



STATE OF WISCONSIN
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CORRESPONDENCE MEMORANDUM

DATE: November 14, 2013
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.

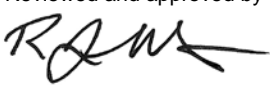
This memorandum lists administrative rules staff are working on and the status of those rules. Once a rule is in final draft form, it is brought to the Boards for approval. In some instances, rules will need to be approved by all three Boards. In other instances, only one or two Boards will need to approve the rule. The memorandum also includes an update on a project the Legislature has undertaken called Right the Rules. The project seeks to perform a comprehensive review of the entire Wisconsin Administrative Code with an eye toward deleting or modifying obsolete, duplicative or overly onerous rules.

As of November 14, 2013, there are two rules pending in the following categories:

Employee Trust Funds (ETF), Wisconsin Retirement (WR),
and Teachers Retirement (TR) Boards 1
WR Board Only 1

I. Rule Approved by ETF, WR, and TR Boards (March 7, 2013)

CR 12-054, Technical rule relating to making technical updates on existing ETF rules and making other minor substantive changes, including allowing employers more flexibility in the deadlines for submitting monthly reports to ETF and changing an existing rule regarding local public employers health insurance to comply with 2011 Wisconsin Act 133.

Reviewed and approved by Robert J. Marchant, Deputy Secretary

Electronically Signed 11/18/13

Board	Mtg Date	Item #
JM	12.5.13	4E

- **Status: No action was taken by the Legislature. The rule was referred to the Legislative Reference Bureau and published on October 31, 2013, with an effective date of November 1st. The rulemaking process is complete.**

II. Rule Approved by WR Board (June 20, 2013)

CR 13-029, 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 benefits.

- **Status: No action was taken by the Legislature. The rule was referred to the Legislative Reference Bureau and will likely be published on November 30, 2013, with an effective date of December 1st. The rulemaking process is complete.**

Administrative Rules Update: Right the Rules

Early in the 2013-14 legislative session, Assembly Representative Dan LeMahieu (R-Cascade), Co-Chair of the Joint Committee for Review of Administrative Rules (JCRAR), introduced a project for reforming the Wisconsin Administrative Code, called Right the Rules. The project identifies rules that make it harder to do business in Wisconsin because they are out of date, duplicate federal rules, require people to fill out unnecessary paperwork, delay projects, or add costs to everyday tasks.

Through the Right the Rules project, the Assembly Standing Committees are looking at each chapter of the Wisconsin Administrative Code to determine if the rules still function as intended. Each committee has been assigned appropriate sections of the Administrative Code to read and discuss. Some of the questions that they will be asking about each rule include:

- Does it protect the public from a threat to public health, safety or welfare?
- Does it promote or hinder job growth and the economy?
- Is the rule outdated?
- What is the cost to implement the rule?
- Does it follow legislative intent?
- Have there been complaints about it?

After a committee receives input and discusses their Administrative Code chapters, legislation may be introduced to make modifications. Thus far, legislation has been introduced that relates to the rules of the Departments of Transportation (AB 262) and Financial Institutions (AB 277) that propose many deletions and modifications to the existing Code. Each bill has passed the Assembly and is waiting for a public hearing in the Senate.

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Under each bill, the ordinary rulemaking procedures under current law do not apply. If the bill is enacted, the Legislative Reference Bureau must publish the repeal or modification of a Code provision, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

We will be available at the December 5, 2013, Board meeting to answer questions.