

**Committee Name:**  
**Senate Committee – Senate Organization**  
**(SC–SO)**

**Appointments**

01hr\_SC–SO\_Appt\_pt00

**Clearinghouse Rules**

01hr\_SC–SO\_CRule\_01–

**Committee Hearings**

01hr\_SC–SO\_CH\_pt00

**Committee Reports**

01hr\_SC–SO\_CR\_pt00

**Executive Sessions**

01hr\_SC–SO\_ES\_pt00

**Hearing Records**

01hr\_ab0000

01hr\_sb0000

**Misc.**

01hr\_SC–SO\_\_Misc

**Record of Committee Proceedings**

01hr\_SC–SO\_RCP\_pt00



State Senator  
**Chuck Chvala**  
SENATE MAJORITY LEADER

TO: Members of the Committee on Senate Organization

FROM: Senator Chuck Chvala  
Chair

Date: January 5, 2001

SUBJECT: **Senate Standing Committees**

**Pursuant to Senate Rule 20 (1)(c), the attached shall be the committees of the Senate for the 2001-2002 session.**

I am recommending adoption of the attached committee list. Please review and indicate your approval by signing below. Please forward this ballot to the next office listed. Thank you.

*Chuck Chvala* 1-5-01  
Senator Chuck Chvala (Date)

*Fred A. Risser* 1-5-01  
Senator Fred Risser (Date)

*R. C. Moen* 1-9-01  
Senator Rodney Moen (Date)

*Mary E. Panzer* 1-9-01  
Senator Mary E. Panzer (Date)

*Margaret A. Farrow* 1-12-01  
Senator Margaret Farrow (Date)

## Committee on 2001-03 Biennial Budget

Chapter 16.47 of the statutes requires the executive budget bill or bills to be referred to the Joint Committee on Finance. The Senate Committee on 2001-03 Biennial Budget shall, after completion of the Joint Committee on Finance executive action, conduct informational hearings on the 2001-03 Biennial Budget, as affected by the Joint Committee on Finance, and submit a report to the Senate.

Senate Standing Committees  
2001-2002 Session

Administrative Rules; committee for review of: (5)

Audit; committee on: (5)

Economic Development and Corrections; committee on: (3)

Education; committee on: (11)

Environmental Resources; committee on: (5)

Finance; committee on: (8)

Health, Utilities, Veterans and Military Affairs; committee on: (9)

Human Services and Aging; committee on: (7)

Information Policy and Technology; committee on: (5)

Insurance, Tourism, and Transportation; committee on: (5)

Judiciary, Consumer Affairs, and Campaign Finance Reform; committee on: (5)

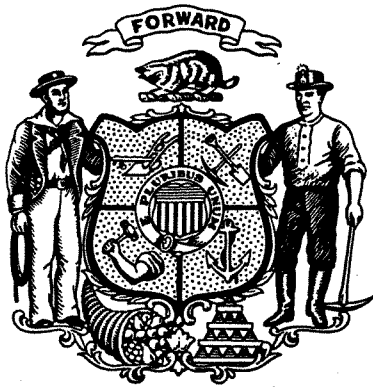
Labor and Agriculture; committee on: (5)

Privacy, Electronic Commerce, and Financial Institutions; committee on: (5)

2001-03 Biennial Budget; committee on: (5)

Universities, Housing, and Government Operations; committee on: (7)

*END*



*END*

TO: Members of the Committee on Senate Organization

FROM: Senator Chuck Chvala  
Senate Democratic Leader

Date: April 4, 2001

SUBJECT: Opinion of the Attorney General

I am recommending approval of the request by Senator Meyer to request an Opinion of the Attorney General relating to an interpretation of Section 13.04(4) of the Statutes as it relates to the level of compensation for Senator Farrow if she were to be confirmed as Lt. Governor. The attached letter from Senator Meyer, as Chair of the Senate Committee on Universities, Housing & Government Operations outlines the concerns on this issue. Please indicate your approval by signing below. Please forward this ballot to the next office listed. Thank you.

