembly.
- (c) Members of the council appointed under par. (b) 2 to 4 shall serve 4-year terms.

(5) **ACID DEPOSITION RESEARCH COUNCIL.** (a) There is created in the department of administration an acid deposition research council consisting of the following members:

1. The secretary of administration or his or her designee.
2. The chairperson of the public service commission or his or her designee.
3. The secretary of natural resources or his or her designee.
4. A representative of the university of Wisconsin system appointed by the secretary of administration.
5. A representative of a major utility, as defined under s. 144.386 (1) (f), appointed by the secretary of administration.
6. A representative of an industry which is a large source, as defined under s. 144.388 (1) (a), appointed by the secretary of administration.
7. A representative of an environmental organization in this state, appointed by the secretary of administration.

(b) Members of the council appointed under par. (a) 4 to 7 shall serve at the pleasure of the secretary.

(c) The council shall perform the functions specified under s. 16.02.

(9) LOW-LEVEL RADIOACTIVE WASTE COUNCIL. (a) *Creation.* There is created in the department of administration a low-level radioactive waste council. The council shall be composed of 3 public members and 4 legislative members appointed as follows:

1. One member who is appointed as are members of standing committees in the senate.

2. One member who is appointed by the senate minority leader.

3. One member who is appointed as are members of standing committees in the assembly.

4. One member who is appointed by the assembly minority leader.

(b) *Application.* This subsection does not apply after July 1, 1996.

(11) WOMEN'S COUNCIL. (a) *Creation.* There is created a women's council which is attached to the department of administration under s. 15.03. The council shall consist of 15 members. Except as provided in par. (c), all members shall be appointed for staggered 2-year terms.

(b) *Membership.* The council consists of the following members:

1. The governor, or his or her designee.

2. Six public members appointed by the governor, one of whom the governor shall designate as chairperson.

3. Two public members appointed by the president of the senate.

4. Two public members appointed by the speaker of the assembly.

5. Two members of the senate, appointed in the same manner as members of standing committees are appointed.

6. Two members of the assembly, appointed in the same manner as members of standing committees are appointed.

(c) *Assembly member's and governor's terms.* Each member of the assembly serving on the council shall serve for the period of his or her term in office. The governor or his or her designee serving on the council under par. (b) 1 shall serve a 4-year term.

(12) CERTIFICATION STANDARDS REVIEW COUNCIL. (a) *Creation.* There is created in the department of administration a certification standards review council consisting of 9 members.

(b) *Membership.* 1. The secretary of administration shall appoint 8 members as follows:

a. One member to represent municipalities having wastewater treatment plants with average flows of more than 5,000,000 gallons per day.

b. One member to represent municipalities having wastewater treatment plants with average flows of less than 5,000,000 gallons per day.

c. One member to represent industrial laboratories with permits issued under ch. 147.

d. One member to represent commercial laboratories.

e. One member to represent public water utilities.

f. One member to represent solid and hazardous waste disposal facilities.

g. One member with a demonstrated interest in laboratory certification.

h. One member who is a farmer actively engaged in livestock production to represent agricultural interests.

2. The chancellor of the university of Wisconsin-Madison shall appoint one member to represent the state laboratory of hygiene.

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(c) *Terms.* Members of the council shall serve for 3-year terms. A person may not serve more than 2 consecutive terms on the council.

(13) PRIVACY COUNCIL. There is created a privacy council attached to the department of administration under s. 15.03 consisting of the following 9 public members appointed to staggered 3-year terms:

(a) Four members appointed by the governor.

(b) Five members appointed by the governor, one of whom shall be nominated by each of the following:

1. The chief justice of the supreme court.

2. The president of the senate.

3. The senate minority leader.

4. The speaker of the assembly.

5. The assembly minority leader.

(14) COUNCIL ON STATE-LOCAL RELATIONS. There is created in the department of administration a council on state-local relations. The members shall be appointed to serve at the pleasure of the governor.

(15) COUNCIL ON INFORMATION TECHNOLOGY. There is created in the department of administration a council on information technology. The council shall consist of the following members:

(a) One member of the majority party and one member of the minority party in each house of the legislature, appointed in the same manner as members of standing committees.

(b) One head of an agency, as defined in s. 16.70 (1), that is a client of the division of information technology services in the department of administration and one head of another agency, as defined in s. 16.70 (1), that is a client of the division of information technology services in the department of administration, each of whom shall be appointed by the governor to serve at his or her pleasure.

(c) Two persons appointed by the governor having senior level expertise in the management of large computer services centers in the private sector.

(d) Two persons having senior level expertise in the management of information technology services in the private sector.

History: 1971 c. 215; 1973 c. 90; 1977 c. 29, 419; 1979 c. 34; 1979 c. 361 s. 112; 1981 c. 20, 62, 237; 1983 a. 27, 393, 410; 1985 a. 29, 84; 1987 a. 27, 142; 1989 a. 31; 1991 a. 32 s. 17; 1991 a. 39, 170, 269

15.13 Department of agriculture, trade and consumer protection; creation. There is created a department of agriculture, trade and consumer protection under the direction and supervision of the board of agriculture, trade and consumer protection. The board shall consist of 6 members with an agricultural background and one member who is a consumer representative, appointed for staggered 6-year terms. Appointments to the board shall be made without regard to party affiliation, residence or interest in any special organized group.

History: 1977 c. 29.

15.135 Same; attached boards and commissions. (3) ANIMAL HEALTH AND DISEASE RESEARCH BOARD. There is created an animal health and disease research board attached to the department of agriculture, trade and consumer protection under s. 15.03. The board shall consist of the dean of the school of veterinary medicine, the director of the agricultural experiment station at the university of Wisconsin-Madison and the chief veterinarian of the department of agriculture, trade and consumer protection, or their designees, and one public member appointed for a 3-year term.

(4) LAND CONSERVATION BOARD. (a) *Creation.* There is created a land conservation board which is attached to the

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department of agriculture, trade and consumer protection under s. 15.03.

(b) *Members.* The board consists of:

1. The secretaries of administration, of natural resources and of agriculture, trade and consumer protection or their designees;

2. Three members of county land conservation committees designated biennially by the county land conservation committees at their annual meeting in even-numbered years, appointed for 2-year terms; and

3. Three other members appointed for staggered 4-year terms. One of those members shall be a resident of a city with a population of 50,000 or more, one shall be a farmer and one shall be a member of a charitable corporation, charitable association or charitable trust, the purpose or powers of which include protecting natural resources, including scenic or open space, and maintaining or enhancing air or water quality.

(c) *Advisory members.* The board shall invite:

1. The U.S. secretary of agriculture to appoint a representative of the soil conservation service and a representative of the agricultural stabilization and conservation service to serve as advisory members of the board.

2. The dean of the college of agricultural and life sciences of the university of Wisconsin-Madison and the director of the university of Wisconsin-extension to serve or appoint a person to serve as an advisory member of the board.

3. The staff of the county land conservation committees employed under s. 92.09 to designate jointly a person to serve as an advisory member of the board.

(d) *Vacancies.* If one or more of the county land conservation committee member positions on the board is vacant, the chairperson may call a special meeting of the committees to fill the vacancies, but vacancies may be filled only if a majority of the committees are represented at the special meeting.

(5) **FARM MEDIATION AND ARBITRATION BOARD.** There is created a farm mediation and arbitration board which is attached to the department of agriculture, trade and consumer protection under s. 15.03. The board shall consist of the secretary of agriculture, trade and consumer protection or the secretary's designee, the commissioner of banking or the commissioner's designee and a member appointed by the governor to serve at the pleasure of the governor.

History: 1971 c. 125; 1973 c. 299; 1977 c. 29 ss. 32d, 33, 1650m (2), (4); 1979 c. 361 s. 112; 1981 c. 305, 346; 1983 a. 27; 1985 a. 20, 29, 153; 1987 a. 27, 281; 1989 a. 31, 219; 1991 a. 39.

15.137 Same; councils. (2) ANIMAL HEALTH AND DISEASE RESEARCH COUNCIL. There is created in the department of agriculture, trade and consumer protection an animal health and disease research council consisting of the chief veterinarian of the department of agriculture, trade and consumer protection and the director of the agricultural experiment station at the university of Wisconsin-Madison, or their designees, and 7 public members, of whom at least one shall be a veterinarian who practices primarily on large animals in this state, at least one shall be a dairy farmer in this state, at least one shall represent a family farm located in this state and at least one shall be a meat animal producer in this state. Public members shall be appointed for 3-year terms. No public member may serve more than 2 consecutive terms.

(4) **AGRICULTURAL CHEMICAL CLEANUP COUNCIL.** There is created in the department of agriculture, trade and consumer protection an agricultural chemical cleanup council. The council shall consist of the following members appointed by the secretary of agriculture, trade and consumer protection for 4-year terms:

(a) Two members to represent agricultural chemical manufacturers and wholesalers.

(b) Two members to represent farmers.

(c) Two members to represent retail fertilizer and pesticide dealers and commercial applicators.

(d) One member to represent an environmental interest.

(5) **FERTILIZER RESEARCH COUNCIL.** There is created in the department of agriculture, trade and consumer protection a fertilizer research council consisting of the following members:

(a) *Nonvoting members.* The secretary of the department of agriculture, trade and consumer protection and the dean of the college of agricultural and life sciences at the university of Wisconsin-Madison, or their designees, shall serve as nonvoting members.

(b) *Voting members.* Six voting members shall be appointed jointly by the secretary of the department of agriculture, trade and consumer protection and the dean of the college of agricultural and life sciences at the university of Wisconsin-Madison, to serve for 3-year terms. Three of the members shall be industry representatives selected from a list of candidates provided by the fertilizer industry. Three members shall represent farmers who are crop producers. No voting member may serve more than 2 consecutive 3-year terms.

History: 1977 c. 29 s. 1650m (2), (4); 1977 c. 87, 216, 272, 418; 1979 c. 129; 1981 c. 57, 237; 1985 a. 184; 1987 a. 281; 1991 a. 269, 315.

15.14 Department of corrections; creation. There is created a department of corrections under the direction and supervision of the secretary of corrections.

History: 1989 a. 31.

15.145 Same; attached boards and commissions. (1) PAROLE COMMISSION. There is created in the department of corrections a parole commission consisting of 5 members. Members shall have knowledge of or experience in corrections or criminal justice. The members shall include a chairperson who is nominated by the governor, and with the advice and consent of the senate appointed, for a 2-year term expiring March 1 of the odd-numbered years, subject to removal under s. 17.07 (3m), and 4 members in the classified service appointed by the chairperson.

(2) **PRISON INDUSTRIES BOARD.** There is created a prison industries board which is attached to the department of corrections under s. 15.03. The board shall consist of 9 members appointed for staggered 3-year terms. Two members shall be appointed to represent private business and industry and 2 members shall be appointed to represent private labor organizations. One member shall be appointed to represent each of the following:

(a) Ex-offenders who served time in the Wisconsin state prisons.

(b) The university of Wisconsin system.

(c) The vocational, technical and adult education system.

(d) The department of corrections.

(e) Potential customers of prison industries.

History: 1989 a. 107 ss. 4, 5m; 1989 a. 121.

15.15 Department of development; creation. There is created a department of development under the direction and supervision of the secretary of development.

History: 1971 c. 321; 1979 c. 361.

15.153 Same; specified divisions. (2) DIVISION OF TOURISM. There is created in the department of development a division of tourism. The administrator of this division shall be ap-

pointed outside the classified service by the secretary and shall serve at the pleasure of the secretary.

History: 1975 c. 39, 199; 1979 c. 361 ss. 8, 112

15.155 Same; attached boards and commissions. (1) DEVELOPMENT FINANCE BOARD. (a) There is created a development finance board attached to the department of development under s. 15.03 consisting of all of the following:

1. The secretary of development or the secretary's designee.

2. The secretary of industry, labor and human relations or the secretary's designee.

3. The director of the state vocational, technical and adult education board or the director's designee.

6. Six other members appointed by the governor for 2-year terms.

(b) The members appointed under par. (a) 6 shall represent the scientific, technical, labor, small business, minority business, as defined in s. 560.036 (1) (e), and financial communities of this state.

(3) MINORITY BUSINESS DEVELOPMENT BOARD. There is created a minority business development board attached to the department of development under s. 15.03 consisting of members appointed by the governor for 2-year terms.

(4) RURAL ECONOMIC DEVELOPMENT BOARD. (a) There is created a rural economic development board attached to the department of development under s. 15.03 consisting of the following:

1. The secretary of agriculture, trade and consumer protection or the secretary's designee.

2. The secretary of development or the secretary's designee.

3. One majority and one minority party senator from rural districts, appointed as are members of standing committees in the senate.

4. One majority and one minority party representative to the assembly from rural districts, appointed as are members of standing committees in the assembly.

5. Three members appointed by the governor for 3-year terms.

(b) Members of the rural economic development board appointed under par. (a) 5 shall have experience operating a business located in a rural municipality, as defined in s. 560.17 (1) (d). At least one member shall have experience operating a cooperative located in a rural municipality, as defined in s. 560.17 (1) (d).

(5) HAZARDOUS POLLUTION PREVENTION BOARD. (a) There is created a hazardous pollution prevention board that is attached to the department of development under s. 15.03.

(b) The board shall consist of the following members:

1. The department of natural resources hazardous pollution prevention coordinator designated under s. 144.955 (2) (a).

2. A representative of the department of industry, labor and human relations, appointed by the secretary of industry, labor and human relations.

3. A representative of the department of development, appointed by the secretary of development.

4. A representative of the department of health and social services, appointed by the secretary of health and social services.

5. A representative of the university of Wisconsin-extension appointed by the president of the university of Wisconsin system or his or her designee.

6. A member representing small business, appointed by the speaker of the assembly.

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7. Two members representing large business, one appointed by the governor and one appointed by the minority leader of the senate.

8. Three members representing environmental groups, one appointed by the governor, one appointed by the minority leader of the assembly and one appointed by the president of the senate.

9. A representative of organized labor.

10. A representative of a municipality with a publicly owned wastewater treatment work.

(c) Each member of the board designated under par. (b) 6 to 10 shall serve a 3-year term.

History: 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31, 325; 1991 a. 39

15.157 Same; councils. (2) COUNCIL ON TOURISM. There is created in the department of development a council on tourism consisting of 14 members serving 3-year terms, and the secretary of development or the secretary's designee, one member of the majority party in each house and one member of the minority party in each house appointed as are members of standing committees in their respective houses, the executive secretary of the arts board and the director of the historical society. Nominations for appointments to the council of members, other than ex officio members, shall be sought from but not limited to multicounty regional associations engaged in promoting tourism, statewide associations of businesses related to tourism, area visitor and convention bureaus, arts organizations, chambers of commerce, the Great Lakes inter-tribal council and other agencies or organizations with knowledge of American Indian tourism activities, and persons engaged in the lodging, restaurant, campground, amusement establishment, recreation establishment or retail liquor or fermented malt beverages business. Nominations shall be sought from throughout this state, to ensure that council members live in different geographical areas of the state and that they reflect the tourism industry's diversity and its distribution throughout both urban and rural areas of the state. Each council member, other than ex officio members, shall have experience in marketing and promotion strategy.

