

AUG 14 2000

LCRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



Terry C. Anderson, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

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

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



Terry C. Anderson
Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

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 Employee 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.

State of Wisconsin
DEPARTMENT OF EMPLOYE TRUST FUNDS -- OFFICE OF THE SECRETARY
and
EMPLOYE TRUST FUNDS BOARD and WISCONSIN RETIREMENT BOARD

Clearinghouse Rule #CR

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

NOTICE OF PROPOSED RULE

NOTICE IS HEREBY GIVEN That pursuant to ss. 40.03 (1)(m), (2)(i) and 227.11, Stats., and interpreting ss. 40.03 (2)(p) and 15.07(1)(a)3., Stats., and according to the procedure set forth in s. 227.16 (2)(b), Stats., the Department of Employee Trust Funds will adopt the following rule as proposed in this notice without public hearing relating to the amendment of election procedures for the Employee Trust Funds Board.

Analysis Prepared by the Wisconsin Department of Employee Trust Funds

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 employe or a Wisconsin Technical College educational support personnel employe. Act 11 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 employes 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.

Authority for Rule

Wis. Stats. § 40.03(1)(m) and (2)(i).

Initial 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 Employe 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.

Initial Regulatory Flexibility Analysis

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

Copies of Rule and Contact Persons

Copies of this rule are available without cost by making a request to the Department of Employee Trust Funds, Office of the Secretary, P.O. Box 7931, Madison, Wisconsin 53707, telephone (608) 266-1071. For questions about this rule making, please call Pam Henning, Director of Legislation and Planning, at (608) 267-2929.

TEXT OF RULE

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 employes and annuitants to the employe 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 employe 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 employes or annuitants who are eligible under s. 15.16 (1)(d), ~~(f)~~ or 15.165 (3) (a)1., 2., 6. or 7., Stats., to vote to elect a member to the employe trust funds board or the teachers retirement board.

(intro.) (4)
SECTION 3. ETF 10.10 (7) is amended to read:

ETF 10.10 (7) Any participating employe 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 employe 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 employe 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)

Proposed Effective Date

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Wis. Stats.

Approved for Publication

This proposed rule is approved for submission to the Legislative Council Staff for review under Wis. Stats. § 227.15 and for submission to the Revisor of Statutes under Wis. Stats. § 227.17.

Signed at Madison, Wisconsin this 19th day of July, 2000.

WISCONSIN DEPARTMENT OF EMPLOYE TRUST FUNDS

Eric O. Stanchfield
Eric O. Stanchfield, Secretary