

1993 Assembly Bill 582

Date of enactment: **March 28, 1994**

Date of publication\*: **April 11, 1994**

# 1993 WISCONSIN ACT 168

AN ACT to create 15.195 (3), 20.255 (2) (cm), 20.435 (4) (dq) and (ds), 46.74, 46.76, 46.765, 115.341 and 115.347 of the statutes, relating to: establishing a grant program to assist school districts and private schools in establishing school breakfast programs, establishing a food stamp outreach grant program, the method of paying food stamps in Milwaukee county, providing for the direct certification of eligibility for school nutrition programs, creating a board on hunger, establishing community-based hunger prevention program grants, granting rule-making authority and making appropriations.

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

**SECTION 1.** 15.195 (3) of the statutes is created to read:

15.195 (3) BOARD ON HUNGER. (a) *Creation.* There is created in the department of health and social services a board on hunger.

(b) *Membership.* The board on hunger consists of a nonvoting chairperson and 9 voting members. The nonvoting chairperson of the board on hunger is the secretary of health and social services or his or her designee. The board on hunger has the following voting members:

1. Five members who are not public officers or employes, each having a demonstrated interest in hunger prevention issues, appointed by the governor for 3-year terms.

2. Two members of the senate, one from the majority party and one from the minority party, appointed in the same manner as members of standing committees in the senate.

3. Two members of the assembly, one from the majority party and one from the minority party, appointed in the same manner as members of standing committees in the assembly.

**SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	1993-94	1994-95		
<b>20.255 Public instruction,</b>				
<b>department of</b>				
(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING				
(cm) Grants for school breakfast programs	GPR C	-0-	150,000	
<b>20.435 Health and social services,</b>				
<b>department of</b>				
(4) ECONOMIC SUPPORT				
(dq) Food stamp outreach	GPR A	5,000	100,000	
(ds) Community-based hunger prevention program grants	GPR A	-0-	250,000	

**SECTION 3.** 20.255 (2) (cm) of the statutes is created to read:

20.255 (2) (cm) *Grants for school breakfast programs.* As a continuing appropriation, the amounts in the schedule for grants for school breakfast programs under s. 115.341.

**SECTION 4.** 20.435 (4) (dq) and (ds) of the statutes are created to read:

20.435 (4) (dq) *Food stamp outreach.* The amounts in the schedule for food stamp outreach under s. 46.74.

(ds) *Community-based hunger prevention program grants.* The amounts in the schedule for grants for start-up of community-based hunger prevention programs under s. 46.765.

**SECTION 5.** 46.74 of the statutes is created to read:

**46.74 Food stamp outreach.** (1) In this section, “food stamp program” means the federal food stamp program under 7 USC 2011 to 2029.

(2) Beginning in fiscal year 1994–95, from the appropriations under s. 20.435 (4) (dq) and (nL), the department shall distribute funds to nonprofit organizations for projects that qualify for reimbursement under 7 USC 2025 (a) (4) to inform individuals with low incomes about the availability, eligibility requirements, application procedures and benefits of the food stamp program.

(3) From the appropriations under s. 20.435 (4) (dq) and (nL), the department shall distribute not more than \$10,000 in fiscal year 1993–94 to a nonprofit organization to develop informational materials to be used by the projects under sub. (2).

**SECTION 6.** 46.76 of the statutes is created to read:

**46.76 Board on hunger.** The board on hunger shall do all of the following:

(1) Annually review existing public and private activities within the state relating to hunger prevention.

(2) Advise the department, the department of public instruction and any other relevant state agency on the use of state and federal resources and on the provision and administration of programs for hunger prevention.

(3) Award community-based hunger prevention program grants under s. 46.765.

(4) Develop an annual plan that documents areas of hunger and populations experiencing hunger within this state and that recommends strategies and state and federal policy changes to address hunger in these areas and populations.

(5) Submit, by December 31 annually, the plan developed under sub. (4) to the governor, the secretary, the superintendent of public instruction and the appropriate standing committees under s. 13.172 (3).