Chuck Chvala 4-4-01  
Senator Chuck Chvala (Date)

Fred A. Risser 4-4-01  
Senator Fred Risser (Date)

R. C. Moen 4-4-01  
Senator Rodney Moen (Date)

Mary E. Panzer 4/5/01  
Senator Mary E. Panzer (Date)

Margaret A. Farrow 4/5/01  
Senator Margaret Farrow (Date)



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**WISCONSIN LEGISLATIVE COUNCIL  
STAFF MEMORANDUM**

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TO: SENATOR MARK MEYER

FROM: Robert J. Conlin, Senior Staff Attorney *RJC*

RE: Applicable Salary Level for Office of Lieutenant Governor

DATE: March 28, 2001

By letter dated March 21, 2001, you requested of Terry Anderson, Director, clarification on the appropriate salary level for Senator Farrow if she were to be confirmed as Lieutenant Governor. This memorandum responds to your request.

Under current law, the annual salary of the Lieutenant Governor is to be set at 1.9% above the minimum of the salary range for Executive Salary Group 4. [s. 20.923 (2) (g), Stats.] The current salary rate for Office of Lieutenant Governor is \$63,672 per year. [See s. B-2.03 (2) of the Wisconsin Compensation Plan 1999-2001.] Generally, a person appointed to fill the Office of Lieutenant Governor would be assigned the above salary. However, s. 13.04 (4), Stats., limits the salary of legislators elected or appointed to other state civil offices or positions if the compensation or other emoluments of the office to which they are elected or appointed were increased during the term of the legislator. Section 13.04 (4), Stats., provides that:

Any incumbent member of the legislature who, during the term for which the member was elected to the legislature, by appointment or election assumes any judicial office or state civil office or position for which the compensation or other emoluments were increased during the member's current legislative term by legislative action, or by any other official action requiring the assent of or subject to veto by the legislature, shall be entitled to the compensation or other emoluments for such office or position only at the rate in effect prior to such increase.

Senator Farrow was elected to her current term as Senator in November 1998. Her term began in January 1999. At that time, the rate of pay for the Office of Lieutenant Governor was \$60,183 per year. The Joint Committee on Employment Relations (JCOER) effectively approved two increases to that rate of pay during Senator Farrow's current term. By action of JCOER on June 9, 1999, and May 2, 2000, the minimum of the salary range applicable to Executive Salary Group 4 was increased, thereby

increasing the rate of pay for the Office of Lieutenant Governor. Accordingly, if Senator Farrow were to be confirmed as Lieutenant Governor, it is arguable that s. 13.04 (4), Stats., would limit her compensation to that provided for the Office of Lieutenant Governor prior to the increases occurring during her term. Under that interpretation, she would be limited to \$60,183 per year.

However, this interpretation is not completely free from doubt. One might argue that the action of a single committee, i.e., JCOER, is not the "legislative action" or "other official action" referred to in s. 13.04 (4), Stats. Such an argument would posit that the purpose of s. 13.04 (4), Stats., is to prohibit legislators from benefiting from a self-enacting pay increase [see 63 Op. Att'y. Gen. 136.1] and that Senator Farrow, who was not a member of JCOER during her current term, did not vote on the action that lead to the increase in the pay for the Lieutenant Governor's position and, thus, should not be prohibited from receiving the higher salary. This argument appears to be buttressed by statutes that expound on the duties of JCOER. For example, s. 230.12 (1) (bf), Stats., provides that any provision of the compensation plan approved by JCOER which requires "legislative action for implementation" must be introduced by JCOER in a bill or companion bills. Similarly, s. 111.92 (1) (a), Stats., provides that when JCOER approves a tentative collective bargaining agreement it is required to introduce a bill or companion bills for that portion of the agreement which "requires legislative action for implementation." Accordingly, it may be argued that s. 13.04 (4), Stats., contemplated action by the entire Legislature and not just a single committee such as JCOER.

