

**2001 Jr2 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-AB1)**

Received: **04/01/2002**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Engel**

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

Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Public Util. - misc.**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

SCC:.....Engel - CN5553,

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**Topic:**

Exempting PSC from hiring freeze

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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>
/1	kunkemd 04/02/2002	gilfokm 04/02/2002	haugeca 04/02/2002	_____	lrb_docadmin 04/03/2002		

FE Sent For:

<END>

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1?	kunkemd	1-4/2 kmg	ck ur	ck 4-2 pkb			

FE Sent For:

<END>

CN 5553

**Public Service Commission**

**Exempt the PSC from the hiring freeze only for currently vacant positions related to environmental analysis and engineering reviews. [Please ask LFB to check on the current number of vacant positions related to environmental analysis and engineering reviews at the PSC]**

**Further, forbid the PSC from lapsing funding from the intervenor compensation appropriation.**

Mark Kunkel  
(4-6948)

Mark : Here is the PSC Vacancy report for

Pay period 2-10-02 + 02-23-02

- It appears all of the Vacant positions are PR funded (19.0 total) w/ 2.0 vacancies under the Railroad and 17.0 in main office.
- If you need something more recent let me know. I think Cynthia Dombrowski @ OOA has payroll info for @ least one more pay period.

Dawn R.

STATE AGENCY F.T.E. POSITION STATUS REPORT  
 PAY PERIOD 02-10-2002 TO 02-23-2002

POS.	S F	VAC DATE	AUTH DATE	% BUDG CLASSIFICATION TITLE	SAL	FUNDED	FORMER	BUDGET APPROV	PAGE
001322	C	1MOS. 01-15-02	07-01-68	100.0 CONSUMER AFFAIRS PROGRAM COORD	16.65	81-03 PRO	-LAWRENCE	131 030000 000 1100 00000	1
010141	C	1MOS. 01-04-02	12-29-69	100.0 LEGISLATIVE LIAISON	21.82	81-02 PRO	-NELSON	131 060000 000 1100 00000	
013694	C	1MOS. 03-24-01	07-01-68	100.0 EXECUTIVE STAFF ASSISTANT 1	13.25	01-11 PRO	-HERNOSIL	131 020000 000 1100 00000	
016121	C	10MOS. 03-30-01	07-01-68	100.0 PUBLIC UTILITY AUDITOR 6	21.34	07-79 PRO	-NANTHEY	131 030000 000 1100 00000	
016408	C	4MOS. 10-20-01	07-01-68	100.0 COMMUNICATIONS OFFICER	16.65	81-03 PRO	-BUTSON	131 010000 000 1100 00000	
021565	C	3MOS. 10-27-01	07-01-68	100.0 LEGISLATIVE LIAISON	21.82	81-02 PRO		131 010000 000 1100 00000	
300601	C	20MOS. 05-30-00	12-29-75	100.0 EXEC ASST 20.923(9) NTE ESO 3	0.00	90-00 PRO	-MCCORMAC	131 016000 000 1200 00000	
301509	C	8MOS. 06-25-01	09-03-76	100.0 IS SYSTEMS DEVNMT SERVICES SPEC	23.55	07-02 PRO	-SEGAL	131 020200 000 1120 00000	
301512	C	5MOS. 09-22-01	09-03-76	100.0 PROGRAM ASSISTANT 3	11.79	02-10 PRO	-ANDREWS	131 060000 000 1100 00000	
304110	C	3MOS. 11-17-01	10-24-77	100.0 PROGRAM ASSISTANT 2	10.90	02-09 PRO	-MIDELFOR	131 030000 000 1100 00000	
305403	C	11MOS. 03-02-01	01-04-79	100.0 PROGRAM & PLANNING ANAL 6	16.25	07-16 PRO	-KORDA	131 060000 000 1100 00000	
310488	C	12MOS. 02-09-01	10-21-63	100.0 PUBLIC UTILITY AUDITOR 6	21.34	07-79 PRO	-HENNINGS	131 060000 000 1100 00000	
310632	C	9MOS. 04-28-01	06-25-64	100.0 PUBLIC UTILITY AUDITOR 5	21.34	07-79 PRO	-NANTHEY	131 030000 000 1100 00000	
310633	C	1MOS. 01-02-02	06-25-64	100.0 PUBLIC UTILITY AUDITOR 4	16.25	07-78 PRO	-BONET	131 030000 000 1100 00000	
310634	C	6MOS. 06-23-01	06-25-64	100.0 PUBLIC UTILITY AUDITOR 5	21.34	07-79 PRO	-MICHEK	131 060000 000 1100 00000	
312713	C	3MOS. 11-05-01	11-28-65	100.0 IS TECHNICAL SERVICES SENIOR	16.25	07-01 PRO	-HENNING	131 020200 000 1120 00000	
327121	P	13MOS. 01-05-01	04-01-99	100.0 PROGRAM & PLANNING ANAL 4	15.58	07-16 PRO	-CARROLL	133 030000 000 1300 00000	