(6) COLUMBUS QUINCENTENNIAL COUNCIL. There is created in the department of development a Columbus quincennial council consisting of 12 members. The council shall advise the department on ways to celebrate the October 12, 1992, quincennial of the voyages of Christopher Columbus. This subsection does not apply after November 15, 1993.

(7) COUNCIL ON MAIN STREET PROGRAMS. (a) There is created in the department of development a council on main street programs, consisting of the following 11 members appointed for 3-year terms:

1. The secretary of development or his or her designee.

2. The director of the historical society or his or her designee.

3. One member representing the Wisconsin downtown action council or a similar organization.

4. One member representing a local chamber of commerce or similar organization.

5. One member representing the Wisconsin trust for historic preservation or a similar organization.

6. One member representing a city, village or town.

7. One member representing the planning profession.

8. One member representing the architectural profession.

9. One member representing the financial community.

10. Two members representing the business community.

(b) 1. At least 3 of the members appointed under par. (a) 3 to 10 shall own or operate a business in a business area, as defined in s. 560.081 (1) (a).

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2. At least 5 of the members appointed under par. (a) 3 to 10 shall have experience in business area revitalization, as defined in s. 560.081 (1) (a) and (c).

3. The members appointed under par. (a) 3 to 10 shall be appointed to provide geographic diversity to the council.

(c) The secretary of development shall designate an employe of the department of development to serve as nonvoting secretary for the council.

(8) RURAL HEALTH DEVELOPMENT COUNCIL. There is created in the department of development a rural health development council consisting of 11 members nominated by the governor, and with the advice and consent of the senate appointed, for 5-year terms and the secretaries of development and health and social services, or their designees. The appointed members shall include all of the following:

(a) A representative of the university of Wisconsin medical school.

(b) A representative of the medical college of Wisconsin, inc.

(c) A representative of the Wisconsin health and educational facilities authority.

(d) A representative of the farmers home administration.

(e) Two representatives of private lenders that make loans in rural areas.

(f) Two representatives of health care facilities located in rural areas.

(g) A physician licensed under ch. 448 and a nurse licensed under ch. 441, both of whom practice in a rural area, and a representative of public health services.

(9) CAPITAL ACCESS PROGRAM COUNCIL. There is created in the department of development a capital access program council consisting of the secretary of development or his or her designee, the president of the Milwaukee economic development corporation or his or her designee and a representative of the financial services community, appointed for a 2-year term by the secretary of development from a list of nominees submitted by the Milwaukee economic development corporation.

(10) SMALL BUSINESS ENVIRONMENTAL COUNCIL. There is created in the department of development a small business environmental council consisting of the following members appointed for 3-year terms:

(a) Three members to represent the general public who are not owners, or representatives of owners, of small business stationary sources, as defined in s. 144.36 (1).

(b) One member who owns a small business stationary source, as defined in s. 144.36 (1), or who represents owners of small business stationary sources, appointed by the president of the senate.

(c) One member who owns a small business stationary source, as defined in s. 144.36 (1), or who represents owners of small business stationary sources, appointed by the speaker of the assembly.

(d) One member who owns a small business stationary source, as defined in s. 144.36 (1), or who represents owners of small business stationary sources, appointed by the minority leader of the senate.

(e) One member who owns a small business stationary source, as defined in s. 144.36 (1), or who represents owners of small business stationary sources, appointed by the minority leader of the assembly.

(f) One member appointed by the secretary of natural resources to represent the department of natural resources.

(g) One member appointed by the secretary of development to represent the department of development.

History: 1971 c. 321; 1975 c. 39; 1979 c. 361 ss. 9 to 11, 112; 1981 c. 349; 1983 a. 36, 83, 84, 192, 387; 1985 a. 29; 1987 a. 1, 27, 109; 1989 a. 31 s. 70; 1989 a. 317; 1991 a. 39, 302.

15.16 Department of employe trust funds; creation. There is created a department of employe trust funds under the direction and supervision of the employe trust funds board.

(1) EMPLOYE TRUST FUNDS BOARD. The employe trust funds board shall consist of 12 members. The board shall consist of the governor or the governor's designee on the group insurance board, the secretary of employment relations or the secretary's designee and 10 persons appointed for 4-year terms as follows:

(a) Four members shall be members of the teachers retirement board, appointed by that board.

1. At least one appointee under this paragraph shall have been appointed or elected to the board under s. 15.165 (3) (a) 1 or 2.

2. At least one appointee under this paragraph shall have been appointed to the board under s. 15.165 (3) (a) 4.

3. At least one appointee under this paragraph shall have been elected to the board under s. 15.165 (3) (a) 7.

4. At least one appointee under this paragraph shall have been appointed to the board under s. 15.165 (3) (a) 3 or 5.

(b) Four members shall be members of the Wisconsin retirement board, appointed by that board.

1. At least one appointee under this paragraph shall have been appointed to the board under s. 15.165 (3) (b) 1, 2, 4, 5 or 8.

2. At least one appointee under this paragraph shall have been appointed to the board under s. 15.165 (3) (b) 3, 6 or 7.

3. At least one appointee under this paragraph shall have been appointed to the board under s. 15.165 (3) (b) 7 or 8.

(c) One member shall be a public member who is not a participant in or beneficiary of the Wisconsin retirement system, with at least 5 years of experience in actuarial analysis, administration of an employe benefit plan or significant administrative responsibility in a major insurer. It is the intent of the legislature that the member appointed under this paragraph shall represent the interests of the taxpayers of this state and shall not be representative of public employe or employer interests.

(d) One member shall be an annuitant, as defined for purposes other than life insurance under s. 40.02 (4), elected by annuitants, as defined for purposes other than life insurance under s. 40.02 (4).

(2) MILWAUKEE OFFICE. The department shall maintain at least a branch office in Milwaukee.

History: 1979 c. 221; 1981 c. 96; 1991 a. 116

Membership requirements under (1) (a) and (b) apply only at time of appointment. Appointees serve "at pleasure" of appointing boards under (1) (a) and (b). 75 Atty. Gen. 127 (1986).

15.165 Same; attached boards. (1) BOARD MEMBERS. (a) Any member of a board created under this section who loses the status upon which the appointment or election was based shall cease to be a member of the board upon appointment or election to the board of a qualified successor.

(b) For purposes of this section, annuitants are deemed to be employes in the last position in which they were covered by the Wisconsin retirement system, except that annuitants may not be elected, appointed or vote under sub. (3) (a) 1, 2, 4 or 7.

(2) GROUP INSURANCE BOARD. There is created in the department of employe trust funds a group insurance board. The board shall consist of the governor, the attorney general, the secretary of administration, the secretary of employment relations and the commissioner of insurance or their designees, and 5 persons appointed for 2-year terms, of whom one shall be an insured participant in the Wisconsin retirement system who is not a teacher, one shall be an insured participant in the Wisconsin retirement system who is a teacher, one shall be an insured participant in the Wisconsin retirement

system who is a retired employe, and one shall be an insured employe of a local unit of government.

(3) RETIREMENT BOARDS. (a) *Teachers retirement board.* There is created in the department of employe trust funds a teachers retirement board. The board shall consist of 13 members, to serve for staggered 5-year terms. The board shall consist of the following members:

1. Six public school teachers who are participating employes in the Wisconsin retirement system and who are not eligible for election under any other subdivision of this paragraph, elected by participating employes meeting the same criteria.

2. One public school teacher from a vocational, technical and adult education district who is a participating employe in the Wisconsin retirement system, elected by teacher participating employes from vocational, technical and adult education districts.

3. One administrator in Wisconsin's public schools who is not a classroom teacher.

4. Two university of Wisconsin system representatives who are teacher participants in the Wisconsin retirement system. The representatives under this subdivision shall not be from the same campus.

5. One representative who is a member of a school board.

6. One annuitant who was a teacher participant in the Wisconsin retirement system, elected by the annuitants who were teacher participants.

7. One teacher in the city of Milwaukee who is a participating employe in the Wisconsin retirement system, elected by the teachers of the public schools in that city who are participating employes.

(b) *Wisconsin retirement board.* There is created in the department of employe trust funds a Wisconsin retirement board. The board shall consist of 9 members and board members appointed under subds. 1 to 8 shall serve for staggered 5-year terms. The member appointed under subd. 1 shall be appointed from a list of 5 names submitted by the board of directors of the league of Wisconsin municipalities, and the member appointed under subd. 4 shall be appointed from a list of 5 names submitted by the executive committee of the Wisconsin counties association. Each member appointed under subds. 1, 2 and 3 shall be from a different county. Each member appointed under subds. 4, 5 and 6 shall be appointed from a different county. The board shall consist of the following members:

1. One member who is the chief executive or a member of the governing body of a participating city or village.

2. One member who is a participating employe and the principal finance officer of a participating city or village.

3. One member who is a participating employe of a participating city or village.

4. One member who is the chairperson or a member of the governing body of a participating county or town.

5. One member who is a county clerk or deputy county clerk of a participating county.

6. One member who is a participating employe of a participating local employer other than a city or village.

7. One member who is a participating state employe.

8. One member who is a public member not a participant in or beneficiary of the Wisconsin retirement system. It is the intent of the legislature that the members appointed under this paragraph shall represent the interests of the taxpayers of this state and shall not be representative of public employe or employer interests.

9. The commissioner of insurance or an experienced actuary in the office of the commissioner designated by the commissioner.

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(4) DEFERRED COMPENSATION BOARD. There is created in the department of employe trust funds a deferred compensation board consisting of 5 members appointed for 4-year terms.

History: 1973 c. 151, 329; 1977 c. 29, 418; 1979 c. 221; 1981 c. 96; 1983 a. 192 s. 303 (7); 1983 a. 290; 1985 a. 230; 1987 a. 403; 1989 a. 31.

Public school administrators are eligible to be candidates for and to vote for teacher representatives on teachers retirement board. 76 Atty. Gen. 141.

15.17 Department of employment relations; creation. There is created a department of employment relations under the direction and supervision of the secretary of employment relations.

History: 1977 c. 196.

15.173 Same; specified divisions. (1) DIVISION OF MERIT RECRUITMENT AND SELECTION. (a) There is created in the department of employment relations a division of merit recruitment and selection.

(b) The administrator of the division of merit recruitment and selection in the department of employment relations shall be nominated by the governor, and with the advice and consent of the senate appointed for a 5-year term, under the unclassified service from a register of at least 5 names certified by the secretary of employment relations. The secretary of employment relations shall prepare and conduct an examination for the position of administrator according to the requirements for classified positions under subch. II of ch. 230.

(c) The administrator of the division of merit recruitment and selection in the department of employment relations may be nominated by the governor, and with the advice and consent of the senate reappointed.

History: 1977 c. 196; 1983 a. 27 ss. 50c, 2200 (15); 1989 a. 31.

15.175 Same; attached boards. (1) STATE EMPLOYEES SUGGESTION BOARD. There is created in the department of employment relations a state employes suggestion board consisting of 3 persons, at least one of whom shall be a state officer or employe, appointed for 4-year terms.

History: 1989 a. 31 ss. 59, 78.

15.177 Same; councils. (1) COUNCIL ON AFFIRMATIVE ACTION. (a) There is created in the department of employment relations a council on affirmative action consisting of 15 members appointed for 3-year terms. A majority of the members shall be public members and a majority of the members shall be minority persons, women and persons with a handicap appointed with consideration to the appropriate representation of each group.

(b) The members of the council shall be appointed as follows:

1. One member shall be appointed by the president of the senate.

2. One member shall be appointed by the speaker of the assembly.

3. One member shall be appointed by the minority leader of the senate.

4. One member shall be appointed by the minority leader of the assembly.

5. Eleven members shall be appointed by the governor.

History: 1977 c. 196, 418; 1983 a. 27.

15.19 Department of health and social services; creation. There is created a department of health and social services under the direction and supervision of the secretary of health and social services.

History: 1975 c. 39.

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15.193 Same; specified divisions. (1) DIVISION OF YOUTH SERVICES. There is created in the department of health and social services a division of youth services.

History: 1989 a. 31, 107.

15.194 Same; offices. (1) OFFICE OF HEALTH CARE INFORMATION. There is created an office of health care information which is in the subunit of the department of health and social services having responsibility for health. The director of the office shall be appointed by the secretary of health and social services, to serve at the pleasure of the secretary.

History: 1987 a. 399.

15.195 Same; attached boards and commissions. (1) PESTICIDE REVIEW BOARD. There is created in the department of health and social services a pesticide review board. The review board shall consist of the secretary of agriculture, trade and consumer protection, the secretary of natural resources and the secretary of health and social services or their designated representatives.

(2) CONTROLLED SUBSTANCES BOARD. There is created in the department of health and social services a controlled substances board consisting of the attorney general, the secretary of health and social services and the secretary of agriculture, trade and consumer protection, or their designees; the chairman of the pharmacy examining board or a designee; and one psychiatrist and one pharmacologist appointed for 3-year terms.

(4) CHILD ABUSE AND NEGLECT PREVENTION BOARD. There is created a child abuse and neglect prevention board which is attached to the department of health and social services under s. 15.03. The board shall consist of 14 members as follows:

(a) The governor or his or her designee.

(b) The attorney general or his or her designee.

(c) The secretary of health and social services or his or her designee.

(d) The state superintendent of public instruction or his or her designee.

(e) One representative to the assembly appointed by the speaker of the assembly.

(f) One senator appointed by the president of the senate.

(g) Eight public members appointed by the governor for staggered 3-year terms. Six of the public members shall be appointed on the basis of expertise, experience and interest in the prevention of child abuse and neglect or expertise and experience in intervention in cases of child abuse and neglect. One public member shall be an adult who was a victim of abuse or neglect as a child. One public member shall be a parent who formerly abused or neglected one or more of his or her children and who has received treatment or advice from an organization that provides child abuse and neglect prevention and intervention services.

(5) ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD. There is created an adolescent pregnancy prevention and pregnancy services board which is attached to the department of health and social services under s. 15.03. The board shall consist of 13 members. Notwithstanding s. 15.07 (2) (intro.), one member shall be the executive director of the women's council under s. 16.01, who shall be a nonvoting member and shall serve permanently as chairperson of the board. Six members shall be state employees who are appointed for membership by the women's council and shall be nonvoting members. The remaining 6 members shall be appointed for 3-year terms, shall represent an equal balance of points of view on pregnancy prevention and pregnancy services and shall be persons who are nominated for membership by statewide organizations that together

represent an equal balance of points of view on pregnancy prevention and pregnancy services.

(6) BOARD ON HEALTH CARE INFORMATION. There is created a board on health care information which is attached to the department of health and social services under s. 15.03. The board shall consist of 7 members, a majority of whom may neither be nor represent health care providers, appointed for 4-year terms.

(7) EMERGENCY MEDICAL SERVICES ASSISTANCE BOARD. There is created an emergency medical services assistance board, which is attached to the department of health and social services under s. 15.03. The board shall consist of members appointed for 3-year terms as follows:

(c) One physician licensed under ch. 448 whose primary practice is providing emergency medical treatment.