Notwithstanding the above argument, it would seem that the purposes for which s. 13.04 (4), Stats., was created would be furthered by construing the provision to apply to action by JCOER. Generally, JCOER is made up of the legislative leadership from both houses and acts on behalf of the Legislature. [See s. 13.111, Stats.] When JCOER does introduce bills requiring "legislative action," it must generally accompany the introduction of such proposal with a message that informs the Legislature of JCOER's concurrence and recommendation for the passage of the legislation without change. [See e.g., ss. 230.12 (1) (bf) and 111.92 (1) (a), Stats.] A legislator, though not specifically voting on a proposal before JCOER, may nonetheless use the power and influence of his or her office to influence the action of JCOER. Additionally, had the Legislature wanted to limit the applicability of s. 13.04 (4), Stats., to matters upon which a member had voted, it could easily have done so in specific terms. Thus, it appears that to conclude that the reference to "legislative action" or "other official action" in s. 13.04, Stats., applies to actions by JCOER would be consistent with the intent of s. 13.04 (4), Stats., and the realities of legislative practice.

Because the interpretation of s. 13.04 (4), Stats., as it applies to your question, is not free from doubt, you may wish to seek the opinions of the Governor and the Attorney General on the appropriate salary level for Senator Farrow if she is confirmed as Lieutenant Governor.

If I can be of any further assistance in this matter, please feel free to contact me at the Legislative Council Staff offices.

RJC:rv:tlu





# Mark Meyer

April 3, 2001

State Senator • 32nd Senate District

Senator Chuck Chvala, Chair  
Committee on Senate Organization  
211-South

RE: **Attorney General Opinion Request – Interpretation of State Statutes 13.04 (4)**

Dear Senator Chvala:

As chair of the Senate Committee on Universities, Housing & Government Relations, I recently requested a clarification from the Legislative Council concerning the appropriate salary level for Senator Farrow if she were to be confirmed as Lieutenant Governor.

I have since received a response from Legislative Council, which interprets s. 13.04 (4) Stats., as limiting the compensation level to \$60,183. Enclosed for your review is a copy of the March 28th Legislative Council memo regarding this issue.

However, the March 28th Legislative Council memo also stated the following:

*“Because the interpretation of s.13.04 (4), Stats., as it applies to your question, is not free from doubt, you may wish to seek the opinions of the Governor and the Attorney General on the appropriate salary level for Senator Farrow if she is confirmed as Lieutenant Governor”.*

Due to that uncertainty, I respectfully request that you and the Senate Organization Committee please help us resolve this difference by requesting an opinion from the Attorney General as to what the appropriate salary level for Senate Farrow would be if she is confirmed as Lieutenant Governor.

Thank you in advance for your assistance. Please let me know if you have questions

Sincerely,

Senator Mark Meyer  
State Senator

MM/gh

Enclosure

Cc: Members, Senate Committee on Universities, Housing & Gov't Operations





State Senator  
**Chuck Chvala**  
SENATE MAJORITY LEADER

FAX COVER SHEET

TO: Don

FROM: Doug

RE: \_\_\_\_\_

PAGES: 2 (Including Cover)

DATE: \_\_\_\_\_

NOTES

Don - Please e-mail me an  
Org. Ballot for this. I'll attach  
the letter and a Leg. Council  
memo. Thanks!



# Mark Meyer

April 3, 2001

State Senator • 32nd Senate District

Senator Chuck Chvala, Chair  
Committee on Senate Organization  
211-South

**RE: Attorney General Opinion Request – Interpretation of State Statutes 13.04 (4)**

Dear Senator Chvala:

As chair of the Senate Committee on Universities, Housing & Government Relations, I recently requested a clarification from the Legislative Council concerning the appropriate salary level for Senator Farrow if she were to be confirmed as Lieutenant Governor.

I have since received a response from Legislative Council, which interprets s. 13.04 (4) Stats., as limiting the compensation level to \$60,183. Enclosed for your review is a copy of the March 28th Legislative Council memo regarding this issue.

However, the March 28th Legislative Council memo also stated the following:

*“Because the interpretation of s. 13.04 (4), Stats., as it applies to your question, is not free from doubt, you may wish to seek the opinions of the Governor and the Attorney General on the appropriate salary level for Senator Farrow if she is confirmed as Lieutenant Governor”.*

Due to that uncertainty, I respectfully request that you and the Senate Organization Committee please help us resolve this difference by requesting an opinion from the Attorney General as to what the appropriate salary level for Senate Farrow would be if she is confirmed as Lieutenant Governor.

Thank you in advance for your assistance. Please let me know if you have questions

Sincerely,

A handwritten signature in cursive script that reads "Mark Meyer".

