

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 authority to carry out the functions of his 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 co-ordinated.

(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 co-ordination 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 co-ordination 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 co-ordination of state services and by eliminating overlapping activities.

15.01 Definitions. In this chapter:

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

(2) "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.

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

(4) "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 tax appeals commission which shall consist of 5 members and the Wisconsin waterways commission which shall consist of 5 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.

(5) (a) "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.

(b) "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.

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(6) "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.

(7) "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.

History: 1977 c. 29, 274; 1979 c. 34.

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".

2. The principal subunit of the division is the "bureau". Each bureau shall be headed by a "director".

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 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.

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

15.03 Attachment for limited purposes.

Any division, commission 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, commission 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, commission or board, independently of the head of the department or independent agency, but budgeting, program co-ordination and related management functions shall be performed under the direction and supervision of the head of the department or independent agency.

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 ap-

point 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.* Submit a report on or before October 15 of each odd-numbered year to the governor and the legislature 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. Any department or independent agency may issue such additional reports on its findings and recommendations as its operations require.

(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 or marital status, 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) *Annual report of forms used.* Annually, on January 15 file with the department of administration and the legislative council a complete and current listing of all forms, reports and papers required by the department or independent agency to be completed by any person, other than a governmental body, as a condition of obtaining the approval of the department or independent agency or for any other reason. The department or independent agency shall attach a blank copy of each such form, report or paper to the listing.

(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 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. 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.

15.05 Secretaries. (1) SELECTION. (a) If a department is under the direction and supervision of a secretary, the secretary shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor, except that the secretary of regulation and licensing shall serve for a 6-year term expiring on March 1 of an odd-numbered year.

(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 establish 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 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.

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) The members of commissions shall be nominated by the gover-

nor, and with the advice and consent of the senate appointed, for staggered 6-year terms expiring on March 1 of the odd-numbered years, except for the Wisconsin waterways commission whose members shall be appointed for staggered 5-year terms.

(b) The commissioners of banking, credit unions, savings and loan and securities shall each 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.

(c) The governor shall appoint the commissioner of insurance, with the advice and consent of the senate, for the term of October 1, 1971, to March 1, 1975, and thereafter for a 4-year term expiring on March 1.

(d) The members of the personnel commission shall be nominated by the governor outside the classified service from a list of at least 5 names per position submitted by the personnel board, and with the advice and consent of the senate appointed, for staggered 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.

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.

(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.

(b) Commencing March 1, 1979, and thereafter, the personnel board shall elect a member

or nominee to the personnel commission 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 shall 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 the commissioner of insurance nor to the members, except the chairman, of the tax appeals commission nor to the chairman or members of the Wisconsin waterways 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 his duties as commissioner, nor shall he hold any other public office.

(4) CHAIRMAN; ADMINISTRATIVE DUTIES. The administrative duties of each commission shall be vested in its chairman, to be administered by him 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 chairman 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.

(7) ANNUAL REPORTS. In August of each year, every commission attached to a department shall submit, to the head of the department, a report on the operation of the commission during the fiscal year concluded on the preceding June 30.

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

(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

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

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.

(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.
4. Personnel board.
5. Savings and loan review board.
6. Agricultural lands preservation board.
7. Bingo control board.

(c) Fixed terms of members of boards, except the personnel board and the state employees merit award board where terms shall expire on July 1, and Milwaukee teachers retirement board where terms shall begin after the regular annual meeting on the last Saturday in September, shall expire on May 1 and shall, if the term is for an even number of years, expire in an odd-numbered year. In case of the ethics board, the term of one member shall expire on each May 1.

(d) Any member of a board created under s. 15.165 who loses the status upon which the appointment was based shall cease to be a member of the board upon the appointment to the board of a qualified successor.

(2) SELECTION OF OFFICERS. At its first meeting in each year, every board shall elect a chairman, vice chairman and secretary each of whom may be reelected to succeed himself, except that:

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

(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.

(g) The administrator of the division of law enforcement services shall serve as nonvoting secretary to the law enforcement standards board.

(h) The secretary of agriculture, trade and consumer protection or a designee, shall serve as nonvoting secretary to the state fair park board.

(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) Each board not covered under par. (a) shall meet annually, and may meet at other times on the call of the chairman or a majority of its 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 as provided in s. 19.47 (4).

(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 his agency as a member of a board to be paid by the agency which pays his salary. The members shall receive no compensation for their services, except that the following members of boards, except full-time state officers or employes, 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.

(c) Members of the personnel board, \$25 per day.

(d) Members of the board of agriculture, trade and consumer protection, not exceeding \$10 per day as fixed by the board with the approval of the governor, but not to exceed \$600 per year.

(e) In lieu of a per diem, the members of the board of vocational, technical and adult education shall receive \$100 annually.

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(f) Members of the state teachers retirement board, appointive members of the Wisconsin retirement fund board, appointive members of the group insurance board and members of the employe trust funds board, \$25 per day.

(g) Members of the savings and loan review board, \$10 per day.

(h) Voting members of the board of soil and water conservation districts, \$15 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.

(m) Members of the bingo control board, \$25 per day.

(n) Members of the elections board, \$25 per day.

(p) Public members of the agricultural lands preservation board, \$10 per day but not to exceed \$600 per year.

(q) Members of the American Indian language and culture education board, \$25 per day.

(5m) LIMITATIONS ON SALARY AND EXPENSES; POTATO INDUSTRY BOARD. Expenses incurred for attendance at potato industry board meetings held without this state or incurred in the performance of any other function not previously authorized by that board are not necessary expenses under sub. (5) and no citizen member of that board may receive compensation in any form for his services other than reimbursement for actual and necessary expenses under sub. (5).

(6) ANNUAL REPORTS. In August of each year, every board created in or attached to a department or independent agency shall submit, to the head of the department or independent agency, a report on the operation of the board during the fiscal year concluded on the preceding June 30.

(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.

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

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 and shall, if the

term is for an even number of years, expire in an odd-numbered year. If a vacancy is required to be filled by an appointee who is a member of a private organization, that organization may make recommendations to the appointing authority for filling the vacancy. No examining board member may be an officer, director or employe of a private organization which promotes or furthers the profession or occupation regulated by the examining 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. They shall not be licensed, certified, registered or engaged in any profession or occupation licensed or otherwise regulated by the 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 aid dealers and fitters examining board, the medical examining board and its physical therapists examining council and podiatry examining council, 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.

(3) FREQUENCY OF MEETINGS. 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.

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

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

(9) ANNUAL REPORTS. In August of each year every examining board shall submit, to the head of the department in which it is created, a report on the operation of the examining board during the fiscal year concluded on the preceding June 30.

(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.

See note to 450.02, citing *Osco Drug, Inc. v. Pharmacy Examining Bd.* 61 W (2d) 689, 214 NW (2d) 47.

A member of a licensing board is not, as a matter of law, precluded from holding membership in or acting as an officer of a private professional society or association. 62 Atty. Gen. 58.

15.09 Councils. (1) SELECTION OF MEMBERS. Unless otherwise provided by law, the governor shall appoint the members of councils for terms prescribed by law. 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.

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

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(7) **ANNUAL REPORTS.** In August of each year every council created in a department or independent agency shall submit, to the head of the department or independent agency, a report on the operation of the council during the fiscal year concluded on the preceding June 30.

(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.

15.099 Program responsibilities; effect of omissions. Sections 14.011, 14.311, 14.361, 14.561, 15.101, 15.131, 15.151, 15.161, 15.171, 15.191, 15.221, 15.251, 15.311, 15.341, 15.371, 15.401, 15.431, 15.461, 15.491, 15.551, 15.571, 15.581, 15.591, 15.611, 15.621, 15.671, 15.701, 15.731, 15.761, 15.771, 15.781, 15.791, 15.801, 15.821, 15.851, 15.911 and 15.941 are intended to set forth the program responsibilities of the several units of the executive branch. No statutory power, duty or function specified elsewhere for a unit may be deemed impliedly repealed for the sole reason that reference to it has been omitted in these sections.

History: 1971 c. 211, 307; 1975 c. 41; 1977 c. 29, 196; 1979 c. 361.

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.

15.101 Same; program responsibilities. The department of administration shall have the program responsibilities specified for the department under chs. 16, 35 and 166, and ss. 13.36, 13.48, 13.49 (7), 13.93 (1m), 14.40 (4), 18.03 (3), 18.08 (4), 18.10 (3), 18.58, 20.004, 20.865 (1) (f), 20.904 (2), 20.906 (2), 20.907 (2), 20.910, 20.912 (2) and (3), 20.915 (1) and (3), 20.916 (7), 20.921 (3) (a) and (b), 21.13, 22.147 (3), 24.20, 25.06, 25.08, 25.14, 25.40, 25.50, 26.14 (4), 27.015, 39.32 (10) (b), 40.42, 40.94, 42.23, 42.46, 42.48, 44.06, 45.01, 46.03 (28), 46.09, 46.106 (2) to (6), 49.45 (2) (a) 4, 66.057 (1) and (2) (b), 70.39 (4), 70.395, 70.57 (3), 70.60 (1), 70.82, 71.04 (16), 71.09 (12), 71.13 (3) (g), 71.20 (4), 74.27, 76.24 (2), 76.26, 76.39 (4) (d), 76.48 (5),

78.12 (5), 78.69, 78.84, 79.02 (2) (am), 79.10 (1) and (1a) (b), 93.23 (1), 93.24 (6), 95.25 (3), 101.57 (3), (5) (intro.) and (9), 139.12, 142.08, 146.70, 149.04 (5) (a); 176.62, 194.51, 197.20, 220.08 (14), 227.019, 227.026 (3), 230.08 (4) (c), 341.12 (4), 345.08, 604.04 (4), 605.30, 751.04, 775.04, 776.43, 812.23, 863.39, 893.84 (3) and 985.08 (2). In addition:

(1) **TAX APPEALS COMMISSION.** The tax appeals commission shall have the program responsibilities specified for the commission under ch. 73 and ss. 70.38 (4) (a), 70.64, 70.995 (8) and 71.12.

(1m) **DIVISION OF NATURAL RESOURCES HEARINGS.** The division of natural resources hearings shall have the program responsibilities specified for the division under s. 227.012.

(2) **CLAIMS BOARD.** The claims board shall have the program responsibilities specified for the board under ss. 16.007, 775.05, 775.06 and 775.11.

(3) **DEPOSITORY SELECTION BOARD.** The depository selection board shall have the program responsibilities specified for the board under s. 34.045.

(4) **PUBLIC RECORDS BOARD.** The public records board shall have the program responsibilities specified for the board under ss. 16.61 and 166.10.

(5) **STATE CAPITOL AND EXECUTIVE RESIDENCE BOARD.** The state capitol and executive residence board shall have the program responsibilities specified for the board under s. 16.83.

(6) **STATE EMPLOYEES MERIT AWARD BOARD.** The state employees merit award board shall have the program responsibilities specified for the board under s. 16.006.

(8) **ARTS BOARD.** The arts board shall have the program responsibilities specified for the board under subch. II of ch. 44.

