

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/05/1999**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Gary George (608) 266-2500**

By/Representing:

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

Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Public Assistance - misc**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Funding for food pantries

**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>
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/P2	yacketa 09/15/1999	ygeller 09/16/1999	martykr 09/17/1999	_____	lrb_docadmin 09/17/1999		S&L
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				_____		lrb_docadmin	
				_____		01/13/2000	

FE Sent For:

<END>

01-24-00  
"13"  
Requested  
by  
Robin  
in  
George's  
Office

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Page 2

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1/3 1/4 jlg  
KJF  
1/4  
1/6 f/hmh  
1/4

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FE Sent For: *1/2 12/21 JG* *KJF* *KJF/JF*  
*12/22*  
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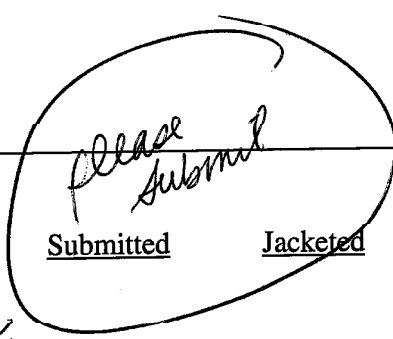
Topic:

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Instructions:

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1?	yacketa	PI 3/5	1/3/16	LB 3 2/1/16			

FE Sent For:

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TAY

**LEGISLATIVE REFERENCE BUREAU**

**BILL REQUEST FORM**

Legal Section, 5<sup>th</sup> Floor, 100 N. Hamilton St.  
(608) 266-3561

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.  
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <i>1/5/99</i>	Legislator or agency requesting this draft: <i>Senator Gary George</i>
Name/phone number of person submitting request: <i>Eric Defort / 6.2500</i>	
Persons to contact for questions about this draft (names and phone numbers please): <i>Eric Defort - 6.2500</i>	
Describe the problem, including any helpful examples. How do you want to solve the problem? <i>problem - state does not fund food pantries.</i>  <i>Solution - require the state to allocate money/funds for Emergency food assistance programs - Pantries, Banks, etc...</i>  <i>Sum sufficient to reimburse food pantries for expenses related operation of food pantry</i> <i>Reasonable Food, (transportation), Salaries, overhead</i>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.  
 May we tell others that we are working on this for you?  YES  NO  
 If yes, anyone who asks?  YES  NO  
 Any legislator?  YES  NO  ONLY the following persons:

*Minnesota + 0410 OK as well*  
*Food Pantries*  
*Food Banks*  
*Emergency Food Assistance programs.*

Do you consider this urgent?  YES  NO If yes, please indicate why:  
*because of the nature of the bill.*

Is this request of higher priority than other pending request(s) you have made?  
 YES  NO If yes, please sign your name here:

**Defort, Eric**

---

**From:** Janine Laird [mfsa@uswest.net]  
**Sent:** Thursday, December 03, 1998 3:31 PM  
**To:** Defort, Eric  
**Subject:** MN food shelf funding

Eric,

In response to your questions about funding for food shelves:

What began as an effort to get a check-off on state income and property tax forms turned into an appropriation of state dollars to food shelves. The first biennial appropriation was \$800,000 for the fiscal years of 1992-1993. The appropriation for FYs 1998-1999 was \$2,500,000. The Minnesota Food Shelf Association, a 501(c)(3), of which I am the director, administers these funds by soliciting applications from our state's 320 food shelves. Upon receipt of the application, the shelf's service statistics are downloaded (we have a new technology initiative that has brought the recording of service stats online) into our software program that divides the money among the applicants based on their service statistics. This procedure is carried out twice a year. The money can be spent on any reasonable food shelf expense, including food purchase, transportation, or overhead such as rent, utilities and salaries. Shelves are required to document how they spend the money, and they must not discriminate, or sell the food.

Additionally, we provide special grants to shelves serving the migrant agricultural workers and those serving immigrant populations.

If I can be of any additional assistance, please let me know. I can send you copies of the application and final report forms or anything else you might need.

I am curious. Is Wisconsin looking to put state dollars into food shelves? Is use of food shelves up due to the impact of welfare reform? We are in the middle of a two-year, 130 food shelf study of the impact of welfare reform on food shelves.

Best wishes,

Janine A. Laird  
(612)870-9170 ph  
(612)870-9193 fax



Minnesota Statutes 1998 Display Document 2 of 2




**Chapter Title:** RIGHTS, POWERS AND DUTIES; MUNICIPALITIES

**Section:** 465.039

**Text:** 

465.039 Gifts to organizations distributing food.

The governing body of a county, or of a home rule charter or statutory city, may appropriate each year out of its general fund, or other unrestricted money, an amount to be determined by the governing body to provide grants to nonprofit organizations operating community **food**  **shelves** that provide food to the needy without charge.

HIST: 1995 c 109 s 1; 1998 c 368 s 1





## Minnesota Session Laws - 1995

Key: ~~language to be deleted~~...new language Change language enhancement display.

### Legislative history and Authors

#### CHAPTER 109-H.F.No. 866

An act relating to local government; authorizing home rule charter and statutory cities to make grants to nonprofit community food shelves; amending Minnesota Statutes 1994, section 604A.10, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 465.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [465.039] [GIFTS TO ORGANIZATIONS DISTRIBUTING FOOD.]

The governing body of a home rule charter or statutory city may appropriate each year out of the general fund of the city, or other unrestricted money, an amount to be determined by the governing body to provide grants to nonprofit organizations operating community food shelves that provide food to the needy without charge.

Sec. 2. Minnesota Statutes 1994, section 604A.10, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the following terms have the meanings given them.

(b) "Distressed food" means, in addition to the definition in section 31.495, certain perishable foods, as defined in section 28A.03, that may not be readily marketable due to appearance, freshness, grade, surplus, or other considerations and are not suspect of having been rendered unsafe or unsuitable for food use and are adequately labeled.

(c) "Food bank" means a surplus food collection and distribution system operated and established to assist in bringing donated food to nonprofit charitable organizations and individuals for the purpose of reducing hunger and meeting nutritional needs.

(d) "Food facility" means:

(1) a restaurant, food establishment, grocery store, delicatessen, convenience store, vehicle, vending machine, produce stand, temporary food facility, satellite food distribution facility, stationary mobile food preparation unit, or mobile food preparation unit;

(2) a place used in conjunction with the operations described in clause (1), including, but not limited to, storage facilities for food-related utensils, equipment, and materials; or

(3) a farmers' market.

(e) "Nonprofit charitable organization" means an organization that is incorporated under the Minnesota nonprofit corporation act and is operating for charitable purposes.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

Presented to the governor May 2, 1995

Signed by the governor May 3, 1995, 11:02 a.m.



## Minnesota Session Laws

### Minnesota Session Laws - 1998

Key: ~~language to be deleted~~...new language Change language enhancement display.

#### Legislative history and Authors

##### CHAPTER 368-H.F.No. 2736

An act relating to counties; authorizing gifts to certain food distribution organizations; amending Minnesota Statutes 1996, section 465.039.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
Section 1. Minnesota Statutes 1996, section 465.039, is amended to read:

465.039 [GIFTS TO ORGANIZATIONS DISTRIBUTING FOOD.]

The governing body of a county, or of a home rule charter or statutory city, may appropriate each year out of ~~the its~~ general fund ~~of the city,~~ or other unrestricted money, an amount to be determined by the governing body to provide grants to nonprofit organizations operating community food shelves that provide food to the needy without charge.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after its final enactment.

Presented to the governor April 6, 1998

Signed by the governor April 9, 1998, 10:35 a.m.

1603

\$3M → \$1.5M ea fy

Statewide food pantry network ; maybe hunger board  
Funding in form of grants for pantry instead?

Network - ~~set up~~ place where pantries report to  
distribute grants  
~~agreement w/ pantries~~  
reporting on who is served by pantry

! HFS would administer



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1603/P1

TAY.....