(d) One registered nurse licensed under ch. 441 whose primary practice is providing emergency medical treatment.

(e) From each of 4 equal geographic areas of the state, the following:

1. A licensed emergency medical technician — paramedic, a licensed emergency medical technician — intermediate or a licensed emergency medical technician — basic.

2. A representative of a licensed ambulance service provider.

3. An individual who provides instructional programs for ambulance service providers or emergency medical technicians or provides emergency medical services.

(10) WISCONSIN COST CONTAINMENT COMMISSION. There is created a Wisconsin cost containment commission, which is attached to the department of health and social services under s. 15.03. No member of the commission may have a financial interest in a hospital, as defined in s. 50.33 (2). Any member who voluntarily assumes a financial interest in a hospital shall vacate the office. Any member who involuntarily assumes a financial interest in a hospital shall divest himself or herself of the interest within a reasonable time or shall vacate the office.

History: 1971 c. 219; 1977 c. 29 s. 1650m (2); 1977 c. 273; 1983 a. 27; 1983 a. 109 ss 1, 3; 1985 a. 56; 1987 a. 399; 1989 a. 102, 107; 1991 a. 250.

15.197 Same; councils. (1) COUNCIL ON MENTAL HEALTH. There is created in the department of health and social services a council on mental health consisting of 15 members nominated by the secretary of health and social services and appointed by the governor for staggered 3-year terms. Persons appointed to the council on mental health shall have a recognized interest in and demonstrated knowledge of the problems of mental health. At least one-half of the members shall be consumers of mental health services or persons who do not provide mental health services. The council shall include representatives of all of the following:

(a) Consumers of mental health services and family members of such consumers.

(b) Private organizations or groups concerned with mental health services.

(c) Providers of mental health services.

(d) State and county agencies that are concerned with the planning, provision, operation or use of mental health services or facilities.

(2) COUNCIL ON BLINDNESS. There is created in the department of health and social services a council on blindness consisting of 9 members appointed by the secretary of health and social services for staggered 3-year terms. At least 7 of the persons appointed to the council shall be blind or visually impaired, as defined in s. 47.01 (1) or (5) and shall reflect a broad representation of blind or visually impaired persons. All council members shall have a recognized interest in and demonstrated knowledge of the problems of the blind or visually impaired. Council members may be persons receiving

services from the department. The council has the functions specified in s. 47.03 (9).

(4) COUNCIL ON PHYSICAL DISABILITIES. (a) *Definitions.* In this subsection:

1. "Major life activity" means any of the following:
 - a. Self-care.
 - b. Performance of manual tasks unrelated to gainful employment.
 - c. Walking.
 - d. Receptive and expressive language.
 - e. Breathing.
 - f. Working.
 - g. Participating in educational programs.
 - h. Mobility, other than walking.
 - i. Capacity for independent living.
2. "Physical disability" means a physical condition, including an anatomical loss or musculoskeletal, neurological, respiratory or cardiovascular impairment, which results from injury, disease or congenital disorder and which significantly interferes with or significantly limits at least one major life activity of a person.
3. "Physically disabled person" means an individual having a physical disability.

(b) *Creation and membership.* There is created a council on physical disabilities, attached to the department of health and social services under s. 15.03. The council shall consist of all of the following:

1. The governor, or his or her designee.
3. Thirteen members, appointed for 3-year terms, under the following criteria:
 - a. The members shall be appointed from residents of this state who have a demonstrated professional or personal interest in problems of physical disability and shall be selected so as to include a reasonably equitable representation of those communities located in the state's urban and rural areas and with regard to sex and race.
 - b. At least 6 members shall be physically disabled persons. Two members may be parents, guardians or relatives of physically disabled persons.
 - c. At least one member shall be a provider of services to physically disabled persons.

(c) The council has the functions specified in s. 46.29.

(8) COUNCIL FOR THE HEARING IMPAIRED. There is created in the department of health and social services a council for the hearing impaired consisting of 9 members appointed for staggered 4-year terms.

(10) COST CONTAINMENT COUNCIL. There is created a cost containment council. The council shall consist of 11 members appointed for 4-year terms, who shall represent a balance of economic, provider, scientific, government and consumer viewpoints. No more than 3 members may be state employees. The following members shall be appointed from the following groups of nominees:

- (a) Three members nominated by the Wisconsin hospital association.
- (b) One member nominated by the state medical society of Wisconsin. This member shall be a physician, as defined in s. 448.01 (5).
- (c) One member nominated by the largest service insurance corporation licensed under ch. 613. Determination of size under this paragraph is based on premium volume, as reported in the most recent Wisconsin insurance commissioner's report on business.
- (d) One member nominated by the Wisconsin association of life and health insurers.

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(e) One member nominated by the Wisconsin nurses association. This member shall be a registered nurse licensed under s. 441.06.

(11n) COUNCIL ON DEVELOPMENTAL DISABILITIES. There is created a council on developmental disabilities, attached to the department of health and social services under s. 15.03. Members shall be state residents and shall be appointed in the following manner for staggered 4-year terms:

(a) Agencies of the state providing direct services to the developmentally disabled shall be represented by members of the council, to be designated by:

1. The secretary of industry, labor and human relations.
2. The secretary, department of health and social services.
3. The state superintendent of public instruction.
4. The president of the university of Wisconsin.

(b) Public and private nonprofit agencies of the state's political subdivisions providing direct services to the developmentally disabled shall be represented by members of the council to be appointed by the governor with due consideration given to:

1. The appointee's demonstrated interest in the problems associated with developmental disabilities.
2. A reasonably equitable representation of those communities located in the state's urban and rural poverty areas.

(c) Representatives of nongovernmental agencies and groups concerned with services to persons with developmental disabilities shall be represented by members of the council to be appointed by the governor.

(d) At least one-half of the membership shall consist of persons with developmental disabilities or their parents or guardians or of immediate relatives or guardians of persons with mentally impairing developmental disabilities. These members may not manage, own or have a controlling interest in any entity, or be employes of any state agency which receives federal developmental disabilities funds or provides services using federal formula developmental disabilities funds. These members shall be appointed by the governor, with consideration given to:

1. The type and relative incidence of developmental disabilities among the state's population.
2. The appointee's demonstrated interest in the problems associated with developmental disabilities.
3. A reasonably equitable representation of the communities located in the state's urban and rural poverty areas.
4. The recommendations of state-wide or local nonprofit organizations representing the interests of those affected by developmental disabilities.

(12) RADIATION PROTECTION COUNCIL. There is created in the department of health and social services a radiation protection council consisting of 11 members as follows:

(a) Five public members with an interest in and a knowledge of radiation protection matters shall be appointed by the governor for staggered 3-year terms. All public members shall represent a balance of medical, economic, scientific and environmental viewpoints and shall have working expertise in areas related to radiation protection.

(b) One senator and 2 public members shall be appointed as are members of standing committees in the senate for staggered 3-year terms.

(c) One representative and 2 public members shall be appointed as are members of standing committees in the assembly for staggered 3-year terms.

(16) COUNCIL ON DOMESTIC ABUSE. There is created in the department of health and social services a council on domestic abuse. The council shall consist of 13 members appointed for staggered 3-year terms. Of those 13 members, 9 shall be nominated by the governor and appointed with the advice

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and consent of the senate, and one each shall be designated by the speaker of the assembly, the senate majority leader and the minority leader in each house of the legislature and appointed by the governor. Persons appointed shall have a recognized interest in and knowledge of the problems and treatment of victims of domestic abuse.

(21) **COUNCIL ON FOOD PROTECTION PRACTICES.** There is created in the department of health and social services a council on food protection practices. The council shall consist of all of the following members appointed for 3-year terms by the secretary of health and social services:

(a) A representative of the Wisconsin restaurant association, inc.

(b) A representative of the Wisconsin innkeepers association, inc.

(c) A representative of the tavern league of Wisconsin, inc.

(d) A representative of a corporate chain of restaurants doing business in this state.

(e) A representative of an organization of registered sanitarians in this state who is employed by a city with agent status under s. 50.535.

(f) A representative of an organization of registered sanitarians in this state who is employed by a county with agent status under s. 50.535.

(g) A representative of the Wisconsin conference of local public health officials, inc., who has expertise in environmental health.

(h) A registered sanitarian who is employed in a regional office of a subunit of the department of health and social services.

(i) A member of the staff of the state board of vocational, technical and adult education.

(j) An employe of the university of Wisconsin system who has demonstrated interest and experience in food service sanitation.

(k) A member who has none of the qualifications required for other members.

History: 1971 c. 125, 219, 255, 322, 332; 1973 c. 198, 321, 322; 1975 c. 39 ss. 46 to 52, 732 (2); 1975 c. 115, 168, 199, 200; 1977 c. 29 ss. 36, 40, 41, 42, 42c, 42g, 42k, 42p, 42t, 42x, 43, 1650m (2), (4), 1657 (18) (c); 1977 c. 160, 213, 428; 1979 c. 34, 111, 221, 320, 355; 1981 c. 20, 24; 1983 a. 27, 113, 188, 204, 435, 439, 538; 1985 a. 29; 1987 a. 27, 413; 1989 a. 31, 202; 1991 a. 32, 39, 189, 250.

15.22 Department of industry, labor and human relations; creation. There is created a department of industry, labor and human relations under the direction and supervision of the secretary of industry, labor and human relations.

History: 1977 c. 29.

15.223 Same; specified divisions. (1) DIVISION OF EQUAL RIGHTS. There is created in the department of industry, labor and human relations a division of equal rights.

15.225 Same; attached boards and commission. (1) LABOR AND INDUSTRY REVIEW COMMISSION. There is created a labor and industry review commission which is attached to the department of industry, labor and human relations under s. 15.03, except the budget of the labor and industry review commission shall be transmitted by the department to the governor without change or modification by the department, unless agreed to by the labor and industry review commission.

History: 1977 c. 29.

15.227 Same; councils. (1) EQUAL RIGHTS COUNCIL. There is created in the department of industry, labor and human relations an equal rights council consisting of not to exceed 35 members appointed for staggered 3-year terms. Members shall be appointed from the entire state and shall be representative of all races, creeds, groups, organizations and fields

of endeavor. The equal rights council shall advise the secretary of industry, labor and human relations and the division of equal rights.

(3) **COUNCIL ON UNEMPLOYMENT COMPENSATION.** There is created in the department of industry, labor and human relations a council on unemployment compensation appointed by the secretary of industry, labor and human relations to consist of 5 representatives of employers and 5 representatives of employes appointed to serve for 6-year terms and a permanent classified employe of the department of industry, labor and human relations who shall serve as nonvoting chairperson. In making appointments to the council, the secretary shall give due consideration to achieving balanced representation of the industrial, commercial, construction, nonprofit and public sectors of the state's economy. One of the employer representatives shall be an owner of a small business or a representative of an association primarily composed of small businesses. In this subsection, "small business" means an independently owned and operated business which is not dominant in its field and which has had less than \$2,000,000 in gross annual sales for each of the previous 2 calendar years or has 25 or fewer employes. A member vacates his or her office if the member loses the status upon which his or her appointment is based.

(4) **COUNCIL ON WORKER'S COMPENSATION.** There is created in the department of industry, labor and human relations a council on worker's compensation appointed by the labor and industry review commission to consist of a member or designated employe of the department of industry, labor and human relations or the labor and industry review commission as chairperson, 5 representatives of employers and 5 representatives of employes. The commission shall also appoint 3 representatives of insurers authorized to do a worker's compensation insurance business in this state as nonvoting members of the council.

(5) **COUNCIL ON CHILD LABOR.** There is created in the department of industry, labor and human relations a council on child labor to consist of the following:

(a) A labor and industry review commissioner, designated by the commission, who shall serve as chairperson of the council.

(b) A representative of the department, designated by the commission.

(c) One majority and one minority party senator and one majority and one minority party representative to the assembly, appointed as are the members of standing committees in their respective houses.

(d) Such number of public members, including representatives from labor and management, as the commission chooses, designated by the commission. Public members shall be knowledgeable in the field of child labor and problems related to the employment of minors.

(6) **DWELLING CODE COUNCIL.** There is created in the department of industry, labor and human relations, a dwelling code council, consisting of 17 members appointed for staggered 3-year terms. Four members shall be representatives of building trade labor organizations; 4 members shall be certified building inspectors employed by local units of government; 2 members shall be representatives of building contractors actively engaged in on-site construction of one- and 2-family housing; 2 members shall be representatives of manufacturers or installers of manufactured one- and 2-family housing; one member shall be an architect, engineer or designer actively engaged in the design or evaluation of one- and 2-family housing; 2 members shall represent the construction material supply industry; and 2 members shall represent the public, one of whom shall represent persons

with disabilities, as defined in s. 101.22 (1m) (g). An employe of the department designated by the secretary of industry, labor and human relations shall serve as nonvoting secretary of the council. The council shall meet at least twice a year. Eleven members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required.

(8) COUNCIL ON MIGRANT LABOR. There is created in the department of industry, labor and human relations a council on migrant labor. Nonlegislative members shall serve for staggered 3-year terms and shall include 6 representatives of employers of migrant workers and 6 representatives of migrant workers and their organizations. Two members of the senate and 2 members of the assembly shall be appointed to act as representatives of the public. Legislative members shall be appointed as are members of standing committees and shall be equally divided between the 2 major political parties.

(9) CONSTRUCTION WAGE RATE COUNCIL. There is created in the department of industry, labor and human relations a construction wage rate council appointed by the labor and industry review commission.

(10) FIRE PREVENTION COUNCIL. There is created in the department of industry, labor and human relations a fire prevention council appointed by the secretary of industry, labor and human relations.

(11) SELF-INSURERS COUNCIL. There is created in the department of industry, labor and human relations a self-insurers council consisting of 5 members appointed by the labor and industry review commission for 3-year terms.

(13) WISCONSIN APPRENTICESHIP COUNCIL. There is created in the department of industry, labor and human relations a Wisconsin apprenticeship council appointed by the labor and industry review commission.

(14) LABOR STANDARDS COUNCIL. There is created in the department of industry, labor and human relations a labor standards council appointed by the labor and industry review commission.

(15) PLUMBERS COUNCIL. There is created in the department of industry, labor and human relations a plumbers council consisting of 3 members. One member shall be an employe of the department of industry, labor and human relations, selected by the secretary of industry, labor and human relations, to serve as the secretary of the council. Two members, one a master plumber and one a journeyman plumber, shall be appointed by the secretary of industry, labor and human relations for 2-year terms.

(16) AUTOMATIC FIRE SPRINKLER SYSTEM CONTRACTORS AND JOURNEYMEN COUNCIL. There is created in the department of industry, labor and human relations an automatic fire sprinkler system contractors and journeymen council consisting of 5 members. One member shall be an employe of the department of industry, labor and human relations, selected by the secretary of industry, labor and human relations, to serve as secretary of the council. Two members shall be licensed journeymen automatic fire sprinkler fitters and 2 members shall be persons representing licensed automatic fire sprinkler contractors, all appointed by the secretary of industry, labor and human relations for staggered 4-year terms.