(9) **DIVISION OF NURSING HOME FORFEITURE APPEALS.** The division of nursing home forfeiture appeals shall have the program responsibilities specified for the division under s. 50.04 (5) (e).

(10) **EMERGENCY NUMBER SYSTEMS BOARD.** The emergency number systems board shall have the program responsibilities specified for the board under s. 146.70.

(11) **DIVISION OF EMERGENCY GOVERNMENT.** The division of emergency government has the program responsibilities specified for the division under ch. 166 and ss. 84.03 (9) (b) and 146.70 (5).

History: 1971 c. 125 ss. 520 (3), 521, 522 (1); 1971 c. 211; 1971 c. 270 s. 104; 1973 c. 90 ss. 8m, 557 (1); 1973 c. 117 s. 12 (3); 1973 c. 243 s. 82; 1973 c. 333 ss. 4d, 191; 1973 c. 334 s. 59; 1973 c. 335 s. 14; Sup. Ct. Order, 67 W (2d) 773; 1975 c. 39 ss. 37, 729 (1); 1975 c. 41 s. 52; 1975 Ex. Order No. 24; 1975 c. 164 s. 12; 1975 c. 189 s. 100 (1); 1975 c. 200; 1975 c. 413 s. 18; 1975 c. 430 s. 80; 1977 c. 29 s. 1643 (1), (6); 1977

c. 31 ss. 22, 23; 1977 c. 170; 1977 c. 187 s. 136; 1977 c. 196 ss. 8, 125, 131; 1977 c. 272; 1977 c. 313 s. 7; 1977 c. 317 s. 11; 1977 c. 392 ss. 1, 5; 1977 c. 418 ss. 18m, 19, 925 (1), 929 (1); 1977 c. 447; 1977 c. 449 s. 498; 1979 c. 32 s. 92 (5); 1979 c. 34 ss. 2101 (1) (a), (b), (f), (g), (i), (j), (k), (L), 2102 (48) (a); 1979 c. 38 s. 8; 1979 c. 221 s. 2201 (1), (26); 1979 c. 323 s. 32; 1979 c. 361 ss. 4, 113, 114.

15.103 Same; specified divisions. (1) DIVISION OF NURSING HOME FORFEITURE APPEALS. There is created a division of nursing home forfeiture appeals which is attached to the department of administration under s. 15.03. The administrator of the division shall be appointed by the governor to serve for a term of 4 years. The administrator shall be a public official for purposes of subch. III of ch. 19.

(2) DIVISION OF NATURAL RESOURCES HEARINGS. There is created a division of natural resources hearings which is attached to the department of administration under s. 15.03. The administrator of the division shall be appointed by the secretary of the department of administration in the classified service.

(3) DIVISION OF EMERGENCY GOVERNMENT. There is created in the department of administration 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: 1977 c. 170, 418; 1979 c. 361 s. 15.

15.105 Same; attached boards and commissions. (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 chairman. The chairman shall not serve on or under any committee of a political party.

(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 BOARD. There is created a public records board which is attached to the department of administration under s. 15.03. The public records board shall consist of the governor, the director of the historical society, the attorney general and the state auditor, 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, the head of the engineering function in the department of administration or his or her designee, 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.

(6) STATE EMPLOYEES MERIT AWARD BOARD. There is created in the department of administration a state employees merit award board consisting of 3 persons who may be state officers or employees, appointed for 3-year terms.

(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 12 members appointed for staggered 3-year terms who are residents of this state and who are known for their concern for the arts.

(9) EMERGENCY NUMBER SYSTEMS BOARD. There is created an emergency number systems board in the department of administration. The board shall consist of 11 members. All members shall be appointed for staggered 3-year terms. Three members shall be appointed from the public at large and one member shall be appointed to represent each of the following:

- (a) Local law enforcement agencies.
- (b) Fire fighting agencies.
- (c) Emergency government.
- (d) Emergency medical services.
- (e) Telephone utilities.
- (f) The public service commission.
- (g) The association of public safety communication officers.
- (h) The international municipal signal association.

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.

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15.107 Same; councils. (1) COUNCIL ON ADMINISTRATIVE POLICY AND PROCEDURES. There is created in the department of administration a council on administrative policy and procedures consisting of not more than 11 members, at least 6 of whom shall be appointing officers of the state, appointed for 2-year terms. Other persons with a recognized interest in and knowledge of administration in a large organization may be appointed.

(2) COUNCIL ON SMALL AND MINORITY BUSINESS OPPORTUNITIES. There is created in the department of administration a council on small and minority business opportunities consisting of 11 members, appointed for 3-year terms, with representation as follows: at least 2 shall be owners or employes of small businesses at least 50% 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 50% 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 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.

(3) COUNCIL ON PRINTING. There is created in the department of administration a council on printing consisting of 6 members, of whom 2 shall be from state agencies, 2 shall be representatives of the major trade association representing the commercial printing industry in the state and 2 shall be persons knowledgeable in graphic communication who do not represent either the state or the printing industry, appointed by the secretary of administration for 2-year terms. The secretary of administration shall designate an employe of the department of administration to serve as the council's nonvoting secretary.

(4) COORDINATING COUNCIL FOR POPULATION INFORMATION. There is created in the department of administration a coordinating council for population information consisting of municipal and county representatives and other persons knowledgeable of demographic and statistical techniques or persons active in the use or study of demographic-related information.

(5) CITIZENS ENVIRONMENTAL COUNCIL. There is created a citizens environmental council consisting of 7 citizen members appointed to serve staggered 3-year terms.

(6) COUNCIL ON DATA PROCESSING. There is created in the department of administration a council on data processing. The council shall

consist of the heads of those agencies having management responsibility for data processing centers with major multiagency service missions, a person designated by the joint committee on legislative organization, and the heads of 3 additional agencies appointed for 2-year terms.

History: 1971 c. 215; 1973 c. 90; 1977 c. 29, 419; 1979 c. 34; 1979 c. 361 s. 112.

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.

15.131 Same; program responsibilities. The department of agriculture, trade and consumer protection shall have the program responsibilities specified for the department under chs. 91, 93 to 100, 126, 127, 136 and 174 and ss. 15.195, 26.30 (2), 27.015, 32.035, 59.871, 61.72, 66.075, 69.66, 70.425, 101.175 (3), 134.70 (15) and 134.83.

(1) STATE FAIR PARK BOARD. The state fair park board shall have the program responsibilities specified for the board under ss. 93.24 and 93.25.

(2) POTATO INDUSTRY BOARD. The potato industry board shall have the program responsibilities specified for the board under s. 100.39.

(3) AGRICULTURAL LANDS PRESERVATION BOARD. The agricultural lands preservation board shall have the program responsibilities specified for the board under ch. 91.

History: 1971 c. 40, 125, 211; 1973 c. 299; 1973 c. 335 s. 14; 1975 c. 209 s. 2; 1975 c. 295 s. 9; 1977 c. 29 ss. 32, 1643 (3), 1650m (4); 1977 c. 49 s. 3; 1977 c. 276 s. 2; 1977 c. 440 s. 14; 1979 c. 34 s. 2101 (3) (a); 1979 c. 62 s. 3; 1979 c. 89, 177; 1979 c. 289 s. 39; 1979 c. 335 s. 8; 1979 c. 350 s. 28.

15.135 Same; attached boards and commissions. (1) STATE FAIR PARK BOARD. There is created a state fair park board which is attached to the department of agriculture, trade and consumer protection under s. 15.03. The board shall consist of 3 members appointed to serve at the pleasure of the governor.

(2) POTATO INDUSTRY BOARD. There is created a potato industry board which is attached to the department of agriculture, trade and consumer protection under s. 15.03. The board shall consist of 9 members. The secretary of

agriculture, trade and consumer protection and the dean of the university of Wisconsin-Madison college of agriculture, or their designees, shall serve as nonvoting members. The secretary of agriculture, trade and consumer protection shall appoint 7 members from the potato industry for staggered 3-year terms in the manner prescribed in s. 100.39 (2). No voting member may serve more than 2 consecutive 3-year terms.

(3) AGRICULTURAL LANDS PRESERVATION BOARD. There is created an agricultural lands preservation board which is attached to the department of agriculture, trade and consumer protection under s. 15.03. The board shall consist of the secretaries of administration, of agriculture, trade and consumer protection and of development or their designees, and 2 public members appointed for 4-year terms. The secretary of agriculture, trade and consumer protection, or the designee of the secretary, shall be chairperson of the board.

History: 1971 c. 125; 1973 c. 299; 1977 c. 29 ss. 32d, 33, 1650m (2), (4); 1979 c. 361 s. 112.

15.137 Same; councils. (3) COUNCIL ON MEAT INSPECTION. There is created in the department of agriculture, trade and consumer protection a council on meat inspection consisting of not less than 7 members appointed by and serving at the pleasure of the secretary of agriculture, trade and consumer protection.

(4) COUNCIL ON WEATHER MODIFICATION. There is created in the department of agriculture, trade and consumer protection a council on weather modification consisting of the secretary of the department, 4 persons who are farmers and 4 persons who are knowledgeable about or experienced in meteorology or weather modification, appointed for staggered 2-year terms.

(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 pro-

ducers. 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

NOTE: Chapter 418, laws of 1977, section 930 (3) provides that sub. (5) is repealed effective "on the July 1 three years after the effective date of this act [May 19, 1978]."

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

15.151 Same; program responsibilities.

The department of development shall have the program responsibilities specified for the department under chs. 236 and 560 and ss. 13.49 (7), 16.75 (4) (b), 59.07 (20) and (75), 66.013 to 66.021, 66.521 (10) (g), 66.92 (3), 66.945, 70.27 (8) and 91.65.

History: 1971 c. 321; 1975 c. 163; 1977 c. 418 s. 929 (55); 1977 c. 419 s. 6; 1979 c. 361; 1979 c. 362 s. 15

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 appointed 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.

15.157 Same; councils. (1) COUNCIL ON ECONOMIC AND COMMUNITY DEVELOPMENT. There is created in the department of development a council on economic and community development consisting of such number of members as the governor determines, but including members who are representative of local government. The council shall:

(a) Identify state and federal laws, regulations and programs adversely affecting economic development.

(b) Identify significant business and industry problems and make recommendations to the department on state action to relieve them.

(c) Advise the department concerning the creation of state economic development strategy.

(d) Identify methods for achieving closer cooperation and coordination between state and local governments.

(e) Identify significant problems affecting state and local government relations and make recommendations to the department and local governments to relieve those problems.

(f) Identify, foster and encourage a pattern of state-local relationships that facilitates effective development and utilization of state and local human, natural and economic resources to

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meet citizen needs and provide a balanced economy.

(g) Advise the department concerning the development of a state-local government relations strategy.

(2) **COUNCIL ON TOURISM.** There is created in the department of development a council on tourism consisting of 15 members. Nominations for such appointments shall be sought from but not limited to multicounty regional associations engaged in promoting tourism, statewide associations of businesses engaged in tourism-related enterprises, metropolitan area visitor and convention bureaus and other persons or organizations associated with the tourism industry including tourist facilities user groups and environmental protection groups in the state.