131 = (17)(g)  
 133 = mobile home

155 PUBLIC SERVICE COMM  
 900 MAIN OFFICE  
 PAY PERIOD 02-10-2002 TO 02-23-2002

GPR		PRO		PR-F		SEG		M		TOTAL	
FILLED	VACANT	FILLED	VACANT	TOTAL	FILLED	VACANT	TOTAL	FILLED	VACANT	TOTAL	FTE
0.00	0.00	17.00	164.00	1.00	0.00	1.00	0.00	0.00	0.00	0.00	165.00

2 vacant positions for which no auth. to fill  
 - one to engineering  
 - one to envtl.  
 (PSC has already rec'd permission for 2 vacant pos. from)

Note  
 3.0

K02

PMS REPORTING FUNCTION--  
 155 PUBLIC SERVICE COMM  
 100 RAILROAD COMMISSION  
 STATE AGENCY F.T.E. POSITION STATUS REPORT  
 PAY PERIOD 02-10-2002 TO 02-25-2002  
 02/02/26 PAGE 1

POS.	S F	VAC DATE	AUTH DATE	% BUDO	CLASSIFICATION TITLE	SAL	FUNDED	FORMER	BUDGET APPROP
011484	C	19NOS.07-07-00	01-01-94	100.0	RAILROAD SAFETY ANALYST-PRINCIPA	15.13	05-14 PRO	-CAMPBELL	251 020000 000 1100 00000
325740	C	16NOS.08-12-00	10-12-97	100.0	RAILROAD SAFETY ANALYST-PRINCIPA	15.13	05-14 PRO	-TOLLERS	251 020000 000 1100 00000

155 PUBLIC SERVICE COMM  
 100 RAILROAD COMMISSION  
 PAY PERIOD 02-10-2002 TO 02-25-2002

GPR		PRO		M		PR-F		SEG		M		SEG-F		M	
FILLED	VACANT	TOTAL	FILLED	VACANT	TOTAL	FILLED	VACANT	TOTAL	FILLED	VACANT	TOTAL	FILLED	VACANT	TOTAL	FTE
0.00	0.00	0.00	5.00	2.00	7.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7.00

PHIS REPORTING FUNCTION-- PAGE 2  
155 PUBLIC SERVICE COMM 02/02/26

STATE AGENCY F.T.E. POSITION STATUS REPORT  
PAY PERIOD 02-10-2002 TO 02-23-2002

POS. S F VAC DATE AUTH DATE X BUDG CLASSIFICATION TITLE SAL FUNDED FORMER BUDGET APPROV

155 PUBLIC SERVICE COMM  
-DEPARTMENT FTE TOTALS- PAY PERIOD 02-10-2002 TO 02-23-2002

FILLED 8.00	VACANT 0.00	TOTAL 8.00	GPR		PRO		PR-F		M		SEG		M		
			VACANT 0.00	FILLED 8.00	VACANT 19.00	FILLED 172.00	VACANT 0.00	FILLED 1.00	VACANT 0.00	FILLED 1.00	VACANT 0.00	FILLED 0.00	VACANT 0.00	FILLED 0.00	TOTAL 0.00
		TOTAL		TOTAL		TOTAL		TOTAL		TOTAL		TOTAL		TOTAL	
		8.00	0.00	19.00	172.00	0.00	1.00	0.00	1.00	0.00	0.00	0.00	0.00	0.00	192.00

N02

## Kunkel, Mark

---

**From:** Burnett, Douglas  
**Sent:** Monday, April 01, 2002 3:17 PM  
**To:** 'Curt Pawlisch'; Kunkel, Mark  
**Subject:** RE: PSC hiring

ok, bag my idea.