(17) LABOR AND MANAGEMENT COUNCIL. (a) There is created in the department of industry, labor and human relations a labor and management council to advise the department of industry, labor and human relations about sponsoring labor and management conferences and meetings and promoting positive relations between labor and management.

(b) The council shall have 19 members, serving 5-year terms, consisting of:

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1. Seven representatives of the labor community in this state.

2. Seven representatives of the management community in this state.

3. Five nonvoting members who are public employes or officials.

(18) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. There is created in the department of industry, labor and human relations a petroleum storage environmental cleanup council consisting of 5 members appointed for 4-year terms and the secretaries of natural resources and industry, labor and human relations, or their designees. The governor shall appoint the members, other than ex officio members, to the council from lists of names submitted by the secretary of natural resources and by the secretary of industry, labor and human relations. In preparing the lists, each secretary shall consider representatives from petroleum product transporters, manufacturers, suppliers, retailers and wholesalers, hydrogeologists and environmental scientists, consultants, contractors and engineers.

(20) MULTIFAMILY DWELLING CODE COUNCIL. (a) There is created in the department of industry, labor and human relations a multifamily dwelling code council consisting of the following members appointed for 3-year terms:

1. Two members representing labor organizations for the skilled building trades, each of whom is actively engaged in his or her trade.

2. Two members representing municipal inspectors, one of whom is actively engaged in inspections in a county whose population is less than 50,000 and one of whom is actively engaged in inspections in a county whose population is 50,000 or more.

3. Two members representing the fire services, each of whom is actively engaged in fire service work and at least one of whom is a fire chief.

4. Two members representing building contractors and building developers, each of whom is actively engaged in on-site construction of multifamily housing.

5. Three members representing manufacturers of materials or suppliers of finished products in one of 5 product categories, consisting of cement products, concrete block products, gypsum products, metal products and wood products. Each member shall represent the manufacturers or suppliers of a different product category, and each member appointed to a 3-year term shall represent the manufacturers or suppliers of the product category that has not been represented by any of the 3 members for the previous 2 years. Each member shall be actively engaged in the business of manufacturing materials or supplying finished products for multifamily housing.

6. One member representing architects, engineers and designers who is actively engaged in the design or evaluation of multifamily housing.

7. Two members representing the public, at least one of whom is an advocate of fair housing.

(b) An employe of the department shall serve as nonvoting secretary of the council.

(c) The council shall meet at least 2 times annually.

(d) Nine members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required, except that at least 10 members of the council are required to vote affirmatively to recommend changes in the statutes or administrative rules.

(22) YOUTH APPRENTICESHIP COUNCIL. There is created in the department of industry, labor and human relations a youth apprenticeship council consisting of the following members appointed for 3-year terms:

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- (a) Three members who are vocational education instructors.
- (b) Three members who are high school teachers.
- (c) Two members who are representatives of the business community.
- (d) Two members who are representatives of the labor community, from recommendations made by the labor community.
- (e) One member who is an administrator of a vocational, technical and adult education school.
- (f) One member who is a high school administrator.

History: 1971 c. 271; 1975 c. 147 s. 54; 1975 c. 404, 405; 1977 c. 17, 29, 325; 1979 c. 102, 189; 1979 c. 221 ss. 45, 46m; 1981 c. 237, 341; 1983 a. 122, 388; 1985 a. 332; 1987 a. 27, 399; 1989 a. 31, 64; 1991 a. 39, 269, 295.

15.25 Department of justice; creation. There is created a department of justice under the direction and supervision of the attorney general.

15.253 Same; specified divisions. (2) DIVISION OF CRIMINAL INVESTIGATION. There is created in the department of justice a division of criminal investigation.

(3) TRUST LANDS AND INVESTMENTS DIVISION. There is created a division of trust lands and investments which is attached to the department of justice under s. 15.03. This division is under the direction and supervision of the board of commissioners of public lands created by article X, section 7, of the constitution to consist of the secretary of state, state treasurer and attorney general.

(4) DIVISION OF NARCOTICS AND DANGEROUS DRUGS. There is created in the department of justice a division of narcotics and dangerous drugs. The administrator of the division shall be appointed by the attorney general in the unclassified service, to serve at the pleasure of the attorney general.

History: 1979 c. 34 s. 39; 1983 a. 192; 1985 a. 29; 1989 a. 122; 1991 a. 269.

15.255 Same; attached boards. (1) LAW ENFORCEMENT STANDARDS BOARD. There is created a law enforcement standards board which is attached to the department of justice under s. 15.03.

- (a) The board shall be composed of 15 members as follows:
 1. Six representatives of local law enforcement in this state at least one of whom shall be a sheriff and at least one of whom shall be a chief of police.
 2. One district attorney holding office in this state.
 3. Two representatives of local government in this state who occupy executive or legislative posts.
 4. One public member, not employed in law enforcement, who is a citizen of this state.
 5. The secretary of transportation or the secretary's designee.
 6. The attorney general or a member of the attorney general's staff designated by the attorney general.
 7. The executive staff director of the office of justice assistance in the department of administration.
 8. The secretary of natural resources or the secretary's designee.
 9. The special agent in charge of the Milwaukee office of the federal bureau of investigation, or a member of the special agent's staff designated by the special agent, who shall act in an advisory capacity but shall have no vote.

(b) The members of the board under par. (a) 1 to 4 shall be appointed for staggered 4-year terms, but no member shall serve beyond the time when the member ceases to hold the office or employment by reason of which the member was initially eligible for appointment.

(c) Notwithstanding the provisions of any statute, ordinance, local law or charter provision, membership on the board does not disqualify any member from holding any

other public office or employment, or cause the forfeiture thereof.

History: 1971 c. 40; 1977 c. 29; 1981 c. 9; 1983 a. 27; 1987 a. 27, 403; 1991 a. 316.

15.257 Same; councils. (1) UNIVERSITY AND CRIME LABORATORIES COOPERATION COUNCIL. There is created in the department of justice a university and crime laboratories cooperation council appointed by the president of the university of Wisconsin and consisting of staff members of such university departments as the president determines are working with the laboratories.

(2) CRIME VICTIMS COUNCIL. There is created in the department of justice a crime victims council consisting of 15 persons appointed by the attorney general for staggered 3-year terms. Of the 15 members, 10 shall be citizen members, 2 shall represent organizations providing victim support services and one each shall be representatives of law enforcement, district attorneys and the judiciary. The citizen members shall have demonstrated sensitivity and concern for crime victims.

History: 1979 c. 34, 189; 1981 c. 20; 1985 a. 29 s. 3200 (35); 1985 a. 332; 1987 a. 27.

15.31 Department of military affairs; creation. There is created a department of military affairs under the direction and supervision of the adjutant general who shall be appointed by the governor for a 5-year term. The adjutant general may be reappointed to successive terms. Notwithstanding s. 17.28, if a vacancy occurs in the office of the adjutant general, the governor shall appoint a successor for a 5-year term. Appointees shall be officers actively serving in the national guard of Wisconsin who have had at least 5 years of continuous federally recognized commissioned service in the active army national guard of Wisconsin or active air national guard of Wisconsin or a combination thereof immediately preceding the date of appointment and have attained at least the rank of lieutenant colonel.

History: 1981 c. 35; 1983 a. 391; 1987 a. 63; 1989 a. 19.

15.313 Same; specified division. (1) DIVISION OF EMERGENCY GOVERNMENT. There is created in the department of military affairs a division of emergency government. The administrator of this division shall be nominated by the governor and with the advice and consent of the senate appointed, to serve at the pleasure of the governor.

History: 1989 a. 31 ss. 58, 83.

15.315 Same; attached board. (1) STATE EMERGENCY RESPONSE BOARD. There is created a state emergency response board, which is attached to the department of military affairs under s. 15.03. The state emergency response board shall consist of one representative of the department of military affairs, division of emergency government, one representative of the subunit of the department of health and social services that administers health-related programs, one representative of the department of transportation, one representative of the department of natural resources, one representative of the department of agriculture, trade and consumer protection, one representative each from fire fighting, law enforcement and public or community health services, 2 representatives of industry, one representative of small business, as defined in s. 15.227 (3), 2 representatives who are elected officials or employees of county and municipal government, one representative of a farm or agricultural organization, one representative of a labor organization and one representative of an environmental organization. The members of the board shall serve at the pleasure of the governor.

History: 1989 a. 31 ss. 66, 84, 85; 1989 a. 107, 115.

15.34 Department of natural resources; creation. There is created a department of natural resources under the direction and supervision of the natural resources board. The board shall consist of 7 members appointed for staggered 6-year terms. At least 3 members of the board shall be from the territory north, and at least 3 members of the board shall be from the territory south, of a line running east and west through the south limits of the city of Stevens Point. No person may be appointed to the natural resources board, or remain a member thereof, who is a permit holder or who receives, or has during the previous 2 years received, a significant portion of his or her income directly or indirectly from permit holders or applicants for permits issued by the department. For purposes of this section, "permit holders" or "applicants for permits" shall not include agencies, departments or subdivisions of this state.

History: 1973 c. 74; 1991 a. 316.

15.345 Same; attached boards and commissions. (1) WISCONSIN WATERWAYS COMMISSION. There is created a Wisconsin waterways commission which is attached to the department of natural resources under s. 15.03.

(a) The commission shall be composed of 5 members appointed for staggered 5-year terms.

1. One resident of the Lake Superior area.
2. One resident of the Lake Michigan area.
3. One resident of the Mississippi River area.
- 3m. One resident of the Lake Winnebago watershed area.
4. One resident from the inland area of the state.

(b) Each member of the commission must be able to assess the recreational water use problems in his or her geographical area of the state.

(c) No member of the commission may receive any salary for services performed as a commission member. Each commission member shall be reimbursed for actual and necessary expenses incurred while performing official duties.

(2) LAKE SUPERIOR COMMERCIAL FISHING BOARD. There is created a Lake Superior commercial fishing board attached to the department of natural resources under s. 15.03.

(a) The board shall be composed of 5 members who reside in counties contiguous to Lake Superior appointed by the governor to serve at the governor's pleasure.

(b) The 5 members shall include:

1. Three licensed, active commercial fishers.
2. One licensed, active wholesale fish dealer.
3. One state citizen.

(3) LAKE MICHIGAN COMMERCIAL FISHING BOARD. There is created a Lake Michigan commercial fishing board attached to the department of natural resources under s. 15.03.

(a) The board shall be composed of 7 members who reside in counties contiguous to Lake Michigan appointed by the governor to serve at the governor's pleasure.

(b) The 7 members shall include:

1. Five licensed, active commercial fishers; of these, 2 shall represent the fisheries of southern Green Bay and 3 the fisheries of northern Green Bay and Lake Michigan proper.
2. One licensed, active wholesale fish dealer.
3. One state citizen.

(5) FOX RIVER MANAGEMENT COMMISSION. There is created in the department of natural resources a Fox river management commission consisting of 7 members.

(6) LOWER WISCONSIN STATE RIVERWAY BOARD. (a) There is created a lower Wisconsin state riverway board, which is attached to the department of natural resources under s. 15.03.

(b) The board shall be composed of the following members appointed for 3-year terms:

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1. One member from Crawford county.
2. One member from Dane county.
3. One member from Grant county.
4. One member from Iowa county.
5. One member from Richland county.
6. One member from Sauk county.
7. Three other members who represent recreational user groups and who are not residents of any of the counties listed in subds. 1 to 6.

(c) The governor shall appoint each member under par. (b) 1 to 6 from a list, of at least 2 nominees, submitted by each respective county board.

(d) Each member under par. (b) 1 to 6 shall be either of the following:

1. An elected official at the time of appointment of a city or village that abuts the lower Wisconsin state riverway, as defined in s. 30.40 (15), or of a town or a county that is located at least in part in the lower Wisconsin state riverway, as defined in s. 30.40 (15).

2. A resident at the time of appointment of a city or village that abuts the lower Wisconsin state riverway, as defined in s. 30.40 (15), or of a town that is located at least in part in the lower Wisconsin state riverway, as defined in s. 30.40 (15).

History: 1977 c. 274, 418, 447; 1983 a. 27, 410; 1985 a. 29; 1989 a. 31.

15.347 Same; councils. (4) NATURAL AREAS PRESERVATION COUNCIL. There is created in the department of natural resources a natural areas preservation council consisting of the following representatives:

(a) Two from the department of natural resources, appointed by the board of natural resources, one to serve as secretary.

(b) Four from the university of Wisconsin system, appointed by the board of regents of the university of Wisconsin system.

(c) One from the department of public instruction, appointed by the state superintendent.

(d) One from the Milwaukee public museum, appointed by its board of directors.

(e) Three appointed by the council of the Wisconsin academy of sciences, arts and letters, at least one representing the private colleges in this state.

(7) SNOWMOBILE RECREATIONAL COUNCIL. There is created in the department of natural resources a snowmobile recreational council consisting of 15 members nominated by the governor, and with the advice and consent of the senate, appointed for staggered 3-year terms. Commencing on July 1, 1972, 5 members shall be appointed to serve for one year, 5 members for 2 years and 5 members for 3 years. Thereafter all terms shall be for 3 years with 5 positions on the council to expire each year. At least 5 members of the council shall be from the territory north, and at least 5 members shall be from the territory south, of a line running east and west through the south limits of the city of Stevens Point.

(8) INLAND LAKES PROTECTION AND REHABILITATION COUNCIL. There is created in the department of natural resources an inland lakes protection and rehabilitation council consisting of:

(a) Four public members nominated by the governor, and with the advice and consent of the senate appointed, for staggered 4-year terms;

(b) The director of the university of Wisconsin-Madison water resources center or the director's designated representative;

(c) The chairman of the land conservation board; and

(d) Three members representing the following departments and serving at the pleasure of the appointing authority:

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1. The department of natural resources, appointed by the secretary thereof;

2. The department of agriculture, trade and consumer protection, appointed by the secretary thereof; and

3. The department of development, appointed by the secretary thereof.

(11) OFF-THE-ROAD VEHICLE COUNCIL. There is created in the department of natural resources an off-the-road vehicle council consisting of 7 members, appointed by the natural resources board for staggered 3-year terms, who are knowledgeable in off-the-road sporting and recreational needs of the drivers of Type 1 motorcycles and all-terrain vehicles.

(12) METALLIC MINING COUNCIL. There is created in the department of natural resources a metallic mining council consisting of 9 persons representing a variety and balance of economic, scientific and environmental viewpoints. Members shall be appointed by the secretary of the department for staggered 3-year terms.

(13) GROUNDWATER COORDINATING COUNCIL. (a) *Creation.* There is created a groundwater coordinating council, attached to the department of natural resources under s. 15.03. The council shall perform the functions specified under s. 160.50.

(b) *Members.* The groundwater coordinating council shall consist of the following members:

1. The secretary of natural resources.
2. The secretary of industry, labor and human relations.
3. The secretary of agriculture, trade and consumer protection.
4. The secretary of health and social services.
5. The secretary of transportation.
6. The president of the university of Wisconsin system.
7. The state geologist.
8. One person to represent the governor.