History: 1971 c. 321; 1975 c. 39; 1979 c. 361 ss. 9 to 11, 112.

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) **EMPLOYEE TRUST FUNDS BOARD.** The employe trust funds board shall consist of 7 members. Three members shall be members of the Wisconsin retirement fund board, appointed by that board. Two members shall be members of the state teachers retirement board, appointed by that board. One member shall be a member of the Milwaukee teachers retirement board, appointed by that board. One member shall be a member of the group insurance board, appointed by that board.

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

History: 1979 c. 221

NOTE: Chapter 280, Laws of 1975, provides:

"SECTION 1. Declaration of policy. As a means of assuring the continued orderly development, economical administration and sound financing of state administered public employe retirement programs, the Wisconsin retirement fund, the state teachers retirement system and the Milwaukee teachers retirement fund are merged into one public employe retirement system to be known as the Wisconsin retirement system.

SECTION 2. Implementation of merger. (1) The Wisconsin retirement system shall be under the direction and supervision of the employe trust funds board created under section 15.16 of the statutes.

(2) The employe trust funds board is directed to prepare and submit to the legislature when it convenes in January 1977, a bill to reconcile the statutes with the merger policy declared in this act. Such bill shall standardize to the maximum extent the technical provisions of the benefit programs of the merged funds and systems. Until such bill is enacted into law and becomes effective, the system shall be administered so that the accounts and records of each of the former funds or systems which are merged under this act are maintained separately and so that the contributions, benefits and other rights and obligations of each member or beneficiary are essentially the same as if the merger directed by this act had not taken place.

(3) The employe trust funds board shall succeed to and be vested with the rule-making authority and operational planning functions of:

(a) The board of trustees of the Wisconsin retirement fund.

(b) The board of trustees of the state teachers retirement system.

(c) The board of trustees of the Milwaukee teachers retirement fund.

(4) All rules of the boards of trustees of the Wisconsin retirement fund, state teachers retirement system and Milwaukee teachers retirement fund which are in effect on the effective date of this act shall become rules of the employe trust funds board and shall remain in effect until amended or repealed by the employe trust funds board.

(5) Except as otherwise provided in this act the Wisconsin retirement fund board, the state teachers retirement board and the Milwaukee teachers retirement board shall continue to exercise the program responsibilities assigned to each of such boards under section 15.161 of the statutes."

15.161 Same; program responsibilities.

The department of employe trust funds shall have the program responsibilities specified for the department under subch. IX of ch. 40. In addition:

(2) **GROUP INSURANCE BOARD.** The group insurance board shall have the program responsibilities specified for the board under subch. II of ch. 40.

(3) **WISCONSIN RETIREMENT FUND BOARD.** The Wisconsin retirement fund board shall have the program responsibilities specified for the board under subch. II of ch. 40, subchs. I, II, III and IV of ch. 41, ss. 13.50 (6), 13.51 (3) and (4), 66.191, 108.04 (13) (e), 110.07 (3) and 165.25 (4).

(4) **MILWAUKEE TEACHERS RETIREMENT BOARD.** The teachers retirement board in each city of the 1st class shall have the program responsibilities specified for the board under subch. II of ch. 42.

(5) **STATE TEACHERS RETIREMENT BOARD.** The state teachers retirement board shall have the program responsibilities specified for the board under ch. 42 and ss. 13.50 (6), 13.51 (3) and (4), 108.04 (13) (e) and 165.25 (4).

History: 1973 c. 151, 336; 1977 c. 182, 272; 1979 c. 38.

15.165 Same; attached boards. (2)

GROUP INSURANCE BOARD. There is created a group insurance board which is attached to the department of employe trust funds under s. 15.03. 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 4 persons appointed for 2-year terms, of whom one shall be an insured member of the Wisconsin state employees union, one shall be an insured state-employed member of the state teachers retirement system and one shall be an insured employe of a local unit of government.

(3) WISCONSIN RETIREMENT FUND BOARD.

There is created a Wisconsin retirement fund board which is attached to the department of employe trust funds under s. 15.03. The board shall consist of the commissioner of insurance or an experienced actuary in the office of the commissioner designated by the commissioner, and 8 persons appointed by the governor for 5-year terms. The city or village member shall be appointed from a list of 5 names submitted by the executive committee of the league of Wisconsin municipalities, and the county or town member shall be appointed from a list of 5 names submitted by the executive committee of the Wisconsin county boards association. Each member appointed from a city or village shall be appointed from a different county. Each member appointed from a county or town shall be appointed from a different county. The appointive members shall consist of the following:

(a) One member who is the chief executive or a member of the governing body of a participating city or village, designated the city or village member.

(b) One member who is a participating employe and the principal finance officer of a participating city or village, designated the finance member.

(c) One member who is a participating employe of a participating city or village, designated the municipal employe member.

(d) One member who is the chairman or a member of the governing body of a participating county or town, designated the county or town member.

(e) One member who is a deputy county clerk of a participating county, designated the clerk member.

(f) One member who is a participating employe of a participating county or town, designated the county employe member.

(g) One member who is a participating state employe, designated the state employe member.

(h) One member, designated the state member.

NOTE: See the note following s. 15.16.

(4) MILWAUKEE TEACHERS RETIREMENT BOARD. There is created a teachers retirement board in each 1st class city, which is attached to the department of employe trust funds under s. 15.03. The board shall consist of the president and 4 members of the board of school directors of the city; 2 female teachers, not more than one of whom may be a principal or vice principal; and 2 male teachers, not more than one of whom may be a principal or vice principal. The teachers of the public schools in the city annually shall elect one male teacher and one female teacher to the board for 2-year terms. The

board of school directors annually shall elect 2 members thereof to the board for 2-year terms.

NOTE: See the note following s. 15.16.

(5) STATE TEACHERS RETIREMENT BOARD.

There is created a state teachers retirement board which is attached to the department of employe trust funds under s. 15.03. Each member of the board shall be appointed for a 5-year term. The board shall consist of members as follows:

(a) Four public school teachers who are members of the state teachers retirement system.

(b) One public school teacher from a vocational, technical and adult education district who is a member of the state teachers retirement system.

(c) One university of Wisconsin system faculty member from a doctoral campus.

(d) One university of Wisconsin system faculty member from a nondoctoral campus.

(e) One member of the Wisconsin association of school boards.

(f) One academic nonfaculty employe of the university of Wisconsin system who is a member of the state teachers retirement system.

(6) DEFINITION. For the purpose of this section, "annuitants" and "inactive participants" are deemed to be employes in the last position in which they were covered by a retirement fund or system under ch. 41 or 42.

History: 1973 c. 151, 329; 1977 c. 29, 418; 1979 c. 221.

NOTE: See the note following s. 15.16.

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.

15.171 Same; program responsibilities.

The department of employment relations shall have the program responsibilities specified for the department under ch. 230, subch. V of ch. 111 and ss. 13.20 (2), 19.45 (11) (a) and 20.916 (8) (a). In addition:

(1) DIVISION OF PERSONNEL. The division of personnel shall have the program responsibilities specified for the division under ss. 19.45 (11) (a), 49.50 and 73.09 (2) and (5) and ch. 230.

History: 1977 c. 196; 1977 c. 277 s. 44; 1979 c. 34 s. 2101 (15) (a); 1979 c. 177 s. 86; 1979 c. 221 s. 2201 (15).

15.173 Same; specified divisions. (1)

PERSONNEL DIVISION. (a) There is created in the department of employment relations a division of personnel.

(b) The administrator of the division of personnel in the department of employment rela-

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tions 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 certified by the personnel board. The personnel board 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 personnel in the department of employment relations may be nominated by the governor, and with the advice and consent of the senate reappointed. The personnel board shall evaluate annually the performance of the administrator. At the conclusion of the administrator's term the board, on the basis of the annual evaluations, may advise the governor in writing as to the reappointment of the administrator.

History: 1977 c. 196

15.177 Same; councils. (1) COUNCIL ON AFFIRMATIVE ACTION. 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.

History: 1977 c. 196, 418

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

15.191 Same; program responsibilities. The department of health and social services shall have the program responsibilities specified for the department under chs. 46 to 58, 69, 140, 141, 143, 146, 149, 150, 151, 458, 655 and 975 and ss. 20.435, 20.916 (3), 20.920, 25.31, 29.145 (1) and (1b), 32.02, 35.86, 36.25 (4), (11) and (12), 39.377 (3), 45.30, 59.68, 70.117, 97.24, 101.40 to 101.43, 121.79 (1) (c), 142.05 (4), 143.07 (5), 155.01, 174.13, 176.05 (21) (f), 341.12 (4), 343.09, 343.30 (1q), 343.305 (9) (a) and (10) (a), 632.89 (2) (d) and (6), 767.29 (3), 782.45, 859.07, 880.295, 887.23, 971.14 and 971.17. In addition:

(2) PESTICIDE REVIEW BOARD. The pesticide review board shall have the program responsibilities specified under ss. 29.29 (4), 94.69 (10) and 140.77.

(3) CONTROLLED SUBSTANCES BOARD. The controlled substances board shall have the pro-

gram responsibilities specified for the board in ch. 161.

History: 1971 c. 41 s. 12; 1971 c. 219 ss. 2, 35; 1973 c. 90 s. 557 (5); 1973 c. 116 s. 7 (2); 1973 c. 243; 1973 c. 335 s. 13; 1975 c. 37 s. 12 (1); 1975 c. 39 ss. 44, 729 (3); 1975 c. 198 ss. 6, 65; 1975 c. 223 s. 29; 1975 c. 413 s. 17; 1975 c. 422; 1977 c. 29 s. 1643 (18); 1977 c. 131 s. 23; 1977 c. 193 s. 18; 1977 c. 395 s. 2; 1979 c. 32 s. 92 (4); 1979 c. 34 s. 2101 (20) (a), (b), (c); 1979 c. 175 s. 52; 1979 c. 196 s. 50; 1979 c. 221 s. 2201 (20)

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.

History: 1971 c. 219; 1977 c. 29 s. 1650m (2); 1977 c. 273

15.197 Same; councils. (2) COUNCIL ON BLINDNESS. There is created in the department of health and social services a council on blindness consisting of 5 members appointed by the secretary of health and social services for staggered 3-year terms. Persons appointed to the council shall be visually handicapped, shall reflect a broad representation of visually handicapped persons and shall have a recognized interest in and demonstrated knowledge of the problems of the visually handicapped. Council members may be persons receiving services from the department. "Visually handicapped" means having a visual acuity equal to or less than 20/70 in the better eye with correcting lenses, or having a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(3p) COUNCIL ON INFANT HEALTH SCREENING. There is created in the department of health and social services a council on infant health screening which shall consist of 2 persons chosen to represent the public who are not health care providers nor associated with the delivery of health care, 3 physicians experienced in the subject of metabolic disorders and one person appointed by the secretary of health and social services.

NOTE: Chapter 160, laws of 1977, repeals (3p) effective November 1, 1981. See also 146.025.

