

# Clearinghouse Rule 00-116

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

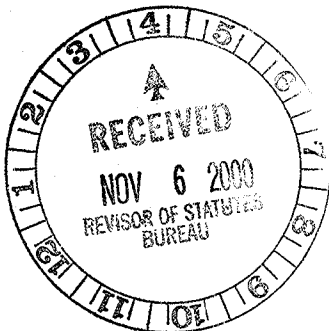
I, Eric O. Stanchfield, Secretary of the Department of Employee Trust Funds and custodian of the official records, certify that the annexed rule, relating to election procedures for the Employee Trust Funds Board was duly approved and adopted by the State of Wisconsin Employee Trust Funds Board on September 22, 2000 and by the Wisconsin Retirement Board on September 21, 2000.

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

(no seal)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Employee Trust Funds at 801 West Badger Road in the city of Madison, this 6<sup>th</sup> day of November, 2000.

  
Eric O. Stanchfield



**STATE OF WISCONSIN  
DEPARTMENT OF EMPLOYEE TRUST FUNDS, EMPLOYEE TRUST FUNDS BOARD  
AND WISCONSIN RETIREMENT BOARD**

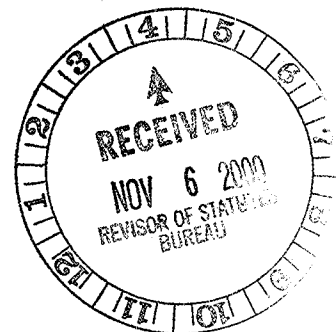
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**FINAL REPORT ON CLEARINGHOUSE RULE #CR 00-116**

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

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### **Agency Person to be Contacted for Questions**

For information about this rule, please contact: Pam Henning, Director of Legislation and Planning, Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707-7931. Telephone: (608) 267-2929. FAX: (608) 267-0633.

### **Statement Explaining Need for Rule**

The Department of Employee Trust Funds is required by Wis. Stats. § 227.10 (1) to promulgate as a rule each interpretation of a statute which it specifically adopts to govern its enforcement or administration of that statute. The existing administrative rule requires an amendment to comply with enacted legislation to include a new member to the Employee Trust Funds Board. If the rule is not revised, the result would be uncertainty in the proper procedures used to elect the new member to the Board. This clarification is necessary so participating employees of educational support personnel for the public school districts and Technical Colleges are fully aware of the procedures to elect a member to the Employee Trust Funds Board.

### **Analysis Prepared by the Wisconsin Department of Employee Trust Funds**

*Authority for Rule:* Wis. Stats. § 40.03 (1) (m) and (2) (i)

*Statutes Interpreted:* Wis. Stats. § 40.03 (2) (p) and 15.07 (1) (a) 3

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 employee or a Wisconsin Technical College educational support personnel employee. Act 181 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 employees 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.

### **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 Employee 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.

### **Final Regulatory Flexibility Analysis**

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

#### (BEGINNING OF RULE TEXT)

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

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

**ETF 10.10 (7) (intro.)** Any participating employee 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 employee 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 employee 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)

**Effective Date**

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in Wis. Stat. § 227.22 (2) (intro.).

**Explanation of Modifications as Result of Testimony at Public Hearing**

Pursuant to the procedure set forth in s. 227.16 (2) (b), the Department of Employee Trust Funds did not hold a public hearing, and therefore, did not have any modifications as a result.

**List of Persons Appearing or Registering For or Against the Rules**

Pursuant to the procedures set forth in s. 227.16 (2) (b), the Department of Employee Trust Funds did not hold a public hearing, and therefore, no person appeared for or against the rule.

WISCONSIN LEGISLATIVE COUNCIL STAFF



**RULES CLEARINGHOUSE**

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Director  
(608) 266-1946



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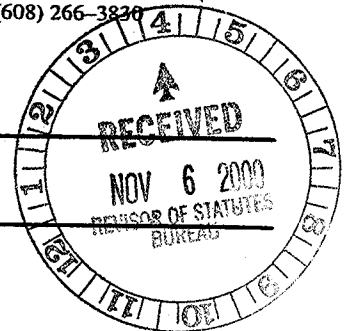
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Madison, WI 53701-2536  
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**CLEARINGHOUSE REPORT TO AGENCY**

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[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

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES

NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES

NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES

NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached

YES

NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES

NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES

NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES

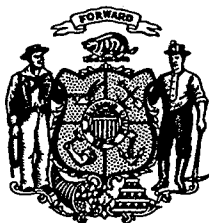
NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

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Madison, WI 53701-2536  
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## 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.



**Response to Legislative Council Staff Recommendations**

Each of the Legislative Council Staff recommendations concerning: (1) form, style and placement in administrative code; (2) clarity, grammar, punctuation and use of plain language; and (3) adequacy of references to related statutes, rules and forms were adopted. The text of the rule was modified accordingly. These modifications affected the analysis and each section of the rule.

**Board Authorization for Promulgation**

This final report on Clearinghouse Rule #00-116 has been duly approved for submission to the Legislature and for promulgation by the Employee Trust Funds Board at its meeting on September 22, 2000 and the Wisconsin Retirement Board at its respective meeting on September 21, 2000.

Respectfully submitted,

DEPARTMENT OF EMPLOYEE TRUST FUNDS



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Eric O. Stanchfield, Secretary

Wisconsin Department of Employee Trust Funds



STATE OF WISCONSIN

**Department of Employee Trust Funds**

Eric O. Stanchfield  
Secretary  
801 West Badger Road  
P.O. Box 7931  
Madison, WI 53707-7931

November 6, 2000



GARY POULSON, DEPUTY REVISOR  
REVISOR OF STATUTES BUREAU  
131 WEST WILSON STREET, SUITE 800  
MADISON WI 53702

Re: Clearinghouse Rule No. 00-116 relating to election procedures for the Employee Trust Funds Board

Dear Mr. Poulson:

As provided under Wis. Stats. § 227.20 (1) and § 227.21 (1), I am enclosing with this letter a copy of a Certificate and Order creating and adopting rules. A certified copy of this Order has been forwarded to the Secretary of State.

Please publish this rule in the December 31 issue of the *Wisconsin Administrative Register* for an effective date of January 1, 2001. A copy of this Certificate and Order will be sent to you as an e-mail attachment.

Please contact Pam Henning, Director of Legislation and Planning, at 267-2929 if you have any questions regarding the rule.

Sincerely,

Eric O. Stanchfield  
Secretary

Enclosure