(c) *Designees.* Under par. (b), agency heads may appoint designees to serve on the council, if the designee is an employe or appointive officer of the agency who has sufficient authority to deploy agency resources and directly influence agency decision making.

(d) *Terms.* Members appointed under par. (b) 8 shall be appointed to 4-year terms.

(e) *Staff.* The state agencies with membership on the council and its subcommittees shall provide adequate staff to conduct the functions of the council.

(f) *Meetings.* The council shall meet at least twice each year and may meet at other times on the call of 3 of its members. Section 15.09 (3) does not apply to meetings of the council.

(g) *Annual report.* In August of each year, the council shall submit to the head of each agency with membership on the council, the governor and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a report which summarizes the operations and activities of the council during the fiscal year concluded on the preceding June 30, describes the state of the groundwater resource and its management and sets forth the recommendations of the council. The annual report shall include a description of the current groundwater quality in the state, an assessment of groundwater management programs, information on the implementation of ch. 160 and a list and description of current and anticipated groundwater problems. In each annual report, the council shall include the dissents of any council member to the activities and recommendations of the council.

(15) MILWAUKEE RIVER REVITALIZATION COUNCIL. (a) There is created in the department of natural resources a Milwaukee river revitalization council consisting of:

1. The secretary of natural resources or his or her designee.

2. The secretary of development or his or her designee.

3. Eleven members appointed by the governor for 3-year terms.

4. At least one council member shall represent each of the priority watersheds, as identified under s. 144.25 (4) (cm), that are located in the Milwaukee river basin.

(b) The council shall elect its officers under s. 15.09 (2).

(d) Any member designated under par. (a) 1 or 2 or any member appointed under par. (a) 3 who is absent from 4 consecutive meetings vacates his or her position.

(16) STATE TRAILS COUNCIL. There is created in the department of natural resources a state trails council consisting of 9 members, appointed for 4-year terms, who are knowledgeable in the various recreational uses of trails.

(17) COUNCIL ON RECYCLING. (a) *Creation and membership.* There is created a council on recycling, attached to the department of natural resources under s. 15.03, consisting of members selected by the governor.

(c) *Terms.* Each member of the council on recycling designated under par. (a) shall serve a 4-year term expiring on the date that the next term of governor commences under s. 8.25 (4) (b) 2 or until a successor is appointed.

(18) AQUATIC NUISANCE CONTROL COUNCIL. (a) There is created in the department of natural resources an aquatic nuisance control council.

(b) The council shall be composed of the following members:

1. The secretary of natural resources or his or her designee.
2. Ten members, each of whom has a background in the area of conservation, environmental policy or public health.

(c) The members appointed under par. (b) 2 shall serve 3-year terms.

History: 1971 c. 100 s. 23; 1971 c. 164, 211, 277, 307, 323; 1973 c. 12, 301, 318; 1975 c. 39, 198, 224, 412; 1977 c. 29 ss. 51, 52, 52d, 1650m (1), (4); 1977 c. 377; 1979 c. 34 ss. 39g, 39r, 2102 (39) (g), (58) (b); 1979 c. 221, 355; 1979 c. 361 s. 112; 1981 c. 346 s. 38; 1983 a. 410; 1985 a. 29 ss. 87h, 87m, 3200 (39); 1985 a. 65, 296, 332; 1987 a. 27, 186, 399; 1989 a. 11, 31, 335; 1991 a. 32, 39, 269, 302, 316

15.348 Conservation congress. The conservation congress shall be an independent organization of citizens of the state and shall serve in an advisory capacity to the natural resources board on all matters under the jurisdiction of the board. Its records, budgets, studies and surveys shall be kept and established in conjunction with the department of natural resources. Its reports shall be an independent advisory opinion of such congress.

History: 1971 c. 179.

15.37 Department of public instruction; creation. There is created a department of public instruction under the direction and supervision of the state superintendent.

History: 1971 c. 125.

15.373 Same; specified divisions. (1) DIVISION FOR HANDICAPPED CHILDREN AND PUPIL SERVICES. There is created in the department of public instruction a division for handicapped children and pupil services.

(2) DIVISION FOR LIBRARY SERVICES. There is created in the department of public instruction a division for library services.

History: 1983 a. 27 s. 2200 (42)

15.375 Same; attached boards. (1) AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION BOARD. There is created an American Indian language and culture education board which is attached to the department of public instruction under s. 15.03. The board shall consist of 13 members appointed by the governor for staggered 4-year terms from recommendations made by the various Indian tribes, bands

and organizations in this state. The members shall include parents or guardians of American Indian children, American Indian teachers, school administrators, a school board member, persons involved in programs for American Indian children and persons experienced in the training of teachers for American Indian language and culture education programs. Members shall be appointed so as to be representative of all the American Indian tribes, bands and organizations in this state. In addition to its duties under subch. IV of ch. 115, the board shall advise the state superintendent of public instruction, the board of regents of the university of Wisconsin system, the higher educational aids board and the board of vocational, technical and adult education on all matters relating to the education of American Indians. The board does not have rule-making authority.

(2) **SCHOOL DISTRICT BOUNDARY APPEAL BOARD.** There is created a school district boundary appeal board in the department of public instruction. The board shall consist of 12 school board members appointed by the state superintendent of public instruction for staggered 2-year terms and the state superintendent of public instruction or his or her designee. Four board members shall be school board members of school districts with small enrollments, 4 board members shall be school board members of school districts with medium enrollments and 4 board members shall be school board members of school districts with large enrollments. No 2 school board members of the board may reside within the boundaries of the same cooperative educational service agency.

(3) **ENVIRONMENTAL EDUCATION BOARD.** (a) *Creation.* There is created an environmental education board attached to the department of public instruction under s. 15.03.

(b) *Members.* The environmental education board shall consist of the following members:

1. The state superintendent of public instruction.
2. The secretary of natural resources.
3. The president of the university of Wisconsin system.
4. The director of the vocational, technical and adult education system.
5. One majority and one minority party senator and one majority and one minority party representative to the assembly, appointed as are the members of standing committees in their respective houses.

6. One member, appointed for a 3-year term by the state superintendent of public instruction, to represent each of the following:

- a. Elementary and secondary school environmental educators
- b. Conservation and environmental organizations.
- c. Business and industry.
- d. Agriculture.
- e. Labor.
- f. Faculty of public and private institutions of higher education.
- g. Nature centers, zoos, museums and other nonformal environmental educational organizations.

(c) *Designees.* Members of the board under par. (b) 1 to 4 may appoint designees to serve on the board, if the designee is an employe or appointive officer of the agency who has sufficient authority to deploy agency resources and directly influence agency decision making.

History: 1979 c. 346; 1983 a. 27; 1989 a. 114, 299; 1991 a. 39.

15.377 Same; councils. (1) **COUNCIL ON THE EDUCATION OF THE BLIND.** There is created in the department of public instruction a council on the education of the blind consisting of 3 members, who shall be visually handicapped and shall have a recognized interest in and a demonstrated knowledge of the

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problems of the visually handicapped, appointed by the state superintendent of public instruction for staggered 6-year terms. "Visually handicapped" means having a) a visual acuity equal to or less than 20/70 in the better eye with correcting lenses, or b) a visual acuity greater than 20/70 in the better eye with correcting lenses, but accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(2) **GOVERNOR'S COUNCIL ON BUSINESS AND EDUCATION PARTNERSHIPS.** There is created in the department of public instruction a council on business and education partnerships consisting of representatives of private business and industry, agriculture, organized labor, the vocational, technical and adult education system and the public school system. A majority of the members shall be representatives of private business and industry. Council members shall be appointed for 3-year terms.

(3) **COUNCIL ON INSTRUCTIONAL TELECOMMUNICATIONS.** There is created in the department of public instruction a council on instructional telecommunications. The state superintendent of public instruction shall appoint one member to represent each of the cooperative educational service agencies, from nominations made by the boards of control of the cooperative educational service agencies, and 2 members to represent private primary and secondary educational institutions. Council members shall be appointed for 4-year terms.

(4) **COUNCIL ON EXCEPTIONAL EDUCATION.** There is created in the department of public instruction a council on exceptional education consisting of 15 members appointed by the state superintendent for 3-year terms. No more than 7 members of the council may be persons who do not have children with exceptional educational needs and who are representatives of the state, school districts, county handicapped children's education boards or cooperative educational service agencies. At least 5 members of the council shall be parents or guardians of a child with exceptional educational needs, at least one member of the council shall be a school board member, at least one member shall be a certified teacher of regular education as defined in s. 115.76 (9) and at least one member shall be a certified teacher of special education.

(6) **COUNCIL ON LIBRARY AND NETWORK DEVELOPMENT.** There is created in the department of public instruction a council on library and network development composed of 15 members. Seven of the members shall be library science, audiovisual and informational science professionals representative of various types of libraries and information services, including public libraries, public library systems, school libraries, public and private academic libraries, special libraries and library educators. Eight of the members shall be public members who have demonstrated an interest in libraries or other types of information services. The members of the council shall be appointed for 3-year terms. The council shall meet 6 times annually and shall also meet on the call of the state superintendent, and may meet at other times on the call of the chairman or a majority of its members.

(7m) **COUNCIL ON SUICIDE PREVENTION.** There is created a council on suicide prevention in the department of public instruction. The council shall consist of 2 persons appointed by the state superintendent of public instruction, at least one of whom is not an employe of the department of public instruction, 2 persons appointed by the secretary of health and social services, at least one of whom is not an employe of the department of health and social services, one person and one physician appointed jointly by the state superintendent of

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public instruction and the secretary of health and social services and one person appointed by the executive staff director of the office of justice assistance in the department of administration. Members shall be appointed for 3-year terms.

History: 1971 c. 152, 211, 292; 1973 c. 89, 220, 336; 1977 c. 29; 1979 c. 346, 347; 1985 a. 29, 177; 1987 a. 27; 1989 a. 31

15.40 Department of regulation and licensing; creation. There is created a department of regulation and licensing under the direction and supervision of the secretary of regulation and licensing.

History: 1971 c. 270 s. 104; 1975 c. 39; 1977 c. 29; 1977 c. 196 s. 131; 1977 c. 418 ss. 24 to 27.

15.405 Same; attached boards and examining boards. (1) ACCOUNTING EXAMINING BOARD. There is created an accounting examining board in the department of regulation and licensing. The examining board shall consist of 7 members, appointed for staggered 4-year terms. Five members shall hold certificates as certified public accountants and be eligible for licensure to practice in this state. Two members shall be public members.

(2) EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS. There is created an examining board of architects, professional engineers, designers and land surveyors in the department of regulation and licensing. Any professional member appointed to the examining board shall be registered to practice the profession of architecture, professional engineering, the design of engineering systems or land surveying in this state. The examining board shall consist of 20 members appointed for staggered 4-year terms: 3 architects, 3 professional engineers, 3 designers, 3 land surveyors and 8 public members.

(a) In operation, the examining board shall be divided into an architect section, an engineer section, a designer section and a land surveyor section. Each section shall consist of the 3 members of the named profession appointed to the examining board and 2 public members appointed to the section. The examining board shall elect its own officers, and shall meet at least twice annually.

(b) All matters pertaining to passing upon the qualifications of applicants for and the granting or revocation of registration, and all other matters of interest to either the architectural, engineering, designing or surveying section shall be acted upon solely by the interested section.

(c) All matters of joint interest shall be considered by joint meetings of all sections of the examining board or of those sections to which the problem is of interest.

(5) CHIROPRACTIC EXAMINING BOARD. There is created a chiropractic examining board in the department of regulation and licensing. The chiropractic examining board shall consist of 6 members, appointed for staggered 4-year terms. Four members shall be graduates from a school of chiropractic and licensed to practice chiropractic in this state. Two members shall be public members. No person may be appointed to the examining board who is in any way connected with or has a financial interest in any chiropractic school.

(6) DENTISTRY EXAMINING BOARD. There is created a dentistry examining board in the department of regulation and licensing. The dentistry examining board shall consist of 8 members appointed for staggered 4-year terms. Five of the members shall be licensed dentists in this state. One member shall be a dental hygienist licensed to practice in this state. Notwithstanding s. 15.08 (1m) (a), the dental hygienist member may participate in the preparation and grading of licensing examinations for dental hygienists. Two members shall be public members.

(6m) HEARING AND SPEECH EXAMINING BOARD. There is created a hearing and speech examining board in the depart-

ment of regulation and licensing consisting of the following members appointed for 4-year terms:

(a) Three hearing instrument specialists licensed under subch. I of ch. 459.

(b) One otolaryngologist.

(c) 1. One audiologist registered under subch. III of ch. 459. This subdivision applies during the period beginning on December 1, 1990, and ending on June 30, 1993.

2. One audiologist licensed under subch. II of ch. 459. This subdivision applies after June 30, 1993.

(d) 1. One speech-language pathologist registered under subch. III of ch. 459. This subdivision applies during the period beginning on December 1, 1990, and ending on June 30, 1993.

2. One speech-language pathologist licensed under subch. II of ch. 459. This subdivision applies after June 30, 1993.

(e) Two public members. One of the public members shall be a hearing aid user.

(7) MEDICAL EXAMINING BOARD. (a) There is created a medical examining board in the department of regulation and licensing.

(b) The medical examining board shall consist of the following members appointed for staggered 4-year terms:

1. Seven licensed doctors of medicine.

2. One licensed doctor of osteopathy.

3. Two public members.

(c) The chairperson of the patients compensation fund peer review council under s. 655.275 shall serve as a nonvoting member of the medical examining board.

(7c) EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS. (a) There is created an examining board of social workers, marriage and family therapists and professional counselors in the department of regulation and licensing. The members of the examining board shall be appointed for 4-year terms. Four members shall be certified under ch. 457 as social workers. Three members shall be certified under ch. 457 as marriage and family therapists. Three members shall be certified under ch. 457 as professional counselors. Three members shall be public members. Of the 4 certified social worker members, one shall be certified under ch. 457 as an advanced practice social worker, one shall be certified under ch. 457 as an independent social worker, one shall be certified under ch. 457 as an independent clinical social worker and at least one shall be employed as a social worker by a federal, state or local governmental agency.

(b) In operation, the examining board shall be divided into a social worker section, a marriage and family therapist section and a professional counselor section. The social worker section shall consist of the 4 social worker members of the examining board and one of the public members of the examining board. The marriage and family therapist section shall consist of the 3 marriage and family therapist members of the examining board and one of the public members of the examining board. The professional counselor section shall consist of the 3 professional counselor members of the examining board and one of the public members of the examining board.

(c) All matters pertaining to granting, denying, limiting, suspending or revoking a certificate under ch. 457, and all other matters of interest to either the social worker, marriage and family therapist or professional counselor section shall be acted upon solely by the interested section of the examining board.

(d) All matters that the examining board determines are of joint interest shall be considered by joint meetings of all

sections of the examining board or of those sections to which the problem is of interest.