(6) COUNCIL ON HEMOPHILIA AND RELATED BLOOD DISORDERS. There is created in the department of health and social services a council on hemophilia and related blood disorders. The council shall be composed of 8 persons including 2 representatives from the Great Lakes hemophilia foundation, and one representative each from the university of Wisconsin medical school, the medical college of Wisconsin, inc., the Milwaukee blood center, the Badger Red Cross blood bank, local health agencies, and hospitals. Each person shall hold office for a staggered term of 4 years.

NOTE: Chapter 213, laws of 1977, which created sub. (6), repeals it effective April 8, 1981.

(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.

(11n) COUNCIL ON DEVELOPMENTAL DISABILITIES. There is created a council on developmental disabilities. Section 15.03 applies to the council's attachment to the department of health and social services. Members 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-third of the membership shall consist of persons with developmental disabilities, or their parents or guardians, who are not officers of any entity, or employees of any

state agency or of any other entity, which receives funds or provides services under federal 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.

(15) DRUG QUALITY COUNCIL. There is created in the department of health and social services a drug quality council consisting of 7 members appointed by the governor for staggered 3-year terms. Two members shall be physicians actively practicing in this state, at least one of whom shall be selected from a list of nominees submitted by the president of the state medical society; 2 shall be pharmacists actively practicing in this state, at least one of whom shall be selected from a list of nominees submitted by the president of the Wisconsin pharmaceutical association; 2 shall be pharmacologists who are members of the faculties of accredited medical or pharmacy schools in this state; and one, who shall serve as chairman, shall represent the interests of the public and shall not be licensed as a physician or pharmacist, employ or be employed by any person licensed to practice medicine or pharmacy or have any pecuniary interest in the manufacturing, wholesaling or retailing of pharmaceutical products.

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(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 9 members nominated by the governor and appointed, with the advice and consent of the senate, for staggered 3-year terms. Persons appointed shall have a recognized interest in and knowledge of the problems and treatment of victims of domestic abuse. This subsection does not apply on or after July 1, 1985.

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, 42l, 42x, 43, 1650m (2), (4), 1657 (18) (c); 1977 c. 160, 213, 428; 1979 c. 34, 111, 221, 320, 355.

NOTE: Chapter 111, laws of 1979, which created sub. (16), repealed it effective July 1, 1985.

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.

15.221 Same; program responsibilities. The department of industry, labor and human relations shall have the program responsibilities specified for the department under chs. 101 to 106, 107, 108, 109, 145, and 168, subch. VI of ch. 218 and ss. 30.71, 32.19, 32.25 to 32.27, 45.50 (1), 46.95 (2) (c), 47.40, 50.60, 50.61, 56.21, 66.191, 66.293, 71.04 (16), 71.09 (12), 111.33 to 111.36, 132.13, 140.53, 140.56, 140.58, 140.59, 144.24 (10), 146.04, 146.085, 157.12 (2), 167.10, 167.11, 167.27, 236.12 (2) (a), 236.13 (1) (d) and (2m), 236.335, 443.06 (2) (e), 443.09 (5), 626.12 (3) and 636.04 (5). In addition:

(1) DIVISION OF EQUAL RIGHTS. The division of equal rights shall have the program responsibilities specified for the division under ss. 101.22 and 101.222.

(2) LABOR AND INDUSTRY REVIEW COMMISSION. The labor and industry review commission shall have the program responsibilities specified for the commission under ss. 101.04, 101.22 (4p), 102.18, 108.09 (6) and (7), 108.10 (2) and (3) and 111.36 (3m).

History: 1971 c. 185 s. 7; 1971 c. 215 s. 142; 1971 c. 228 s. 44; 1973 c. 116 s. 7 (1); 1973 c. 284 s. 32; 1975 c. 148 s. 3; 1975 c. 224 s. 147; 1975 c. 344 s. 4; 1975 c. 380 s. 4; 1975 c. 413 s. 18; 1977 c. 29 ss. 45, 1643 (22); 1977 c. 313 s. 7; 1977 c. 339 s. 44; 1977 c. 418 s. 925 (23); 1977 c. 440 s. 14; 1977 c. 447 s. 207; 1979 c. 111 s. 17; 1979 c. 167 s. 54; 1979 c. 189 s. 26; 1979 c. 221 s. 2201 (25); 1979 c. 353 s. 8.

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.

(2) COUNCIL ON LIQUEFIED PETROLEUM GAS. The secretary of industry, labor and human relations shall appoint a council on liquefied petroleum gas.

(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 labor and industry review commission to consist of an employe of the department of industry, labor and human relations who shall serve as chairperson and of one or more representatives of employers and an equal number of representatives of employes.

(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. 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 labor and industry review commission.

(11) **SELF-INSURERS COUNCIL.** There is created in the department of industry, labor and human relations a self-insurers council appointed by the labor and industry review commission.

(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.

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.

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

15.251 Same; program responsibilities. The department of justice shall have the program responsibilities specified for the department under chs. 133, 165 and 949, subch. IV of ch. 19, subch. IX of ch. 40, subch. X of ch. 779 and ss. 8.28, 8.50 (1) (a), 10.01 (2) (c), 11.38, 11.60, 11.61, 12.60, 12.66, 13.49 (7), 13.52,

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13.69, 14.11 (1), 14.12, 14.38 (12), 15.165 (2), 16.007, 16.55, 16.61, 16.77, 16.94, 19.015, 19.25, 19.51 (1) (a), 19.53 (6), 20.455, 24.02, 24.03, 25.12, 27.01 (3), 30.03, 32.26 (6), 35.59, 41.03 (3), 46.16 (7), 49.495, 50.39, 52.10, 59.07 (44), 59.245, 59.97 (15) (h), 60.74 (9) (h), 62.23 (7) (i) 8, 66.054, 66.057 (1), 67.025, 69.07, 71.11 (49), 71.13 (4), 72.34, 72.86, 73.03 (22) and (25), 73.04, 76.14, 76.37 (1), 76.68 (4), 77.07 (2), 78.70, 78.81, 88.54 (6), 91.21, 98.14, 100.20 (4), 100.24, 101.02 (5) (f), 102.23 (4), 102.28 (7), 102.475 (3), 102.64, 103.545 (6), 108.09 (7), 108.14 (3m), 111.12, 134.45, 134.70 (15), 134.83, 136.03, 139.08 (4), 139.12, 139.22, 140.58 (4), 143.04, 144.09, 144.441 (3) (g) 2, 144.73, 144.74, 144.91 (1), 144.93 (1), 144.98, 145.02 (3) (f), 146.04, 146.07, 146.70 (5) and (9) (c), 150.004, 168.17, 174.13, 175.15, 176.05 (23) (h), 176.121, 177.20, 180.769, 180.771, 182.220, 185.72, 185.73, 185.84, 186.26, 194.15, 195.07 (2), 196.44 (2), 215.02 (5) and (8), 215.03 (4), 215.11 (7), 220.12, 221.18, 221.205, 221.28, 224.06 (7), 227.025, 227.26, 351.04, 440.41, 442.11 (15), 443.18 (1) and (2) (a), 444.15, 447.01 (2), 448.11, 450.07, 551.57, 551.58 (2), 601.71, 605.24 (1), 701.10 (3), 710.02, 757.47, 758.13, 775.01, 776.13, 776.15, 776.325, 776.35 to 776.37, 776.41, 776.43, 776.44, 784.04, 806.04 (11), 813.025 (1) (b), 823.02, 823.20, 842.03, 879.03 (2), 885.07, 893.84 (4), 945.041, 945.10, 950.06 (2) and (5) and 974.02 (1). In addition:

(1) **DIVISION OF LAW ENFORCEMENT SERVICES.** The division of law enforcement service shall have the program responsibilities specified for the division under subch. III of ch. 165.

(2) **DIVISION OF CRIMINAL INVESTIGATION.** The division of criminal investigation shall have the program responsibilities specified for the division under ch. 161 and subch. II of ch. 165.

(3) **LAW ENFORCEMENT STANDARDS BOARD.** The law enforcement standards board shall have the program responsibilities specified for the board under ss. 20.455 (2) (i), 165.85 and 165.86.

(4) **DIVISION OF TRUST LANDS AND INVESTMENTS.** The division of trust lands and investments shall have the program responsibilities specified for the division under ch. 24 and ss. 1.055 (1), 23.13, 25.01 to 25.10, 26.08, 30.11 (5), 56.04, 59.69 (1) (c), 66.03 (10), (10a) and (11), 66.60 (4), 66.64, 74.03 (5a), 74.57, 84.28 and 190.15.

History: 1971 c. 40, 42; 1971 c. 152 s. 38; 1971 c. 185 s. 7; 1971 c. 228 s. 44; 1971 c. 254 s. 19; 1971 c. 310 ss. 4, 5; 1973 c. 90 s. 557 (4); 1973 c. 117 s. 12 (4); 1973 c. 189 s. 20; 1973 c. 318 s. 7; 1973 c. 334 s. 59; Sup. Ct. Order, 67 W (2d) 773; 1975 c. 39 s. 729 (5), 734; 1975 c. 41 s. 52; 1975 c. 147 s. 55; 1975 c. 189 s. 100 (3); 1975 c. 198; 1975 c. 209 s. 2; 1975 c. 274 s. 6; 1975 c. 365 s. 63; 1975 c. 383 s. 4; 1975 c. 401 s. 5; 1975 c. 413 s. 18; 1975 c. 422 s. 163; 1975 c. 426 s. 4; 1977 c.

17 s. 6; 1977 c. 29 s. 1643 (27); 1977 c. 187 s. 136; 1977 c. 205 s. 15; 1977 c. 260 s. 15; 1977 c. 276 s. 2; 1977 c. 277 s. 44; 1977 c. 296 s. 3; 1977 c. 317 s. 11; 1977 c. 339 s. 42; 1977 c. 377 s. 27; 1977 c. 392 s. 5; 1977 c. 418 s. 925 (29); 1977 c. 438; 1979 c. 32 s. 92 (6); 1979 c. 34 ss. 36, 2101 (32) (a), (39) (a); 1979 c. 38 s. 8; 1979 c. 62 s. 3; 1979 c. 102 s. 237; 1979 c. 111 s. 17; 1979 c. 167 s. 54; 1979 c. 189 s. 26; 1979 c. 209 s. 3; 1979 c. 219 s. 5; 1979 c. 221 ss. 2201 (32), 2202 (39); 1979 c. 249 s. 9; 1979 c. 322 s. 2; 1979 c. 323 s. 32; 1979 c. 333 s. 4 (1).

15.253 Same; specified divisions. (1) DIVISION OF LAW ENFORCEMENT SERVICES. There is created in the department of justice a division of law enforcement services.

(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 state constitution to consist of the secretary of state, state treasurer and attorney general.

History: 1979 c. 34 s. 39.

15.255 Same; 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 14 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 his staff designated by him.

7. The executive director of the Wisconsin council on criminal justice.

8. The special agent in charge of the Milwaukee office of the federal bureau of investigation, or a member of his staff designated by him, 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 he ceases to hold the office or employment by reason of which he 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.

