

CR 82-251

RECEIVED

APR 29 1983

4:10 pm
Revisor of Statutes
Bureau

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF EMPLOYE TRUST FUNDS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Gary I. Gates, Secretary of the Department of Employee Trust Funds, and custodian of the official records do hereby certify that the annexed rules relating to records of the Department of Employee Trust Funds were duly approved by the Employee Trust Funds, Teachers Retirement and Wisconsin Retirement Boards and adopted by this department on April 28, 1983.

I further certify that this copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have
hereunto set my hand at
201 East Washington Avenue,
in the City of Madison, this
29th day of April,
19 83.

Gary I. Gates
Gary I. Gates, Secretary
Department of Employee Trust Funds

7-1-83

ORDER OF THE DEPARTMENT OF EMPLOYE TRUST FUNDS
REPEALING, RENUMBERING, AMENDING AND CREATING RULES

To repeal s. ETF 3.01; to renumber and amend ss. ETF 3.02 and 3.03; and to create ss. ETF 10.01 (3m) and 10.70, relating to records of the Department of Employee Trust Funds.

Analysis Prepared by the Department of Employee Trust Funds

This order, relating to records of the Department of Employee Trust Funds, is mostly housekeeping in nature to repeal rules which duplicate statutes or to renumber, amend and create rules to clarify language, correct statutory cites and place the rules within the newly created chapter ETF 10. Section 4 creates s. ETF 10.01 (3m), however, s. ETF 10.01 is being created by another rule which will be promulgated prior to the promulgation of this rule. Eventually all rules of the Department of Employee Trust Funds will be renumbered to correspond to the organization of chapter 40, Stats., as created by ch. 96, Laws of 1981.

These rules interpret ss. 40.03 (2) (i) and 40.07, Stats.

Pursuant to the authority vested in the Department of Employee Trust Funds by s. 40.03 (2) (i), Stats., the Department of Employee Trust Funds hereby repeals, renumbers, amends and creates rules interpreting ss. 40.03 (2) (i) and 40.07, Stats., as follows:

SECTION 1. ETF 3.01 is repealed.

SECTION 2. ETF 3.02 is renumbered ETF 10.71 and as renumbered ETF 10.71 (1) (intro.) and (2) are amended to read:

ETF 10.71 TRANSCRIPT FEES. (1) A copy of the transcript of proceedings in any hearing initiated under the provisions of s. 227.07 or ~~227.075~~ 227.064, Stats., will be provided upon the written request of a party, as defined in s. ~~227.06~~ 227.01 (6), Stats., and upon payment of the fee or fees specified below:

(2) One free copy of the transcript ~~will~~ shall be provided to any party who establishes to the satisfaction of the department, that the payment of a transcript fee would prove to be an unreasonable financial burden due to ~~such~~ the party's ~~impecuniousness~~ lack of financial resources.

SECTION 3. ETF 3.03 is renumbered ETF 10.72 and as renumbered is amended to read:

ETF 10.72 FEE FOR SEARCH OF HISTORICAL RECORDS. ~~Employee~~ Individuals and employers may be charged an administrative fee of \$5.00 for information concerning an account or record which is not readily available and which requires a search of historical records, either within the department or at the state records center. This charge shall not apply for searches required by s. 40.02 (17) (b) or 40.25 (6) (a), Stats.

SECTION 4. ETF 10.01 (3m) is created to read:

(3m) "Medical record" includes medical evaluation, diagnosis, prognosis, rehabilitation potential, medication, treatment, diet, limitations on activities, symptoms, general physical or mental condition, x-rays, lab tests or results, or any communication or information related to the health, medical, surgical, dental, optometric, chiropractic, podiatric or hospital care or condition of a participant or the spouse or dependent of the participant.

SECTION 5. ETF 10.70 is created to read:

ETF 10.70 INDIVIDUAL PERSONAL INFORMATION. (1) Individual personal information, within the meaning of s. 40.07, Stats., is all information in any individual record of the department, including but not limited to the date of birth, earnings,

contributions, interest credits, beneficiary designations, creditable service, marital status, address, and social security number, but not including information in any statistical report, other report or summary in which individual identification is not possible.

(2) Individual personal information may be disclosed as required for the proper administration of benefit programs under ch. 40, Stats., including discussion of this information in any meeting of any board created under s. 15.16 or 15.165, Stats., or disclosure in any written record of the board proceedings.

