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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
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- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

Senator Robert Juch
Co-Chair, JCRAR



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

MICHAEL L. MORGAN
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April 14, 2008

Honorable Fred Risser, President
Wisconsin State Senate
Room 220 South, State Capitol
Madison, WI 53707-7882

Honorable Michael Huebsch, Speaker
Wisconsin State Assembly
Room 211 West, State Capitol
Madison, WI 53708

RE: Clearinghouse Rule No. 07-079 – Chapter Adm 45

Dear Senator Risser and Representative Huebsch:

Enclosed in final draft form is a proposed order to amend Chapter Adm 45 relating low income assistance public benefits. The fiscal estimate is also enclosed.

The proposed rule removes “public benefits” terminology to clarify that the rule applies only to the low-income assistance program in compliance with statutory changes in 2005 Wisconsin Act 141. The proposed rule also changes the term “secured correctional facility” to “juvenile correctional facility” as revised in 2005 Wisconsin Act 344 (s. 938.02(10p), Stats.). In addition, the proposed rule removes the requirement that the department consult with the Council on Utility Public Benefits prior to announcing new or continued low-income assistance programs. This requirement is redundant to that already stated in s. 16.957(2) intro., Stats.

A copy of the Legislative Council Rules Clearinghouse Report is also enclosed. All of the comments of the Rules Clearinghouse have been adopted and incorporated into the rule.

Pursuant to s. 227.16(2)(e), Stats., the Department published a 30-day notice in the Wisconsin Administrative Register on December 15, 2007. The Department did not receive any petitions for public hearing.

We respectfully request submittal of the proposed rule to the appropriate standing committees for review.

Sincerely,

Michael L. Morgan
Secretary of Administration

cc: Bruce Hoesly, Legislative Reference Bureau
Joint Committee for Review of Administrative Rules

PROPOSED ORDER OF THE DEPARTMENT OF ADMINISTRATION

The Wisconsin Department of Administration proposes an order to amend Adm 45.01, 45.02, 45.03(2), (3), (6) and (9), 45.04(1) and (2) and (2)(b), 45.05, and 45.06(1) relating to Low Income Assistance Public Benefits.

Analysis Prepared by the Department of Administration:

Statutory Authority: ss. 16.004(1), 16.957(2)(c), and s. 227.11 Stats.

Statutes Interpreted: s. 16.957(1) to (4), Stats.

Explanation of agency authority: Under s. 16.957(2)(c), Stats., the Department of Administration is required to promulgate rules for state low-income assistance programs.

Related statute or rule: None

Plain language analysis of proposed amendments: 1999 Wisconsin Act 9 included major provisions relating to aspects of electric utility regulation, commonly referred to as "Reliability 2000." That legislation created a new statutory framework within which public benefit programs relating to low-income energy assistance and energy conservation and renewable energy were continued and expanded. 2005 Wisconsin Act 141 revised many of the provisions of the earlier Act 9 and transferred responsibility and funding for energy conservation and renewable programs to non-municipal electric utilities under supervision of the Public Service Commission. However, low income assistance programs for non-municipal electric utility customers were not changed and continue to be funded as they have been and remain the responsibility of the Department of Administration. The proposed rule revisions remove "public benefits" terminology to clarify that the rule applies only to the low-income assistance program in compliance with 2005 Wisconsin Act 141

The proposed amendments also change the term "secured correctional facility" to "juvenile correctional facility" as amended in 2005 Wisconsin Act 344 (s. 938.02(10p), Stats.).

Lastly, the amendment removes the requirement that the department consult with the Council on Utility Public Benefits prior to announcing new or continued low-income assistance programs. This requirement is redundant to that already stated in s. 16.957(2) intro., Stats.

Summary of, and comparison with, existing or proposed federal regulations: No known existing or proposed federal regulations comparable to the proposed rules.

Comparison with rules in adjacent states: Each of the four states adjacent to Wisconsin operates programs that provide assistance to low-income households that face difficulty dealing with utility bills. In general, these programs implement federally mandated and funded programs. While the programs differ substantially between states in the details of their structure, each has promulgated rules governing the programs.

