

Committee Name:

**JOINT SURVEY COMMITTEE – RETIREMENT SYSTEMS
(JSC–RS)**

Appointments

89hr_JSC–RS_Appt_pt00

Clearinghouse Rules

89hr_JSC–RS_CRule_89–

Committee Hearings

89hr_JSC–RS_CH_pt00

Committee Reports

89hr_JSC–RS_CR_pt00

Executive Sessions

89hr_JSC–RS_ES_pt00

Hearing Records

89hr_ab0380

89hr_sb0000

Misc.

89hr_JSC–RS_Misc_pt89

Record of Committee Proceedings

89hr_JSC–RS_RCP_pt00

CONSIDERATION OF AB-380
(BILL NUMBER)

DATE 12/19/89

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

NAME Donald J. Pagel
ADDRESS 525 Saratoga Drive
CITY Green Bay STATE WI ZIP 54303
ORGANIZATION, IF ANY —

WOULD LIKE TO TESTIFY (APPEAR BEFORE THE COMMITTEE)

IN FAVOR OPPOSED INFORMATION

WOULD LIKE TO REGISTER

IN FAVOR OPPOSED INFORMATION

CONSIDERATION OF AB 380
(BILL NUMBER)

DATE 12/19/89

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

NAME Marylou Van Driel
ADDRESS 111 North
CITY _____ STATE _____ ZIP _____
ORGANIZATION, IF ANY _____

WOULD LIKE TO TESTIFY (APPEAR BEFORE THE COMMITTEE)

IN FAVOR OPPOSED INFORMATION

WOULD LIKE TO REGISTER

IN FAVOR OPPOSED INFORMATION

CONSIDERATION OF AB 380
(BILL NUMBER)

DATE 12-19-89

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

NAME Patricia Schultz / Sen. Van Sistine
ADDRESS _____
CITY _____ STATE _____ ZIP _____
ORGANIZATION, IF ANY _____

WOULD LIKE TO TESTIFY (APPEAR BEFORE THE COMMITTEE)

IN FAVOR OPPOSED INFORMATION

WOULD LIKE TO REGISTER

IN FAVOR OPPOSED INFORMATION

CONSIDERATION OF AB 380
(BILL NUMBER)

DATE Dec. 19, 1989

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

NAME Ollie Berge
ADDRESS 1310 Mendota St.
CITY Madison STATE Wis ZIP 53714
ORGANIZATION, IF ANY Wis. Assoc. of School District

WOULD LIKE TO TESTIFY (APPEAR BEFORE THE COMMITTEE)

IN FAVOR OPPOSED INFORMATION

WOULD LIKE TO REGISTER

IN FAVOR OPPOSED INFORMATION

CONSIDERATION OF 380A
(BILL NUMBER)

DATE 12/19/89

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

NAME R. Michael Brennan

ADDRESS Box 8003

CITY Medina STATE WV ZIP 53108

ORGANIZATION, IF ANY WEAC

WOULD LIKE TO TESTIFY (APPEAR BEFORE THE COMMITTEE)

IN FAVOR

OPPOSED

INFORMATION

WOULD LIKE TO REGISTER

IN FAVOR

OPPOSED

INFORMATION

June 20, 1989

Donald Pagel
525 Saratoga Drive
Green Bay, WI 54303

Dear Mr. Pagel:

Thank you for your recent letter regarding your support for Assembly Bill 380 which would include the U.S. Public Service Commissioned Corp, and the National Oceanic and Atmospheric Administration with the other uniformed services under Wisconsin retirement laws. I certainly understand your concerns that these two branches of service are being discriminated against.

We are planning a public hearing on a number of bills, including AB 380, which are currently in the Joint Survey Committee on Retirement Systems, sometime in mid-July. We are awaiting final action on the state budget bill before scheduling a specific date.

Again, thank you for your interest in this matter and I hope that this information is of use to you. I will contact you prior to the public hearing to provide you with the relevant information. However, in the mean time, please do not hesitate to contact me with any additional questions or comments which you may have.

Sincerely,

RICHARD GROBSCHMIDT
State Representative
21st Assembly District

RG:lm

525 Saratoga Drive
Green Bay, WI. 54303
June 14, 1989

Senator Robert Jauch, Co-Chairman
Joint Committee on Retirement Systems
Wisconsin State Senator
Office 11-S
State Capitol
Madison, WI 53708

Representative Richard Grobschmidt, Co-Chairman
Joint Committee on Retirement Systems
Wisconsin State Assembly
Office 103 West
State Capitol
Madison, WI 53708

Dear Co-Chairmen Jauch and Grobschmidt,

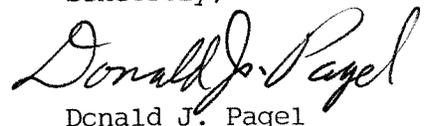
Assemblyperson Mary Lou Van Dreel introduced AB 380 on my behalf. AB 380 includes the U.S. Public Service Commissioned Corp and the National Oceanic and Atmospheric Administration with the other uniformed services under Wisconsin retirement laws.