**SECTION 7.** 46.765 of the statutes is created to read:

**46.765 Community-based hunger prevention program grants.** (1) **DEFINITIONS.** In this section:

(a) “Agency” means a community-based public or private, nonprofit organization.

(b) “Food distribution service” means a program that provides food or serves meals directly to individuals with low incomes or to elderly individuals, or that collects and distributes food to persons who provide food or serve meals directly to these individuals.

(2) **PURPOSE; AMOUNT.** From the appropriation under s. 20.435 (4) (ds), the department shall provide start-up grants, awarded by the board on hunger, to one or more agencies, but not to exceed \$20,000 per grant per year, for any of the following purposes:

(a) To establish a community-based food distribution service network to coordinate the activities of food pantries, soup kitchens, food banks and congregate meal facilities.

(b) To assess local problems relating to hunger and malnutrition and evaluate existing community services to determine necessary strategies, policies, programs and other responses to meet community needs.

(c) To establish a community-based hunger prevention council to undertake the activities under par. (b), which may include individuals from one or more of the following groups: low-income individuals; local government officials; members of the clergy; university or public school nutritionists and dieticians; school administrators; public health and health care professionals; community action agency representatives; food service and restaurant industry representatives; and community service organization representatives.

(d) To participate in federally funded food and nutrition programs.

(e) To integrate public and private community resources to alleviate hunger and malnutrition.

(f) To establish programs to enhance volunteer citizen participation in local hunger prevention activities.

(g) To provide outreach information and referrals to public and private food distribution, nutrition education and hunger prevention services and programs.

(h) To develop nontraditional or innovative hunger prevention resources and programs, such as community gardens, agricultural gleaning, food cooperatives and buying clubs, farmer’s markets and community-owned and operated retail food establishments.

(i) To identify and target community services and programs to groups and individuals at risk of hunger.

(j) To provide for adequate transportation and the efficient distribution of food from all available resources.

(k) To coordinate community food distribution services with other community education, recreation, social and cultural programs to afford greater access to groups and individuals in need of food.

(L) To improve public transportation to human services agencies, food distribution service facilities and other food resources in the community.

(m) To establish nutrition education programs for individuals with low incomes and special nutritional

## 1993 Assembly Bill 582

needs to enhance food purchasing and preparation skills and to increase awareness of the relationship between proper diet and good health.

(3) **GRANT AWARDS; CRITERIA.** The department shall provide start-up grants under this section pursuant to awards made by the board on hunger. In evaluating applications for grants, the board shall give priority to proposals for any of the purposes enumerated in sub. (2) that do all of the following:

(a) Utilize financial or in-kind contributions from the local community.

(b) Involve the planning and participation of more than one agency.

(c) Appear likely to continue in operation after using the grant under this section.

(4) **EXPIRATION; FINAL REPORT.** Grants may not be awarded under this section after June 30, 1999. The department shall, by June 30, 2000, submit a final report to the governor, and the legislature under s. 13.172 (2), on grants made under this section and the community-based hunger prevention activities conducted using those grants.

**SECTION 8.** 115.341 of the statutes is created to read:

**115.341 School breakfast program.** (1) A school board or governing body of a private school may apply to the state superintendent for a grant to assist in establishing a school breakfast program. Beginning in the 1994-95 school year, the state superintendent shall award grants from the appropriation under s. 20.255 (2) (cm). The state superintendent may award a grant of up to \$10,000 to a school board or governing body of a private school under this section only if all of the following apply:

(a) The school board or governing body agrees to operate a school breakfast program for at least 3 school years.

(b) The funds will be used for programs in schools in which at least 20% of the pupils enrolled are eligible for free or reduced-price lunches under 42 USC 1758 (b).

(c) The school board or governing body has adopted a plan to maximize the participation in the program of pupils who are eligible for free or reduced-price lunches under 42 USC 1758 (b).

(2) Notwithstanding sub. (1) (intro.), a school board or governing body of a private school that received a grant under this section to establish a school breakfast program may apply in successive school years for a grant under this section to expand the program to additional schools.

