

1999 SENATE BILL 297

November 24, 1999 – Introduced by Senators WIRCH, RUDE, GROBSCHMIDT and ROESSLER, cosponsored by Representatives KAUFERT, MUSSER, BLACK, J. LEHMAN, RYBA and WAUKAU. Referred to Committee on Labor.

1 **AN ACT** *to amend* 15.16 (1) (intro.), 15.16 (1) (b) (intro.), 15.16 (1) (b) 2., 15.16 (1)
2 (b) 3., 15.165 (3) (b) (intro.), 15.165 (3) (b) 3., 15.165 (3) (b) 6., 15.165 (3) (b) 7.
3 and 40.03 (8) (a); and *to create* 15.16 (1) (b) 4., 15.165 (3) (b) 10., 111.71 (1m)
4 and 111.94 (1m) of the statutes; **relating to:** membership of the employe trust
5 funds board and the Wisconsin retirement board.

Analysis by the Legislative Reference Bureau

Under current law, the Wisconsin retirement board, which is created in the department of employe trust funds (DETF), is responsible, among other things, for approving or rejecting all administrative rules promulgated by DETF that affect participants in the Wisconsin retirement system, other than teacher participants. Currently, the Wisconsin retirement board consists of nine members, three of whom are local government and state employes. This bill provides that these employe members of the Wisconsin retirement board must be included within collective bargaining units for which a representative is recognized or certified under the Municipal Employment Labor Relations Act (MERA) or the State Employment Labor Relations Act. In addition, the bill increases the size of the Wisconsin retirement board to include a member who is a protective occupation participant employe of a participating local fire department or certain city and county law enforcement agencies and who is included within a collective bargaining unit for which a representative is recognized or certified under MERA.

Under current law, the employe trust funds board directs and supervises DETF. The employe trust funds board consists of 12 members. This bill increases the

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employe trust funds board to include the member of the Wisconsin retirement board who is a protective occupation participant employe of a participating local fire department or certain city and county law enforcement agencies and who is included within a collective bargaining unit for which a representative is recognized or certified under MERA.

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.** 15.16 (1) (intro.) of the statutes is amended to read:

2 15.16 (1) EMPLOYE TRUST FUNDS BOARD. (intro.) The employe trust funds board
3 shall consist of ~~12~~ 13 members. The board shall consist of the governor or the
4 governor's designee on the group insurance board, the secretary of employment
5 relations or the secretary's designee and ~~10~~ 11 persons appointed for 4-year terms
6 as follows:

7 **SECTION 2.** 15.16 (1) (b) (intro.) of the statutes is amended to read:

8 15.16 (1) (b) (intro.) ~~Four~~ Five members shall be members of the Wisconsin
9 retirement board, appointed by that board.

10 **SECTION 3.** 15.16 (1) (b) 2. of the statutes is amended to read:

11 15.16 (1) (b) 2. At least one appointee under this paragraph shall have been
12 appointed to the board under s. 15.165 (3) (b) ~~3., 6. or 7.~~ or 6.

13 **SECTION 4.** 15.16 (1) (b) 3. of the statutes is amended to read:

14 15.16 (1) (b) 3. At least one appointee under this paragraph shall have been
15 appointed to the board under s. 15.165 (3) (b) ~~7. or 8.~~

16 **SECTION 5.** 15.16 (1) (b) 4. of the statutes is created to read:

17 15.16 (1) (b) 4. At least one appointee under this paragraph shall have been
18 appointed to the board under s. 15.165 (3) (b) 10.

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1 **SECTION 6.** 15.165 (3) (b) (intro.) of the statutes is amended to read:

2 15.165 **(3)** (b) *Wisconsin retirement board.* (intro.) There is created in the
3 department of employe trust funds a Wisconsin retirement board. The board shall
4 consist of 9 10 members and board members appointed under subs. 1. to 8. and 10.
5 shall serve for staggered 5-year terms. The member appointed under subd. 1. shall
6 be appointed from a list of 5 names submitted by the board of directors of the league
7 of Wisconsin municipalities, ~~and;~~ the member appointed under subd. 3. shall be
8 appointed from a list of 5 names submitted by the labor organization that represents
9 the greatest number of city and village employes who are included within collective
10 bargaining units for which a representative is recognized or certified under subch.
11 IV of ch. 111, as determined by the employment relations commission; the member
12 appointed under subd. 4. shall be appointed from a list of 5 names submitted by the
13 executive committee of the Wisconsin counties association; the member appointed
14 under subd. 6. shall be appointed from a list of 5 names submitted by the labor
15 organization that represents the greatest number of county employes who are
16 included within collective bargaining units for which a representative is recognized
17 or certified under subch. IV of ch. 111, as determined by the employment relations
18 commission; the member appointed under subd. 7. shall be appointed from a list of
19 5 names submitted by the labor organization that represents the greatest number
20 of state employes who are included within collective bargaining units for which a
21 representative is recognized or certified under subch. V of ch. 111, as determined by
22 the employment relations commission; and the member appointed under subd. 10.
23 shall be appointed from a list of 5 names submitted by the labor organization that
24 represents the greatest number of protective occupation participant employes who
25 are included within collective bargaining units for which a representative is

