

2009 DRAFTING REQUEST

Bill

Received: 12/01/2008

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Palchik**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - food stamps**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Palchik, BB0240 -

Topic:

FoodShare - Low-Income Energy Assistance

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 12/01/2008	jdyer 12/02/2008		_____			State
/P1			jfrantze 12/02/2008	_____	sbasford 12/02/2008		State
/1	pkahler 12/02/2008	jdyer 12/02/2008	rschluet 12/02/2008	_____	sbasford 12/02/2008		

FE Sent For:

<END>

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/?	pkahler 12/01/2008	jdyer 12/02/2008		_____			State
/P1		<i>1/2 jld</i>	jfrantze 12/02/2008	_____	sbasford 12/02/2008		

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[Handwritten signature]
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↑

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See attached

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/?	pkahler	PI 12/2 jlw		_____ _____			

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: FoodShare – Low Income Energy Assistance
- Tracking Code: BB0240
- SBO team: DHS
- SBO analyst: Laurie Palchik
 - Phone: 266-2214
 - Email: laurie.palchik@wisconsin.gov
- Agency acronym: DHS
- Agency number: 435
- Priority (Low, Medium, High): High

Intent: To make everyone who is eligible for Food Share eligible for low-income energy assistance. FoodShare benefits are based on a household's net income. For households who receive energy assistance, their income is decreased by the Heating and Shelter Utility Allowance. Currently, about 40,000 FoodShare eligible households are not receiving energy assistance because they are not applying. A change to state statute would be sure to encompass the additional eligible individuals.

Amend under s. 16.27 (5)(c) – "Make everyone who is eligible for Food Share Stamp benefits, eligible for low-income energy assistance food share credit, but exclude institutions as defined by the Department of Health Services".

expenses in administering the funds to provide low-income energy assistance.

(d) From the appropriation under s. 20.505 (1) (n), allocate \$2,900,000 in each federal fiscal year for the expenses of a county department, another local governmental agency or a private nonprofit organization in administering under sub. (4) the funds to provide low-income energy assistance.

(e) From the appropriation under s. 20.505 (1) (mb):

1. Allocate and transfer to the appropriation under s. 20.505 (1) (kn), 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal year under the priority of maintaining funding for the geographical areas on July 20, 1985, and, if funding is reduced, prorating contracted levels of payment, for the weatherization assistance program administered by the department under s. 16.26.

3. Except as provided under subd. 6., allocate the balance of funds received under 42 USC 8621 to 8629 in a federal fiscal year, after making the allocations under pars. (c) and (d) and subd. 1., for the payment of heating assistance or for the payment of crisis assistance under sub. (6).

6. If federal funds received under 42 USC 8621 to 8629 in a federal fiscal year total less than 90% of the amount received in the previous federal fiscal year, submit a plan of expenditure under s. 16.54 (2) (b).

7. By October 1 of each year, allocate funds budgeted but not spent and any funds remaining from previous fiscal years to heating assistance under sub. (6) or to the weatherization assistance program under s. 16.26.

(4) APPLICATION PROCEDURE. (a) A household may apply after September 30 and before May 16 of any year for heating assistance from the county department under s. 46.215 (1) (n) or 46.22 (1) (b) 4m. a. to e. or from another local governmental agency or a private nonprofit organization with which the department contracts to administer the heating assistance program, and shall have the opportunity to do so on a form prescribed by the department for that purpose.

(b) If by February 1 of any year the number of households applying under par. (a) substantially exceeds the number anticipated, the department may reduce the amounts of payments made under sub. (6) made after that date. The department may suspend the processing of additional applications received until the department adjusts benefit amounts payable.

(5) ELIGIBILITY. Subject to the requirements of subs. (4) (b) and (8), the following shall receive low-income energy assistance under this section:

(b) A household with income which is not more than 150% of the income poverty guidelines for the nonfarm population of the United States as prescribed by the federal office of management and budget under 42 USC 9902 (2).

(c) A household entirely composed of persons receiving aid to families with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2029, or supplemental security income or state supplemental payments under 42 USC 1381 to 1383c or s. 49.77.