(3) (a) Pursuant to s. 40.07 (1) (a), Stats., an individual's personal information may be disclosed, except as otherwise prohibited, upon proper identification, to that individual or the duly authorized personal representative of that individual in person, by telephone, or in writing.

(b) Except as provided in par. (d), an individual's authorization to release information to a personal representative shall be in writing, signed, and dated and shall refer specifically to the records in this department.

(c) A written authorization under par. (b) which does not contain an expiration date shall be deemed to have expired 6 months following the date the authorization was signed.

(d) The secretary of the department, or specific departmental employees designated by the secretary, may authorize disclosure of information without written authorization when urgent circumstances exist which warrant an exception to normal procedures and when the person to whom the information is to be given is otherwise authorized to receive it.

(4) In case of death, disabling injury or disease, disclosure of individual personal information shall be made only to a proper beneficiary or the duly authorized representative of the beneficiary or to the legal representative of the individual or the individual's estate whose record is the subject of inquiry.

(5) Notwithstanding sub. (3), disclosure of a beneficiary designation shall only be in person or upon receipt of a written request from the individual whose record is the subject of inquiry. Disclosure shall be made to either the individual or to the duly authorized representative of that individual.

The rules, amendments and repeals contained in this order shall take effect as provided in s. 227.026 (1) (intro.), Stats.

April 29, 1983
Date

Gary I. Gates
Gary I. Gates, Secretary
Department of Employee Trust Funds

FISCAL ESTIMATE.

AD-MBA-23 (Rev. 11/80)

LRR or Bill No./Adm. Rule No.

ch. ETF 3

Amendment No. if Applicable

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

Subject

Individual personal information in the records of the Dept. of Employee Trust Funds.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation
- Increase Existing Revenues
- Decrease Existing Appropriation
- Decrease Existing Revenues
- Create New Appropriation

- Increase Costs - May Be Possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory

- 3. Increase Revenues
 - Permissive
 - Mandatory
- 4. Decrease Revenues
 - Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
 - Villages
 - Cities
 - Counties
 - Others _____

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The changes proposed in this rule order are housekeeping in nature to repeal provisions which duplicate statute; to update statutory cites; to clarify what constitutes individual personal information and when it can be released; and to renumber the rules to correspond to the organization of ch. 40, Stats., as created by ch. 96, Laws of 1981.

We expect there will be no fiscal effect.

Long-Range Fiscal Implications

None

Agency

Department of Employee Trust Funds

Authorized Signature/Telephone No.

Signature

266-5804

Date

11/15/82

FISCAL ESTIMATE WORKSHEET

1981 Session

Detailed Estimate of Annual Fiscal Effect
AD-MBA-22 (Rev. 11/80)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

~~PROPOSAL~~/Adm. Rule No.
ch. ETF 3

Amendment No.

Subject

Individual personal information in the records of the Dept. of Employee Trust Funds

I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):

None

II. Annualized Costs: Note: Treat fiscal costs like a "checkbook": increased costs reduce available funds (-); decreased costs increase available funds (+).		Annualized fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
Salaries and Fringes	\$ -	\$ +	
Staff Support Costs	-	+	
Other State Costs	-	+	
Local Assistance	-	+	
Aids to Individuals or Organizations	-	+	
TOTAL State Costs by Category	\$ - 0	\$ + 0	
B. State Costs by Source of Funds			
GPR	\$ -	\$ +	
FED	-	+	
PRO/PRS	-	+	
SEG SEG-S	-	+	
C. FTE Position Changes			
	Increased Pos. + (0)	Decreased Pos. - (0)	
III. State Revenues-Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.			
GPR Taxes	\$ -	\$ +	
GPR Earned	-	+	
FED	-	+	
PRO/PRS	-	+	
SEG/SEG-S	-	+	
TOTAL State Revenues	\$ - 0	\$ + 0	

Net Annualized Fiscal Impact on State & Local Funds

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ -	\$ +	Total Costs	\$ -	\$ +
Total Revenues	+	-	Total Revenues	+	-
NET Impact on State Funds	\$ (+) or (-)	None	NET Impact on Local Funds	\$ (+) or (-)	None

Agency

Department of Employee Trust Funds

Authorized Signature/Telephone No.

Signature

266-5804

Date

11/15/82