D-note

R MRJ

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

1  
2

AN ACT ...; relating to: funding for food pantries, granting rulemaking authority and making an appropriation.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version. For further information see the *state and local* 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. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

1999-00      2000-01

6

20.435 Health and family services, department of

7

(3) CHILDREN AND FAMILY SERVICES

8

(fp) Statewide food pantry network GPR A 1,500,000 1,500,000



1 SECTION 2. 20.435 (3) (fp) <sup>X</sup> of the statutes is created to read:

2 20.435 (3) (fp) <sup>✓</sup> *Statewide food pantry network*. The amounts in the schedule for  
3 grants awarded under s. 46.766. <sup>✓</sup>

4 SECTION 3. 46.766 <sup>X</sup> of the statutes is created to read:

5 **46.766 Food pantry grants.** (1) From the appropriation under s. 20.435 (3)  
6 (fp) <sup>✓</sup>, the department <sup>✓</sup> shall provide grants to food pantries for any of the following  
7 purposes:

\*\*\*\*NOTE: Do you want the grants to be used for a particular purpose (for example,  
to purchase food, for administration etc.)?

8 (2) A food pantry that receives a grant under this section <sup>✓</sup> shall, not later than  
9 one year after the grant has been awarded, submit a report to the <sup>✓</sup> department  
10 specifying the populations served by the food pantry under the grant.

11 (END)

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

LRB-1603/P1dn

TAY.....

JG

1. Section 16.47 (2), stats., states that neither house may pass any bill containing an appropriation, increasing the cost of state government or decreasing state revenues by more than \$10,000 annually until both houses pass the executive budget bill, except that the governor or joint committee on finance or, under certain circumstances, the committee on organization of either house may enact emergency appropriation bills prior to the passage of the executive budget bill.

Note that <sup>OK comma</sup> if this bill is introduced and enacted as an emergency measure prior to passage of the budget, the appropriation set forth in this bill will be repealed by action of the budget bill (which repeals and recreates the appropriations schedule). You may instead wish to consider having this bill drafted as an amendment to the budget bill to include the correct appropriation line amount. Alternatively, you may wish to include an effective date that is later than the projected date for passage of the budget bill. Finally, you may instead wish to introduce this bill for potential passage after the passage of the budget bill. If you choose this option, please check with me after budget passage to ensure that the cross references in this bill are still accurate and that the numbers for created statutes in the bill have not been supplanted by the budget bill.

2. 1999 SB-45 (the budget bill) repeals s. 46.765. Section 46.765, which, regardless of the repeal, sunsets on July 1, 1999, establishes community-based hunger prevention grants. Please review that section to determine if the activities specified under that section are activities you wish to fund under this bill. If so, again you may wish to consider amending the budget bill to eliminate the repeal of that section and to eliminate the sunset date that is specified in the statute.

3. What are the criteria that an applicant for a grant must meet? Do you want to specify that in statute or require the department of health and family services (DHFS) to specify the criteria by rule?

4. Do you want to specify a maximum amount for a grant? Do you want to specify priorities for awarding of the grants? You had mentioned that you wished to focus on food pantries in rural areas. Do you want to specify that a certain percentage of the grants or a certain dollar amount be awarded in rural areas. And do you want to define "rural" (see, for example, s. 560.17 (1) (d), which defines "rural municipality")?

5. I have specified, per your instructions, that a food pantry that receives a grant must submit a report (I presumed to DHFS) regarding the people served by the food pantry. Under this draft, the report is required not more than one year after the receipt

of the grant. Is that your intent? Do you want DHFS to specify a date instead? Is there any other information that should be included in the report? Do you want DHFS to submit a report as is currently required under s. 46.765 (4)?

Tina A. Yacker  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: Tina.Yacker@legis.state.wi.us

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

LRB-1603/P1dn  
TAY:jlg:km

March 16, 1999

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Tina A. Yacker  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: [Tina.Yacker@legis.state.wi.us](mailto:Tina.Yacker@legis.state.wi.us)

## Yacker, Tina

---

**From:** Defort, Eric  
**Sent:** Friday, May 21, 1999 2:29 PM  
**To:** Yacker, Tina  
**Subject:** LRB 1603... again

I forgot to mention that no more than 5% of the total appropriation would go toward the administrative costs of implementing the program.

Thanks,

Eric

P.S. It was nice meeting you face to face... if you have any copies of anything that you were intending on sending this way, I would prefer stopping by to collect them.

My last day in this office will be next Friday... at which point I will begin to take my summer off... before I start as a 1L at the UW.

## Yacker, Tina

---

**From:** Defort, Eric  
**Sent:** Friday, May 21, 1999 2:19 PM  
**To:** Yacker, Tina  
**Subject:** Drafting instructions for LRB-1603/P1

OK here is The Deal... on the bill.

Please let me know if you have any questions at all.

### **The bill sets forth 3 initiatives:**

- 1) State Funding of food pantries
- 2) Organization and coordination of pantries in the state through a network, which will provide more information on the populations being served
- 3) A rural supplement, since it is my understanding that rural areas need extensive development, with regard to pantries

### **The Nuts and Bolts:**

Funding will be limited to food pantries only. If the plan is successful, funding could be increased in the next biennium to cover more than just food pantries.

### **\*Criteria**

We will use the TEFAP criteria, which is what we currently use to distribute Federal money to our hunger prevention programs in the state. Therefore, 232 pantries across the state will be certified from the start... however we would like to see non-TEFAP pantries become eligible as well... so minimum requirements **TEFAP** should include:

- Non-profit or affiliated with a non-profit;
- Distributes food packages directly to needy households without charge
- Does not discriminate based on faith, race, membership in an organization, or other criteria unrelated to need;
- Cannot use money to foster or advance religious or political views;
- Has a stable address
- Has minimum standards for food safety/storage *USDA standards* as outlined by TEFAP
- • Will match ¼ of the grant amount and put that toward the operation of the pantry.

- And if located in the same area as a TEFAP pantry, will collaborate with that pantry.

Churches that have pantries and are interested parties will need to follow these minimum criteria as well in order to receive funding.

### **\*Grant Amount**

Use TEFAP allocation percentages for each county.

may not make sense

### **\*Rural supplement**

There will be a fixed rural supplement of 10% to acknowledge the fewer local resources for donated food, the fewer dollars to purchase food, less access to pantries, fewer volunteers and significant transportation problems. This amount will be in addition to their county allocation. A Rural Area would be defined as any area that is not part of a Metropolitan Statistical Area (MSA). The Department would still reserve the right to designate an area as "rural", if it is located within an MSA, but isolated from the urban center... for purposes of the grant program only.

### **\*Administrative Mechanism**

? indep.?

We need people to be in charge of reviewing the grant applications and running the statewide network, the point of which is to oversee the operation and fitness of all of the pantries in the network and to provide a resource for any pantry that is in need of guidance. This mechanism would be the one that distributes the funds that it gets from the State through DHFS. This Board should be called the *Emergency Food Consortium*.

Membership is open to any interested party that has a Statewide presence and whose specialty is hunger prevention. The group will also consist of Faith-based membership that has a demonstrated commitment to hunger prevention in the form of food pantries.

After exactly 2 years of this program, expansion to cover soup kitchens should be considered by the legislature.

## Defort, Eric

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**From:** Jonathan Bader [jbader@chorus.net] 244-9320  
**Sent:** Wednesday, May 26, 1999 2:04 PM  
**To:** Defort, Eric  
**Subject:** promised material on food pantries

Eric, Here are Wisconsin's requirements relating to TEFAP food pantries. Our concerns are underlined. Comments at the end.