(d) A household with income within the limits specified under par. (b) that resides in housing that is subsidized or administered by a municipality, a county, the state or the federal government in which a utility allowance is applied to determine the amount of rent or the amount of the subsidy.

(6) BENEFITS. Within the limits of federal funds allocated under sub. (3) and subject to the requirements of sub. (4) (b) and s. 16.54 (2) (b), heating assistance shall be paid under this section according to a benefit schedule established by the department based on household income, family size and energy costs.

(7) INDIVIDUALS IN STATE PRISONS OR SECURED JUVENILE FACILITIES. No payment under sub. (6) may be made to a prisoner who is imprisoned in a state prison under s. 302.01 or to a person placed at a juvenile correctional facility, as defined in s. 938.02 (10p), or

a secured residential care center for children and youth, as defined in s. 938.02 (15g).

(8) CRISIS ASSISTANCE PROGRAM. A household eligible for heating assistance under sub. (6) may also be eligible for a crisis assistance payment to meet a weather-related or fuel supply shortage crisis. The department shall define the circumstances constituting a crisis for which a payment may be made and shall establish the amount of payment to an eligible household or individual. The department may delegate a portion of its responsibility under this subsection to a county department under s. 46.215 or 46.22 or to another local governmental agency or a private nonprofit organization.

(9) NOTICE OF UTILITY DISCONNECTION REQUIRED. Any public utility, as defined in s. 196.01 (5), or any fuel distributor furnishing heat, light or power to a residential customer shall provide written notice of intent to disconnect or discontinue service during the months of November to April and shall include information concerning any federal, state or local program that provides assistance for fuel or home heating bills. The department shall provide printed information at no cost upon request to any fuel distributor serving residential customers except public utilities. The information shall describe the nature and availability of any federal, state or local program that provides assistance for fuel or home heating bills.

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

SUBCHAPTER III

FINANCE

16.40 Department of administration, duties, powers.

The department of administration shall:

(1) PREPARE BUDGET. Discharge all duties in connection with the compilation of the biennial state budget report imposed by ss. 16.42 to 16.46.

(2) ATTEND FINANCE COMMITTEE. Attend all public hearings of the joint committee on finance and such executive meetings as the committee may desire, answer questions and give information called for by the committee relative to the financial operations of the state and its several agencies.

(3) PREPARE ANNUAL FINANCIAL STATEMENT. Prepare at the end of each fiscal year not later than October 15, a condensed, and popular account of the finances of the state, showing the sources of the state's revenue and the purposes of its expenditures, including a comparison with the prior year; prepare at the end of each fiscal year not later than October 15, a statement of the condition of the general fund showing the cash balance, the accounts receivable, the accounts payable and the continuing unexpended and unencumbered appropriation balances; and prepare not earlier than January 1 nor later than February 1 in each year a tentative statement of the estimated receipts and disbursements of the general fund for the biennium in progress, showing also the estimated condition of the general fund at the end of the current biennium. A copy of each of such statements shall be filed in the legislative reference bureau and shall be sent to each member of the legislature.

(4) FURNISH INFORMATION. Furnish such other information regarding the finances of the state and the financial operations of agencies as may be called for by the governor, the governor-elect, the legislature or either house thereof, or any member thereof.

(5) BOOKKEEPING FORMS. Prescribe the forms of accounts and other financial records to be used by all agencies. Such accounts shall be as nearly uniform as is practical, and as simple as is consistent with an accurate and detailed record of all receipts and disbursements and of all other transactions affecting the acquisition, custodianship and disposition of value. The secretary may call

16.25 DEPARTMENT OF ADMINISTRATION

cian may appeal to the board any decision made by the department or by an individual or organization under contract with the board under sub. (4) that affects a substantial interest of the volunteer fire fighter, first responder, or emergency medical technician under the program.

(6) Annually, on or before December 31, the board shall submit a report to the chief clerk of each house of the legislature under s. 13.172 (2) describing the activities of the board.

History: 1999 a. 105; 2005 a. 142; 2007 a. 97, 130.

Cross Reference: See also ch. VFF-EMT 1, Wis. adm. code.