(e) Notwithstanding s. 15.08 (4) (a), at a joint meeting of all sections of the examining board, a majority of the examining board constitutes a quorum to do business only if at least 8 members are present at the meeting. At a meeting of a section of the examining board or a joint meeting of 2 or more of the sections of the examining board, each member who is present has one vote, except as provided in par. (f).

(f) At a joint meeting of the social worker section and one or both of the other sections of the examining board, each member who is present has one vote, except that the social worker members each have three-fourths of a vote if all 4 of those members are present.

(7g) BOARD OF NURSING. There is created a board of nursing in the department of regulation and licensing. The board of nursing shall consist of the following members appointed for staggered 4-year terms: 5 currently licensed registered nurses under ch. 441; 2 currently licensed practical nurses under ch. 441; and 2 public members. Each registered nurse member shall have graduated from a program in professional nursing and each practical nurse member shall have graduated from a program in practical nursing accredited by the state in which the program was conducted.

(7m) NURSING HOME ADMINISTRATOR EXAMINING BOARD. There is created a nursing home administrator examining board in the department of regulation and licensing consisting of 9 members appointed for staggered 4-year terms and the secretary of health and social services or a designee, who shall serve as a nonvoting member. Five members shall be nursing home administrators licensed in this state. One member shall be a physician. One member shall be a nurse licensed under ch. 441. Two members shall be public members. No more than 2 members may be officials or full-time employees of this state.

(8) OPTOMETRY EXAMINING BOARD. There is created an optometry examining board in the department of regulation and licensing. The optometry examining board shall consist of 7 members appointed for staggered 4-year terms. Five of the members shall be licensed optometrists in this state. Two members shall be public members.

(9) PHARMACY EXAMINING BOARD. There is created a pharmacy examining board in the department of regulation and licensing. The pharmacy examining board shall consist of 7 members appointed for staggered 4-year terms. Five of the members shall be licensed to practice pharmacy in this state. Two members shall be public members.

(10m) PSYCHOLOGY EXAMINING BOARD. There is created in the department of regulation and licensing a psychology examining board consisting of 6 members appointed for staggered 4-year terms. Four of the members shall be psychologists licensed in this state. Each of the psychologist members shall represent a different specialty area within the field of psychology. Two members shall be public members.

(10r) REAL ESTATE APPRAISERS BOARD. (a) There is created a real estate appraisers board in the department of regulation and licensing consisting of the following members appointed for 4-year terms:

1. Three appraisers who are certified or licensed under ch. 458.

NOTE: Subd. 1 is shown as amended by 1991 Wis. Act 78 effective as set forth in Act 78, s. 32. Prior to this amendment it reads:

1. Four appraisers who are certified under ch. 458 and who are members in good standing of an organization that is a charter member of the appraisal foundation, as defined in s. 458.01 (2).

2. One assessor, as defined in s. 458.09 (1).

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3. Three public members.

NOTE: Subd. 3 is shown as amended by 1991 Wis. Act 78 effective as set forth in Act 78, s. 32. Prior to this amendment it reads:

3. Two public members.

(b) Of the appraiser members of the board, one shall be certified under s. 458.06 as a general appraiser, one shall be certified under s. 458.06 as a residential appraiser and one shall be licensed under s. 458.08 as an appraiser. No public member of the board may be connected with or have any financial interest in an appraisal business or in any other real estate-related business. Section 15.08 (1m) (am) applies to the public members of the board. No member of the board may serve more than 2 consecutive terms.

NOTE: Par. (b) is shown as amended by 1991 Wis. Act 78 effective as set forth in Act 78, s. 32. Prior to this amendment it reads:

(b) Of the appraiser members of the board, 2 shall be certified under ch. 458 as general appraisers and 2 shall be certified under ch. 458 as residential appraisers. No public member of the board may be connected with or have any financial interest in an appraisal business or in any other real estate-related business. Section 15.08 (1m) (am) applies to the public members of the board. No member of the board may serve more than 2 consecutive terms.

(c) Notwithstanding s. 15.07 (4), a majority of the board constitutes a quorum to do business only if at least 2 of the members present are appraiser members and at least one of the members present is a public member.

(11) REAL ESTATE BOARD. There is created a real estate board in the department of regulation and licensing. The real estate board shall consist of 7 members appointed to staggered 4-year terms. Four of the members shall be real estate brokers or salespersons licensed in this state. Three members shall be public members. Section 15.08 (1m) (am) applies to the public members of the real estate board. No member may serve more than 2 terms. The real estate board does not have rule-making authority.

(12) VETERINARY EXAMINING BOARD. There is created a veterinary examining board in the department of regulation and licensing. The veterinary examining board shall consist of 7 members appointed for staggered 4-year terms. Five of the members shall be licensed veterinarians in this state. Two members shall be public members. No member of the examining board may in any way be financially interested in any school having a veterinary department.

(16) FUNERAL DIRECTORS EXAMINING BOARD. There is created a funeral directors examining board in the department of regulation and licensing. The funeral directors examining board shall consist of 6 members appointed for staggered 4-year terms. Four members shall be licensed funeral directors under ch. 445 in this state. Two members shall be public members.

(17) BARBERING AND COSMETOLOGY EXAMINING BOARD. (a) There is created a barbering and cosmetology examining board in the department of regulation and licensing. The barbering and cosmetology examining board shall consist of 11 members appointed for 4-year terms. Six members shall be licensed barbers or cosmetologists, 2 members shall be public members, one member shall be a representative of a private school of barbering or cosmetology, one member shall be a representative of a public school of barbering or cosmetology and one member shall be a licensed electrologist. Of the licensed barber or cosmetologist members, 3 shall be persons who, on April 22, 1988, hold current master barber or shop manager licenses issued by the barbers examining board under ch. 457, 1985 stats., and 3 shall be persons who, on April 22, 1988, hold current manager or operator licenses issued by the cosmetology examining board under ch. 458, 1985 stats. Except for the 2 members representing schools, no member may be connected with or have any financial interest in a barbering or cosmetology school. This paragraph does not apply after June 30, 1994.

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(b) There is created a barbering and cosmetology examining board in the department of regulation and licensing. The barbering and cosmetology examining board shall consist of 9 members appointed for 4-year terms. Four members shall be licensed barbers or cosmetologists, 2 members shall be public members, one member shall be a representative of a private school of barbering or cosmetology, one member shall be a representative of a public school of barbering or cosmetology and one member shall be a licensed electrologist. Except for the 2 members representing schools, no member may be connected with or have any financial interest in a barbering or cosmetology school. This paragraph applies after June 30, 1994.

History: 1973 c. 90, 156; 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316, 340; 1991 a. 39, 78, 160, 189, 269.

Medical school instructor serving without compensation is ineligible to serve on board of medical examiners 62 Atty. Gen. 193

Incumbent real estate examining board member is entitled to hold over in office until his successor is duly appointed and confirmed by the senate, and board is without authority to reimburse nominee for expenses incurred in attending meeting during orientation period prior to confirmation under facts stated. 63 Atty. Gen. 192

15.407 Same; councils. (1) EXAMINING COUNCILS; MEDICAL EXAMINING BOARD. Each of the examining councils created in the department of regulation and licensing under this subsection shall serve the medical examining board in an advisory capacity in the formulating of rules to be promulgated by the medical examining board for the regulation of a particular trade or profession. Section 15.08 (1) to (4) (a) and (6) to (10), shall apply to these examining councils.

(a) *Physical therapists.* There is created a physical therapists examining council consisting of 3 licensed physical therapists, each of whom shall have engaged in the practice of physical therapy for at least 3 years preceding appointment, and one public member. The physical therapist members shall be appointed by the medical examining board. The members of the examining council shall serve staggered 4-year terms.

(b) *Podiatrists.* There is created a podiatrists examining council consisting of 3 licensed podiatrists appointed by the medical examining board and one public member. The members of the examining council shall serve staggered 4-year terms.

(c) *Occupational therapists.* There is created an occupational therapy examining council consisting of 5 members appointed by the medical examining board for 3-year terms. Two members shall be occupational therapists certified under ch. 448 who have performed or taught occupational therapy or performed research in occupational therapy for at least 3 years prior to appointment. One member shall be an occupational therapy assistant certified under ch. 448. Two members shall be public members.

(d) *Respiratory care practitioners.* There is created a respiratory care practitioners examining council consisting of 3 certified respiratory care practitioners, each of whom shall have engaged in the practice of respiratory care for at least 3 years preceding appointment, one physician and one public member. The respiratory care practitioner and physician members shall be appointed by the medical examining board. The members of the examining council shall serve 3-year terms.

(2) COUNCIL ON PHYSICIAN'S ASSISTANTS. There is created a council on physician's assistants in the department of regulation and licensing and serving the medical examining board in an advisory capacity. The council's membership shall consist of:

(a) The vice chancellor for health sciences of the university of Wisconsin-Madison or the vice chancellor's designee.

(b) One public member appointed by the governor for a 2-year term.

(c) Three physician's assistants selected by the medical examining board for staggered 2-year terms.

(3) EXAMINING COUNCILS; BOARD OF NURSING. The following examining councils are created in the department of regulation and licensing to serve the board of nursing in an advisory capacity. Section 15.08 (1) to (4) (a) and (6) to (10), applies to the examining councils.

(a) *Registered nurses.* There is created an examining council on registered nurses to consist of 4 registered nurses of not less than 3 years' experience in nursing, appointed by the board of nursing for staggered 4-year terms.

(b) *Practical nurses.* There is created an examining council on licensed practical nurses to consist of one registered nurse, 3 licensed practical nurses and one registered nurse who is a faculty member of an accredited school for practical nurses, appointed by the board of nursing for staggered 3-year terms. No member may be a member of the examining council on registered nurses.

(4) COUNCIL ON SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY. There is created a council on speech-language pathology and audiology in the department of regulation and licensing and serving the hearing and speech examining board in an advisory capacity. The council shall consist of the following members appointed for 3-year terms:

(a) 1. Three speech-language pathologists registered under subch. III of ch. 459. This subdivision applies during the period beginning on December 1, 1990, and ending on June 30, 1993.

2. Three speech-language pathologists licensed under subch. II of ch. 459. This subdivision applies after June 30, 1993.

(b) 1. Two audiologists registered under subch. III of ch. 459. This subdivision applies during the period beginning on December 1, 1990, and ending on June 30, 1993.

2. Two audiologists licensed under subch. II of ch. 459. This subdivision applies after June 30, 1993.

(5) COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS. There is created in the department of regulation and licensing a council on real estate curriculum and examinations consisting of 7 members appointed for 4-year terms. Five members shall be real estate brokers or salespersons licensed under ch. 452 and 2 members shall be public members. Of the real estate broker or salesperson members, one member shall be a member of the real estate board appointed by the real estate board, at least 2 members shall be licensed real estate brokers with at least 5 years of experience as real estate brokers, and at least one member shall be a licensed real estate salesperson with at least 2 years of experience as a real estate salesperson. Of the 2 public members, at least one member shall have at least 2 years of experience in planning or presenting real estate educational programs. No member of the council may serve more than 2 consecutive terms.

History: 1973 c. 149; 1975 c. 39, 86, 199, 383, 422; 1977 c. 418; 1979 c. 34 ss. 46, 53; 1981 c. 390 s. 252; 1985 a. 332 s. 251 (1); 1987 a. 399; 1989 a. 229, 316, 341, 359; 1991 a. 316.

15.43 Department of revenue; creation. There is created a department of revenue under the direction and supervision of the secretary of revenue.

15.435 Same; attached boards. (1) INVESTMENT AND LOCAL IMPACT FUND BOARD. (a) *Creation; membership.* There is created an investment and local impact fund board, attached to the department of revenue under s. 15.03, consisting of the following members:

1. The secretaries of development and revenue or their designees;
2. Three public members;
3. Five local officials consisting of 2 municipal officials, 2 county officials and one school board member; and
4. One Native American.

(b) *Terms.* The public members, local officials and Native American shall be appointed for staggered 4-year terms.

(c) *Vacancies.* If a municipal or county official or a school board member leaves office while serving on the board, the member's position on the board shall be considered vacant until a successor is appointed under s. 15.07 (1) (b).

(d) *Qualifications.* 1. One of the public members shall reside in a town in which a metalliferous mineral ore body is known to exist.

2. One of the public members shall reside in a county in which metalliferous mineral development is occurring or in an adjacent county.

3. One of the local officials shall reside in a county or school district in which metalliferous mineral development is occurring or in an adjacent county or school district; and

4. One local official shall reside in a county or school district in which metalliferous minerals are extracted or an adjacent county or school district.

5. The Native American shall reside in a municipality in which a metalliferous mineral ore body is known to exist.

(e) *Recommendations.* 1. One public member shall be recommended by the town boards in towns in which a metalliferous mineral ore body is known to exist. Preference shall be given to the appointment of a public member who resides in a township in which the development of a metalliferous mineral ore body is occurring.

2. One municipal official member shall be recommended by the league of Wisconsin municipalities.

3. One municipal official member shall be recommended by the Wisconsin towns association.

4. The school board member shall be recommended by the Wisconsin association of school boards.

5. The county official members shall be recommended by the Wisconsin counties association.

6. The Native American member shall be recommended by the Great Lakes inter-tribal council, inc. Preference should be given to the appointment of a Native American who resides in a township in which the development of a metalliferous mineral ore body is occurring.

(g) *Assistance, advice.* The board may request of any state agency such assistance as may be necessary for the board to fulfill its duties.

(2) **BADGER BOARD.** There is created a badger board, attached to the department of revenue under s. 15.03, consisting of the secretaries of development, revenue and natural resources or their designees, the governor in his or her capacity as chairperson of the building commission, or his or her designee, and the board of commissioners of public lands under article X, section 7, of the constitution.

History: 1977 c. 31, 423; 1979 c. 63; 1979 c. 361 s. 112; 1981 c. 86, 391; 1983 a. 36 s. 96 (4); 1983 a. 192 ss. 20, 303 (7); 1985 a. 29; 1987 a. 27; 1989 a. 31.

15.46 Department of transportation; creation. There is created a department of transportation under the direction and supervision of the secretary of transportation.

15.465 Same; attached board and office. (1) OFFICE OF THE COMMISSIONER OF TRANSPORTATION. There is created an office of the commissioner of transportation which is attached to the department of transportation for limited administrative purposes under s. 15.03, provided that all budgetary, personnel, and related operational requests by the office of the

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commissioner of transportation shall be processed and properly forwarded by the department of transportation without change except as requested and concurred in by the office of the commissioner of transportation, and provided that s. 85.02 does not apply to the office of the commissioner of transportation. The commissioner of transportation may not have a financial interest in a railroad, motor carrier or other transportation enterprise. The commissioner may not serve on or under any committee of a political party. The commissioner shall hold office until a successor is appointed and qualified.

(2) **RUSTIC ROADS BOARD.** There is created a rustic roads board in the department of transportation. The rustic roads board shall consist of the following members: the chairpersons of the senate and assembly standing committees having jurisdiction over transportation matters as determined by the speaker of the assembly and the president of the senate and 8 members appointed by the secretary of transportation for staggered 4-year terms of whom at least 4 members shall be selected from a list of nominees submitted by the Wisconsin counties association.