- Pantry is public or private non-profit that distributes food to low-income or unemployed persons.
- Pantry has maintained established operation for 2 years.
- Is open to the general public in its designated geographical service area.
- Provides donated food in sufficient variety and quantity to meet nutritional needs of household for a brief period.
- **Maintains regular hours of operation of at least 2 hours/day, 2 days/week.**
- Provides emergency access to food on a continuous basis.
- **At least 50% of food distributed is from private sector.**
- Collects monthly participation records of the number of persons served, **including number of adults & children** (duplicated count - a person can be counted more than once if served more than once).

### Rural Waivers

- The requirement relating to minimum hours can be waived in "rural" areas.
- The requirement relating to 50% of food from private sector can be waived in "rural" areas.

### Prohibited Organizations or Activities

- No organizations which prepare and serve meals for social and/or fellowship purposes (an issue for soup kitchens not pantries).
- Organization cannot charge for food or request voluntary contribution.
- Required attendance or membership in any organization is prohibited (church, political, fraternal, union, block club).
- Political activity in any form is prohibited.
- Volunteers and staff at pantries may receive food only if they meet the pantries' eligibility criteria. Routine issuance rates cannot be exceeded for volunteers or staff.
- Discrimination is prohibited. "Justice for All" poster must be displayed.

### Storage

- There are certain food storage standards, but rather than elaborate the legislation could reference current USDA or Second Harvest food storage standards. In Minnesota the statute requires membership in their Food Shelf Association which has storage and operating standards.

Requirements in the contract pertaining to collaboration are responsibility of the TEFAP Coordinating Agency (16 statewide - also called EFOs) rather than the local pantry. Simple collaboration requirements may be justified but too much increases complexity and administration and will scare off organizations that depend heavily on elderly volunteers and are very gun-shy of government bureaucracy. Most pantries are already collaborating with other community groups to raise food anyway.

The underlined provisions are ones that WISCAP has some concerns with. The minimum hours rule should not be included because many rural pantries can't meet it. Why create a system that requires all these waivers. Minnesota has no such provision. The federal government doesn't require it. Regarding the rule that 50% of food be privately donated - this only pertains to TEFAP pantries. Non-TEFAP pantries by definition get all their food from private sources. The rule about counting adults and children separately is a problem for some pantries which only count number of "people" served. Only include it if we really need to know it. Discrimination should be prohibited but the "Justice For All" poster relates to TEFAP only.



David Duran at 267-9202 (DCFS) could discuss reasons for targeting some funds to pantries that serve predominantly migrant farm-workers. Concerns about becoming a "public charge" keep many migrant farm workers from participating in food stamps, WIC and other federally funded food assistance programs and many regular pantries don't have culturally appropriate foods. Food pantries are one of the few ways of these low-income households can receive assistance. \$40,000 would provide additional resources for them that could be provided as food or vouchers.

Thanks again for all your help. I will review your email and get back to you. And please contact me if you or the drafter have any questions. Jonathan Bader 244-9320.

*Your copy*  
*[Signature]*

**Exhibit I  
Grant Agreement  
Between  
Department of Health and Family Services/Division of Children and Family Services  
for  
For The Emergency Food Assistance Program (TEFAP)**

The Emergency Food Assistance Program (TEFAP) was created by the Jobs Stimulus Bill of 1983, P. L. 98, ss. 201 to 210, and subsequent revisions, governed by regulations set forth through 7 CFR parts 250 and 251 of the Federal Register. Provisions in the Farm Bill of 1996 authorized the program through Federal Fiscal Year (FFY) 2002. The commodities available for this program are provided through The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act), Public Law (P.L.) 104-193. Administrative funding available to TEFAP is provided from the USDA/FNS Appropriations Bill.

**I. General Program Requirements**

**A. Objective of the Agreement**

The goals of the program are to provide TEFAP commodities to eligible persons who have an emergent need for food and to supplement the food resources of other eligible persons. The commodities for distribution through TEFAP are available under The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law (P.L.) 104-193.

Program goals are achieved through one of two methods of distribution:

1. Soup Kitchens/Homeless Shelters\*
2. Emergency Food Pantries

\* Homeless shelters are considered to be soup kitchens for purposes of eligibility for participation in TEFAP and are not otherwise distinguished from soup kitchens in this agreement.

**B. Volume and Program Operations**

The volume of work is dependent upon the continuation of the USDA/FNS to donate food, and upon the amount and variety of commodities actually contributed to the program. The Grantor reserves the right to change the method and operating procedures for this program.

**C. Agreement Deliveries**

The Grantee shall administer TEFAP according to the directives of the Grantor including those contained in or amended during the period of this agreement.

The Grantee and its agents shall comply with the State of Wisconsin's federally approved Procedures Manual and State Plan of Operation for TEFAP and all other program rules and guidelines as determined by the Grantor.

## II. Organizational Requirements for Grantees

- A. The Grantee shall be a federally-tax exempt, non-profit, private or governmental agency legally authorized to operate in the State of Wisconsin. A not-for-profit organization shall have a Not-For-Profit Corporation Charter from the Wisconsin Secretary of State and verification from the Internal Revenue Service of exemption from Federal income tax liability under applicable Section 501 ©(3) or 501 © (4) of the Internal Revenue Code.
- B. The USDA/FNS requires States to give priority for the distribution of TEFAP commodities to organizations, which meet the definition of an Emergency Feeding Organization (EFO). An eligible recipient agency shall be a public or non-profit organization, which provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. An organization is eligible to participate in TEFAP if they are a public or charitable institution, which as a primary part of the normal activities of the institution have maintained an established operation with at least two years prior experience in providing food to needy and homeless persons on a regular basis.

## III. Program Participation Requirements for Distribution Sites

- A. To be eligible for participation in TEFAP, distribution sites shall be federally tax-exempt, non-profit, private or governmental agencies legally authorized to operate in the State of Wisconsin, maintained an established operation with at least two years experience involving the distribution of food to predominantly needy persons on a regular basis as a primary part of its normal activities. The organization shall be open to the general needy public on a regular basis at least two days per week a minimum of two hours per day. (Refer to the Glossary regarding types of organizations that are eligible/ineligible to receive TEFAP commodities.)
- B. The only congregate feeding facilities, which are eligible to receive TEFAP commodities, are soup kitchens, which are federally tax-exempt, non-profit, private or governmental agencies legally authorized to operate in the State of Wisconsin, are open to the general needy public on a regular basis of at least two days per week a minimum of two hours per day. Homeless shelters are considered to be soup kitchens for purposes of participation in TEFAP and are not otherwise distinguished from soup kitchens in this agreement.
- C. Only food pantries which are federally tax-exempt, non-profit, private or governmental agencies legally authorized to operate in the State of Wisconsin, are open to the general needy public on a regular basis of at least two days per week a minimum of two hours per day are eligible to participate in TEFAP. Food pantries shall distribute food to low-income and unemployed households, including 50 percent of its food from sources other than the USDA/FNS, to relieve situations of emergency and distress.
- D. Program rules prohibit participation in TEFAP by organizations, which prepare and serve meals for social and/or fellowship purposes.
- E. Distribution sites shall be responsible for collecting household participation records including the names, addresses and signatures of individuals receiving commodities and determining the number of meals served and documenting the number of household participants (adults and children) provided TEFAP commodities and donated food.