-----Original Message-----

**From:** Curt Pawlisch [mailto:pawlisch@cwpb.com]  
**Sent:** Monday, April 01, 2002 3:14 PM  
**To:** Douglas.Burnett@legis.state.wi.us; Mark.Kunkel@legis.state.wi.us  
**Subject:** RE: PSC hiring

Strangely enough, the PSC, under its current chair, really wants to lapse the money. So the language we initially proposed would still work without Doug's idea.

>>> "Burnett, Douglas" <Douglas.Burnett@legis.state.wi.us> 04/01/02 02:53PM >>>

good point. can we deal with that by setting a date at which the \$ lapse if they have not filled the positions? that should properly incentive them to fill them.

-----Original Message-----

**From:** Kunkel, Mark  
**Sent:** Monday, April 01, 2002 2:54 PM  
**To:** Burnett, Douglas; 'Curt Pawlisch'  
**Subject:** RE: PSC hiring

One thing to think about is that if the money doesn't lapse unless or until the PSC fills the positions, won't you create an incentive for the PSC not to fill the positions? If they don't fill the positions, they get to keep the money, instead of lapsing it into the general fund.

-----Original Message-----

**From:** Burnett, Douglas  
**Sent:** Monday, April 01, 2002 1:50 PM  
**To:** 'Curt Pawlisch'; Kunkel, Mark  
**Subject:** RE: PSC hiring

I do need to know exactly how many positions we're talking about here though  
Curt.

-----Original Message-----

**From:** Curt Pawlisch [mailto:pawlisch@cwpb.com]  
**Sent:** Monday, April 01, 2002 1:45 PM  
**To:** Mark.Kunkel@legis.state.wi.us  
**Cc:** douglas.burnett@legis.state.wi.us  
**Subject:** RE: PSC hiring

Mark,



The hiring freeze language looks good. I do think these are permanent positions (environmental analysis and engineering reviews).

We would want to require the PSC to hire for these positions prior to lapsing the money. I understand the enforcement concern. A reporting requirement to JFC is fine. I will work on identifying the positions.

Also, assuming Doug agrees, we should add language that clarifies that the PSC may not lapse intervenor compensation money to the general fund.

--Curt

>>> "Kunkel, Mark" <Mark.Kunkel@legis.state.wi.us> 04/01/02 10:33AM >>>  
Curt:

One thing that will be needed is an exemption from the hiring freeze. Here's a nonstatutory provision that would do that:

"Hiring freeze exemption. Notwithstanding any action of the governor or the secretary of administration under section 16.505 (3) of the statutes before the effective date of this subsection, the public service commission may fill [insert number] FTE PR [I'm assuming they are FTE positions; if not, insert appropriate description] positions that are vacant on the effective date of this subsection, that are authorized to the department under section 16.505 of the statutes, and that are funded from the appropriation under section 20.155 (1) (g) of the statutes."

You probably want to describe the positions in more detail, though.

One other point: you really can't enforce a requirement that a state agency must fill a position. For example, what if no one applies for the job, or no one is qualified? You could require the PSC to report to Joint Finance if the PSC hasn't filled a position by a specified date. In the report, the PSC would have to explain why the positions aren't filled. What do you think of that?

-- Mark

> \-----Original Message-----

> From: Burnett, Douglas

> Sent: Wednesday, March 27, 2002 6:30 PM

> To: Curt Pawlisch (E-mail)

> Cc: Kunkel, Mark

> Subject: PSC hiring

>

> Hey Curt--I need you to talk to Mark Kunkel about that PSC lapse/staff issue you mentioned last week. Please give Mark a call when you're back.

> See if something is draftable on it. Thanks

**Kunkel, Mark**

---

**From:** Burnett, Douglas  
**Sent:** Monday, April 01, 2002 1:49 PM  
**To:** 'Curt Pawlisch'; Kunkel, Mark  
**Subject:** RE: PSC hiring

yes, that's fine on the intervenor comp \$.

Mark--I will get a caucus # entered on this asap and it will come over to you.