15.257 Same; councils. (1) UNIVERSITY AND CRIME LABORATORY COOPERATION COUNCIL. There is created in the department of justice a university and crime laboratory 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 laboratory.

(2) CRIME VICTIMS COMPENSATION COUNCIL. There is created in the department of justice a crime victims compensation council consisting of 7 persons appointed by the attorney general for staggered 3-year terms. Of the 7 members, 4 shall be citizen members, and one each shall be representatives of law enforcement, district attorneys and hospitals providing victim support services. The citizen members shall have demonstrated sensitivity and concern for crime victims.

History: 1979 c. 34, 189.

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 10-year term, unless terminated earlier by resignation, disability or for cause as determined by a court-martial legally convened for that purpose. The adjutant general may be reappointed to succeed himself and shall cease to hold office on becoming 65 years of age. Appointees shall be officers of the army national guard of Wisconsin or air national guard of Wisconsin who have had at least 5 years of federally recognized commissioned service in the active army national guard of Wisconsin or active air national guard of Wisconsin or a combination thereof and have attained at least the rank of major.

15.311 Same; program responsibilities. The department of military affairs shall have the program responsibilities specified for the department under ch. 21.

History: 1973 c. 90.

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 stag-

gered 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 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.

15.341 Same; program responsibilities. The department of natural resources shall have the program responsibilities specified for the department under chs. 23, 26, 28, 29, 30, 33, 87, 144, 147, 162 and 350 and ss. 13.565 (3), 24.085, 24.39 (4), 25.29, 27.01, 27.011, 27.015, 31.02, 31.185, 31.30, 31.36 (4), 36.25 (4) and (8), 44.12, 44.13, 59.863 (2), 59.96 (6), 59.971 (6), 60.18 (15), 60.29 (44), 60.303 (5), 60.315, 70.11 (21), 70.113, 77.02, 77.03, 77.05, 77.06, 77.08, 77.10, 77.11, 77.14, 77.16, 80.05, 80.39, 80.41, 88.31, 107.05, 146.70 (5), 196.491, 236.13 (2m), 236.16 (3) and 236.45 (5). In addition:

(1) WISCONSIN WATERWAYS COMMISSION. The Wisconsin waterways commission shall have the program responsibilities specified for the commission under s. 30.92.

(2) LAKE SUPERIOR COMMERCIAL FISHING BOARD. The Lake Superior commercial fishing board shall have the program responsibilities specified for the board under s. 29.33.

(3) LAKE MICHIGAN COMMERCIAL FISHING BOARD. The Lake Michigan commercial fishing board shall have the program responsibilities specified for the board under s. 29.33.

History: 1971 c. 40, 211, 228; 1973 c. 90 s. 557 (2); 1973 c. 243; 1973 c. 335 s. 13; 1975 c. 68 s. 12; 1975 c. 198; 1977 c. 26; 1977 c. 224 s. 15; 1977 c. 274; 1977 c. 377 s. 27; 1977 c. 392 s. 5; 1977 c. 418; 1977 c. 420 s. 5; 1977 c. 447; 1979 c. 34; 1979 c. 122 s. 8.

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.
4. The other 2 residents shall be from the inland area of the state.

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(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.

History: 1977 c. 274, 418, 447.

15.347 Same; councils. (4) SCIENTIFIC AREAS PRESERVATION COUNCIL. There is created in the department of natural resources a scientific 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.

(5) AIR RESOURCE ALLOCATION COUNCIL.

(a) *Creation.* There is created in the depart-

ment of natural resources an air resource allocation council.

(b) *Members.* The air resource allocation council shall consist of 11 members, as follows:

1. Seven members shall be public members, one to represent major sources of air pollution, one to represent minor sources of air pollution, one to represent local government, one to represent the tourism industry, one to represent the interests of labor and 2 to represent environmental interests, nominated by the governor and, with the advice and consent of the senate appointed, to serve 3-year terms.

2. Four members shall be legislative members, one from each of the 2 major parties in each house of the legislature, to be appointed as are members of the standing committees for 2-year terms to expire on the date specified under s. 13.02 (1).

(c) *Sunset.* This subsection is effective until January 2, 1984.

NOTE: Sub. (5) is repealed effective January 2, 1984 by chapter 221, laws of 1979.

(6) AIR POLLUTION CONTROL COUNCIL. There is created in the department of natural resources an air pollution control council consisting of 7 members familiar with air pollution and control, appointed for staggered 3-year terms.

(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 his designated representative;

(c) The chairman of the board of soil and water conservation districts; and

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

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) MOTORCYCLE RECREATION COUNCIL. There is created in the department of natural resources a motorcycle recreation 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 motorcyclist.

(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.

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.

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.

15.371 Same; program responsibilities. The department of public instruction shall have the program responsibilities specified for the department under chs. 115 to 121 and ss. 17.26 (4), 20.255, 20.920, 25.09, 35.85 (6), 35.86, 42.39, 43.03, 51.06 (2), 66.73, 140.84, 143.17 and 887.23. In addition:

(2) DIVISION FOR HANDICAPPED CHILDREN. The division for handicapped children shall have the program responsibilities specified for the division under ch. 142, subch. V of ch. 115 and ss. 119.28 and 146.36.

(3) DIVISION FOR LIBRARY SERVICES. The division for library services shall have the program responsibilities specified for the division under ch. 43.

(4) AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION BOARD. The American Indian language and culture education board shall have the program responsibilities specified for the board under s. 115.28 (16) [115.28 (17)] and subch. IV of ch. 115.

History: 1971 c. 40 s. 93; 1971 c. 125 ss. 16, 520 (6); 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 300 s. 4; 1973 c. 335 s. 14; 1973 c. 336; 1975 c. 39 s. 729 (6); 1975 c. 189 s. 100 (2); 1975 c. 198; 1975 c. 430 s. 79; 1977 c. 203; 1979 c. 89; 1979 c. 331 s. 71; 1979 c. 346 ss. 5, 15.

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

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

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.

History: 1979 c. 346.

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 problems of the visu-

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ally 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.

(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. Eight of the members shall be library science, audiovisual and informational science professionals or members of governing bodies of libraries or resource centers and shall be representative of various types of libraries, information services and resource providers. Seven of the members shall be persons who are neither library science, audiovisual and informational science professionals, nor members of governing bodies of libraries and resource centers. For the purposes of membership on the council, school boards and county, city, village and town governing bodies shall not be considered to be governing bodies of libraries or resource centers. The members of the council shall be appointed for staggered 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.

History: 1971 c. 152, 211, 292; 1973 c. 89, 220, 336; 1977 c. 29; 1979 c. 346, 347.

15.40 Department of regulation and licensing; creation. There is created a department of regulation and licensing under the di-

rection 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.

15.401 Same; program responsibilities. The department of regulation and licensing shall have the program responsibilities specified for the department under chs. 440 to 459. In addition:

(1) BOARD OF NURSING. The board of nursing shall have the program responsibilities specified for the board under ch. 441. In addition:

(a) *Registered nurses.* The examining council on registered nurses shall have the program responsibilities specified for the examining council under s. 441.05.

(b) *Practical nurses.* The examining council on licensed practical nurses shall have the program responsibilities specified for the examining council under s. 441.10.

(2) ACCOUNTING EXAMINING BOARD. The accounting examining board shall have the program responsibilities specified for the examining board under ch. 442.

(3) EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS. The examining board of architects, professional engineers, designers and land surveyors shall have the program responsibilities specified for the board under ch. 443.

(5m) BINGO CONTROL BOARD. The bingo control board shall have the program responsibilities specified for the board under ch. 163.

(6) CHIROPRACTIC EXAMINING BOARD. The chiropractic examining board shall have the program responsibilities specified for the examining board under ch. 446.

(7) DENTISTRY EXAMINING BOARD. The dentistry examining board shall have the program responsibilities specified for the examining board under ch. 447.

(7m) HEARING AID DEALERS AND FITTERS EXAMINING BOARD. The hearing aid dealers and fitters examining board shall have the program responsibilities specified for the examining board under ch. 459.

(8) MEDICAL EXAMINING BOARD. The medical examining board shall have the program responsibilities specified for the examining board under ch. 448.

(8m) NURSING HOME ADMINISTRATOR EXAMINING BOARD. The nursing home administrator examining board shall have the program responsibilities specified for the examining board under ch. 456.

(9) OPTOMETRY EXAMINING BOARD. The optometry examining board shall have the program responsibilities specified for the examining board under ch. 449.

(10) PHARMACY EXAMINING BOARD. The pharmacy examining board shall have the program responsibilities specified for the examining board under chs. 161 and 450.

(11m) PSYCHOLOGY EXAMINING BOARD. The psychology examining board shall have the program responsibilities specified for the examining board under ch. 455.

(12) REAL ESTATE EXAMINING BOARD. The real estate examining board shall have the program responsibilities specified for the examining board under ch. 452.

(13) VETERINARY EXAMINING BOARD. The veterinary examining board shall have the program responsibilities specified for the examining board under ch. 453.

(15) BARBERS EXAMINING BOARD. The barbers examining board shall have the program responsibilities specified for the examining board under ch. 457.

(16) COSMETOLOGY EXAMINING BOARD. The cosmetology examining board shall have the program responsibilities specified for the examining board under ch. 458.

(17) FUNERAL DIRECTORS AND EMBALMERS EXAMINING BOARD. The funeral directors and embalmers examining board shall have the program responsibilities specified for the examining board under ch. 445.

History: 1971 c. 40, 164; 1971 c. 219 s. 34; 1973 c. 156; 1975 c. 37 s. 12 (2); 1975 c. 39; 1977 c. 131 s. 23; 1979 c. 34, 89; 1979 c. 175 s. 52; 1979 c. 221 ss. 47, 2201 (45).

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 6 members, appointed for staggered 5-year terms. Five members shall hold certificates as certified public accountants authorized to practice in this state, and may be selected from nominees of the Wisconsin society of certified public accountants. Any list of nominees submitted by the society shall bear the names of at least 7 nominees for each vacancy to be filled. One member shall be a public member who is not professionally engaged in accounting related services.

(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 have engaged in the practice of the profession of architecture, professional engineering, the design of engineering systems or land surveying, for at least 10 years and shall have been in

responsible charge of architectural, professional engineering, designing of engineering systems or land surveying work for at least 5 years. The examining board shall consist of 16 members appointed for staggered 3-year terms: 3 architects, 3 professional engineers, 3 designers, 3 land surveyors and 4 public members. No member may serve more than 2 consecutive terms.

(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 one public member appointed to the section. The 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.

(4m) BINGO CONTROL BOARD. There is created a bingo control board in the department of regulation and licensing. The bingo control board shall consist of 5 residents of this state appointed for staggered 5-year terms. Not more than 3 members of the board may belong to the same political party. Members of the board shall hold office until a successor is appointed and qualified.

(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 5 members, appointed for staggered 6-year terms. Four members shall be graduates from a school of chiropractic, be licensed to practice chiropractic in this state and shall have been practitioners of chiropractic in this state for the 3 years immediately preceding appointment. One member shall be a public member. Persons appointed to the examining board shall not be officers or employees of, or be financially interested in, any school or college of chiropractic. In lieu of a per diem, the secretary may receive such additional compensation as the examining board directs, but not to exceed \$4,000 annually.