(3) A grant awarded under this section may be used only for nonrecurring costs, including site improvement, the purchase of equipment, the costs of training necessary to establish a school breakfast program and the costs of publicizing new programs. A grant may not be used for recurring costs, including food, supplies and support for permanent positions, or to reimburse for services or

equipment that has already been contracted for or purchased.

(4) The state superintendent shall promulgate rules to implement and administer this section.

**SECTION 9.** 115.347 of the statutes is created to read:

**115.347 Direct certification of eligibility for school nutrition programs.** (1) Beginning in the 1994-95 school year, a school board may submit enrollment data to the department of health and social services for the purpose of directly certifying children as eligible for free or reduced-price meals under the federal school nutrition programs. The department of health and social services shall prescribe a format for the report.

(2) Whenever a school district that is located in whole or in part in a county that has converted to the client assistance for reemployment and economic support data system submits a report under sub. (1) in the prescribed format, the department of health and social services shall determine which children enrolled in the school district are members of families receiving aid to families with dependent children or food stamps, or both, and shall provide the information to the school board as soon thereafter as possible. The school board shall use the information to directly certify children as eligible for free or reduced-price meals served by the school district under federal school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

(3) The state superintendent shall assist school boards in developing a method for submitting enrollment data to the department of health and social services under sub. (1).

**SECTION 10. Nonstatutory provisions; board on hunger membership.** (1) Notwithstanding the length of terms specified in section 15.195 (3) (b) 1. of the statutes, as created by this act, the initial members of the board on hunger shall be appointed for terms expiring on the following dates:

(a) For one member appointed under section 15.195 (3) (b) 1. of the statutes, as created by this act, May 1, 1995.

(b) For 2 members appointed under section 15.195 (3) (b) 1. of the statutes, as created by this act, May 1, 1996.

(c) For 2 members appointed under section 15.195 (3) (b) 1. of the statutes, as created by this act, May 1, 1997.

**SECTION 11. Nonstatutory provisions; health and social services.** (1) The authorized FTE positions for the department of health and social services are increased by 0.375 FED position, to be funded from the appropriation under section 20.435 (4) (n) of the statutes, for administration and evaluation of the food stamp outreach program.

(2) The department of health and social services shall evaluate the projects funded under section 46.74 of the statutes, as created by this act, and shall submit a report

**1993 Assembly Bill 582**

of its findings to the legislature in the manner provided under section 13.172 (2) of the statutes on or before January 1, 1997.

(3) (a) The department of health and social services shall include, in an agency request under section 16.42 of the statutes for the 1995–97 biennial budget, a proposal to pay benefits under the food stamp program under 7 USC 2011 to 2029 to food stamp recipients in Milwaukee county through an electronic benefit transfer system. In addition to providing a copy of the proposal to the department of administration and the legislative fiscal bureau as required under section 16.42 of the statutes, the department of health and social services shall distribute copies of the proposal to the appropriate legislative standing committees in the manner provided under section 13.172 (3) of the statutes.

(b) No later than January 1, 1995, the department of health and social services shall request, but may not implement, any federal waivers or authorizations required in order to implement the proposal under paragraph (a).

**SECTION 12. Appropriation changes; health and social services.**

(2) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health

and social services under section 20.435 (4) (a) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$62,000 for fiscal year 1994–95 to provide information to school districts regarding children who are recipients of aid to families with dependent children or food stamps, or both, as provided under section 115.347 of the statutes, as created by this act.

(2x) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (4) (a) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$15,800 for fiscal year 1994–95 to increase the authorized FTE positions for the department by 0.375 GPR position for administration and evaluation of the food stamp outreach program.

(4) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (4) (a) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$26,300 for fiscal year 1994–95 to increase the authorized FTE positions for the department by 0.5 GPR position to provide support services for the board on hunger and to fund the travel-related expenses of members of the board on hunger appointed under section 15.195 (3) (b) 1. of the statutes, as created by this act.