History: 1973 c. 142; 1977 c. 29; 1979 c. 34; 1981 c. 347; 1983 a. 192 s. 303 (7).

15.467 Same; councils. (1) COUNCIL ON TRAFFIC LAW ENFORCEMENT. There is created in the department of transportation a council on traffic law enforcement. The council shall consist of 17 members, as follows:

(a) Five members who shall be recognized community leaders in the fields of business, labor and industry, appointed for staggered 3-year terms.

(b) Eight members and 4 alternate members who are professionals in the traffic law enforcement field, appointed by the governor for staggered 3-year terms, to consist of 2 members and one alternate from each of the following groups: state traffic enforcement officers; county sheriffs and deputy sheriffs; county patrols; and municipal chiefs of police. An alternate shall represent any absent member of the alternate's group.

(c) One majority and one minority party senator and one majority and one minority party representative to the assembly, appointed as are the members of standing committees in their respective houses.

(2) **COUNCIL ON AERONAUTICS.** There is created in the department of transportation a council on aeronautics. The council shall consist of 5 members, who shall be qualified by their knowledge of, experience in or interest in, aeronautics appointed for staggered 6-year terms.

(3) **COUNCIL ON HIGHWAY SAFETY.** There is created in the department of transportation a council on highway safety. The council shall consist of 15 members, as follows:

(a) Five citizen members appointed for staggered 3-year terms.

(b) Five state officers, part of whose duties shall be related to transportation and highway safety, appointed for staggered 3-year terms.

(c) Three representatives to the assembly, appointed as are the members of assembly standing committees, who serve on any assembly standing committee dealing with transportation matters.

(d) Two senators, appointed as are the members of senate standing committees, who serve on any senate standing committee dealing with transportation matters.

(4) **COUNCIL ON UNIFORMITY OF TRAFFIC CITATIONS AND COMPLAINTS.** There is created in the department of transportation a council on uniformity of traffic citations and complaints. Notwithstanding s. 15.09 (6), members of the council shall not be reimbursed for expenses incurred in the perform-

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ance of their duties on the council. The council shall consist of the following members:

- (a) The secretary, or his or her designee, as chairperson.
- (b) A member of the department of transportation responsible for law enforcement.
- (c) A member of the Wisconsin sheriffs and deputy sheriffs association, designated by the president thereof.
- (d) A member of the county traffic patrol association, designated by the president thereof.
- (e) A member of the chiefs of police association, designated by the president thereof.
- (f) A member of the state bar of Wisconsin, designated by the president thereof.
- (g) A member of the Wisconsin council of safety, designated by the president thereof.
- (h) A member of the Wisconsin district attorneys' association, designated by the president thereof.
- (i) A member of the judicial conference, designated by the chairperson of the conference.
- (j) A member designated by the director of state courts.

History: 1977 c. 325; 1979 c. 34 s. 16; 1979 c. 361 s. 112; 1985 a. 145 ss. 1, 4; 1987 a. 27; 1991 a. 316.

15.49 Department of veterans affairs; creation. There is created a department of veterans affairs under the direction and supervision of the board of veterans affairs. The board shall consist of 7 members who shall be veterans, including at least 2 who shall be Vietnam war veterans, appointed for staggered 6-year terms.

History: 1975 c. 77; 1981 c. 199; 1991 a. 165.

15.497 Same; councils. (2) COUNCIL ON VETERANS PROGRAMS. There is created in the department of veterans affairs a council on veterans programs consisting of one representative each of the state departments of the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Marine Corps League, the Navy Club of the U.S.A., the Veterans of World War II (AMVETS), the Veterans of World War I of the U.S.A., Inc., the American Ex-prisoners of War, the Vietnam Veterans Against the War, Inc., the Vietnam Veterans of America, Inc., the Catholic War Veterans of the U.S.A., the Jewish War Veterans of the U.S.A., the Polish Legion of American Veterans, the National Association for Black Veterans, Inc., the Army and Navy Union of the United States of America, the Wisconsin Association of Concerned Veteran Organizations, the United Women Veterans, Inc., the U.S. Submarine Veterans of World War II, the Federation of Minority Veterans, Inc., and the Military Order of the Purple Heart, one representative of the American Red Cross and one representative of the Wisconsin county veterans' service officers, appointed for one-year terms by the organization that each represents.

History: 1973 c. 90, 333; 1975 c. 316; 1981 c. 237; 1983 a. 437; 1987 a. 243; 1987 a. 403 s. 255; 1989 a. 31, 36, 359.

SUBCHAPTER III

INDEPENDENT AGENCIES

15.55 Office of commissioner of banking; creation. There is created an office of the commissioner of banking under the direction and supervision of the commissioner of banking. No person may be appointed commissioner who has not had actual practical experience for at least 3 years, either as an executive officer in a bank, or service in a banking supervisory authority, or a combination of both.

History: 1971 c. 101; 1989 a. 31

15.555 Same; attached boards and commissions. (1) BANKING REVIEW BOARD. There is created in the office of the

commissioner of banking a banking review board consisting of 5 persons, appointed for staggered 5-year terms. At least 3 members shall be experienced bankers having at least 5 years' experience in the banking business. No member is qualified to act in any matter involving a bank in which the member is an officer, director or stockholder, or to which the member is indebted.

(2) CONSUMER CREDIT REVIEW BOARD. There is created in the office of the commissioner of banking a consumer credit review board consisting of 5 persons, appointed for staggered 5-year terms. One member shall be an individual holding a license issued under s. 218.01 and 2 members shall be individuals holding a license under s. 138.09 and with 5 years' practical experience in that field or as executive of a similarly qualified corporation. The commissioner of banking may call special meetings of the review board.

History: 1971 c. 193; 1973 c. 3; 1991 a. 316

Banking review board members are not authorized to act in cases involving banks in which they or their spouses own stock 75 Atty. Gen. 197 (1986).

15.57 Educational communications board; creation.

There is created an educational communications board consisting of:

(1) The secretary of administration, the state superintendent of public instruction, the president of the university of Wisconsin system and the director of the board of vocational, technical and adult education, or their designees.

(2) Two public members appointed for 4-year terms.

(3) One representative of public schools and one representative of private schools, appointed for 4-year terms.

(4) One majority and one minority party senator and one majority and one minority party representative to the assembly, appointed as are the members of standing committees in their respective houses.

(5) One member appointed by the board of regents of the university of Wisconsin system for a 4-year term.

(6) The chairpersons of the council on public radio and the council on public television.

(7) One member appointed by the board of vocational, technical and adult education for a 4-year term.

History: 1971 c. 100 s. 4; Stats. 1971 s. 15 57; 1977 c. 325; 1983 a. 27; 1985 a. 29; 1991 a. 39.

15.577 Same; councils. (1) COUNCIL ON PUBLIC RADIO.

There is created in the educational communications board a council on public radio consisting of the members of the board of the Wisconsin public radio association.

(2) COUNCIL ON PUBLIC TELEVISION. There is created in the educational communications board a council on public television consisting of 5 members appointed for 4-year terms. The members shall be appointed from recommendations made by local television support groups.

History: 1985 a. 29.

15.58 Employment relations commission; creation. There is created an employment relations commission.

15.587 Same; councils. (1) COUNCIL ON MUNICIPAL COLLECTIVE BARGAINING. There is created in the employment relations commission a council on municipal collective bargaining. The council shall consist of the chairperson of the commission, who shall serve as the nonvoting chairperson of the council, and 5 representatives of municipal employers and 5 representatives of municipal employes bargaining under subch. IV of ch. 111. The municipal employer representatives shall be appointed by the largest statewide organizations representing counties, school boards and municipalities, as determined by the commission. The municipal employe representatives shall be appointed by the commission, with the

advice of statewide organizations representing municipal employes.

History: 1985 a. 318.

15.59 Office of the commissioner of credit unions; creation. There is created an office of the commissioner of credit unions under the direction and supervision of the commissioner of credit unions. No person may be appointed commissioner who has not had at least 3 years of actual experience either in the operation of a credit union, or serving in a credit union supervisory capacity, or a combination of both.

History: 1971 c. 193, 307; 1989 a. 31.

15.595 Same; attached boards and commissions. (1) CREDIT UNION REVIEW BOARD. There is created in the office of the commissioner of credit unions a credit union review board consisting of 5 persons, appointed for staggered 5-year terms. All members shall have at least 5 years' experience in the operations of a credit union. The commissioner may call special meetings of the review board.

History: 1971 c. 193.

15.61 Elections board; creation. There is created an elections board consisting of persons who shall be appointed by the governor for 2-year terms as follows: one member selected by the governor; one member each designated by the chief justice of the supreme court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party qualifying for a separate ballot under s. 5.62 (1) (b) or (2) whose candidate for governor received at least 10% of the vote in the most recent gubernatorial election.

History: 1973 c. 334; 1975 c. 41; 1977 c. 325; 1977 c. 427 s. 132; 1985 a. 303

15.615 Same; attached boards. (1) BOARD OF STATE CANVASSERS. There is created a board of state canvassers which is attached to the elections board under s. 15.03. The board shall consist of the chairman of the elections board, the state treasurer and the attorney general. Two members constitute a quorum, but if only one member attends a meeting of the board, the clerk of the supreme court shall attend without delay upon notification by the attending member and, together with the attending member, shall form the board. If a member of the board is a candidate for an office to be canvassed by the board, upon the request of an opposing candidate for that office, the chief justice shall designate some other state officer or a circuit court judge to serve in lieu of such member at the board meeting when votes for that office are canvassed.

History: 1973 c. 334 ss. 38, 43

15.617 Same; councils. (1) ELECTIONS ADVISORY COUNCIL. There is created in the elections board an elections advisory council. The council shall consist of 5 county or municipal clerks holding office in this state, appointed by the elections board.

History: 1975 c. 85.

15.62 Ethics board; creation. There is created an ethics board consisting of 6 residents of this state appointed for staggered 6-year terms subject to the following conditions:

(1) No member may hold any other office or employment in the government of this state or any political subdivision thereof or in any department.

(2) No member, when appointed, for one year immediately prior to the date of appointment or while serving on the board, may have been a member of a political party, an officer or member of a committee in any partisan political club or organization or a candidate for any partisan elective

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public office. No member may become a candidate for or hold any such office while serving on the board.

(3) Each member of the board shall be a U.S. citizen and a resident of this state.

History: 1973 c. 90

15.64 Gaming commission; creation. There is created a gaming commission. Each member shall be a U.S. citizen and shall be a resident, as described in s. 6.10 (1), of this state. No person who has been convicted of or entered a plea of guilty or no contest to a felony or a gambling-related offense under the laws of this or another state or of the United States may be appointed as a member unless the person has received a pardon under which the person's full civil rights have been restored.

History: 1991 a. 269.

15.643 Same; specified divisions. (1) ADMINISTRATIVE SERVICES DIVISION. There is created in the gaming commission an administrative services division.

(2) GAMING SECURITY DIVISION. There is created in the gaming commission a gaming security division.

(3) RACING DIVISION. There is created in the gaming commission a racing division.

(4) LOTTERY DIVISION. There is created in the gaming commission a lottery division.

History: 1991 a. 269.

15.647 Same; councils. (1) COUNCIL ON CHARITABLE GAMING. There is created in the gaming commission a council on charitable gaming consisting of 5 residents of this state appointed for 5-year terms. Not more than 3 members of the council may belong to the same political party. Members of the council shall hold office until a successor is appointed and qualified.

History: 1991 a. 321.

15.67 Higher educational aids board; creation. There is created a higher educational aids board consisting of the state superintendent of public instruction and 18 members, appointed to serve at the pleasure of the governor. To represent public institutions of higher education, the governor shall appoint 3 members of the board of regents of the university of Wisconsin system, 2 members of the board of vocational, technical and adult education, one student enrolled at least half-time and in good academic standing at an institution or center within the university of Wisconsin system who is at least 18 years old and a resident of this state and one student enrolled at least half-time and in good academic standing at a vocational, technical and adult education district school who is at least 18 years old and a resident of this state. To represent private institutions of higher education, the governor shall appoint 5 members of boards of trustees of independent colleges and universities in this state and one student enrolled at least half-time and in good academic standing at a private institution of higher education located in this state who is at least 18 years old and a resident of this state. The governor shall appoint 5 members to represent the general public. If a student member loses the status upon which the appointment was based, he or she shall cease to be a member of the higher educational aids board upon appointment to the higher educational aids board of a qualified successor.

History: 1971 c. 100, 125, 211; 1973 c. 90; 1985 a. 282.

15.677 Same; councils. (1) COUNCIL ON FINANCIAL AIDS. There is created in the higher educational aids board a council on financial aids. The council shall consist of 7 students and 7 financial aid administrators. The higher educational aids board shall establish appropriate procedures for the selection

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of students by representative student groups. To represent the university of Wisconsin system, 3 students shall be selected. To represent vocational, technical and adult education institutions, 2 students shall be selected. To represent private institutions of higher education, 2 students shall be selected. Insofar as practicable, the student selection procedures shall provide that within a reasonable period of time students from all institutions have an opportunity to serve on the committee. The Wisconsin association of student financial aids administrators shall select financial aids administrators. To represent the university of Wisconsin system, 3 financial aids administrators shall be selected. To represent vocational, technical and adult education institutions, 2 financial aids administrators shall be selected. To represent private institutions of higher education, 2 financial aids administrators shall be selected.

History: 1973 c. 90.

15.70 Historical society. There is continued the state historical society of Wisconsin initially organized under chapter 17, laws of 1853, to be known for statutory purposes as the historical society, under the direction and supervision of a board of curators. The board of curators is not subject to s. 15.07. The board of curators shall consist of:

- (1) The governor, or his or her designee.
- (2) The speaker of the assembly or his or her designee chosen from the representatives to the assembly.
- (3) The president of the senate or his or her designee chosen from the members of the senate.
- (4) Three members nominated by the governor and with the advice and consent of the senate appointed for staggered 3-year terms.
- (5) Members selected as provided in the constitution and bylaws of the historical society. After July 1, 1986, the number of members on the board of curators selected under this subsection may not exceed 30.
- (6) One member of the senate from the minority party in the senate and one representative to the assembly from the minority party in the assembly, appointed as are members of standing committees in their respective houses.

History: 1983 a. 27.

15.705 Same; attached boards. (1) BURIAL SITES PRESERVATION BOARD. There is created a burial sites preservation board attached to the historical society under s. 15.03, consisting of the state archaeologist, as a nonvoting member, the director of the historical society if the director is not serving as the state historic preservation officer, the state historic preservation officer, or her or his formally appointed designee, who shall be a nonvoting member unless the director of the historical society is serving as the state historic preservation officer, and the following members appointed for 3-year terms:

- (a) Three members, selected from a list of names submitted by the Wisconsin archaeological survey, who shall have professional qualifications in the fields of archaeology, physical anthropology, history or a related field.
- (b) Three members who shall be members of federally recognized Indian tribes or bands in this state, selected from names submitted by the Great Lakes inter-tribal council and the Menominee tribe. Each such member shall be knowledgeable in the field of tribal preservation planning, history, archaeology or a related field or shall be an elder, traditional person or spiritual leader of his or her tribe.