#### **IV. Grantor Responsibilities**

- A. The Grantor shall enter into contracts with priority given to those organizations that meet the definition of an Emergency Feeding Organization (EFO).
- B. The Grantor shall enter into contracts with organizations that, prior to participating in TEFAP, have maintained an established operation with a minimum of two years experience involving the provision of food to soup kitchens, emergency food pantries, or emergency homeless shelters on a regular basis as an integral part of the organization's normal activities.
- C. The Grantor shall work with the Wisconsin Association of Community Action Programs (WISCAP) and the Wisconsin Department of Public Instruction (DPI) to allocate federal commodities ordered for TEFAP for the current Federal Fiscal Year (FFY) to Grantees.
- D. The Grantor shall arrange transportation of Federal TEFAP commodities ordered by the Grantor on behalf of Grantee for the current FFY in accordance with Grantor's agreement with DPI.
- E. The Grantor shall accept TEFAP commodities allocated to Wisconsin by USDA/FNS on the basis of a formula that assigns a weight to the number of unemployed persons at 40 percent and a weight to the number of poverty level households at 60 percent to determine its fair share of the total quantity of TEFAP commodities available.
- F. The Grantor shall allocate TEFAP commodities to each county based on poverty and unemployment statistics for the geographic area served by the Grantee using a formula, which considers the poverty level (50 percent) and the number of unemployed people (50 percent). This formula is considered to provide a more equitable allocation as it reflects fluctuations in Wisconsin's unemployment rate.
- G. The Grantor shall consider the capacity and ability of the Grantee to distribute federal commodities in a fair and equitable manner throughout its service area.
- H. The Grantor authorizes the Grantee to enter into written subcontracts with eligible distribution sites for purposes of assisting in distributing the commodities received under this program. Only those organizations that meet the definition of a soup kitchen or emergency food pantry are eligible to receive/distribute TEFAP commodities.
- I. The Grantor reserves the right to approve distribution and storage facilities for distribution of commodities and to exclude distribution sites which are not eligible for participation in TEFAP prior to entering into and during the period of this agreement.
- J. Representatives of the Grantor shall perform periodic monitoring reviews, during normal business hours of management practices, fiscal procedures or any other aspect of the Grantee's or distribution site's operations to ensure compliance with Federal, State and local rule, regulations and policies. Whenever problems are identified during monitoring, appropriate staff shall provide technical assistance and may request a corrective action plan. Prompt response and compliance with corrective actions developed during the monitoring process are mandatory. Sanctions may include, but are not limited to, recoupment of funds and/or commodities and termination of the agreement. Such visits may be made without prior notice.

## V. Grantee Responsibilities

### A. Method of Distribution

The Grantee shall implement program operations within 30 days of receipt of this agreement.

The Grantee shall distribute TEFAP commodities available through The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law (P.L.) 104-193.

The Grantee shall assure that TEFAP commodities are distributed to organizations that meet the definition of an emergency food pantry or soup kitchen.

The Grantee shall establish clearly defined boundaries, which designate specific service areas for each distribution site within its geographical service area. The Grantee shall implement and have this system in place by **January 31, 1999**. This will help in efforts to reduce the potential for service duplication and maximize the use of limited food resources. The Grantee shall develop a map, which distinguishes the specific geographical area to be served by each soup kitchen and pantry in the Grantees service area. A copy of the map shall be submitted to the Grantor by **January 31, 1999**.

The Grantee shall assume all responsibility and accountability for TEFAP commodities from the time they are received until they are distributed for household consumption or utilized in meals at soup kitchens.

The Grantee may recruit other non-profit organizations to assist them in the distribution of TEFAP commodities. The Grantee shall subcontract with each soup kitchen, shelter and food pantry on an annual basis to coincide with the current FFY. The Grantee retains all responsibility for fulfillment of all terms and conditions of the State/Agency Agreement when it enters into subcontracts.

The Grantee shall enter into written subcontracts with eligible distribution sites for purposes of assisting in distributing commodities received under this agreement. A copy of each subcontract must be available for review by staff from DCFS and./or its designees. In no instance, shall such consent relieve the Grantee from its obligations, or change the terms of the agreement with the Grantor. The Grantee may also act as a distribution site if approved by the Grantor and is bound to adhere to all rules and regulations established for distribution sites. The Grantee and/or its distribution sites may use volunteers to assist in distribution of federal commodities.

### B. Assessment Plan for Service Area

The Grantee shall develop and maintain an assessment plan for sites selected to participate in TEFAP in its geographic service area. The assessments shall be made as to the need for distribution sites within the area to be served. The plan shall describe, but is not limited to, explanations such as housing authority complexes, inner city and rural poverty areas and also encompass the criteria developed by USDA/FNS for determining site eligibility. Examples of assessments include the closing or shutdown of major area employers, service records, high poverty and unemployment rates, and poor economic conditions. The Grantee shall submit a copy of its assessment plan to the Grantor by **January 31, 1999**.

C. Uniform Application System

The Grantee shall develop and utilize a uniform application system, which a non-profit can complete to request/apply for participation as a distribution site. The application document shall be developed to reflect standards, which provides the Grantee with adequate information to determine whether an organization is eligible to participate in TEFAP. The Grantee shall submit a copy of the application utilized by the Grantee to determine distribution site eligibility by **January 31, 1999**.

D. Selection of Sites

Distribution sites shall meet all of the following criteria:

- 1) A food pantry shall maintain regularly scheduled operating hours of at least two days a week a minimum of two hours per day. Unless specifically exempted from the requirement by the Grantor under provisions of the Rural Initiative (Section IV. K.), the pantry shall provide sufficient variety and quantity of nutritional food on a continuous basis, emergency access to food, and 50 percent of its food from sources other than TEFAP commodities. The food pantry shall obtain client signatures attesting to their eligibility for the program using the Grantor's federally approved income eligibility standards. (Refer to the Glossary regarding the definition of an emergency food pantry.)
- 2) A soup kitchen shall serve prepared, congregate meals to homeless, transient or other needy people as an integral part of its regular services/activities for low-income households or individuals. Soup kitchens cannot charge for these meals. Soup kitchens must have regularly scheduled hours of at least two days per week a minimum of two hours per day for meal service and meals must be served in a clean, secure environment. (Refer to Glossary regarding the definition of a soup kitchen.)
- 3) The Grantee shall also consider the following criteria when selecting distribution sites:
  - Needs of the geographical area where the potential distribution site is located.
  - Proximity of other distribution sites offering similar services.
  - Adequacy of the distribution site's storage and distribution facility.
  - Whether the organization has the ability to comply with Federal and State operating/participation standards.
  - Ability of the soup kitchen and food pantry to provide at least 50 percent of their food from non-USDA sources to provide clients with food by means other than TEFAP commodities. (TEFAP commodities shall be used as a supplement to donated food and shall not be used as the singular food supply for the distribution site.)
  - Whether the distribution site has existing written policies of non-discrimination.
  - Ability to ensure TEFAP commodities are made available to all eligible households depending on the availability of commodities.
  - Ability to maintain accurate records for the amount of TEFAP commodities and donated food received/distributed.
  - Ability to maintain required service records for the number of households/adults/children served with TEFAP commodities and non-USDA food.

E. Maintenance of Effort

The Grantee and its distribution sites shall ensure that food previously donated from sources other than TEFAP will not be diminished as a result of the availability of TEFAP commodities.

*Federal requirement*

F. Master List

The Grantee shall maintain a master list of all pantries and soup kitchens subcontracted with the Grantee. The list shall include the names, addresses, contact person, phone number and operating schedule for each distribution site participating in TEFAP. A copy of this list shall be submitted to the Grantor by **January 31, 1999**.

The Grantor is to be notified promptly, in writing, of additions and cancellations in pantries and soup kitchens. When a Grantee cancels a distribution site for any reason, the Grantee must send a written notice of cancellation to the site and the Grantor citing the reasons for the cancellation.

The Grantee shall follow applicable rules and regulations regarding dispute resolution as specified in Section XVII. of the agreement.

G. Allocation Formula

The Grantee shall use objective criteria to develop a percentage formula in determining the amount of commodities allocated to each distribution site within in its geographical service area. The formula shall include the specific method and data sources used in establishing an allocation used to determine site allotments to ensure commodities are distributed in a fair and equitable manner to all distribution sites in the Grantee's geographical service area.

*Refer to Kate Leeman (HTFM) memo of 11/25/98:*

Acceptable data sources include unemployment statistics, U.S. Census data, participation and records of service levels, which are proportionate to the number of households served the previous month, and other objective indicators of need. All methods used by a Grantee to determine allocation rates must have prior approval from the Grantor.

