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CLEARINGHOUSE RULE 00-116

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

In s. ETF 10.10 (1), the comma should not be underscored because it exists in the current rule.

4. Adequacy of References to Related Statutes, Rules and Forms

a. The analysis to the rule alleges that "Act 11 states that the new member will be elected to the Employe Trust Funds Board for a term expiring on May 1, 2003." It appears that SECTION 5 of 1999 Wisconsin Act 181 provided for the term of the new member. Therefore, it appears that the reference to Act 11 should be to Act 181.

b. The treatment clause of SECTION 3 and the introductory clause to the rule should refer to "ETF 10.10 (7) (intro.);" since only the introductory material of sub. (7) is being amended.

5. Clarity, Grammar, Punctuation and Use of Plain Language

In s. ETF 10.10 (1m) (b), the word "or" should replace the comma between "(d)" and "(f)" and the underscored comma after "(f)" should be deleted.

Response to Legislative Council Staff Recommendations

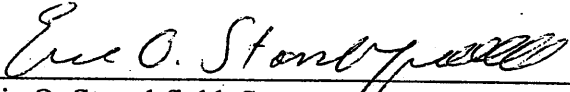
Each of the Legislative Council Staff recommendations concerning: (1) form, style and placement in administrative code; (2) clarity, grammar, punctuation and use of plain language; and (3) adequacy of references to related statutes, rules and forms were adopted. The text of the rule was modified accordingly. These modifications affected the analysis and each section of the rule.

Board Authorization for Promulgation

This final draft report on Clearinghouse Rule #00-116 has been duly approved for submission to the Legislature and for promulgation by the Employee Trust Funds Board at its meeting on June 23, 2000 and the Wisconsin Retirement Board at its respective meeting on June 22, 2000.

Respectfully submitted,

DEPARTMENT OF EMPLOYEE TRUST FUNDS



Eric O. Stanchfield, Secretary
Wisconsin Department of Employee Trust Funds

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-116

AN ORDER to amend ETF 10.10 (1), (1m) (6) and (7), relating to election procedures for the employe trust funds board.

Submitted by **DEPARTMENT OF EMPLOYE TRUST FUNDS**

07-19-00 RECEIVED BY LEGISLATIVE COUNCIL.

08-01-00 REPORT SENT TO AGENCY.

RNS:RJC:jal

October 17, 2000

MEMO

TO: Members of the Senate Labor Committee

Senator Russell Decker
Senator Roger Breske

Senator David Zien
Senator Margaret Farrow

FROM: ✓ Senator Jim Baumgart, Chair

The following rule was referred to the Committee on October 4, 2000.

CLEARINGHOUSE RULE 00-116, relating to election procedures for the Employee Trust Funds Board (Submitted by the Department of Employee Trust Funds)

Enclosed is a copy of the rule. Dan Fernbach, Legislative Council Attorney, has looked at the rule and has advised that it is a very simple and clean rule. Therefore, I plan to take no action on the rule unless I hear from a committee member. If you have any problems with the rule, please advise immediately.

cc: Dan Fernbach



STATE OF WISCONSIN

Department of Employee Trust Funds

Eric O. Stanchfield
Secretary
801 West Badger Road
P.O. Box 7931
Madison, WI 53707-7931

September 28, 2000

THE HONORABLE FRED A RISSER
PRESIDENT OF THE SENATE
C/O DONNA DOYLE
SENATE JOURNAL AND RECORDS
ONE EAST MAIN STREET, SUITE 402
MADISON WI 53702

Re: Clearinghouse Rule #CR 00-116 relating to election procedures for the Employee Trust Funds Board

Dear Senator Risser:

In accordance with Wis. Stats. § 227.19 (2), I am enclosing a copy of this proposed rule in final draft form. The report required under Wis. Stats. § 227.19 (3) is also enclosed.

Please contact Pam Henning, Director of Legislation and Planning, at 267-2929 if you have any questions.

Sincerely,

Eric O. Stanchfield
Secretary

Enclosure

**STATE OF WISCONSIN
DEPARTMENT OF EMPLOYEE TRUST FUNDS, EMPLOYEE TRUST FUNDS BOARD
AND WISCONSIN RETIREMENT BOARD**

FINAL DRAFT REPORT ON CLEARINGHOUSE RULE #CR 00-116

A RULE Amending ss. ETF 10.10 (1), (1m) (b), and (7) (intro.), Wisconsin Administrative Code, relating to election procedures for the Employee Trust Funds Board.

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Agency Person to be Contacted for Questions

For information about this rule, please contact: Pam Henning, Director of Legislation and Planning, Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707-7931. Telephone: (608) 267-2929. FAX: (608) 267-0633.

