

## 2009 DRAFTING REQUEST

### Bill

Received: **11/14/2008**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Frederick**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Adtl. Drafters:

Subject: **Employ Pub - miscellaneous**  
**Employ Pub - retirement**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

---

### Pre Topic:

DOA:.....Frederick, BB0222 -

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### Topic:

Creating and Abolishing DETF Positions

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### Instructions:

See attached.

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 11/14/2008	bkraft 11/14/2008		_____			State
/1			jfrantze 11/14/2008	_____	mbarman 11/14/2008		State
/2	rchampag 12/16/2008	bkraft 12/16/2008	jfrantze 12/16/2008	_____	lparisi 12/16/2008		State
/3	rchampag	bkraft	rschluet	_____	cduerst		

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	01/30/2009	01/30/2009	01/30/2009	_____	01/30/2009		

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<END>

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13 bjk'30

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/1		1/2 bjk 12/16	jfrantze 11/14/2008	_____	mbarman 11/14/2008		

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*[Handwritten signature]*  
11/16  
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/?	rchampag	1 bjk 11/14	do 11/14	Jmd 11/14			

FE Sent For:

<END>

DOA Draft  
2009 BILL

LRB-078211

RAC:bjk

Retirement and Group Insurance

(B)

all cap

SA ✓

do not gen.

- 1 AN ACT *to amend* 16.50 (3) (b) and 16.505 (1) (intro.); and *to create* 16.505 (2e)
- 2 and 40.03 (2) (fm) of the statutes; **relating to:** position authorization process
- 3 for the Department of Employee Trust Funds *the budget*

**Analysis by the Legislative Reference Bureau**

Current law generally provides that state employee positions may only be created or abolished by law or in budget deliberations, by the Joint Committee on Finance (JCF), or by the governor with respect to positions funded with federal revenues. This bill authorizes the secretary of employee trust funds to create or abolish any position that is funded from revenues deposited in the public employee trust fund. To exercise this authority, the secretary must notify the governor and JCF in writing of his or her proposed action. If, within 14 working days after the date of the secretary's notification, the governor does not object or the cochairpersons of JCF do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed action within 14 working days after the date of the secretary's notification, the position changes may be made as proposed by the secretary. If the governor objects to the proposed action within 14 working days after the date of the secretary's notification or the cochairpersons notify the secretary that JCF has scheduled a meeting for the purpose of reviewing the proposed action, the position changes may be made only upon approval of JCF.

The bill also specifies that, if a position is created through this process, then the appropriation that is used to pay salary and fringe benefit costs for the position is supplemented to cover the increased salary and fringe benefit costs.

**BILL**

For further information see the <sup>✓</sup>*state* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

<sup>✓</sup>**SECTION 1.** 16.50 (3) (b) of the statutes is amended to read:

16.50 **(3)** (b) No change in the number of full-time equivalent positions authorized through the biennial budget process or other legislative act may be made without the approval of the joint committee on finance, except for position changes made by the governor under s. 16.505 (1) (c) or (2), by the secretary of employee trust funds under s. 16.505 (2e), by the University of Wisconsin Hospitals and Clinics Board under s. 16.505 (2n), or by the board of regents of the University of Wisconsin System under s. 16.505 (2m) or (2p).

<sup>✓</sup>**SECTION 2.** 16.505 (1) (intro.) of the statutes is amended to read:

16.505 **(1)** (intro.) Except as provided in subs. (2), (2e), (2m), (2n), and (2p), no position, as defined in s. 230.03 (11), regardless of funding source or type, may be created or abolished unless authorized by one of the following:

<sup>✓</sup>**SECTION 3.** 16.505 (2e) of the statutes is created to read:

16.505 **(2e)** (a) The secretary of employee trust funds may create or abolish a full-time equivalent position or portion thereof that is funded from revenues deposited in the public employee trust fund by notifying the governor and the joint committee on finance in writing of his or her proposed action. If, within 14 working days after the date of the secretary's notification, the governor does not object to the proposed action and if the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed action within 14 working days after the date of the secretary's notification,

**BILL**

1 the position changes may be made as proposed by the secretary. If the governor  
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3 notification or the cochairpersons notify the secretary that the committee has  
4 scheduled a meeting for the purpose of reviewing the proposed action, the position  
5 changes may be made only upon approval of the committee.

6 (b) If a full-time equivalent position or portion thereof is created under par. (a),  
7 the appropriation that is used to pay salary and fringe benefit costs for the position  
8 is supplemented to cover the salary and fringe benefit costs for the position.