*disparity + list of second Harvest sites as of 11/8/98 in HTFM packet of info.*

The formula utilized by the Grantee to allocate TEFAP commodities to its distribution sites shall not be based on the amount of privately donated food obtained by distribution sites from the Grantee or other sources (food banks, privately donated food or food purchased with monetary donations).

The donated food distributed by a site as the 50 percent match requirement shall not be used by the Grantee to calculate the allocation percentage assigned to the site for receipt of TEFAP commodities.

The Grantee's allocation plan which includes the specific method and data sources used to determine the percentage formula to allocate TEFAP commodities to distribution sites shall be submitted to the Grantor and each distribution site by **January 31, 1999**.

H. Monitoring

The Grantee shall be responsible for program oversight of contracted distribution sites. This shall be achieved in part through monitoring of distribution site activities to ensure compliance with all applicable federal and state rules, regulations and policies, including training distribution site staff and volunteers.

The Grantee shall also assure that TEFAP commodities reach eligible households and individuals without waste or fraud.

The review of distribution sites shall include, but is not limited to verification of: adherence to eligibility criteria, all distribution sites receiving TEFAP commodities are distributing at least 50 percent of their food from sources other than TEFAP (private donations, Second Harvest or similar type food banks, or food purchased with monetary donations), issuance rates, residency requirements for the designated area served by the distribution site, accountability, determination of whether clients are signing the Eligibility Certification For Receipt of TEFAP Commodities (CFS-2001) form to attest that they meet eligibility income guidelines, adequacy of storage and distribution facilities for the commodities and adherence to all other contractual obligations of the State/Agency Agreement.

The review documents used by the Grantee to document and monitor compliance for its distribution sites shall be available upon request by the Grantor. All pantries and soup kitchens under contract with the Grantee shall be monitored at least once per contract year. A copy of the Grantee's monitoring instrument/tool shall be submitted to the Grantor by **January 31, 1999**.

I. Irregularities

The Grantee shall maintain procedures for handling, investigating and resolving complaints. A copy of all complaints shall be immediately forwarded to the Grantor. The Grantee and its distribution sites agree to correct any irregularities that are disclosed. The Grantee and its distribution sites shall report, promptly, in writing, to the DCFS detailing all corrective measures taken to resolve irregularities.

J. Public Outreach

The Grantee shall maintain a public outreach system that encourages participation and informs all potential participants, including minorities, of the availability and hours of operation throughout the jurisdiction of the Grantee. The public outreach system must advise participants of the provisions for nondiscrimination and procedures for filing a complaint.

The Grantee shall publicize the regularly scheduled days and times of operation of its sites for all distribution sites in its service area. The posting of a sign at the physical location of the site to identify it as a food pantry or soup kitchen is essential. The distribution of posters, pamphlets, and newsletters throughout the geographic service area is a recommended form of public outreach. Public Service Announcements (PSA) shall be provided to local radio and television stations. Activities by the local distribution sites do not relieve the Grantee of responsibility for conducting public outreach activities. Word of mouth shall not be used as the sole or primary method of conducting public outreach. (USDA/FNS has indicated that monitoring public outreach used by the Grantee will be one of their top priorities for monitoring during this agreement period.) \*



K. Rural Initiative

This initiative is to provide for the development of innovative program designs to meet the emergency food needs of residents of rural areas.

The Grantee shall submit a written rationale to the Grantor to request exemption from the Grantor's requirements regarding hours of operation for any of its distribution sites. Special operating procedures for pantries may be approved by the Grantor to allow for cost-effective and efficient provision of emergency food in sparsely populated rural areas.

In areas of high need and limited coverage, the absence of alternate distribution sites, or the inability by a distribution site to achieve the 50 percent match requirement for donated food shall not be used as grounds to reduce the TEFAP allocation to the site. In instances of this nature, the Grantee shall assist and support the distribution sites efforts to bridge this gap through creative collaboration with other food assistance organizations, social service agencies and the general community.

L. Collaboration Requirements

The Grantee shall interact with other food distribution and social service agencies and other community providers to coordinate efforts to maximize total food resources, outreach and nutrition education services for low-income families to ensure that the emergent food needs of the area are met in the most efficient and cost-effective manner.

The Grantee shall include organizations, which provide services to help ensure community food security for low-income households and population groups at risk to improve overall availability and effectiveness of food security program services in the Grantee's service area.

The Grantee shall work with other local organizations to create a hunger relief system that is targeted, managed and effective in addressing food security issues with an emphasis on developing standards of excellence to achieve best practices for program operations.

Collaboration efforts shall include, but are not limited to, establishing geographical boundaries/service areas for distribution of TEFAP commodities, working with local organizations whose goals include a coordinated approach aimed at eradicating hunger and malnutrition without duplicating efforts and/or services in the geographic area to be served.

Other examples include developing consistent community standards for hunger relief, convening a local community planning process that provides recommendations for system improvements, developing consistent food pantry participation/issuance guidelines, collaborating in efforts to conduct community-wide food system assessments/surveys, cooperative efforts to establish a delivery system for commodities and donated food to the distribution sites in the Grantee's, developing and/or enhancing homebound delivery systems to ensure opportunity for equal access to program services for at risk population groups, coordination of food and fund-raising efforts, and cooperative food buying clubs. \*

**M. Prohibited Activities**

USDA/FNS requires agencies to provide commodities to eligible households at no charge. Sale or other disposal of TEFAP commodities into commercial channels is strictly prohibited. The Grantee shall be aware that the sale, exchange, or use of commodities for personal gain or any other form of fraud or abuse is subject to Federal and/or State prosecution.

Participants eligible to be served by TEFAP shall not be required to make payment in money, material or services as a condition of receiving TEFAP commodities provided under this agreement. Voluntary contributions may not be solicited.

Attendance or membership in any organization or if perceived as such by the client for receipt of TEFAP commodities is expressly prohibited (church, political, fraternal, union, block club, etc.). \*

Political activity in any form is prohibited during the distribution of TEFAP commodities from sites. Candidates may not make political appearances at distribution sites. Campaign literature and signs may not be evident. Bags or boxes advertising candidates or political causes may not be used to carry commodities, and staff and volunteers may not wear buttons or politically inspired apparel.

Volunteers and staff are entitled to TEFAP commodities only if they meet eligibility requirements. Eligible volunteers and staff may not be given extra food to encourage their help. Issuance rates may not be exceeded.

Discrimination is prohibited. The "And Justice For All" poster must be posted in clear view of all TEFAP clients. Reports of alleged discrimination must be mailed to the USDA/FNS address listed on the poster. The Grantor shall investigate such allegations on behalf of USDA/FNS.

TEFAP commodities distributed for household consumption shall be distributed in original packaging only. Repackaging of commodities by the Grantee or its distribution sites is strictly prohibited unless approved by the Grantor.

**N. Minimizing Losses**

The Grantor does not require that distribution sites carry insurance for the value of the TEFAP commodities. However, sites are obligated to conduct operations in a responsible manner to keep losses at a minimum. Distribution sites must carefully follow approved storage and handling procedures. Distribution sites shall use a First In/First Out inventory control system to rotate stock.

**O. Liability for Commodities**

When physical delivery of TEFAP commodities is taken, the Grantee assumes all responsibility for safekeeping of TEFAP commodities. The responsibility for safekeeping of TEFAP commodities shall be limited to loss or damage caused by failure to provide proper storage, care, and handling. Losses must be reported immediately to DCFS followed by completion and submittal of the required written report form (CFS-2004).

The Grantee shall be responsible for ensuring that distribution sites maintain proper handling, care and storage of commodities to guarantee the quality and safety of TEFAP commodities. Every effort must be made to reduce loss due to spoilage, pest infestation and theft by following accepted warehousing methods. This action not only ensures quality products are being distributed, but also protects the Grantee from claim action by the Grantor and/or USDA/FNS to recover the value of the spoiled or lost product.