Senator Mark Meyer  
State Senator

MM/gh

Enclosure

Cc: Members, Senate Committee on Universities, Housing & Gov't Operations





State Senator  
**Chuck Chvala**  
SENATE MAJORITY LEADER

April 10, 2001

The Honorable James E. Doyle  
Attorney General  
State of Wisconsin  
Department of Justice  
PO Box 7857  
Madison, WI 53707-7857

Dear Attorney General Doyle:

The Senate Committee on Organization has unanimously voted to request a formal Opinion of the Attorney General to clarify ss. 13.04(4) as it relates to the compensation to be paid to the Lieutenant Governor upon confirmation of the nominee by both houses of the Legislature.

The Committee on Organization received a request by the Senate Chairperson of the Senate Committee on Universities, Housing & Government Operations, Senator Mark Meyer, to seek an Opinion of the Attorney General on this subject. In his request, Senator Meyer referred to a response he received from the Legislative Council Staff on this issue. Copies of the request letter and the Legislative Council Staff memo are attached for your information.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Chvala".

CHUCK CHVALA, Chair  
Senate Committee on Organization  
Senate Majority Leader



**STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE**

**JAMES E. DOYLE  
ATTORNEY GENERAL**

**Burneatta L. Bridge  
Deputy Attorney General**

**114 East, State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857  
608/266-1221  
V/TTY 608/267-8902**

April 24, 2001

The Honorable Chuck Chvala  
Chairperson  
Senate Organization Committee  
211 South, State Capitol  
Madison, WI 53702

Dear Senator Chvala:

The Senate Committee on Organization has asked for my opinion on the compensation to be paid to the Lieutenant Governor ("Lt. Governor") upon confirmation by both houses of the Legislature. Governor McCallum has nominated State Senator Margaret Farrow to the Office of Lieutenant Governor pursuant to article 13, § 10(2) of the Wisconsin Constitution.

Wisconsin Stat. § 13.04(4) provides:

Any incumbent member of the legislature who, during the term for which the member was elected to the legislature, by appointment or election assumes any judicial office or state civil office or position for which the compensation or other emoluments were increased during the member's current legislative term by legislative action, or by any other official action requiring the assent of or subject to veto by the legislature, shall be entitled to the compensation or other emoluments for such office or position only at the rate in effect prior to such increase.

Your request for an opinion included a memorandum from the Wisconsin Legislative Council. That memorandum states that Senator Farrow was elected to her current term in November 1998, and her term began in January 1999. At that time, the rate of pay for the Office of Lt. Governor was \$60,183 per year. The salary of the Lt. Governor is set under Wis. Stat. § 20.923(2)(g) at 1.9% above the minimum of the salary range for executive salary group four. The Legislative Council memorandum indicates that the current salary rate for the Lt. Governor is \$63,672 per year. The Joint Committee on Employment Relations ("JCOER") approved two increases during Senator Farrow's current term. On June 9, 1999, and May 2, 2000, JCOER raised the minimum of the salary range applicable to executive salary group four, thereby increasing the rate of pay for the Office of Lt. Governor. JCOER approves the compensation plan under Wis. Stat. § 230.12(3).

The Legislative Council memorandum, at 2, concludes: "[I]t is arguable that s. 13.04(4), Stats., would limit her compensation to that provided for the Office of Lieutenant Governor prior to the increases occurring during her term. Under that interpretation, she would be limited to \$60,183 per year."

The author of the Legislative Council memorandum found there was some doubt about the application of Wis. Stat. § 13.04(4) because one could argue that the action of a single committee, JCOER, was not "legislative action" or "other official action" as required by Wis. Stat. § 13.04(4). Under this analysis, the purpose of Wis. Stat. § 13.04(4) is to prohibit legislators from benefiting from a self-enacting pay increase, but since Senator Farrow was not a member of JCOER, she did not vote on the action and, thus, should not be prohibited from receiving a higher salary. That memorandum concludes, however, that notwithstanding that argument the better conclusion is that Wis. Stat. § 13.04(4) does apply. I agree.