16.255 College savings program vendor. (1) The department shall determine the factors to be considered in selecting a vendor of the program under s. 14.64, which shall include:

(a) The person's ability to satisfy record-keeping and reporting requirements.

(b) The fees, if any, that the person proposes to charge account owners.

(c) The person's plan for promoting the college savings program and the investment that the person is willing to make to promote the program.

(d) The minimum initial contribution or minimum contributions that the person will require.

(e) The ability and willingness of the person to accept electronic contributions.

(f) The ability of the person to augment the college savings program with additional, beneficial services related to the program.

(2) The department shall solicit competitive sealed proposals under s. 16.75 (2m) from nongovernmental persons to serve as vendor of the college savings program. The department shall select the vendor based upon factors determined by the department under sub. (1).

(3) The contract between the department and the vendor shall ensure all of the following:

(a) That the vendor reimburses the state for all administrative costs that the state incurs for the college savings program.

(b) That a firm of certified public accountants selected by the vendor annually audits the college savings program and provides a copy of the audit to the college savings program board.

(c) That each account owner receives a quarterly statement that identifies the contributions to the college savings account during the preceding quarter, the total contributions to and the value of the college savings account through the end of the preceding quarter and any distributions made during the preceding quarter.

(d) That the vendor communicate to the beneficiary and account owner the requirements of s. 14.64 (8).

History: 1999 a. 44; 2001 a. 38 s. 12.

16.257 Postsecondary education promotion. For the purpose of promoting attendance at nonprofit postsecondary institutions in this state, the department shall do all of the following:

(1) Serve as the state's liaison agency between the higher educational aids board, the department of public instruction, the University of Wisconsin System, the technical college system, and other public and private organizations that are interested in promoting postsecondary education in this state.

(2) Contract with The Wisconsin Covenant Foundation, Inc., if the secretary determines it appropriate, to establish and implement a campaign to promote attendance at nonprofit postsecondary educational institutions in this state.

(3) Coordinate the postsecondary education promotional activities of the department, the persons specified in sub. (1), and The Wisconsin Covenant Foundation, Inc., and prevent duplication of effort in conducting those activities.

(5) On or before July 1, 2009, and every July 1 thereafter, submit to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3),

a report on the postsecondary education promotional activities conducted by The Wisconsin Covenant Foundation, Inc., using funds provided under s. 20.505 (4) (bm).

History: 2007 a. 20.

16.26 Weatherization assistance. Notwithstanding s. 16.54 (2) (a), the department shall administer federal funds available to this state under the weatherization assistance for low-income persons program, as amended, 42 USC 6861 to 6873. The department shall administer the funds in accordance with 42 USC 6861 to 6873 and regulations adopted under 42 USC 6861 or 6873.

History: 1991 a. 39; 1995 a. 27, 289, 432; 2003 a. 33 s. 163; Stats. 2003 s. 16.26.

16.27 Low-income energy assistance. (1) DEFINITIONS. In this section:

(a) "County department" means a county department under s. 46.215 or 46.22.

(am) "Crisis assistance" means a benefit that is given to a household experiencing or at risk of experiencing a heating-related emergency.

(b) "Dwelling" means the residence of a low-income warm room program volunteer.

(bm) "Heating assistance" means a benefit, other than crisis assistance, that is given to a household to assist in meeting the cost of home heating.

(c) "Household" means any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

(d) "Low-income warm room program materials" include a removable, insulated radiator blanket, a portable remote control thermostat and other cost-efficient materials or repairs necessary to achieve maximum heating efficiency in a dwelling.

(e) "Low-income warm room program volunteer" means a person who is eligible for assistance under 42 USC 8621 to 8629, whose dwelling, in comparison to the dwellings of other persons eligible for assistance under 42 USC 8621 to 8629, has a high ratio of space to occupant, and who volunteers to take the training under sub. (2) (b) and to cooperate with the department in the installation and operation of low-income warm room program materials in his or her dwelling.

(em) "Utility allowance" means the amount of utility costs paid by those individuals in subsidized housing who pay their own utility bills, as averaged from total utility costs for the housing unit by the housing authority.

(2) ADMINISTRATION. (a) The department shall administer low-income energy assistance as provided in this section to assist an eligible household to meet the costs of home energy with low-income home energy assistance benefits authorized under 42 USC 8621 to 8629.