P. Out-of-Condition Products

Out-of-condition products are those commodities, which appear to have come from the processor contaminated, deteriorated, spoiled, infested or have latent defects. All commodities must be inspected upon receipt. Cans that are leaking or bulged have sharp dents or rust on the seams are examples out-of -condition products.

If foreign matter such as glass or metal is found in a product, the situation should be treated as an emergency. All out-of-condition losses must be reported by the Grantee to DCFS by phone immediately. The Grantee shall follow up the verbal notification by completing and submitting the CFS-2005 in accordance with the specific USDA/FNS requirements included in 7 CFR 251.4 (1).

Q. TEFAP Losses

The Grantee assumes liability for the value of TEFAP commodities if a loss occurs because of negligence in storage or handling in accordance with 7 CFR Parts 250 and 251 and may be held liable for the value of the loss of commodities.

The DCFS requires that the Grantee explain all losses, including those experienced by their distribution sites. The Grantee and its designated sites must balance the amount of TEFAP commodities received and the amount distributed on a monthly basis on the Inventory Report (CFS-2003) submitted to the Grantor. The Grantee shall submit a loss report to the Grantor's forms CFS-2004 or CFS-2005. The loss shall be reported simultaneously with the monthly Inventory Report for TEFAP commodities (CFS-2003). Losses at the distribution sites shall be reported to the Grantee on the Inventory of TEFAP Commodities (CFS-2002). The Grantee is financially responsible for all losses even when the distribution site causes the loss. The Grantor must be contacted immediately by telephone if any major loss occurs.

Private industry rules may allow a certain percentage of the total food donated as a standard for loss of commercially donated food, which is commonly referred to as "shrink." However, this standard is not applicable to TEFAP losses. Federal rules and regulations do not recognize any "shrink" for loss of TEFAP commodities.

The DCFS is required by federal regulations to pursue recovery of the value of all commodity lost due to the negligence or fraud. All losses must be immediately reported to the DCFS according to the provisions included in the Procedures Manual and State Plan of Operation for TEFAP.

The Grantee assumes liability for loss of TEFAP commodities by failure to provide proper storage, care or handling, theft, fire and natural occurrences. The Grantee must provide coverage of at least the value of the maximum quantity of commodities expected in possession at any one time, or 2) through proof of unencumbered assets held by the Grantee that have a value of at least the value of the maximum quantity of food expected in possession at any one time. If the Grantee elects to cover potential liability through its assets, the Grantee's most recent annual fiscal report is to be submitted with the State/Agency Agreement.

The Grantee may be financially responsible for the value of commodity losses. If the Grantor holds the Grantee financially liable for the loss attributable to a distribution site, the Grantee may take appropriate legal or other action against the distribution site to recover the value of such losses.

R. Fees Assessed to Pantries and Soup Kitchens

The Grantee may not require pantries and soup kitchens to contribute to the defrayal of the Grantee expenses associated with the distribution of TEFAP commodities. However, a maintenance fee may be assessed by the Grantee for receipt of privately donated food to distribution sites. (Maintenance fees used to offset the costs for privately donated food are allowable under program guidelines.)

S. Recipient Eligibility

The Grantee shall adhere to the State's federally approved income eligibility guidelines and issuance rates as the basis for the determination of eligible households and quantities dispersed. The Grantee and all its agents shall agree to adhere to maximum issuance rates as specified by the Grantor.

The Grantor accepts self-declaration as a means of documenting eligibility. No other documentation is needed to meet program requirements. Needy persons receiving TEFAP commodities from a food pantry shall sign the Eligibility Certification for TEFAP Commodities (CFS-2001) each time commodities are received to attest they meet the income eligibility guidelines for the program. The applicant's signature places the responsibility for documenting eligibility directly on the recipient and relieves volunteers of both legal and programmatic liability.

All recipients must be residents of Wisconsin. Since the State allocates TEFAP commodities to each county based on its low-income and unemployed population, the Grantee and its distribution sites shall require that recipients be residents of the county. Recipients shall also be served in the geographical area designated as the location where they receive commodities. Length of residency in the area served by the Grantee or distribution site may not be used as a factor to determine program eligibility. The Grantee and its distribution sites may not stipulate a length of residence requirement. Applicants may be required to provide proof they reside within the distribution site's designated area of service. Further geographic restrictions may be imposed by the Grantee provided each service area has an accessible site within a reasonable distance for recipients.

Households are eligible to receive commodities if the total, gross income of the household is within federal income guidelines. The total gross income for a household must be at or below 150 percent of the poverty level. The United States Department of Health and Human Services (HSS) revises the poverty guidelines on an annual basis (February). The Grantor shall provide updated guidelines to the Grantees for utilization by April of the current fiscal year. The Grantee and its designated distribution sites shall use current, updated guidelines. The Grantor reserves the right to change the income eligibility guidelines to maximize and target resources to our neediest citizens.

Social Security is not a form of public assistance. Social Security beneficiaries and volunteers are eligible only if they fall within the appropriate income guidelines for TEFAP.

Recipients of meals served at soup kitchens and emergency homeless shelters are not required to complete an application form to determine eligibility. Persons who voluntarily choose to seek a meal at a soup kitchen are considered eligible for purposes of participation in this program. However, the Grantor reserves the right to require the Grantee to implement a means test at soup kitchens to ensure that only needy persons are receiving program services.

## VI. Compensation

### A. Administrative Funding Available to Grantees

Administrative funds are available to Grantees under this agreement for the temporary storage, handling and distribution of TEFAP commodities. Administrative funds are available only for expenditures based on an annually approved line-item budget. The administrative funds may also be used for such costs associated with privately donated food. Administrative funds available under this agreement may not be used to purchase food. Documentation of all expenditures must be maintained. The Grantee's budget shall be submitted to the Grantor for approval by **January 31, 1999**.

### B. Payment to Grantees

Payments to the Grantee shall be made monthly in accordance with provisions included in the State/Agency Agreement as indicated in Section IV. (A – F). Payments shall be made on the basis of the Grantee's annual budget as approved by the Grantor and the expenses reported monthly on the DMT-862 CARS Expenditure Report. Payments to the Grantee under this agreement may not exceed approved expenditures.

### C. Program Reports

The Grantee shall maintain accurate and complete books and records as directed by DCFS pertaining to the Grantee's operations. Such records shall include, but are not limited to, commodity receipts, disbursements, inventory controls, distribution site operations, Grantee operational expenses and documentation of expenditures that are incurred under the agreement with the Grantor.

The Grantee shall submit program reports according to the provisions included in the State/Agency Agreement as indicated in Section VI. C., and other reports that may be required by USDA/FNS and the Grantor. Records completed by the Grantee for monitoring the activities of its distribution sites shall be submitted upon request of the Grantor.

Failure to submit required program reports within the time period specified in the reporting instructions pursuant to Section XVI. of the agreement may result in suspension of further food deliveries or payments.

## Glossary of Terms

- TEFAP** – The Emergency Food Assistance Program
- USDA/FNS** – The United States Department of Agriculture/Food and Nutrition Service is the federal agency responsible for federal aspects of TEFAP as well as other federal agriculture and nutrition programs.
- DHFS** – The Wisconsin Department of Health and Family Services is the designated State agency responsible for the administration of TEFAP in Wisconsin.
- DCFS** – The Division of Children and Family Services is the Division within the DHFS responsible for statewide administration of TEFAP.
- FFY** – An accounting and contract period which begins on October 1 and ends September 30 of the following year. For example, Federal Fiscal Year (FFY) 1999 begins on October 1, 1998, and ends September 30, 1999.
- Commodities** – Food commodities provided by USDA/FNS for distribution through TEFAP. The USDA/FNS requires States to give priority for the distribution of TEFAP commodities to organizations/distribution sites, which meet the definition of an EFO.

### **Non-USDA/Donated Food** –

Unless otherwise distinguished, refers to privately or commercially donated food (not TEFAP commodities). Food obtained from a Second Harvest or similar-type food bank, privately donated food or food purchased with monetary donations.