JCOER is created by the Legislature. Wis. Stat. § 13.111. The Legislature has delegated certain authority to that committee. Such a delegation is proper. See *Cutts v. Department of Public Welfare*, 1 Wis. 2d 408, 414, 84 N.W.2d 102 (1957). (Legislature could delegate the authority to select a site for a new state boy's school to a committee.) *Accord Outagamie County v. Smith*, 38 Wis. 2d 24, 39, 155 N.W.2d 639 (1968). If the term "legislative action" in Wis. Stat. § 13.04(4) did not include actions taken by JCOER, any member of the Legislature who was not on the Joint Committee would not be subject to the statute's strictures. Under that reading of the statute, only the members of the Joint Committee, by statute the leadership of both houses, Wis. Stat. § 13.111, would be prohibited from accepting offices for which the compensation had been increased. That interpretation would mean that Wis. Stat. § 13.04(4), which on its face is applicable to all legislators, would apply only to members of the Joint Committee; the vast majority of the members of the Legislature would escape the statute's strictures by the expedient of delegating to a committee the authority to raise legislators' salaries.

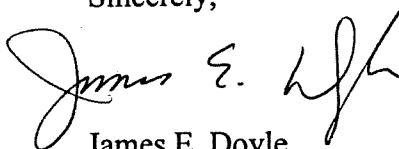
In 63 Op. Att'y Gen. 128 (1974) former Attorney General Robert Warren discussed the interaction of Wis. Stat. § 13.04 and article 4, § 12 of the Wisconsin Constitution. The opinion concluded that a legislator who was elected to a different state office during his or her term as legislator would be limited by Wis. Stat. § 13.04 to the salary prior to the increase during his or her term as legislator. The law then was essentially the same as the law now. Present Wis. Stat. § 13.04(4) was then Wis. Stat. § 13.04(1)(d). The salaries of the lieutenant governor and other constitutional officers were tied to the salaries in the executive salary groups. Wis. Stat. § 20.923 (1973). JCOER approved the compensation plan. Wis. Stat. § 16.086(3)(b) (1973). The opinion assumed, quite correctly, that the actions of JCOER constituted "legislative action" or "other official action."

I must conclude that under Wis. Stat. § 13.04(4) "legislative action" includes action by Committees of the Legislature exercising delegated legislative authority.

The Honorable Chuck Chvala  
Page 3

For these reasons, I conclude that Senator Farrow's compensation upon taking the Office of Lt. Governor must be limited to \$60,183 per year.

Sincerely,

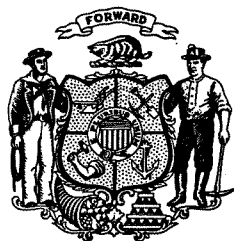
A handwritten signature in black ink, appearing to read "James E. Doyle". The signature is fluid and cursive, with a large initial "J" and a stylized "D".

James E. Doyle  
Attorney General

JED:AL:jmb

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*END*



*END*



\*\*\*\*Draft Copy\*\*\*\*

February 22, 2002

Mr. Norman L. Jones, FSA  
Gabriel, Roeder, Smith & Co.  
1000 Town Center  
Suite 1000  
Southfield, MI 48075

Dear Mr. Jones:

As Senators of the Wisconsin State Legislature, we request that you as soon as possible commence an analysis of the costs of potential provisions of an early retirement window, for a fee not to exceed \$40,000. Your study should include an independent estimate of the projected costs of the possible options as noted below.

**Assumptions**

In your analysis, please use the following assumptions for all options as they would relate to state and university employees.

1. All employment categories except elected officials would be eligible to elect window benefits.
2. The earliest retirement age would be reduced by two years for all employment categories. An actuarial reduction of 4.8% per year (.4% per month) would apply to those years.
3. A minimum of ten years of WRS creditable service would be required to be eligible for the window.
4. The window period would run from July 1, 2002 through January 1, 2003 for non-teachers and January 1, 2003 through June 30, 2003 for teachers and University of Wisconsin and Wisconsin Technical College System employees. Employees would need to meet the age and service requirement, terminate employment during the window and take an immediate annuity.
5. Any add-on of creditable service would be credited to the employment category at termination.
6. The retirement benefit costs would be funded by creating a new unfunded liability to be paid over a 25-year period. To avoid a negative cash flow from the Trust Fund, an estimated percent of payroll will be paid immediately – starting at the beginning of the window period. Due to the uncertainty of the numbers actually retiring, this percent of payroll should be provided on the high side. Once the actuarial cost analysis is

complete based on actual experience, the cost would be readjusted for the remainder of the amortization period.