9 (c) The secretary of employee trust funds shall submit a quarterly report to the  
10 employee trust funds board, the governor, and the joint committee on finance of any  
11 position changes made under this subsection.

12 **SECTION 4.** 40.03 (2) (fm) of the statutes is created to read:

13 40.03 (2) (fm) Shall develop a methodology for determining the number of  
14 authorized positions the department needs to exercise its powers and perform its  
15 duties under this chapter. The secretary shall notify the governor and the joint  
16 committee on finance under s. 16.505 (2e) of any authorized position increases or  
17 decreases. If the secretary intends to increase the authorized positions beyond the  
18 number derived from the methodology, the board must approve the notification to the  
19 governor and the joint committee on finance under s. 16.505 (2e).

20 (END)

## Champagne, Rick

---

**From:** Frederick, Caitlin - DOA [caitlin.frederick@wisconsin.gov]  
**Sent:** Tuesday, December 16, 2008 10:59 AM  
**To:** Champagne, Rick  
**Subject:** RE:

I might have a better direction on that by Friday (some things are under contemplation).

On a related note, can you re-draft LRB-0782/1 to eliminate the created 40.03 (2)(fm)? Or, at least the sentences or phrases referencing a methodology? Would we still need a 16.505 reference in 40.03 if we omit the methodology reference?

---

**From:** Champagne, Rick [mailto:Rick.Champagne@legis.wisconsin.gov]  
**Sent:** Tuesday, December 16, 2008 10:52 AM  
**To:** Frederick, Caitlin - DOA  
**Subject:**

Hi Caitlin:

Just thought I would touch base with you to see if there is any possible proposal I should be thinking about or working on for the budget relating to state employees/ fringe benefits, etc.

Rick



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-0782/12

RAC:bjk:jf

Stage  
RMR

DOA:.....Frederick - Creating and Abolishing DETF Positions

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SAV

*do not gen.*

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**RETIREMENT AND GROUP INSURANCE**

Current law generally provides that state employee positions may only be created or abolished by law or in budget deliberations, by JCF, or by the governor with respect to positions funded with federal revenues. This bill authorizes the secretary of employee trust funds to create or abolish any position that is funded from revenues deposited in the public employee trust fund. To exercise this authority, the secretary must notify the governor and JCF in writing of his or her proposed action. If, within 14 working days after the date of the secretary's notification, the governor does not object or the cochairpersons of JCF do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed action within 14 working days after the date of the secretary's notification, the position changes may be made as proposed by the secretary. If the governor objects to the proposed action within 14 working days after the date of the secretary's notification or the cochairpersons notify the secretary that JCF has scheduled a meeting for the purpose of reviewing the proposed action, the position changes may be made only upon approval of JCF.

The bill also specifies that, if a position is created through this process, then the appropriation that is used to pay salary and fringe benefit costs for the position is supplemented to cover the increased salary and fringe benefit costs.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 16.50 (3) (b) of the statutes is amended to read:

2           16.50 (3) (b) No change in the number of full-time equivalent positions  
3 authorized through the biennial budget process or other legislative act may be made  
4 without the approval of the joint committee on finance, except for position changes  
5 made by the governor under s. 16.505 (1) (c) or (2), by the secretary of employee trust  
6 funds under s. 16.505 (2e), by the University of Wisconsin Hospitals and Clinics  
7 Board under s. 16.505 (2n), or by the board of regents of the University of Wisconsin  
8 System under s. 16.505 (2m) or (2p).

9           **SECTION 2.** 16.505 (1) (intro.) of the statutes is amended to read:

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12 created or abolished unless authorized by one of the following:

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20 (END)



DOA:.....Frederick, BB0222 - Creating and Abolishing DETF Positions  
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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12

(END)

D-note

# D-Note

This draft reconciles LRB-0782/2 ↗  
LRB-0863/6 ↗ and LRB-1794/2 ↗ with  
respect to the treatment of s. 16.505(1)  
(Intro). All of these drafts should  
continue to appear in the compiled bill.

# RAC

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0782/3dn  
RAC:bjk:rs

January 30, 2009

This draft reconciles LRB-0782/2, LRB-0863/6, and LRB-1794/2, with respect to the treatment of s. 16.505 (1) (intro.). All of these drafts should continue to appear in the compiled bill.

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: [rick.champagne@legis.wisconsin.gov](mailto:rick.champagne@legis.wisconsin.gov)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-0782/3

RAC:bjk.rs

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