### **Emergency Feeding Organization (EFO)** –

A public or not-for profit organization which has maintained an established operation involving the distribution of food to needy persons for a period of not less than two years as a primary part of their normal activities.

### **Distribution Site** –

The physical location (pantry or soup kitchen) where TEFAP commodities are actually given to eligible persons.

- Food Pantry** – A food pantry is a public or private non-profit organization that distributes food to low income and unemployed households, including food from sources other than the USDA/FNS, to relieve situations of emergency and distress (as amended in Section 871(a) by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

A pantry has maintained an established operation with at least two years of prior experience in providing food to needy persons on a regular basis, is open to the general community for its designated geographic service area, provides donated food in sufficient variety and quantity to meet the nutritional needs of a family or individual for a brief period of time until other resources are available, maintains regularly scheduled operating hours of at least two days a week a minimum of two hours per day, provides emergency access to food on a continuous basis, distributes at least 50 percent of its food from privately, donated sources. A food pantry does not restrict participation in TEFAP for reasons other than income eligibility and residency in its geographic service area.

---

**Soup Kitchen –**

A public or charitable institution that, as an integral part of the normal activities of the institution, maintains an established feeding operation to provide food to needy homeless persons on a regular basis (as amended in Section 871 (a) in The Emergency Food Assistance Act of 1983 by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

An institution which has an established operation with at least two years prior experience in providing food to homeless or transient persons and others in need on a regular basis, is open to the general public, has operating hours of at least two days per week a minimum of two hours per day and serves prepared nutritious meals in a clean, secure environment as a primary part of its normal services.

The type of agencies include soup kitchens, temporary shelters for homeless persons, transitional living arrangements for homeless, shelters for runaway youths, and shelters for victims of domestic abuse and their children.

- \* Agencies which are not eligible to receive TEFAP commodities include, but are not limited to: jails, hospitals, day care centers, detoxification centers, rehabilitation centers, orphanages, nonprofit school lunch and breakfast programs, nonprofit summer camps for children, and other nutrition programs targeted to children or elderly populations, including nutrition projects operating under authority of the Older American Act of 1965, providers of home delivered meals, and any other group care facility, including alcohol and drug recovery centers.



# MFSFA Minnesota Food Shelf Association

502 Nicollet Avenue, Suite 5, Minneapolis, MN 55403 - FAX#: 612-870-9193 - 1-800-782-6372

DATE 3-18-99

# OF PAGES 3

Organization WISCAP

Post-It® Fax Note	7671	Date	Wed	# of pages	3
To	TINA YACKER	From	Jonathan Baker		
Co./Dept.	LPB	Co.	WISCAP		
Phone #		Phone #	244-9320		
Fax #		Fax #			

authorizing <sup>state</sup> funds to

your records - can if you have questions.

FROM: Janine A. Laird  Executive Director

Marla E. Carlson \_\_\_\_\_ Program Coordinator

502 Nicollet Avenue, Suite 5, Minneapolis, MN 55403 - FAX#: 612-870-9193 - 1-800-782-6372 - 612-870-9170  
*in minn only*

TINA -

Here is a copy of Minnesota's bill I promised you (as sent to me by the MN Food Shelf Assoc.).  
Call me if you have any questions.

Jonathan  
244-9320



119a.44

## Minnesota Statutes 1998, Table of Chapters

## Table of contents for Chapter 119A

## 119A.44 Foodshelf.

Subdivision 1. Distribution of appropriation. The commissioner must distribute funds appropriated to the commissioner by law for that purpose to the Minnesota Foodshelf Association, a statewide association of foodshelves organized as a nonprofit corporation as defined under section 501(c)(3) of the Internal Revenue Code of 1986, to distribute to qualifying foodshelves. A foodshelf qualifies under this section if:

(1) it is a nonprofit corporation, or is affiliated with a nonprofit corporation, as defined in section 501(c)(3) of the Internal Revenue Code of 1986;

(2) it distributes standard food orders without charge to needy individuals. The standard food order must consist of at least a two-day supply or six pounds per person of nutritionally balanced food items;

(3) it does not limit food distributions to individuals of a particular religious affiliation, race, or other criteria unrelated to need or to requirements necessary to administration of a fair and orderly distribution system;

(4) it does not use the money received or the food distribution program to foster or advance religious or political views; and

(5) it has a stable address and directly serves individuals.

Subd. 2. Application. In order to receive money appropriated under this section, the Minnesota Foodshelf Association must apply to the commissioner. The application must be in a form prescribed by the commissioner and must indicate the proportion of money each qualifying foodshelf shall receive. Applications must be filed at the times and for the periods determined by the commissioner.

Subd. 3. Distribution formula. The Minnesota Foodshelf Association must distribute money distributed to it by the department to foodshelf programs in proportion to the number of individuals served by each foodshelf program. The commissioner must gather data from the Minnesota Foodshelf Association or other appropriate sources to determine the proportionate amount each qualifying foodshelf program is entitled to receive. The commissioner may increase or decrease the qualifying foodshelf program's proportionate amount if the commissioner determines the increase or decrease is necessary or

119a.44

appropriate to meet changing needs or demands.

Subd. 4. Use of money. At least 96 percent of the money distributed to the Minnesota Foodshelf Association under this section must be distributed to foodshelf programs to purchase, transport, and coordinate the distribution of nutritious food to needy individuals and families. No more than four percent of the money may be expended for other expenses, such as rent, salaries, and other administrative expenses of the Minnesota Foodshelf Association.

Subd. 5. Enforcement. The Minnesota Foodshelf Association must retain records documenting expenditure of the money and comply with any additional requirements imposed by the commissioner. The commissioner may require the Minnesota Foodshelf Association to report on its use of the funds. The commissioner may require that the report contain an independent audit. If ineligible expenditures are made by the Minnesota Foodshelf Association, the ineligible amount must be repaid to the commissioner and deposited in the general fund.

Subd. 6. Administrative expenses. All funds appropriated under this section must be distributed to the Minnesota Foodshelf Association as provided under this section with deduction by the commissioner for administrative expenses limited to 1.8 percent.

HIST: 1998 c 273 s 8

Copyright 1998 by the Office of Revisor of Statutes, State of Minnesota



*Office of Senator*  
GARY R. GEORGE

TO: Tina Yacker, Attorney  
Legislative Reference Bureau

FROM: Cathy Lange  
Office of Senator Gary R. George

DATE: August 26, 1999

RE: LRB 1603/P1 – Food Pantry Bill

---

I have met with various parties regarding the food pantry legislation that Senator George would like to introduce. We have developed the attached final draft of provisions which I hope will address all of the questions contained in your drafter's note of March 16, 1999.

There were some questions regarding the timing of the appropriation that I was not able to answer. It may make sense to delay the grant period to start at the beginning of fiscal year 2000-01. The various advocacy groups have indicated they would need time to promote the availability of the grants in order to ensure an ample amount of applications are received. In addition, we would like to be able to give the pantries a full year to spend the grants. I can speak with you further regarding these issues once you have had a chance to review the attached materials.

**DRAFT 5**  
**Overview of a State-Funded Food Pantry Supplement**  
**For Wisconsin**

**I. Appropriation:**

- ✓ • \$3,000,000 GPR biannual funding. The goal is to provide \$1.5 million in ongoing annual funding.

**II. "Qualifying" Food Pantry Defined as:**

- ✓ • Non-profit or affiliated with a non-profit;
- ✓ • Directly distributes food packages without charge to needy households;
- ✓ • Is open to the general public in its service area;
- ✓ • Does not discriminate based on faith, race, membership in an organization, or other criteria unless related to recipient need or to requirements necessary for an fair and orderly distribution system;
- ✓ • Cannot use money to foster or advance religious or political views;
- ✓ • Has a stable address, regular hours of operation, and is open at least once/month.
- ✓ • Adheres to USDA food safety and food storage standards.