7. The sick leave credits in the window benefits would be treated as an add-on to the existing Supplemental Plan and no separate liability funding mechanism would be required.
8. Approximately 6,000 eligible would take advantage of the window. Of those, 25% would be university employees (assume 10% faculty and academic staff and 90% all others) and 75% state employees. Since you are using 2000 data, please project 2001 earnings by using the current WRS salary assumption of 4.5%.
9. Any add-on to a formula annuity would ignore the current formula benefit maximum for those members at maximum.
10. The value of the increase in a formula benefit (generated by increased age or service) would be added to the money purchase benefit amount if higher.

### Options

*Using the assumptions above, please cost out all options as an unfunded liability in percent of payroll and as an approximate flat dollar liability if paid in a lump sum. Also note how much would need to be paid in an initial unfunded liability rate to avoid a negative cash flow.*

**Option 1 (Five or \$40,000):** Add five years of creditable service or have \$40,000 added in sick leave credits. Assume 20% would take the sick leave credit option.

**Option 2 (Five and \$20,000):** Add five years of creditable service and have \$20,000 added in sick leave credits.

**Option 3 (two plus three and \$20,000):** Add two years of age to actual age for age reduction purposes and three years of creditable service and add \$20,000 in added sick leave credits.

### Additional Questions

1. For each \$10,000 of sick leave credits, how much would this add to cost?
2. For each year of added service, how much would this add to cost?
3. For each year of added age for age reduction purposes, how much would this add to cost?
4. If a similar early retirement window, without a sick leave component was offered to all local employers, would the cost approximate what your estimates are for the state and university?
5. If the formula maximum benefit for Protectives with Social Security is now 65% of Final Average Earnings (FAE) and for Protectives without Social Security the maximum is now 85% of FAE, what would the estimated effect of changing this to 70% and 90% (respectively), be as a percent of payroll. Assume that this change would be permanent and would be a normal cost contribution. Also please take into account that the Department of Employee Trust Funds has estimated that approximately 50% of protectives with 20 or more years of service are projected to receive a money purchase benefit.

Also, please discuss any other aspect of these potential options that you feel should be brought to our attention.

We need the results of this study as soon as possible. Once you have reviewed the options please indicate the date we can expect your report.

Thank you for your immediate attention to our request.

Sincerely,

**Senate Committee on Organization**

*END*



*END*



State Senator  
**Chuck Chvala**  
 SENATE MAJORITY LEADER

TO: Members of the Committee on Senate Organization  
 FROM: Senator Chuck Chvala, Chair  
 DATE: January 18, 2002

SUBJECT: In accordance with Senate Rule 21, it is moved that the Senate Committee on Organization create two special committees, one to be named the "Education Finance Task Force", consisting of 15 members of the legislature and the public. The other special committee shall be named the "Task Force on Telecommunications Issues", consisting of 19 members of the legislature and the public. The special committees shall post meeting notices as a standing committee of the Senate, and shall be afforded the support afforded a standing committee of the Senate, granted authorization to contract for professional assistance and shall be eligible for reimbursement of actual and necessary expenses related to attendance at meetings of the special committee. The Education Finance Task Force shall submit a report to the Senate no later than December 31, 2002. The Task Force on Telecommunications Issues shall submit a report to the Senate no later than February 15, 2002.

Please review and indicate your approval by signing below. Please forward this ballot to the next office listed. Thank you.

*Chuck Chvala*  
 Senator Chuck Chvala

*1/22/02*  
 (Date)

*Fred A. Risser*  
 Senator Fred Risser

*1/24/02*  
 (Date)

*R. C. Moen*  
 Senator Rodney Moen

*1-22-02*  
 (Date)

*Mary E. Panzer*  
 Senator Mary E. Panzer

*1-29-02*  
 (Date)

*Alan Lasee*  
 Senator Alan Lasee

*1-30-02*  
 (Date)

*END*



*END*