Statement Explaining Need for Rule

The Department of Employee Trust Funds is required by Wis. Stats. § 227.10 (1) to promulgate as a rule each interpretation of a statute which it specifically adopts to govern its enforcement or administration of that statute. The existing administrative rule requires an amendment to comply with enacted legislation to include a new member to the Employee Trust Funds Board. If the rule is not revised, the result would be uncertainty in the proper procedures used to elect the new member to the Board. This clarification is necessary so participating employees of educational support personnel for the public school districts and Technical Colleges are fully aware of the procedures to elect a member to the Employee Trust Funds Board.

Analysis Prepared by the Wisconsin Department of Employee Trust Funds

Authority for Rule: Wis. Stats. § 40.03 (1) (m) and (2) (i)

Statutes Interpreted: Wis. Stats. § 40.03 (2) (p) and 15.07 (1) (a) 3

1999 Wisconsin Act 181 added one new member to the Employee Trust Funds Board. The new member must be a Wisconsin Retirement System (WRS) participant who is either a public school district educational support personnel employee or a Wisconsin Technical College educational support personnel employee. Act 181 states that the new member will be elected to the Employee Trust Funds Board for a term expiring on May 1, 2003.

Currently, Wisconsin Administrative Code s. ETF 10.10 describes the election procedures of participating employees and annuitants to the Employee Trust Funds Board. The addition of the new member to the Employee Trust Funds Board is not included in our current election rules under s. ETF 10.10.

The amendment to s. ETF 10.10 is required to abide by the provisions of 1999 Wisconsin Act 181 to add the new member to the Employee Trust Funds Board.

Fiscal Estimate

The Department estimates that the proposed rule will require additional computer programming and election ballot administration and distribution to over 31,000 public school district personnel and to approximately 5,200 Technical College personnel. The fiscal impact on the Department to conduct the election of the new member to the Employee Trust Funds Board is \$3,600 one-time and \$700 every four years for computer changes and producing the ballots and \$4,500 every four years to administer the election. In addition, the Department incurs costs of \$1,200 annually

related to the new member's attendance at quarterly Board meetings for per diems, meals, room and travel. The Department anticipates no other fiscal effect upon the liabilities or revenues of any county, city, village, town, school district, technical college or sewerage district.

Final Regulatory Flexibility Analysis

The Department anticipates that the provisions of this proposed rule will have no direct adverse effect on small businesses.

(BEGINNING OF RULE TEXT)

SECTION 1. ETF 10.10 (1) is amended to read:

ETF 10.10 (1) The purpose of this section is to set forth procedures for all elections of participating employees and annuitants to the employee trust funds board or the teachers retirement board, pursuant to ss. 15.16 (1) (d) and (f), 15.165 (1) and (3) (a) 1., 2., 6. and 7., and 40.03 (2) (p), Stats. Except where noted otherwise, the procedures established in this section shall apply for elections to either the employee trust funds board or the teachers retirement board.

SECTION 2. ETF 10.10 (1m) (b) is amended to read:

ETF 10.10 (1m) (b) "Election category" means the class of participating employees or annuitants who are eligible under s. 15.16 (1)(d) or (f), or 15.165 (3) (a)1., 2., 6. or 7., Stats., to vote to elect a member to the employee trust funds board or the teachers retirement board.

SECTION 3. ETF 10.10 (7) (intro.) is amended to read:

ETF 10.10 (7) (intro.) Any participating employee or annuitant satisfying the eligibility requirements of s. 15.165 (3) (a) 1., 2., 6. or 7., Stats., on the date he or she files nomination papers with the department and who plans to continue meeting the eligibility requirements when assuming office, if elected, may be nominated for election to the teachers retirement board or any annuitant meeting the eligibility requirements of s. 15.16 (1) (d), Stats., or any participating employee meeting the eligibility requirements of s. 15.16 (1) (f), Stats., on the date he or she files nomination papers with the department and who plans to continue meeting the eligibility requirements when assuming office, if elected, may be nominated for election to the employee trust funds board by satisfying the requirements of pars. (a) to (c) within the calendar dates established by the department. The department shall publish notice of the election, the nomination timetable and instructions for prospective candidates in the department's newsletter. Prospective candidates may obtain nomination petition forms from the department. A candidate shall do all of the following:

(END OF RULE TEXT)

Effective Date

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in Wis. Stat. § 227.22 (2) (intro.).

Explanation of Modifications as Result of Testimony at Public Hearing

Pursuant to the procedure set forth in s. 227.16 (2) (b), the Department of Employee Trust Funds did not hold a public hearing, and therefore, did not have any modifications as a result.

List of Persons Appearing or Registering For or Against the Rules

Pursuant to the procedures set forth in s. 227.16 (2) (b), the Department of Employee Trust Funds did not hold a public hearing, and therefore, no person appeared for or against the rule.