- Title 89 of the Illinois Administrative Code, Chapter 1, Subchapter b, Part 109 addresses the low-income home energy assistance program. Included in this rule are subparts B & C which govern the energy assistance or bill payment program and the weatherization program respectively.
- Michigan Administrative Rule 400.7001 – 7049 governs the “State Emergency Relief Program” which includes provisions for assistance with utility charges.
- Iowa Administrative Code [427], Chapter 5 establishes the eligibility, method of administration, and hearing and appeals provision of the Weatherization Assistance Program. IAC [427] Chapter 10 establishes similar provisions for the Low Income Energy Assistance Program. Additionally, Iowa has created the Affordable Heating Program under IAC 427 Chapter 11 to provide energy assistance in addition to the federal low income energy assistance program for households whose incomes falls below 110% of the federal poverty income guidelines rather than the 150% limit for the Low Income Assistance Program.
- Minnesota Rule 3300.0800 – 3300.1900 establishes the procedures for operation of the Minnesota weatherization program.

Summary of factual data and analytical methodologies: The department relied on the following sources to draft the proposed rules or to determine the impact on small businesses:

- 2005 Wisconsin Act 141 transferred the energy assistance and renewable energy responsibilities to the Public Service Commission. The proposed rule amendments remove references to the “public benefits” programs to comply with 2005 Wisconsin Act 141. There are no new reporting requirements or operational standards resulting from the proposed rule amendments.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: The proposed rules will have no effect on small businesses. The proposed amendments revise terminology to comply with recent statutory changes.

Effect on small business: None.

Agency contact person: Donna Sorenson
 Department of Administration
 101 E. Wilson Street, Madison, WI 53707-7864
 608-266-2887
 Donna.Sorenson@Wisconsin.Gov

Place where comments are to be submitted and deadline for submission:
 Comments may be submitted to the agency contact person that is listed above and via the Wisconsin Administrative Rules Website at <http://adminrules.wisconsin.gov> by January 15, 2008.

Final Regulatory Flexibility Analysis:

Pursuant to s. 227.114, Stats., the rule amendments herein are not expected to negatively impact on small businesses.

Fiscal Effect: None.

TEXT OF RULE:

Section 1. Adm 45 (title), 45.01 and 45.02 are amended to read:

Low-Income Assistance Public Benefits

Adm 45.01 Authority. Sections 16.004 (1) and 16.957 (2) (c) 2., Stats., authorize the department to promulgate rules for low-income assistance ~~public benefits~~ programs.

Adm 45.02 Purpose. The purpose of this chapter is to establish general eligibility and application requirements and procedures for assistance under a low-income ~~public benefits~~ assistance program established under s. 16.957 (2) (a), Stats.

Section 2. Adm 45.03(2) and (3) are amended to read:

45.03 (2) “Benefit” means an award of financial or other assistance by the department or a contractor designated by the department to an eligible household under a ~~public benefits~~ low-income assistance program.

45.03 (3) “Contractor” means a community action agency described in s. 46.30 (2) (a) 1., Stats., a nonstock, nonprofit corporation organized under ch. 181, Stats., or a local unit of government under contract with the department that provides services under a ~~public benefits~~ low-income assistance program.

Section 3. Adm 45.03(6) is amended to read:

45.03 (6) “Low income ~~public benefits~~ assistance program” means a program established in accordance with s. 16.957 (2) (a), Stats.

Section 4. Adm 45.03(9) is amended to read:

45.03 (9) “~~Secured Juvenile~~ correctional facility” has the meaning specified in s. 938.02(15m) (10p), Stats.

Section 5. Adm 45.04(1) and (2) are amended to read:

Adm 45.04 Eligibility requirements. (1) A person or household eligible to receive fuel bill payment assistance, early identification crisis assistance, weatherization or conservation services, and similar low-income assistance from federally funded programs specified in ss. 16.26 and 16.27, Stats., shall be eligible for assistance through a low-income ~~public benefits~~ assistance program.