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1 recognized or certified under subch. IV of ch. 111 and which are subject to the dispute
2 settlement procedure specified in s. 111.77, as determined by the employment
3 relations commission. Each member appointed under subds. 1., 2. and 3. shall be
4 from a different county. Each member appointed under subds. 4., 5. and 6. shall be
5 appointed from a different county. The board shall consist of the following members:

6 **SECTION 7.** 15.165 (3) (b) 3. of the statutes is amended to read:

7 15.165 (3) (b) 3. One member who is a participating employe of a participating
8 city or village and who is included within a collective bargaining unit for which a
9 representative is recognized or certified under subch. IV of ch. 111.

10 **SECTION 8.** 15.165 (3) (b) 6. of the statutes is amended to read:

11 15.165 (3) (b) 6. One member who is a participating employe of a participating
12 ~~local employer other than a city or village~~ county and who is included within a
13 collective bargaining unit for which a representative is recognized or certified under
14 subch. IV of ch. 111.

15 **SECTION 9.** 15.165 (3) (b) 7. of the statutes is amended to read:

16 15.165 (3) (b) 7. One member who is a participating state employe and who is
17 included within a collective bargaining unit for which a representative is recognized
18 or certified under subch. V of ch. 111.

19 **SECTION 10.** 15.165 (3) (b) 10. of the statutes is created to read:

20 15.165 (3) (b) 10. One member who is a protective occupation participant
21 employe of a participating local employer and who is included within a collective
22 bargaining unit for which a representative is recognized or certified under subch. IV
23 of ch. 111 and which is subject to the dispute settlement procedure specified in s.
24 111.77.

25 **SECTION 11.** 40.03 (8) (a) of the statutes is amended to read:

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1 40.03 **(8)** (a) Shall appoint ~~4~~ 5 members of the employe trust funds board as
2 provided under s. 15.16 (1).

3 **SECTION 12.** 111.71 (1m) of the statutes is created to read:

4 111.71 **(1m)** The commission shall make all determinations under s. 15.165 (3)
5 (b) relating to which labor organization represents the greatest number of municipal
6 employes employed by municipal employers.

7 **SECTION 13.** 111.94 (1m) of the statutes is created to read:

8 111.94 **(1m)** The commission shall make all determinations under s. 15.165 (3)
9 (b) relating to which labor organization represents the greatest number of employes
10 employed by the state.

11 **SECTION 14. Nonstatutory provisions.**

12 (1) Notwithstanding the requirement under section 15.165 (3) (b) 3. of the
13 statutes, as affected by this act, that the member appointed to the Wisconsin
14 retirement board under that subdivision must be included within a collective
15 bargaining unit for which a representative is recognized or certified under
16 subchapter IV of chapter 111 of the statutes, the member appointed under section
17 15.165 (3) (b) 3., 1997 stats., shall continue to serve on the board the remainder of
18 his or her term and until a successor is appointed and qualified.

19 (2) Notwithstanding the requirement under section 15.165 (3) (b) 6. of the
20 statutes, as affected by this act, that the member appointed to the Wisconsin
21 retirement board under that subdivision must be a participating employe of a
22 participating county and must be included within a collective bargaining unit for
23 which a representative is recognized or certified under subchapter IV of chapter 111
24 of the statutes, the member appointed under section 15.165 (3) (b) 6., 1997 stats.,

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1 shall continue to serve on the board the remainder of his or her term and until a
2 successor is appointed and qualified.

3 (3) Notwithstanding the requirement under section 15.165 (3) (b) 7. of the
4 statutes, as affected by this act, that the member appointed to the Wisconsin
5 retirement board under that subdivision must be included within a collective
6 bargaining unit for which a representative is recognized or certified under
7 subchapter V of chapter 111 of the statutes, the member appointed under section
8 15.165 (3) (b) 7., 1997 stats., shall continue to serve on the board the remainder of
9 his or her term and until a successor is appointed and qualified.

10 (END)