(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 7 mem-

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bers appointed for staggered 5-year terms. Five of the members shall be licensed dentists in this state. One member shall be a dental hygienist certified to practice in this state who shall have all the powers and duties of public members under s. 15.08 (1m) except that the dental hygienist member may participate in the preparation and grading of licensing examinations for dental hygienists. One member shall be a public member. No person may be appointed to the examining board who is in any way connected with or has a financial interest in any dental or dental hygiene school or department. The secretary may receive such compensation, in lieu of a per diem, as the examining board directs.

(6m) HEARING AID DEALERS AND FITTERS EXAMINING BOARD. There is created a hearing aid dealers and fitters examining board in the department of regulation and licensing. The hearing aid dealers and fitters examining board shall consist of 6 members appointed for staggered 6-year terms. Members of the examining board shall be residents of this state. Three members shall be hearing aid dealers or fitters, each of whom shall have had at least 5 years' experience and hold a valid license as a hearing aid dealer or fitter under ch. 459, one member shall be a physician, one member shall be an audiologist certified by the American speech and hearing association and one member shall be a public member who is a hearing aid user.

(7) MEDICAL EXAMINING BOARD. There is created a medical examining board in the department of regulation and licensing. The medical examining board shall consist of 9 members appointed for staggered 4-year terms which shall commence on May 1. The terms of 2 members shall expire annually on April 30. Seven of the members shall be licensed doctors of medicine; one member shall be a licensed doctor of osteopathy; one member shall be a public member. No person may be appointed to the examining board who is an instructor, stockholder or member of, or financially interested in, any school, college or university having a medical department, or of any school of osteopathy, except an instructor having a part-time clinical appointment. In lieu of a per diem, the secretary shall receive such additional compensation as the examining board directs, but not less than \$1,900 annually.

(7g) BOARD OF NURSING. A board of nursing is created to consist of the following members appointed for staggered 4-year terms: 5 registered nurses, including one with training and current employment in nursing service administration and one with experience in administration or teaching in a nursing education program; 2 licensed practical nurses; and 2 public mem-

bers not engaged in any occupation or profession concerned with the delivery of physical or mental health care.

(a) Each registered nurse member of the board shall have:

1. Graduated from a program in professional nursing accredited by the state in which the program was conducted;

3. Resided in this state for one year;

4. Current professional nurse registration; and

(b) The licensed practical nurse member of the board shall have:

1. A current state license;

2. At least 5 years of nursing experience, including the 3 years immediately preceding appointment to the board;

3. Membership in good standing with the Wisconsin association of licensed practical nurses; and

4. Resided and been employed as a licensed practical nurse in this state for at least one year.

(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 3-year terms and the secretary of health and social services or a designee, who shall serve as a nonvoting member. Any organization which is to submit a list of names from which the governor may appoint members of the examining board shall, upon request of the governor, submit additional names. One member shall be a nursing home administrator of a voluntary non-profit home who may be appointed from a list of names submitted by the Wisconsin council of homes for the aging. One member shall be a nursing home administrator of a proprietary home who may be appointed from a list of names submitted by the Wisconsin association of nursing homes, inc. One member shall be an administrator of a general acute care hospital who may be appointed from a list of names submitted by the Wisconsin hospital association. One member shall be an administrator of a public medical care facility who may be appointed from a list of names submitted by the association of Wisconsin county homes. One member shall be a member of the Wisconsin chapter of the American college of nursing home administrators, who may be selected from a list of names submitted by the college. One member shall be a physician who may be selected from a list of names submitted by the state medical society of Wisconsin. One member shall be a nurse who may be selected from a list of names submitted by the Wisconsin nurses association, inc. Two members shall be public members. No more than 2 members may be officials or full-time employees

of the state and less than a majority of the examining board shall be representatives of a single profession or institutional category. The secretary may receive such additional compensation as the examining board directs.

(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 6 members appointed for staggered 5-year terms. Five of the members shall have been actively engaged in the practice of optometry for the 5 years immediately preceding appointment. One member shall be a public member. The secretary may receive such additional compensation as the examining board directs.

(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 6 members appointed for staggered 5-year terms. Five of the members shall be, at the time of the appointment, actively engaged in the full-time practice of pharmacy and shall have been licensed to practice pharmacy for at least 5 years preceding appointment. One member shall be a public member. No member may serve more than 2 terms. Appointments may be made from a list of 5 names submitted by a resolution of the board of directors of the Wisconsin pharmaceutical association for each professional vacancy.

(10m) PSYCHOLOGY EXAMINING BOARD. There is created in the department of regulation and licensing a psychology examining board consisting of 5 members appointed for staggered 3-year terms. Four of the members shall have the qualifications required of a licensed psychologist in this state, and of these one member shall be a member of the faculty of an accredited college or university in this state who actively engages in teaching psychology, one member shall have a Ph. D. in psychology and be practicing in the field of mental health and one member shall be chosen from any field of psychology. One member shall be a public member. No member may serve more than 2 full terms in succession. Appointments for professional members may be made from a list of 3 names submitted by the Wisconsin psychological association for each vacancy.

(11) REAL ESTATE EXAMINING BOARD. There is created a real estate examining board in the department of regulation and licensing. The real estate examining board shall consist of 5 members appointed to staggered 6-year terms. Four of the members shall be real estate brokers licensed in this state. One member shall be a public member.

(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 6 members appointed for staggered 5-year terms. Five of the members shall be licensed and actually engaged in the practice of veterinary medicine in this state. One member shall be a public member. No member of the board shall in any way be financially interested in any school having a veterinary department. The secretary may receive such compensation, in lieu of a per diem, as the examining board directs.

(14) BARBERS EXAMINING BOARD. There is created a barbers examining board in the department of regulation and licensing. The barbers examining board shall consist of 6 members appointed for staggered 3-year terms. Five members shall have engaged in the practice of barbering in this state for at least 5 years immediately preceding appointment and must remain practicing barbers for the duration of the term. One member shall be a public member. No member may succeed himself or herself for more than one term.

(15) COSMETOLOGY EXAMINING BOARD. There is created a cosmetology examining board in the department of regulation and licensing. The cosmetology examining board shall consist of 8 members appointed for staggered 3-year terms. Seven members shall be licensed cosmetologists who have practiced in this state for at least 5 years immediately prior to appointment. One member shall be a public member. No person may be appointed to the examining board who is in any way connected with or has a financial interest in any cosmetology school.

(16) FUNERAL DIRECTORS AND EMBALMERS EXAMINING BOARD. There is created a funeral directors and embalmers examining board in the department of regulation and licensing. The funeral directors and embalmers examining board shall consist of 5 members appointed for staggered 3-year terms. Four members shall have had at least 5 years' experience immediately preceding appointment in the preparation and disposition of dead human bodies and in the practice of embalming. One member shall be a public member.

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.

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.

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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 adopted by the medical examining board for the regulation of a particular trade or profession. Section 15.08, except subs. (4) (b) and (5) thereof, 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.

(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 his 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, except s. 15.08 (4) (b) and (5), 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.

History: 1973 c. 149; 1975 c. 39, 86, 199, 383, 422; 1977 c. 418; 1979 c. 34 ss. 46, 53.

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

15.431 Same; program responsibilities.

The department of revenue shall have the program responsibilities specified for the department under chs. 70 to 75, 77 to 79, 139 and 176, subchs. I and II of ch. 76 and ss. 13.49 (7), 18.05 (2), 19.50 (5), 25.06, 25.08, 25.09, 25.12, 30.52 (8), 36.25 (6), 66.054, 66.057 (3) to (5), 67.03, 69.61 to 69.65, 110.20 (8), 121.06, 128.14 (1), 350.12 (7), 865.11 (1) and 867.01. In addition:

(1) INVESTMENT AND LOCAL IMPACT FUND BOARD. The investment and local impact fund board shall have the program responsibilities specified for the board under ss. 70.395 and 144.838 (4).

History: 1971 c. 42; 1971 c. 215 s. 142; 1973 c. 90 s. 557 (6); 1973 c. 335 s. 13; 1975 c. 39 s. 729 (6m); 1975 c. 41 s. 52; 1975 c. 295 s. 9; 1975 c. 331 s. 45; 1977 c. 29 s. 1643 (38); 1977 c. 31; 1977 c. 277 s. 44; 1977 c. 317 s. 11; 1979 c. 34 s. 2101 (46) (a), (b); 1979 c. 63, 89, 102, 177; 1979 c. 221 s. 2201 (3), (46); 1979 c. 274 s. 12 (2).

15.435 Same; attached boards. (1) INVESTMENT AND LOCAL IMPACT FUND BOARD. There is created an investment and local impact fund board, attached to the department of revenue under s. 15.03, consisting of the secretaries of development and revenue or their designees, 2 public members, 2 municipal officials, 2 county officials and one school board member appointed for staggered 4-year terms. 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). One of the public members and 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 one local official shall reside in a county or school district in which metalliferous minerals are extracted or an adjacent county or school district. One municipal official member shall be recommended by the league of Wisconsin municipalities. One municipal official shall be recommended by the Wisconsin towns association. The school board member shall be recommended by the Wisconsin association of school boards. The county officials shall be recommended by the Wisconsin county boards association. An executive secretary shall be appointed

to serve at the pleasure of the board. The executive secretary may request of any state agency such assistance as may be necessary for the board to fulfill its duties. The board may request advice from the legislative council mining committee on any matter relating to the board's duties. The board shall meet at least twice per year at a time and place determined by the chairperson.

History: 1977 c. 31, 423; 1979 c. 63; 1979 c. 361 s. 112.

15.437 Same; councils. (1) COUNCIL ON MUNICIPAL ACCOUNTING. There is created in the department of revenue a council on municipal accounting. The council shall consist of the secretary of revenue, or his designee who shall serve as chairman, and 8 persons appointed by the secretary for staggered 4-year terms. Appointees shall include 6 persons nominated to the secretary by the following:

- (a) The league of Wisconsin municipalities.
- (b) The alliance of cities.
- (c) The Wisconsin county boards association.
- (d) The Wisconsin towns association.
- (e) The Wisconsin society of certified public accountants.
- (f) The municipal finance officers association, Wisconsin chapter.

History: 1973 c. 90.

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

15.461 Same; program responsibilities. The department of transportation shall have the program responsibilities specified for the department under chs. 84 to 86, 110, 114, 190 to 195, 218, 340 to 349 and 351, subch. IV of ch. 121, and ss. 32.05, 32.18, 59.965, 59.968, 60.29 (20) (e), 66.94 (30), 67.13 (2), 83.015 (3), 83.02, 103.50, 146.07 (2), 146.70 (5), 182.33 (1), 182.48 and 236.12. In addition:

(1) TRANSPORTATION COMMISSION. The transportation commission shall have the program responsibilities specified for the commission under chs. 189 to 195 and 197, and ss. 26.20 (3) and (10), 30.33, 59.965 (2) (f), 59.968 (4), 66.064, 66.065 (5) and (6), 66.07 (2) to (5), 66.94 (30), 67.04 (2) (g) and (5) (i), 84.05, 84.13 (1), 84.205, 84.30 (18), 84.31 (6) (a), 86.16 (5), 86.301 (5), 86.32, 88.66 (2), 88.87 (4), 88.88 (2), 114.134 (4) (b) and (d), 114.135 (9), 114.20 (9m), 175.05 (4), 218.01 (2) (bd) 2, (3) (b), (c), (g) and (h), (3c) (c) and (d), (5) (b) and (9), 218.11 (7) (a) and (b), 218.22 (4) (a) and (b), 218.32 (4) (a)

and (b), 342.26, 343.33, 343.69, 344.02 (1) to (3), 344.03 and 348.25 (9).