I would appreciate if your committee would take the necessary action so AB 380 can move forward to the assembly floor. The passage of AB 380 would bring equity to those who met their military obligation in these two branches of the uniformed services. The USPHS and NOAA were omitted from the language of the Wisconsin Retirement Act.

In 1959, while working for the State of Wisconsin, I was ordered into the USPHS to meet my military obligation. I was given military leave of absence by Wisconsin. When I completed my military obligation in 1961, I immediately returned to employment with the State of Wisconsin. I received no credit toward retirement for my tour of duty. If I were inducted into any other branch of the uniformed service, I would have received credit toward retirement.

If you would like additional information, I can be reached at (414)436-4459(work) or (414)499-8251(home). I appreciate your consideration.

Sincerely,



Donald J. Pagel

CC: Rep Mary Lou Van Dreel
Rep Leo Hamilton
Rep Esther Walling
Sen Joseph Andrea
Sen Donald Stitt
Sen Jerome Van Sistine

525 Saratoga Drive
Green Bay, WI. 54303
June 14, 1989

Senator Robert Jauch, Co-Chairman
Joint Committee on Retirement Systems
Wisconsin State Senator
Office 11-S
State Capitol
Madison, WI 53708

File

Representative Richard Grobschmidt, Co-Chairman
Joint Committee on Retirement Systems
Wisconsin State Assembly
Office 103 West
State Capitol
Madison, WI 53708

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Sincerely,

Donald J. Page1

CC: Rep Mary Lou Van Dreeel
Rep Leo Hamilton
Rep Esther Walling
Sen Joseph Andrea
Sen Donald Stitt
Sen Jerome Van Sistine

February 2 , 1990

R. Roth Judd
Executive Director
Wisconsin State Ethics Board
125 S. Webster St. Room 120
Madison, Wisconsin 53702

Dear Mr. Judd

We want to file a complaint with the Ethics Board in regard to 1989 Assembly Bill 380 which was introduced on May 31, 1989 by Representatives Van Dreel, Robson, Boyle, and Carpenter and Senator Van Sistine by request of Donald Pagel.

It is our opinion serious violations of our ethics laws have taken place. We are assuming Mr. Pagel is a public employee and or a representative of other public employees soliciting this peculiar bonus or extra compensation.

The above mentioned senator and representatives, in their official capacity, have exercised a discretionary power with intent to obtain a dishonest advantage for Mr. Pagel and others.

They have solicited active service credits in the Wisconsin Retirement System on behalf of Mr. Pagel and the others for performance of service or duty in the commissioned corps of the federal public health service and/or the national oceanic and atmospheric administration while Pagel and the others were not on a leave of absence from any WRS employer.

These credits translate directly into monetary payments to Pagel and the others which will start being paid out from the WRS at the time of retirement for Pagel and the others.

Mr. Pagel and the others have not qualified for and are not qualified to receive creditable service from any WRS employer for the services and duties performed in the federal health service or federal oceanic administration.

It appears that sponsors of AB380 have violated sections of the Wisconsin laws governing general duties of public officials and misconduct in public office.

Based on our reading of s 19.45 (5), the sponsors of AB380 have used their public position in an attempt to gain unlawful benefits for Mr. Pagel and the others.

Based on our reading of s 946.12 (3) they have exercised their discretionary power with intent to obtain a dishonest advantage for Mr. Pagel and the others.

FEB 5 1990

February 2 , 1990

R. Roth Judd
Executive Director Wisconsin State Ethics Board

Regarding our complaint on AB380 attached :

NONE OF THE SERVICES COVERED UNDER AB380 or 40.02 (17m) (c) WERE PERFORMED FOR OR UNDER CONTRACT TO ANY WRS PARTICIPATING EMPLOYER.

NONE OF THE SERVICES WERE PERFORMED WHILE THE WRS PARTICIPANT EMPLOYEE WAS ON A LEAVE OF ABSENCE FROM ANY WRS PARTICIPATING EMPLOYER.

ALL OF THE SERVICES ON WHICH THE WRS UNIFORMED CREDITS WILL BE BASED WERE PERFORMED A MINIMUM OF 16 YEARS AGO, AND NOT FOR THE STATE OF WISCONSIN OR ANY OF IT'S SUBDIVISIONS.