(2) HISTORIC PRESERVATION REVIEW BOARD. There is created a historic preservation review board attached to the historical society under s. 15.03, consisting of 15 members appointed for staggered 3-year terms. At least 9 members shall be

persons with professional qualifications in the fields of architecture, archaeology, art history and history and up to 6 members may be persons qualified in related fields including, but not limited to, landscape architecture, urban and regional planning, law or real estate.

History: 1977 c. 29; 1979 c. 110; 1981 c. 237; 1985 a. 316.

15.707 Same; councils. (1) HISTORICAL MARKERS COUNCIL. There is created in the historical society a historical markers council. The council shall consist of the director of the historical society, the state superintendent of public instruction, the secretary of transportation, the secretary of natural resources, the secretary of the department of development, the secretary of veterans affairs, the chairperson of the historic preservation review board, the president of the Wisconsin trust for historic preservation and the president of the Wisconsin council for local history, or their designees. The director of the historical society or a designee shall serve as secretary of the council.

(2) SUBMERGED CULTURAL RESOURCES COUNCIL. (a) There is created in the historical society a submerged cultural resources council, consisting of the following members:

1. The director of the historical society.
 2. The secretary of natural resources.
 - 2m. The secretary of transportation.
 3. The administrator of the state's coastal zone management program.
 4. The director of the sea grant institute at the university of Wisconsin-Madison.
 5. The administrator of the division of tourism in the department of development.
 6. A representative of the national park service, appointed by the director of the historical society from a list of nominees recommended by the national park service.
 7. Six other members, including an archaeologist, a maritime historian and a representative of a maritime museum, appointed by the director of the historical society after consultation with the secretary of natural resources.
 8. Four legislative members appointed as follows:
 - a. One member who is appointed as are members of standing committees in the senate.
 - b. One member who is appointed by the senate minority leader.
 - c. One member who is appointed as are members of standing committees in the assembly.
 - d. One member who is appointed by the assembly minority leader.
- (b) The members appointed under par. (a) 6 and 7 shall serve 3-year terms and shall include at least 2 scuba divers certified by a nationally recognized aquatic safety program or a nationally recognized diver's organization.

(c) The members under par. (a) 1 to 5 shall serve as nonvoting members and may appoint designees to serve on the council.

History: 1977 c. 29 s. 1654 (8) (h); 1977 c. 273; 1979 c. 361 s. 112; 1991 a. 39, 269.

15.73 Office of commissioner of insurance; creation. There is created an office of the commissioner of insurance under the direction and supervision of the commissioner of insurance. The commissioner shall not:

- (1) Be a candidate for public office in any election;
- (2) Directly or indirectly solicit or receive, or be in any manner concerned with soliciting or receiving any assessment, subscription, contribution or service, whether voluntary or involuntary, for any political purpose whatever, from any person within or without the state; nor

(3) Act as an officer or manager for any candidate, political party or committee organized to promote the candidacy of any person for any public office.

15.735 Same; attached boards. (1) SMALL EMPLOYER INSURANCE BOARD. There is created a small employer insurance board which is attached to the office of the commissioner of insurance under s. 15.03. The board shall consist of 11 members. Notwithstanding s. 15.07 (2) (intro.), one member shall be the commissioner of insurance, or his or her designee, who shall be a nonvoting member and who shall serve permanently as chairperson of the board. The other 10 members shall be nominated by the governor, and with the advice and consent of the senate appointed, for 3-year terms. Five members shall represent employers that are eligible to participate in the plan under subch. II of ch. 635, and 5 members shall represent employees of employers that are eligible to participate in the plan under subch. II of ch. 635.

History: 1991 a. 250.

15.76 Investment board; creation. There is created a state of Wisconsin investment board, to be known for statutory purposes as the investment board. The investment board shall consist of 8 members, as follows:

(1) The secretary of administration, or the secretary's designee.

(2) Five members appointed for staggered 6-year terms, 4 of whom shall have had at least 10 years' experience in making investments, but any person having a financial interest in or whose employer is primarily a dealer or broker in securities or mortgage or real estate investments is not eligible for appointment, and any member who acquires such an interest or accepts such appointment shall thereupon vacate his or her membership.

(3) Two participants in the Wisconsin retirement system appointed for 6-year terms, one of whom shall be a teacher participant appointed by the teacher retirement board and one of whom shall be a participant other than a teacher appointed by the Wisconsin retirement board.

History: 1981 c. 96; 1991 a. 316.

15.78 Public defender board. There is created a public defender board consisting of 9 members appointed for staggered 3-year terms. No member may be, or be employed on the staff of, a judicial or law enforcement officer, district attorney, corporation counsel or the state public defender. At least 5 members shall be members of the state bar of Wisconsin.

History: 1977 c. 29.

15.79 Public service commission; creation. There is created a public service commission. No member of the commission may have a financial interest in a railroad or public utility. If any member voluntarily becomes so interested, the member's office shall become vacant. If the member involuntarily becomes so interested, the member's office shall become vacant unless the member divests himself or herself of the interest within a reasonable time. No commissioner may serve on or under any committee of a political party. Each commissioner shall hold office until a successor is appointed and qualified.

History: 1979 c. 171.

Public service commissioner may attend a political party convention as a delegate 61 Atty Gen. 265.

15.80 Personnel commission; creation. There is created a personnel commission. The commission shall be appointed under s. 15.06 (1) (d).

History: 1977 c. 196.

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15.82 Office of commissioner of savings and loan; creation. There is created an office of the commissioner of savings and loan under the direction and supervision of the commissioner of savings and loan. A person may not be appointed commissioner who has not had actual practical experience for at least 3 years, either as an executive officer of a savings and loan association or savings bank, or service in a savings and loan association or savings bank supervisory authority, or a combination of such executive officer and supervisory experience.

History: 1971 c. 101; 1989 a. 31; 1991 a. 221.

15.825 Same; attached boards and commissions. (1) SAVINGS AND LOAN REVIEW BOARD. There is created in the office of the commissioner of savings and loan a savings and loan review board consisting of 7 members, at least 5 of whom shall have not less than 10 years' experience in the savings and loan business in this state, appointed for staggered 4-year terms.

(2) SAVINGS BANK REVIEW BOARD. There is created in the office of the commissioner of savings and loan a savings bank review board consisting of 7 members, at least 5 of whom shall have not less than 10 years' experience in the savings bank or savings and loan association business in this state, appointed for 4-year terms.

History: 1991 a. 221.

15.85 Office of commissioner of securities; creation. There is created an office of the commissioner of securities under the direction and supervision of the commissioner of securities.

15.87 State fair park board. There is created a state fair park board, consisting of 7 members, 5 of whom shall be appointed for 5-year terms. The secretary of agriculture, trade and consumer protection, or his or her designee, and the secretary of development, or his or her designee, shall also serve as voting members of the state fair park board.

History: 1989 a. 219.

15.91 Board of regents of the university of Wisconsin system; creation. There is created a board of regents of the university of Wisconsin system consisting of the state superintendent of public instruction, the president, or by his or her designation another member, of the board of vocational, technical and adult education and 14 citizen members appointed for staggered 7-year terms, and a student enrolled at least half-time and in good academic standing at an institution or center within the university of Wisconsin system who is at least 18 years old and a resident of this state, for a 2-year term. The student member may be selected from recommendations made by elected representatives of student governments at institutions and centers within the university of Wisconsin system. The governor may not appoint a student member from the same institution or center in any 2 consecutive terms. If the student member loses the status upon which the appointment was based, he or she shall cease to be a member of the board of regents.

History: 1971 c. 100; 1977 c. 29; 1985 a. 85; 1991 a. 68.

15.915 Same; attached boards and commissions. (2) LABORATORY OF HYGIENE BOARD. There is created in the university of Wisconsin system a laboratory of hygiene under the direction and supervision of the laboratory of hygiene board. The board shall consist of:

(a) The president of the university of Wisconsin system, the chancellor of the university of Wisconsin-Madison, the secretary of health and social services, the secretary of natural

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resources and the secretary of agriculture, trade and consumer protection, or their designees.

(b) An employe of the department of health and social services appointed by the secretary of health and social services, an employe of the department of natural resources appointed by the secretary of natural resources, a representative of local public health agencies who is not an employe of the department of health and social services, one physician representing clinical laboratories and one member representing private environmental testing laboratories, none of whom may be employes of the laboratory of hygiene, appointed for 3-year terms.

(c) The director of the laboratory, who shall serve as a nonvoting member.

(3) **PHARMACY INTERNSHIP BOARD.** There is created a pharmacy internship board attached to the university of Wisconsin system under s. 15.03. Section 15.08 applies to the pharmacy internship board. The pharmacy internship board shall consist of 7 members: 2 members of the pharmacy examining board appointed by the pharmacy examining board, 2 members of the faculty of the university of Wisconsin school of pharmacy appointed by the dean of the school, 2 members appointed by the Wisconsin pharmaceutical association, and one public member. The members of the pharmacy internship board who are not appointed by the pharmacy examining board shall serve staggered 5-year terms. The internship board shall determine the qualifications of and appoint outside the classified service a full-time director of pharmacy internship.

(4) **RADIOACTIVE WASTE REVIEW BOARD.** (a) *Creation.* There is created a radioactive waste review board which is attached to the university of Wisconsin system under s. 15.03.

(b) *Membership.* The radioactive waste review board consists of the following members:

1. One member who is a representative to the assembly and who is designated in the same manner that members of the standing committees of the assembly are appointed.

2. One public member who is designated in the same manner that members of the standing committees of the assembly are appointed. This member may be a resident of the territory north of a line running east and west through the southern limit of the city of Stevens Point.

3. One member who is a senator and who is designated in the same manner that members of the standing committees of the senate are appointed.

4. One public member who is designated in the same manner that members of the standing committees of the senate are appointed. This member shall be a resident of the territory north of a line running east and west through the southern limit of the city of Stevens Point.

5. Four members selected by the governor, of which at least one is a representative of the governor and at least 2 are public members. At least one of the public members shall be a resident of the territory north of a line running east and west through the southern limit of the city of Stevens Point.

6. One member who is the chairperson of the radioactive waste policy council created under s. 15.917 (2).

7. One member who is the chairperson of the radioactive waste technical council created under s. 15.917 (3).

(c) *Terms.* Each member of the radioactive waste review board designated under par. (b) 1 to 4 shall serve a 2-year term expiring on the date specified under s. 13.02 (1) or until a successor is appointed. Each member of the radioactive waste review board selected under par. (b) 5 shall serve a 4-year term expiring on the date specified under s. 8.25 (4) (b) 2 or until a successor is appointed.

(d) *Public members.* Public members of the radioactive waste review board may not be employes of the state or federal government.

History: 1971 c. 323; 1973 c. 335; 1975 c. 39; 1977 c. 29 s. 1650m (2); 1977 c. 203, 418; 1979 c. 34 s. 50m; 1981 c. 346; 1985 a. 29; 1989 a. 20; 1989 a. 31 ss. 60m, 95e; 1991 a. 25

15.917 Same; councils. (1) **COUNCIL ON PUBLIC BROADCASTING.** There is created in the university of Wisconsin system a council on public broadcasting consisting of the chairpersons of the council on instructional telecommunications, the council on public radio and the council on public television; the 2 members of the educational communications board that represent the university of Wisconsin system; and 2 members appointed from recommendations made by Friends of WHA, 2 members appointed from recommendations made by university of Wisconsin system radio stations and 2 public members, all appointed for 4-year terms.

(2) **RADIOACTIVE WASTE POLICY COUNCIL.** There is created in the university of Wisconsin system a radioactive waste policy council. The radioactive waste policy council consists of not more than 11 members appointed for 3-year terms by the radioactive waste review board to serve at the pleasure of the board. At least 6 of the members shall be residents of the territory north of a line running east and west through the southern limit of the city of Stevens Point. The chairperson of the radioactive waste policy council may not vote on the appointment of members to the radioactive waste policy council. The members shall include public members, representatives of local units of government and representatives of American Indian tribes. The board shall appoint public members to represent a broad diversity of opinion regarding the long-term disposal of high-level radioactive waste and transuranic waste. The board shall appoint representatives of local units of government from different parts of the state.

(3) **RADIOACTIVE WASTE TECHNICAL COUNCIL.** There is created in the university of Wisconsin system a radioactive waste technical council consisting of the secretary of health and social services, the secretary of natural resources, the secretary of transportation, the attorney general, the administrator of the division of emergency government in the department of military affairs, the head of the subunit responsible for state planning and energy in the department of administration, the state geologist, the chairperson of the public service commission and the president of the university of Wisconsin system or their designees. In addition, the radioactive waste review board may appoint 2 additional members with technical expertise in fields related to the long-term disposal of high-level radioactive waste and transuranic waste.

History: 1985 a. 29; 1989 a. 31 ss. 67m, 68e, 95m; 1991 a. 25

15.94 Board of vocational, technical and adult education; creation. There is created a board of vocational, technical and adult education consisting of 13 members. No person may serve as president of the board for more than 2 successive annual terms. The board shall be composed of:

(1) The state superintendent of public instruction or the superintendent's designee.

(2) The secretary of industry, labor and human relations or the secretary's designee.

(2m) The president, or by his or her designation another member, of the board of regents of the university of Wisconsin system.

(3) One employer of labor, one employe who does not have occupying or discharging power, one person whose principal occupation is farming and who is actually engaged in the

operation of farms and 6 additional members appointed for 6-year terms.

(4) One student enrolled at least half-time and in good academic standing at a vocational, technical and adult education school who is at least 18 years old and a resident of this state, for a 2-year term. The governor may not appoint a student member from the same vocational, technical and adult education school in any 2 consecutive terms. If the student member loses the status upon which the appointment was based, he or she shall cease to be a member of the board.

History: 1971 c. 100; 1977 c. 29; 1979 c. 32; 1981 c. 269; 1985 a. 29; 1991 a. 29, 68.

Member of local district board of vocational, technical and adult education cannot serve as a state board member. 60 Atty. Gen. 178

15.945 Same; attached boards and commissions. (1) EDUCATIONAL APPROVAL BOARD. There is created an educational approval board which is attached to the board of vocational, technical and adult education under s. 15.03. The board shall consist of not more than 7 members, who shall be representa-

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tives of state agencies and other persons with a demonstrated interest in educational programs appointed to serve at the pleasure of the governor.

History: 1971 c. 125 s. 17; Stats. 1971 s. 15.945.

15.947 Same; councils. (1) COUNCIL ON FIRE SERVICE TRAINING PROGRAMS. There is created in the board of vocational, technical and adult education a council on fire service training programs consisting of a representative of the division of emergency government designated by the administrator thereof; a representative of the department of industry, labor and human relations designated by the secretary of industry, labor and human relations; a representative of the commissioner of insurance designated by the commissioner; and 4 bona fide members of volunteer fire departments and 2 bona fide members of paid fire departments appointed for staggered 6-year terms.

History: 1977 c. 29