(2) RUSTIC ROADS BOARD. The rustic roads board shall have the program responsibilities specified for the board under s. 83.42.

History: 1971 c. 164, 211; 1973 c. 12, 142; 1977 c. 29; 1977 c. 377 s. 27; 1977 c. 392 s. 5; 1979 c. 274 s. 12 (1); 1979 c. 310 s. 11; 1979 c. 333 s. 4 (2).

15.465 Same; attached board and commission. (1) TRANSPORTATION COMMISSION.

There is created a transportation commission 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 transportation commission shall be processed and properly forwarded by the department of transportation without change except as requested and concurred in by the transportation commission, and provided that s. 85.02 does not apply to the transportation commission. No member of the commission may have a financial interest in a railroad, motor carrier or other transportation enterprise. If any member voluntarily becomes so interested, the office shall become vacant. If a member involuntarily becomes so interested, the member shall dispose of such interest within a reasonable time; failing to do so, his or her office shall become vacant. 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.

(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 county boards association.

History: 1973 c. 142; 1977 c. 29; 1979 c. 34.

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 enforce-

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ment 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 his 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. The secretary of development or the secretary's designee shall attend all meetings of the council, but shall have no official vote.

(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.

History: 1977 c. 325; 1979 c. 34 s. 16; 1979 c. 361 s. 112.

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 one who shall be a Spanish-American war veteran for the duration of the Spanish American veteran now serving, appointed for staggered 6-year terms.

History: 1975 c. 77.

15.491 Same; program responsibilities. The department of veterans affairs shall have the program responsibilities specified for the department under ch. 45 and ss. 21.49, 25.17 (3) (bg), 25.36, 51.35 (6), 66.39 (1), (11) and (13) and 66.92.

History: 1975 c. 430 s. 79; 1977 c. 29 s. 1643 (47).

15.497 Same; councils. (1) VETERANS MEMORIAL COUNCIL. There is created in the department of veterans affairs a veterans memorial council. The council shall consist of the governor, the secretary of veterans affairs, the director of the historical society and 6 persons, of whom 3 shall be veterans approved by the Wisconsin veterans council and 3 shall be selected from patriotic organizations interested in the preservation and establishment of war and veterans memorials, appointed for staggered 6-year terms.

(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 United Spanish War Veterans, 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 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 of Black Veterans, the Army and Navy Union of the United States of America, the National Association of Concerned Veterans 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 each represents.

(3) **COUNCIL ON VIETNAM ERA VETERANS EDUCATION GRANTS.** There is created in the department of veterans affairs a council on Vietnam era veterans education grants consisting of the following 5 members: the chairman of the assembly committee on veterans and military affairs, the chairman of the senate committee on governmental and veterans affairs and one representative each of the higher educational aids board, the department of veterans affairs and student veterans groups, selected by the organization each represents.

History: 1973 c. 90, 333; 1975 c. 316.

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 5 years, either as an executive officer in a

bank, or service in a banking supervisory authority, or a combination thereof.

History: 1971 c. 101

15.551 Same; program responsibilities.

The office of the commissioner of banking shall have the program responsibilities specified for the office under chs. 216, 217, 220, 221, 222 and ss. 34.03, 34.04, 34.05 (1) and (4), 34.08, 34.09, 34.10, 35.86, 43.62 (3), 138.09, 218.01, 218.02, 218.04, 218.05, 223.02, 223.03 (10), 223.105, 223.12, 224.06 and 224.10. In addition:

(1) **BANKING REVIEW BOARD.** The banking review board shall have the program responsibilities specified for the board under ss. 220.035, 220.04 (4) and (6), 220.05 (2), 220.07 (2), 220.08, 220.085, 221.01, 221.046 and 221.205.

(2) **CONSUMER CREDIT REVIEW BOARD.** The consumer credit review board shall have the program responsibilities specified for the board under ss. 218.04 (9) and 220.037.

History: 1971 c. 152 s. 38; 1971 c. 193 ss. 2, 43; 1971 c. 239 s. 40; 1973 c. 3; 1975 c. 65 s. 5

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 he is an officer, director or stockholder, or to which he 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

15.57 Educational communications board; creation.

There is created an educational communications board consisting of the governor, 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; 8 members appointed for 4-year terms, of whom 4 shall be citizen members and one each shall be a representative of private

higher education, a representative of private or parochial elementary or secondary education, a representative of public elementary and secondary education and a representative of a public school board of a district operating elementary and high school grades; and 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.

History: 1971 c. 100 s. 4; 1977 c. 325

15.571 Same; program responsibilities.

The educational communications board shall have the program responsibilities specified for the board under ss. 39.11 and 39.13.

History: 1971 c. 100 s. 3; 1971 c. 125 s. 20

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

15.581 Same; program responsibilities.

The employment relations commission shall have the program responsibilities specified for the commission under subchs. I, III, IV and V of ch. 111.

15.587 Same; councils. (1) COUNCIL ON EMPLOYMENT RELATIONS.

There is created in the employment relations commission a council on employment relations appointed by the employment relations commission to consist of one member of the commission who shall represent the general public and who shall serve as chairman and of an equal number of representatives of employes and employers. In appointing the representatives of employes, the commission shall give representation to organizations representing both affiliated and nonaffiliated labor unions and to organizations representing state employes for the purpose of collective bargaining. In appointing the representatives of employers, the commission shall give representation to employers in agricultural, industrial and commercial pursuits and to officers or agents of the state.

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 10 years' actual experience either in the operation of a credit union or serving in a credit union supervisory capacity.

History: 1971 c. 193, 307

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15.591 Same; program responsibilities. The office of the commissioner of credit unions shall have the program responsibilities specified for the office under ch. 186 and s. 223.105.

History: 1971 c. 193; 1975 c. 65 s. 5.

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 as defined in s. 5.02 (13) 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.

15.611 Same; program responsibilities. The elections board shall have the program responsibilities specified for the board under chs. 5 to 12 and ss. 13.23, 16.79 (2) (b), 17.17 (1), 19.43 (4) and 198.08 (10). In addition:

(1) BOARD OF STATE CANVASSERS. The board of state canvassers shall have the program responsibilities specified for the board under s. 7.70.

History: 1973 c. 334 ss. 37, 42; 1975 c. 93; 1977 c. 277 s. 44; 1979 c. 89.

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 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.

15.621 Same; program responsibilities. The ethics board shall have the program responsibilities specified for the board under subch. III of ch. 19.

History: 1973 c. 90; 1973 c. 334 s. 58.

15.67 Higher educational aids board; creation. There is created a higher educational aids board consisting of the state superintendent of public instruction and 15 members, appointed to serve at the pleasure of the governor. To represent public institutions of higher education, 3 members of the board of regents of the university of Wisconsin system and 2 members of the board of vocational, technical and adult education shall be appointed. To represent private institutions of higher education, 5 members of boards of trustees of independent colleges and universities in this state shall be appointed. To represent the general public, 5 members shall be appointed.

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

15.671 Same; program responsibilities. The higher educational aids board shall have the

program responsibilities specified for the board under subch. III of ch. 39 and s. 21.49 (1) (b) 2.

History: 1971 c. 40 s. 93; 1971 c. 211; 1973 c. 90 s. 557 (3); 1973 c. 243; 1977 c. 29 s. 1643 (20); 1979 c. 34 s. 2101 (22) (a); 1979 c. 175 s. 53; 1979 c. 177 s. 85

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 aids administrators. The higher educational aids board shall establish appropriate procedures for the selection 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; continuation.

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. This board is not subject to s. 15.07.

15.701 Same; program responsibilities.

The historical society shall have the program responsibilities specified for the historical society under ch. 44 and ss. 16.61, 19.21 (5), 19.23, 27.01 (2) (d), 27.012, 35.85 (12), 35.86, 59.716 and 220.08 (17). In addition:

(1) **HISTORIC PRESERVATION NEGOTIATING BOARD.** The historic preservation negotiating board shall have the program responsibilities specified for the board under s. 44.22.

(2) **HISTORIC PRESERVATION REVIEW BOARD.** The historic preservation review board shall have the program responsibilities specified for the board under s. 44.22.

History: 1975 c. 41 s. 52; 1977 c. 29.

15.705 Same; attached boards. (1) HISTORIC PRESERVATION NEGOTIATING BOARD. There is created a historic preservation negotiat-

ing board attached to the state historical society under s. 15.03. The board shall consist of 6 members, including:

(a) The chief officer of any department, office or independent agency of the executive branch, appointed to serve at the pleasure of the governor but only so long as such member holds the same office held at the time of appointment.

(b) Two elected officials, one each from 2 units of local government, appointed to serve at the pleasure of the governor but only for so long as such member holds the same office held at the time of appointment. Members appointed under this paragraph shall have demonstrated an active interest in and have knowledge of matters relating to historic preservation;

(c) Two public members who have actively demonstrated an interest in historical preservation, appointed for staggered 4-year terms; and

(d) The state historic preservation officer, who shall be a nonvoting member.

(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, archeology, 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.

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 and the secretary of the department of development, or their designees. The director of the historical society or a designee shall serve as secretary of the council.

History: 1977 c. 29 s. 1654 (8) (h); 1977 c. 273; 1979 c. 361 s. 112.

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 involun-

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tary, 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.

15.731 Same; program responsibilities.

The office of the commissioner of insurance shall have the program responsibilities specified for the office under chs. 600 to 646 and 655, and ss. 13.50, 13.51, 15.165 (2) and (3), 15.947 (1), 16.865 (4), 66.412, 72.28 (1) (c) 1. b, 76.60 to 76.69; 138.055 (4) (c), 185.983, 223.105, 345.61, 424.205 (4), 424.209, 424.401, 424.402, 551.27 (13) and 879.65.

History: 1971 c. 42; 1971 c. 260 s. 91 (4); 1971 c. 307; 1971 c. 310 s. 4; 1973 c. 3, 336; 1975 c. 37 s. 12 (3); 1975 c. 65 s. 5; 1975 c. 223 s. 29; 1975 c. 374 s. 8; 1977 c. 339 s. 42; 1979 c. 89 s. 543; 1979 c. 102 s. 235; 1979 c. 261 s. 10.