(b) The department shall administer a low-income warm room program to install low-income warm room program materials in the dwellings of low-income warm room program volunteers and to train the low-income warm room program volunteers and the members of each low-income warm room program volunteer's household in the operation of the low-income warm room program materials to achieve maximum health and heating efficiency.

(3) FUNDING. Subject to s. 16.54 (2), the department shall, within the limits of the availability of federal funds received under 42 USC 8621 to 8629:

(b) By October 1 of every year from the appropriation under s. 20.505 (1) (mb), determine the total amount available for payment of heating assistance under sub. (6) and determine the benefit schedule.

(c) From the appropriation under s. 20.505 (1) (mb), allocate \$1,100,000 in each federal fiscal year for the department's

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

12-1-08 call to Laurie Paldick

better word for "institution"?

not whole household OK? yes

DHS specify by rule? don't
need anymore since
have definition

as defined 7 CFR 273.1~~(b)~~(7)
(b)

existing federal definition

7 CFR 273.1(b)(7)(vi)

after checking, not really a definition of institution
so can't use



State of Wisconsin
2009 - 2010 LEGISLATURE

LPS-Fix request
sheet

LRB-096772

PJK:n:...

PI
JD

DOA:.....Palchik, BB0240 - FoodShare - Low-Income Energy Assistance ✓

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

D-note
(in 12-1)

do not
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LX

household in ✓

1 AN ACT ... relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DOA administers a low-income energy assistance program under which DOA provides heating assistance benefits to eligible households. One type of eligible household is one that is entirely composed of persons receiving food stamps. This bill changes that eligibility criterion to a household that includes at least one person who is eligible for food stamps, excluding certain institutions defined by DHS by rule.

a household that is

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.27 (5) (c) of the statutes is amended to read:

3 16.27 (5) (c) A household entirely composed of persons receiving aid to families
4 with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2029, or

1 supplemental security income or state supplemental payments under 42 USC 1381
2 to 1383c or s. 49.77.

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2004 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

3 SECTION 2. 16.27 (5) (e) of the statutes is created to read:

4 16.27 (5) (e) A household that includes at least one person who is eligible for
5 food stamps under 7 USC 2011 to 2036, excluding institutions, as defined by the
6 department of health services by rule.

7 (END)

any household in an institution

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0967/PI
PJK:dn
PJK:.....

date

Jld

Laurie:

I looked at 7 CFR 273.1 (b) (7) (vi), which mentions residents of an institution, but "institution" is really not defined. So I had to go back to having DHS define "institution" by rule. If you or DHS has a better suggestion, please let me know.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0967/P1dn
PJK:jld:jf

December 2, 2008

Laurie:

I looked at 7 CFR 273.1 (b) (7) (vi), which mentions residents of an institution, but "institution" is really not defined. So I had to go back to having DHS define "institution" by rule. If you or DHS has a better suggestion, please let me know.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Palchik, Laurie A - DOA [laurie.palchik@wisconsin.gov]
Sent: Tuesday, December 02, 2008 10:52 AM
To: Kahler, Pam
Subject: Food Share-LIHEAP LRB-0967
Importance: High
Attachments: 16.27 edits.doc

Attached is the follow-up request. The Division of Energy is wondering if we can leave (5)(c) as is and then create in (5)(e) the additional language. Please see attached and let me know.

Thank you Pam!

Laurie A. Palchik
Executive Policy and Budget Analyst
Division of Executive Budget and Finance
Department of Administration
608-266-2214 (w); 608-267-0372 (f)

From: Brown, Susan - DOA
Sent: Tuesday, December 02, 2008 10:45 AM
To: Palchik, Laurie A - DOA; KlugSieja, Barbara - DOA
Subject: RE: LRB Draft

Hi Laurie,

How about these edits? The intent is to leave the language regarding eligibility for food share the same in (5) (c) but then create a category of foodshare eligible households that are eligible for the \$1.00 payment.