-----Original Message-----

**From:** Curt Pawlisch [mailto:pawlisch@cwpb.com]  
**Sent:** Monday, April 01, 2002 1:45 PM  
**To:** Mark.Kunkel@legis.state.wi.us  
**Cc:** douglas.burnett@legis.state.wi.us  
**Subject:** RE: PSC hiring

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back.

> See if something is draftable on it. Thanks



State of Wisconsin  
 2001 - 2002 LEGISLATURE  
 January 2002 Special Session

LRBb2955/1

MDK: /...  
*King*

*O-NOTE*

SCC:.....Engel - CN5553, Exempting PSC from hiring freeze

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT ,  
 TO SENATE SUBSTITUTE AMENDMENT 1,  
 TO ASSEMBLY BILL 1**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 362, line 12: after that line insert:

3 <sup>X</sup>  
 4 “(1~~6~~) HIRING FREEZE EXEMPTION. Notwithstanding any action of the governor  
 5 or the secretary of administration under section 16.505 (3) of the statutes before the  
 6 effective date of this subsection, the public service commission may fill 3.0 FTE PR  
 7 positions that are vacant on the effective date of this subsection, that are related to  
 8 the performance of environmental analyses and engineering reviews, that are  
 9 authorized to the commission under section 16.505 of the statutes, and that are  
 10 funded from the appropriation under section 20.155 (1) (g) of the statutes. If the  
 public service commission does not fill the positions by the first day of the 6th month

*Nonstat.*

1 beginning after the effective date of this subsection, the commission shall, no later  
2 than the first day of the 7th month beginning after the effective date of this  
3 subsection, submit a report to the joint committee on finance of the legislature that  
4 explains the reasons for not filling the positions.”.

5 ✓ 2. Page 427, line 22: delete that line and substitute:

6 ✓ “(1) (g) -0- 707,700.” ✓

7 ✓ 3. Page 428, line 9: after the period insert “In addition, the secretary of  
8 administration may not lapse the amounts specified in paragraph (a) from the  
9 appropriation account under section 20.155 (1) (g) of the statutes to the general fund  
10 unless the public service commission fills the positions that are described in SECTION  
11 9142 (1) (a) of this act no later than the first day of the 6th month beginning after the  
12 effective date of this subsection.”.

13 (END)

*all plain  
text*

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

LRBb2955/1dn

MDK:.....  
*King*

Please note the following about this amendment:

1. The JCF substitute amendment does not lapse any money from the appropriation under s. 20.155 (1) (j), stats. (intervenor financing). Therefore, it's not necessary to prevent such a lapse.
2. Due to timing issues, I think you need to make the change to page 427, line 22, which delays the lapse that would occur in fiscal year 2001-02 under the JCF substitute amendment until fiscal year 2002-03. Or, is it sufficient for your purposes to allow the JCF's lapse to occur in fiscal year 2001-02, even in the likely event that the PSC does not fill the positions in fiscal year 2001-02?

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

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

LRBb2955/1dn  
MDK:kmg:ch

April 2, 2002

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Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us



State of Wisconsin  
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2955/1  
MDK:kmg:ch

SCC:.....Engel – CN5553, Exempting PSC from hiring freeze

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TO ASSEMBLY BILL 1**

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5 effective date of this subsection, the public service commission may fill 3.0 FTE PR  
6 positions that are vacant on the effective date of this subsection, that are related to  
7 the performance of environmental analyses and engineering reviews, that are  
8 authorized to the commission under section 16.505 of the statutes, and that are  
9 funded from the appropriation under section 20.155 (1) (g) of the statutes. If the  
10 public service commission does not fill the positions by the first day of the 6th month



1 beginning after the effective date of this subsection, the commission shall, no later  
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3 subsection, submit a report to the joint committee on finance of the legislature that  
4 explains the reasons for not filling the positions.”.

5 **2.** Page 427, line 22: delete that line and substitute:

6 “(1) (g) -0- 707,700.”.

7 **3.** Page 428, line 9: after the period insert “In addition, the secretary of  
8 administration may not lapse the amounts specified in paragraph (a) from the  
9 appropriation account under section 20.155 (1) (g) of the statutes to the general fund  
10 unless the public service commission fills the positions that are described in SECTION  
11 9142 (1x) of this act no later than the first day of the 6th month beginning after the  
12 effective date of this subsection.”.

13 (END)