



STATE OF WISCONSIN
Department of Employee Trust Funds
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CORRESPONDENCE MEMORANDUM

DATE: August 24, 2011
TO: Employee Trust Funds Board
Teachers Retirement Board
Wisconsin Retirement Board
FROM: David H. Nispel, General Counsel
Steve Hurley, Office of Policy, Privacy and Compliance
SUBJECT: Status of Proposed Administrative Rules

This memo is for informational purposes only. No Board action is required.

This memorandum is designed to show rules that staff are working on and the status of those rules. When rules are in final draft form, they are brought to the Boards for approval. In some instances, rules will need to be approved by all three Boards, while in other instances only one or two Boards will need to approve the rule.

As of August 24, 2011, there are 10 rules, which can be divided into the following categories:

Table with 2 columns: Category and Count. Rows include ETF, WR, and TR Boards (6), ETF and TR Boards (1), ETF Board Only (2), and WR Board Only (1).

I. Rules Approved by Employee Trust Funds Board, Wisconsin Retirement Board, and Teachers Retirement Board

Status: Administrative Rules Effective September 1, 2011

- CR10-137, Spousal consent rule relating to amending § ETF 20.055, Wis. Admin. Code, to reflect the provisions in 1993 Wisconsin Act 426 and the language regarding spousal consent waivers.

Reviewed and approved by Robert J. Conlin, Deputy Secretary.
[Signature]
Date 8/30/2011

Table with 3 columns: Board, Mtg Date, Item #. Row: JI, 9.15.11, 5D

- CR 10-138, Power of Attorney rule relating to amending § ETF 10.75, Wis. Admin. Code, to harmonize the rule with Wisconsin's new power of attorney law (2009 Wisconsin Act 319).

II. Rules to be Approved by Employee Trust Funds Board, Wisconsin Retirement Board, and Teachers Retirement Board

Status: Public Hearing Held in July 2011

- CR 11-040, Technical rule relating to making technical updates and corrections to existing ETF rules.

Status: Public Hearing Scheduled for October 2011

- CR 11-041, Qualified Domestic Relations Orders (QDRO) rule relating to changes to domestic partnerships, correct minor drafting errors, and to clarify how QDROs will be implemented in various situations that are currently not addressed in the statutes or rules.

Status: Statement of Scope Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Annual federal compensation limits rule relating to clarifying how the Department administers federal compensation limits under Section 401 (a) (17) of the Internal Revenue Code (IRC) as provided in § 40.03 (2) (t), Wis. Stats.
- Appeal procedures rule relating to updating ETF 11 to improve and clarify the process for members, the administrative law judge, the boards that decide appeals, ETF, and others involved in the appeals process.

III. Rules to be Approved only by Employee Trust Funds Board and Teachers Retirement Board

Status: Statement of Scope Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Election rule relating to changes to streamline the administrative process for the election of persons to the Teachers Retirement Board and Employee Trust Funds Board and to allow for the use of modern voting technologies.

IV. Rules to be Approved only by Employee Trust Funds Board

Status: Public Hearing Scheduled for October 2011

- Internal Revenue Code compliance rule relating to clarifying how ETF administers IRC conditions under § 401 (a) as codified in §§ ETF 10.08, 20.02, and as governed by § 40.23 (1) (a) 1., Wis. Stats. ETF also seeks to clarify language in the Code to ensure compliance by better informing both employee and employer of IRC requirements.

Status: Statement of Scope Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Internal Revenue Code compliance rule relating to clarifying how ETF administers provisions of the IRC, including §§ 415 (b), 415 (c) and 401 (a) (17) as provided in § 40.03 (2) (t), Wis. Stats. This scope statement incorporates the scope statement on § 401 (a) (17) that was published in the Administrative Register.

V. Rules to be Approved only by Wisconsin Retirement Board

Status: Statement of Scope Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Duty disability rule relating to clarifying the existing rule regarding the administration of the duty disability program and streamlining the process of applying for and making a departmental determination regarding duty disability benefit.

Staff will be available at the September 15, 2011, Board meeting to answer questions.