Susan

Susan Brown, Deputy Administrator
Division of Energy Services
101 E. Wilson St. 6th floor
PO Box 7868
Madison, WI 53707-7868
(608) 266-2035

susan.brown@wisconsin.gov

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DOA administers a low-income energy assistance program under which DOA provides heating assistance benefits to eligible households. One type of eligible household is a household that is entirely composed of persons receiving food stamps. This bill changes that eligibility criterion to a household that includes at least one person who is eligible for food stamps, excluding households in certain institutions defined by DHS by rule.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.27 (5) (c) of the statutes is amended to read:

16.27 (5) (c) A household entirely composed of persons receiving aid to families with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2029, or

1
2
3
4

2009 - 2010 Legislature - 2 - LRB-0967/P1

PJK:jld:jf

SECTION 1

supplemental security income or state supplemental payments under 42 USC 1381 to 1383c or s. 49.77.

SECTION 2. 16.27 (5) (e) of the statutes is created to read:

16.27 (5) (e) A household not eligible under 16.27 (5) (c) that includes at least one person who is eligible for food stamps under 7 USC 2011 to 2036, excluding any household in an institution, as defined by the department of health services by rule shall be eligible for a benefit of not more than \$1.00.

(END)

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v mis run

DOA:.....Palchik, BB0240 - FoodShare - Low-Income Energy Assistance
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

(w/ 12-2)

do not get cat

adds as an eligible household a household

1 AN ACT ...; relating to: the budget.

**Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES**

PUBLIC ASSISTANCE

Under current law, DOA administers a low-income energy assistance program under which DOA provides heating assistance benefits to eligible households. One type of eligible household is a household that is entirely composed of persons receiving food stamps. This bill ~~changes that eligibility criterion to a household that~~ includes at least one person who is eligible for food stamps, excluding households in certain institutions defined by DHS by rule. *insert AV*

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.27 (5) (c) of the statutes is amended to read:

3 16.27 (5) (c) A household entirely composed of persons receiving aid to families

4 with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2029, or

plain

2036

1 supplemental security income or state supplemental payments under 42 USC 1381
2 to 1383c or s. 49.77.

3 **SECTION 2.** 16.27 (5) (e) of the statutes is created to read:

4 16.27 (5) (e) A household that includes at least one person who is eligible for
5 food stamps under 7 USC 2011 to 2036, excluding any household in an institution,
6 as defined by the department of health services by rule. *insert 2-b ✓*

7 (END)

Insert 2-b

→ that is not eligible under par. (c) ✓

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0967/1ins
PJK:jld:jf

INSERT A

NOFF, and specifies that such an eligible household may not receive more than \$1⁰⁰ in heating assistance benefits ✓ *NOFF*

(END OF INSERT A)

INSERT 2-6

- NOFF*
- 1 Notwithstanding sub. (6), a household under this paragraph shall be eligible
 - 2 for a heating assistance benefit of not more than \$1⁰⁰.

(END OF INSERT 2-6)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0967/1

PJK:jld:rs

DOA:.....Palchik, BB0240 - FoodShare - Low-Income Energy Assistance
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DOA administers a low-income energy assistance program under which DOA provides heating assistance benefits to eligible households. One type of eligible household is a household that is entirely composed of persons receiving food stamps. This bill adds as an eligible household a household that includes at least one person who is eligible for food stamps, excluding households in certain institutions defined by DHS by rule, and specifies that such an eligible household may not receive more than \$1 in heating assistance benefits.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.27 (5) (c) of the statutes is amended to read:

3 16.27 (5) (c) A household entirely composed of persons receiving aid to families

4 with dependent children under s. 49.19, food stamps under 7 USC 2011 to ~~2029~~ 2036,

1 or supplemental security income or state supplemental payments under 42 USC
2 1381 to 1383c or s. 49.77.

3 **SECTION 2.** 16.27 (5) (e) of the statutes is created to read:

4 16.27 (5) (e) A household that is not eligible under par. (c) that includes at least
5 one person who is eligible for food stamps under 7 USC 2011 to 2036, excluding any
6 household in an institution, as defined by the department of health services by rule.
7 Notwithstanding sub. (6), a household under this paragraph shall be eligible for a
8 heating assistance benefit of not more than \$1.

9 (END)