15.74 Board on aging; creation. There is created a board on aging consisting of 7 members appointed for 4-year terms. Members shall be residents of this state who have demonstrated a continuing interest in the problems of aging, and who hold no position or employment with the state. Four such members shall be elderly persons. The board on aging shall report annually to the governor and biennially to the legislature. The report shall set forth the scope of the programs for the aging developed in the state, findings regarding the state's activities in the field of aging, recommendations for the more effective and efficient total program and the actions taken by the agencies of the state to carry out the board's recommendations.

History: 1971 c. 332.

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 7 members, as follows:

(1) The secretary of administration, or his designee.

(2) Four members appointed for staggered 6-year terms, who 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 membership.

(3) Two members appointed for staggered 6-year terms, one of whom shall be a member of the state teachers retirement system and one of whom shall be a participant in the Wisconsin

retirement fund. Prior to the expiration of the term of either member, the governing board of the retirement system he represents shall submit to the governor the names of one or more persons nominated by that board to serve as a member of the investment board. The governor shall make his nomination for the new term from the names so submitted.

15.761 Same; program responsibilities.

The investment board shall have the program responsibilities specified for the board under ss. 15.105 (3), 16.40, 25.14 to 25.19, 25.41, 25.50, 40.06, 41.08 (1) (a), 42.243, 67.04 (9), 70.115, 71.20 (4), 102.65 (2), 220.08 (15), 604.05, 646.21 (2) and 655.27 (4) (e).

History: 1971 c. 41; 1973 c. 117 s. 12 (5); 1973 c. 137 s. 28; 1973 c. 151 s. 14; 1975 c. 37 s. 12 (4); 1975 c. 39 s. 729 (4); 1975 c. 147 s. 55; 1975 c. 164 s. 12; 1975 c. 189 s. 100 (4); 1975 c. 422; 1977 c. 418 s. 925 (26); 1979 c. 109 s. 16; 1979 c. 221 s. 2201 (28).

15.77 Personnel board; creation. (1)

There is created a personnel board appointed for staggered 5-year terms as follows: one member shall be nominated by the governor; one member shall be nominated by the governor from a list of 5 names submitted by the president of the senate; one member shall be nominated by the governor from a list of 5 names submitted by the speaker of the assembly; one member shall be nominated by the governor from a list of 5 names submitted by the minority leader of the senate; and one member shall be nominated by the governor from a list of 5 names submitted by the minority leader of the assembly.

(2) (a) Every member of the personnel board and every person on any list submitted to the governor under sub. (1) shall:

1. Have an interest in the state civil service system.

2. Be a U.S. citizen and shall have been a resident of this state for at least 3 years.

(b) No member and no person on any list submitted to the governor under sub. (1) may hold any other position in state employment.

(c) No member, when appointed or for 3 years immediately prior to the date of appointment, may have been a member of a local, state or national committee of a political party, have been an officer or member of a committee in any partisan political club or 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.

(3) (a) At least 3 members of the personnel board and at least 3 persons named on every list submitted to the governor under sub. (1) shall have at least 3 years' experience in professional work in personnel or labor relations.

(b) At no time may more than 3 members of the personnel board be adherents of the same political party.

(4) Notwithstanding s. 17.20, if a member resigns, the officer who submitted the member's name to the governor under sub. (1) shall submit 5 names to the governor. The new member shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve for the remainder of the unexpired term of the member who resigned.

History: 1977 c. 196 ss. 9, 15; 1979 c. 34, 201.

15.771 Same; program responsibilities.

The personnel board shall have the program responsibilities specified for the board under subch. II of ch. 230 and ss. 15.06 (1) (d) and 15.173 (1) (b).

History: 1977 c. 196 ss. 8, 16.

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.

15.781 Same; program responsibilities.

The public defender board shall have the program responsibilities specified for the board under ch. 977.

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.

15.791 Same; program responsibilities.

The public service commission shall have the program responsibilities specified for the commission under chs. 184 and 196 to 198 and ss. 30.21 (2) (b), 31.02 (5), 31.095, 32.02 (13), 32.03 (3), 32.07 (4), 32.075, 35.28, 35.29 (2), 35.84, 59.964 (6), 59.965 (2) (g) and (h),

60.30 to 60.315, 62.16 (2) (b), 66.03 (4), 66.06 to 66.072, 66.076, 66.077, 66.24 (6), 66.30 (3n), 146.085, 146.70 (5), 182.0135, 182.017, 182.0175, 182.018, 182.36, 199.10 (2m) and (3) and 232.11.

History: 1971 c. 40, 307; 1975 c. 41, 198, 200; 1977 c. 29; 1977 c. 382 s. 5; 1977 c. 392 s. 5; 1977 c. 418 s. 925 (40); 1979 c. 72 s. 2; 1979 c. 175 s. 52; 1979 c. 310 s. 11.

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.

15.801 Same; program responsibilities.

The personnel commission shall have the program responsibilities specified for the commission under subch. II of ch. 230 and ss. 49.50, 111.33 (2) and 111.91 (3).

History: 1977 c. 196.

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. No person may be appointed commissioner who has not had actual practical experience for at least 5 years, either as an executive officer of a savings and loan association, or service in a savings and loan supervisory authority, or a combination of both.

History: 1971 c. 101.

15.821 Same; program responsibilities.

The office of the commissioner of savings and loan shall have the program responsibilities specified for the office under chs. 215 and 216 and s. 223.105. In addition:

(1) SAVINGS AND LOAN REVIEW BOARD. The savings and loan review board shall have the program responsibilities specified for the board under ss. 215.02 (1), (6) (a), (7) (a), (10) (a) and (16) (a) and (c), 215.03 (8) (c), 215.04, 215.16 (7) (a), 215.19 (4), 215.21 (5) (a), 215.24 (4), 215.32 (1), 215.40 (18), 215.41 (1), 215.42 (1), 215.55 (1) and (2), 215.60 (15), 215.61 (1), 215.62 (1) and 215.75 (1) and (2).

History: 1971 c. 228, 307; 1975 c. 65 s. 5; 1975 c. 198, 359; 1977 c. 272 s. 98; 1979 c. 287 s. 14.

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.

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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.

15.851 Same; program responsibilities. The office of the commissioner of securities shall have the program responsibilities specified for the office under chs. 551, 552 and 553 and s. 223.105.

History: 1971 c. 241 s. 6; 1971 c. 300 s. 4; 1975 c. 65 s. 5.

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 the vice president, of the board of vocational, technical and adult education and 14 citizen members appointed for staggered 7-year terms.

History: 1971 c. 100; 1977 c. 29.

15.911 Same; program responsibilities. The board of regents of the university of Wisconsin system shall have the program responsibilities specified for the board of regents under chs. 36, 42 and 142 and ss. 19.45 (11) (b), 20.285, 20.920, 20.923 (5), 27.015 (12), 28.07, 32.02, 44.14 (2), 46.044, 46.115, 66.191, 66.30 (2m), 84.27, 88.30, 94.40, 140.05 (2), 143.17, 155.02 (3), 155.03 (2), 165.80, 166.08, 230.36, 560.09 (1) and 887.23. In addition:

(1) SOIL AND WATER CONSERVATION DISTRICTS BOARD. The board of soil and water conservation districts shall have the program responsibilities specified for the board under ch. 92 and ss. 36.25 (7), 88.22 (3), and 144.25.

(2) LABORATORY OF HYGIENE BOARD. The laboratory of hygiene board shall have the program responsibilities specified for the board under ss. 36.25 (11), 46.13, 95.21 (6), 143.04 (9), 143.07 (10), 162.03 (1) (d) and 765.06 (1) (b).

(3) PHARMACY INTERNSHIP BOARD. The pharmacy internship board shall have the program responsibilities specified for the board under s. 36.25 (20).

History: 1971 c. 40 s. 93; 1971 c. 100 s. 23; 1971 c. 211; 1971 c. 323 s. 27; 1973 c. 243; 1973 c. 335 ss. 13, 14; 1975 c. 198; 1975 c. 394 s. 26; 1977 c. 196 s. 131; 1977 c. 277 s. 44; 1977 c. 418 s. 925 (50); 1979 c. 32 ss. 90, 92 (2); 1979 c. 34 ss. 42m, 2101 (54) (a); 1979 c. 177 s. 86; 1979 c. 289 s. 39; 1979 c. 361 s. 114.

15.915 Same; attached boards and commissions. (1) BOARD OF SOIL AND WATER CONSERVATION DISTRICTS. There is created a board of soil and water conservation districts which is attached to the university of Wisconsin

system under s. 15.03. The board shall consist of 4 soil and water district supervisors, designated biennially by the soil and water districts at their annual meeting in odd-numbered years; and 4 farmers, appointed for staggered 4-year terms. The board shall invite 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. In addition, the dean of the college of agricultural and life sciences of the university of Wisconsin-Madison, the director of cooperative extension, the secretary of natural resources and the secretary of agriculture, trade and consumer protection shall each be invited to serve or appoint a person to serve as an advisory member of the board. At any time there are 2 or more vacancies out of the 4 soil and water district supervisors' positions on the board, the chairman may call a special meeting of the districts to fill the vacancies, but vacancies may be filled only if a majority of the districts are represented at the special meeting.

(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 the president of the university of Wisconsin system, the chancellor of the university of Wisconsin-Madison, the secretary of health and social services and an employe of the department of health and social services appointed by such secretary, the secretary of natural resources and an employe of the department of natural resources appointed by such secretary, and a representative of local public health agencies, but not from the department of health and social services, appointed by the governor for a 3-year term, or their designees, none of whom shall be employes of the laboratory. The director of the laboratory shall serve as a nonvoting member of the board.

(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.

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.

15.917 Same; councils. (1) ADULT EDUCATION CENTER COUNCIL. There is created in the university of Wisconsin system an adult education center council consisting of 3 public members representing agriculture, business and organized labor; 2 members appointed by the president of the university of Wisconsin system; and one senator and one representative to the assembly appointed as are the members of standing committees in their respective houses. The members appointed by the governor and the president of the university system shall serve staggered 5-year terms.

History: 1971 c. 236; 1977 c. 325.

15.94 Board of vocational, technical and adult education; creation. There is created a board of vocational, technical and adult education consisting of 12 members, as follows:

(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 the vice president, of the board of regents of the university of Wisconsin system.

(3) Nine members, of whom 3 shall be employers of labor, 3 shall be employees who do not have employing or discharging power and 3 shall be persons whose principal occupation is farming and who are actually engaged in the operation of farms, appointed for staggered 6-year terms.

History: 1971 c. 100; 1977 c. 29; 1979 c. 32.

Member of local district board of vocational, technical and adult education cannot serve as a state board member. 60 Atty. Gen. 178.

15.941 Same; program responsibilities.

The board of vocational, technical and adult education shall have the program responsibilities specified for the board under ch. 38 and ss. 20.292, 343.06 (3), 343.60 (1), 457.03 (4) and 458.08 (10). In addition:

(1) **EDUCATIONAL APPROVAL BOARD.** The educational approval board shall have the program responsibilities specified for the board under s. 38.51.

History: 1971 c. 125 ss. 16, 23, 522 (1); 1971 c. 211; 1979 c. 175 s. 52; 1979 c. 221 s. 2201 (37).

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 representatives 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.

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.