WE HAVE NO MORAL OR CONTRACTUAL OBLIGATION TO PAY FOR ANY SUCH SERVICE.

THE LEGISLATURE CANNOT CREATE SUCH AN OBLIGATION. [WISCONSIN STATE CONSTITUTION ARTICLE I SECTION 12--NO LAW IMPAIRING THE OBLIGATION OF CONTRACTS SHALL EVER BE PASSED]

THE SPONSORS OF AB380 INTEND TO CREATE A MONETARY CONTRACTUAL OBLIGATION WHERE NONE IS PERMITTED TO BE CREATED.

THE SOLICITORS ON WHOSE BEHALF AB380 IS TO BE CREATED WILL ACHIEVE A MONETARY GRANT FOR WHICH THEY ARE NOT QUALIFIED. THEY HAVE SOLICITED AN AMOUNT OF MONEY MORE THAN IS FIXED BY LAW FOR THEIR SERVICES.

February 2 , 1990

R.Roth Judd
Executive Director Wisconsin State Ethics Board

Regarding our complaint on AB380:

WHY ARE OUR ELECTED OFFICIALS PERMITTED TO :

EXERCISE THEIR DISCRETIONARY POWER WITH INTENT TO OBTAIN
DISHONEST ADVANTAGES FOR THEMSELVES OR OTHERS ?

SOLICIT OR ACCEPT FOR THE PERFORMANCE OF ANY SERVICE OR DUTY
WRS RETIREMENT PAYMENTS WHICH THEY KNOW ARE GREATER OR LESS
THAN IS FIXED BY LAW ?

CREATE CONTRACTS IN WHICH THEY HAVE PRIVATE PECUNIARY
INTERESTS WHILE AT THE SAME TIME THEY ARE EITHER REQUIRED BY
LAW TO PARTICIPATE IN THE MAKING OF THE CONTRACT OR HAVE A
DISCRETIONARY POWER IN REGARD TO MAKING THE CONTRACT ?

EXERT EFFORT TO REALIZE SUBSTANTIAL PERSONAL GAIN FOR
THEMSELVES OR OTHERS THROUGH THEIR OFFICIAL CONDUCT ?

WHY AREN'T THE LAWS PROHIBITING THESE ACTIONS BEING ENFORCED
?

-make file copy

FEB 26 1990



STATE OF WISCONSIN \ ETHICS BOARD

Thomas S. Smith
Chairman
James R. Morgan
Diane B. Conway
Joseph F. Flanagan
David L. McRoberts
Paul M. Holzem

125 S. WEBSTER STREET
MADISON, WISCONSIN 53702
608 266-8123

FEB 15 1990 February 14, 1990

R. Roth Judd
Executive Director

Marvin Vogel
4465 S. 62nd Street
Greenfield, WI 53220

Arthur Zernia
8463 S. 116 St.
Franklin, WI 53132

Walter Vogel
5503 Brandon Ct.
Greendale, WI 53129

Gentlemen:

I write in answer to your letter dated February 2, of this year concerning 1989 Assembly Bill 380 which was introduced at the request of Donald J. Pagel. Having studied your complaint, I am of the opinion that the matter you have raised does not merit any inquiry or action by the Ethics Board.

If I assume everything you allege to be true, I am lead to the conclusion that no law has been violated. You complain that Representatives Van Dreel, Robson, Boyle and Carpenter, and Senator Van Sistine have offered a bill to change the law. That is what legislators do. The Legislature exists to establish state policies and to modify them from time to time as circumstances warrant. You have not alleged or suggested that these officials have acted to obtain a private benefit for themselves or for their families or for organizations with which they are associated. I have no reason to think that they have.

I have not taken any position about whether the bill of interest to you has merit or does not. The appropriate forum for presentation of your concerns about the legislation proposed is the Legislature, not the Ethics Board.

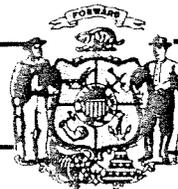
Sincerely,

R. Roth Judd
Executive Director

RRJ:ch
Enclosure: Letter: Vogel to Judd, February 2, 1990
copy: Representatives Van Dreel, Robson, Boyle, and Carpenter
Senator Van Sistine

Mary Lou

VAN DREEL



OFFICE:
STATE CAPITOL, P.O. BOX 8953
MADISON, WI 53708
(608) 266-5840

State Representative

HOME:
2825 OTTO COURT
GREEN BAY, WI 54303
(414) 494-7470

TESTIMONY IN SUPPORT OF ASSEMBLY BILL 380

December 19, 1989

Mr. Chairpersons and Members of the Committee:

I am the author of Assembly Bill 380, which I encourage you to favorably consider today out of basic fairness to all people who have fulfilled their military obligation. This bill corrects an inequity in which a tour of duty in the Uniformed Services meets a military requirement, but unlike service in the Armed Forces, isn't counted as "creditable service" for participants in the Wisconsin Retirement System.