45.04 (2) The following are not eligible for assistance under a low-income ~~public benefits~~ assistance program:

Section 6. Adm 45.04(2)(b) is amended to read:

45.04 (2) (b) A person who is imprisoned in a state prison or a person placed at a ~~secure~~ juvenile correctional facility or a secured child caring institution.

Section 7. Adm 45.05 and 45.06(1) are amended to read:

Adm 45.05 Program elements. ~~In consultation with the council on utility public benefits, the~~ The department shall annually announce new or continued programs offered by the department that will provide low-income assistance. The department shall also provide specific information on the application process, where to obtain an application, the eligibility criteria, and where to file the application for each program created or continued under s. 16.957 (2) (a), Stats.

Adm 45.06 Application requirements. (1) A person or household may apply for a benefit from a low-income ~~public benefits~~ assistance program by completing an application on forms prescribed by the department. At a minimum an application shall contain the names and ages of all household members, residence address, actual or estimated fuel use, documentation of income, the names of home energy providers and the social security number of the head-of-household.

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 s. 227.22(2)(intro.), Stats.

Dated: April 11, 2008.



Michael L. Morgan
Secretary of Administration

Fiscal Estimate - 2007 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number	Introduction Number	
Description		
Administrative Rule 45: Low-Income Assistance Public Benefits		
Fiscal Effect		
State: <input checked="" type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local: <input checked="" type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Affected Ch. 20 Appropriations		

Agency/Prepared By	Authorized Signature	Date
Nancy Foss		3/28/07

**Fiscal Estimate Narratives
DOA 3/28/2007**

LRB Number	Introduction Number	Estimate Type	Updated
Description Administrative Rule 45: Low-Income Assistance Public Benefits			

Assumptions Used in Arriving at Fiscal Estimate

This order would change terminology of Administrative Rule 45. The phrase "public benefits" would be removed from the rule to comply with 2005 Wisconsin Act 141. In addition, the order also changes the term "secured correctional facility" to comply with 2005 Wisconsin Act 344. Finally, the order would remove the requirement for the Department to consult with the Council on Utility Public Benefits prior to the annual announcement of new and continuing programs offered by the Department that will provide low-income assistance.

There will be no state or local fiscal effect. The order will simply bring the rule into compliance with state statutes.

Long-Range Fiscal Implications

None.



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[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 07-079

AN ORDER to amend Adm 45.01, 45.02, 45.03 (2), (3), (6), and (9), 45.04 (1) and (2) (intro.) and (b), 45.05, and 45.06 (1), relating to low income assistance public benefits.

Submitted by **DEPARTMENT OF ADMINISTRATION**

08-16-2007 RECEIVED BY LEGISLATIVE COUNCIL.

09-05-2007 REPORT SENT TO AGENCY.

RS:JES

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 RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 07-079

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 January 2005.]

2. Form, Style and Placement in Administrative Code

The rule preface should include a deadline for submission of comments about the rule.

4. Adequacy of References to Related Statutes, Rules and Forms

The statutes cited in the analysis accompanying the rule as providing the statutory authority for the rule do not comport with the statutes listed in s. Adm 45.01.

**REPORT TO LEGISLATURE
CLEARINGHOUSE RULE 07-079
CHAPTER Adm 45**

Proposed Rule:

The Wisconsin Department of Administration proposes an order to amend Adm 45.01, 45.02, 45.03(2), (3), (6) and (9), 45.04(1) and (2) and (2)(b), 45.05, and 45.06(1) relating to Low Income Assistance Public Benefits. A statement explaining the need for adopting the proposed rules is provided in the analysis section of the enclosed order.

Department response to Rules Clearinghouse recommendations:

All comments from the Wisconsin Legislative Council Rule Clearinghouse have been adopted and incorporated into the rule.

Department response to written comments:

No written comments were received.

Department response to public hearing testimony:

A 30-day notice was published in the Wisconsin Administrative Register No. 624, effective December 15, 2007. [Section 227.16(2)(e), Stats.] The department did not receive any petitions for a public hearing.