Armed Forces usually refers to the Army, Navy, Air Force, Marines and Coast Guard. Uniformed Services usually refer to the Armed Forces and, in addition, the Federal Public Health Service and the National Oceanic and Atmospheric Administration.

Both the Armed and Uniformed Services are commissioned services of the Federal Government. And despite the fact that they both meet military obligations, individuals who serve in the Armed Forces are granted credit for their service for state retirement purposes, while those who serve their country in the Uniformed Services are not.

I introduced Assembly Bill 380 after a veteran, Mr. Don Pagel of Green Bay, indicated to me that current state law would fail to give him credit for the 27 months he spent between 1959 and 1961 serving his country in the Public Health Service. Mr. Pagel was given a military leave of absence by the state when he was inducted into the USPHS and returned to his position after completing his military obligation. Despite that, however, Mr. Pagel hasn't been granted credit toward retirement for his tour of duty; if he were inducted into any other branch of the uniformed service, he would have received credit toward retirement.

Neither I nor Mr. Pagel are aware of other individuals in Wisconsin who are state employees and also served in the Public Health Service. It is my understanding through research that a limited number of people will be affected.

I encourage the committee to act favorably on Assembly Bill 380 so that it can be scheduled for floor action as soon as possible.

Testimony of Donald J. Pagel Regarding A.B.-380 Before The

Joint Survey Committee on Retirement Systems.

I asked Representative Van Dreel to introduce A.B.-380 on my behalf. A.B.-380 corrects an injustice. When I was young, the Federal military training act required every non-exempt male to serve his country for two years in the Army, Navy, Marines, Air Force, Coast Guard, National Oceanic & Atmospheric Survey Administration or Uniformed Public Health Service.

When my time to serve came up in 1959, I was employed as a Social Worker by the State of Wisconsin and assigned to La Crosse. I was given military leave from Wisconsin employment and served my country in the U.S. Public Health Service (1959-1961). Upon completing my military obligation I returned immediately to Wisconsin employment and was assigned to Sparta, WI. I have been in continuous employment of Wisconsin since.

I now find that the two years I spent meeting my military obligation does not count toward retirement. If I had met my military obligation in other branches of the uniformed service, I would receive credit towards retirement. I see this as an injustice. In order to correct this injustice, Representative Van Dreel introduced A.B.-380 on my behalf.

In researching this matter, Representative Van Dreel found that this National Oceanic & Atmospheric Administration is also in a similar situation as the U.S. Public Health Service. For this reason she included the National Oceanic & Atmospheric Administration in A.B.-380.

I have contacted the U.S.P.H.S. and from their information, it appears that I am the only career employee of Wisconsin who would benefit from A.B.380, thus the fiscal note to the Wisconsin retirement fund (not the Wisconsin budget) would be minimal. A.B.-380 would not affect the Wisconsin budget.

I respectfully request favorable consideration of A.B.-380 to correct a personal injustice.

Jerome Van Sistine



State Senator

TESTIMONY IN FAVOR OF ASSEMBLY BILL 380

December 19, 1989

Thank you Chairpersons Jauch and Grobschmidt and Members of the Committee, my name is Patricia Schulz and I am here on behalf of Senator Van Sistine.

As Representative Van Dreel has stated, this is an issue of fairness. Mr. Pagel was summoned to serve his country through the Uniformed Services, yet his service is not recognized for state retirement purposes. We must look at the kind of message that this is relaying: That Mr. Pagel's commissioned duty in the health service was not as important as a commissioned service in the armed forces.

It is only right that the state of Wisconsin respect and reward its citizens for their service to their country, whether it is in the Armed Forces or the Public Health Service.

I hope that the testimony given here today, will shed some light on an inequity of the current state retirement system that needs to be rectified.

I urge this committee to act favorably on Assembly Bill 380 so that action can be taken on this bill during this January floor session. Thank you.

Chairman: Senate Committee on Labor, Business, Insurance, Veterans and Military Affairs

State Capitol, P.O. Box 7882, Madison, WI 53707-7882; (608) 266-5670
Green Bay Telephone No.: (414) 497-3188