**III. Funds may be used for:**

- ✓ • Costs related to the purchase, storage, transportation, coordination or distribution of emergency food to low-income households;
- ✓ • Direct administrative costs related to distribution of emergency food;
- ✓ • The purchase of capital equipment, including but not limited to freezers, refrigerators, shelving or vehicles;
- ✓ • Support of existing programs or new initiatives to increase food available to low-income households or enhance food security, including but not limited to gleaning, gardening, food recovery, food buying clubs, and community meals;
- ✓ • Providing nutrition education, or conducting outreach activities to increase use of food assistance programs;
- ✓ • Technical assistance related to food pantry management.

**IV. Distribution Formula**

- ✓ • Funds will be distributed in proportion to the number of individuals served by each food pantry program.
- ✓ • Funds will be disbursed to qualifying pantries at the beginning of the grant cycle.

## V. Rural Priority

- ✓ Rural areas have fewer local sources of donated food, fewer dollars to purchase food, less access to pantries, fewer volunteers, and transportation problems. The per capita cost of providing services in rural areas is therefore greater.
- ✓ Set aside 25% of the total allocation to divide among qualifying rural pantries. The rural supplement is in addition to their general allocation. Funds will be distributed in proportion to the number of individuals served by each rural pantry program.
- ✓ Rural is defined as "any area that is not part of a Metropolitan Statistical Area (MSA)." The Census Bureau defines MSA as "a geographic area comprising a county generally containing a central or twin city of 50,000 inhabitants or more plus contiguous counties that are socially and economically integrated with the central city". (There are 13 MSAs in Wisconsin encompassing 20 counties: Outagamie-Winnebago-Calumet, Dane, Eau Claire-Chippewa, Brown, Rock, Kenosha, LaCrosse, Milwaukee-Ozaukee-Washington-Waukesha, Racine, Sheboygan, Marathon, Douglas, St. Croix-Pierce.) The department, for purposes of the grant program, may designate an area as "rural" if it is in an MSA but is isolated from the urban center.

## VI. Administration

- ✓ The grants program will be administered by DHFS/DCFS.
- ✓ The application cannot exceed one page.
- ✓ Within 60 days following the end of the grant period the pantry must report to the administering agency on how the funds were used. The format and content of the final report will be determined by DCFS. DCFS must report to the legislature on how funds have been used.
- ✓ No more than 5% of the total allocation may be used for DCFS' administrative costs to implement the program.

## VII. Grant size

- ✓ DCFS may limit the maximum grant amount to \$20,000. If a maximum grant cap is placed in effect by DCFS, the value of any funds not awarded to an agency as a result of the cap will be reallocated to the remaining pantries from the general fund.

SOON

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 **AN ACT to create** 20.435 (3) (fp) and 46.766 of the statutes; **relating to:** funding  
2 for food pantries, granting rule-making authority and making an  
3 appropriation.

---

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version.  
For further information see the ***state and local*** 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:***

4 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
5 the following amounts for the purposes indicated:

1 1999-00 2000-01

2 20.435 Health and family services, department

3 of

4 (3) CHILDREN AND FAMILY SERVICES

5 (fp) Statewide food pantry network GPR A 1,500,000 1,500,000

6 SECTION 2. 20.435 (3) (fp) of the statutes is created to read:

7 20.435 (3) (fp) Statewide food pantry network. The amounts in the schedule for  
8 grants awarded under s. 46.766.

9 SECTION 3. 46.766 of the statutes is created to read:

10 46.766 Food pantry grants. (1) From the appropriation under s. 20.435 (3)

11 (fp), the department shall provide grants to food pantries for any of the following

12 purposes:

*That apply and qualify for the grants. Grants awarded under this section may be used*

*INSEK 2-9*

*(b)*

*Insert 2-17*

*\*\*\*NOTE: Do you want the grants to be used for a particular purpose (for example, to purchase food, for administration etc.?)*

13 (1) (2) A food pantry that receives a grant under this section shall, not later than  
14 one year after the grant has been awarded, submit a report to the department  
15 specifying the populations served by the food pantry under the grant.

16 (END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1603/P2ins  
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In this section:  
"Nonprofit organization" means an organization described in section 501 (c) of the internal revenue code.

"Rural" means outside a metropolitan statistical area specified under 42 CFR 412.62 (ii) (A) or within a metropolitan statistical area but isolated from an urban center.

insert 2-12

1. The purchase, storage, transportation, coordination or distribution of emergency food to low-income households.

\*\*\*NOTE: IS the word "emergency" necessary? could it be interpreted too narrowly?

- 2. The administration of emergency food distribution.
- 3. The purchase of capital equipment.
- 4. Programs designed to increase food availability to low-income households or enhance food security.
- 5. Nutrition education and outreach.
- 6. Technical assistance related to food pantry management.

(C) No grant received under this section may be used to foster or advance religious or political views.

(2) A food pantry qualifies for a grant under this section if the food pantry meets all of the following conditions:

(A) The food pantry is a nonprofit organization or is affiliated with a nonprofit organization.

\*\*\*NOTE: How likely is it that a for-profit food pantry would be affiliated with a nonprofit organization? It seems more likely that a nonprofit food pantry would be

INSERT  
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SECRET FF.  
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of inserts



affiliated with a for-profit or that a food pantry affiliated with a nonprofit (such as a church) would also be nonprofit. Are there specific for-profit food pantries that were contemplated in preparing that language?

1 (b) The food pantry distributes food packages directly, without charge, to needy  
2 households.

\*\*\*NOTE: Do you want to define "needy households" or have the department define it? It could also be left to the food pantries to decide. It doesn't have to be defined by statute or rule.

3 (c) The food pantry is open to the general public in its service area.

\*\*\*NOTE: Do you want to define "service area" or have the department define it? It could also be left to the food pantries to decide. It doesn't have to be defined by statute or rule.

4 (d) The food pantry does not base food distribution on any criteria other than  
5 need of the recipient, except to the extent necessary for the orderly and fair  
6 distribution of food.

7 (e) The food pantry has a permanent address, regular hours of operation and  
8 is open at least one day per month.

9 (f) The food pantry adheres to the United States department of agriculture food  
10 safety and food storage standards.

11 (g) The food pantry applies on an application developed by the department. The  
12 application may not exceed one page.

13 (3) (a) The department shall allocate 25% of the total funds available for grants  
14 under this section to be distributed among rural food pantries that apply and are  
15 eligible in proportion to the number of persons served by each of those food pantries.  
16 Except as provided in par. (b), the department shall distribute the remainder of the  
17 grants to all food pantries that apply and are qualified in proportion to the number  
18 of persons served by each food pantry.

19 (b) The department may establish a maximum grant amount of \$20,000. If the  
20 department establishes a maximum and, as a result, funds remain unallocated, the

INSERT  
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P. 1  
of inserts

1 department shall distribute the remaining funds to food pantries that have not  
2 received the maximum amount, in proportion to the number of persons served by  
3 each of those food pantries.

\*\*\*\*NOTE: This is an unusual provision and I'm not sure what you're intent is. Do  
you want the department to have two choices: not to establish a maximum, or to make the  
maximum \$20,000? Or do you intend the department to establish any maximum that it  
wants? If it's the former, the provision should be redrafted to specify that, if the  
department establishes a maximum, the maximum shall be \$20,000. If it's the latter, the  
\$20,000 is irrelevant.

4 (c) The department may not use more than 5% of the total amount available  
5 under the appropriation under s. 20.435 (3) (fp) for administration of the grant  
6 program under this section.

7 (4) A food pantry that receives a grant under this section shall, not later than  
8 60 days <sup>a</sup> after the end of the grant period, submit a report to the department in the  
9 manner prescribed by the department by rule, that describes how the grant money  
10 was used by the food pantry. The department shall compile the reports and submit  
11 the compiled reports to the legislature under s. 13.172 (2).

\*\*\*\*NOTE: How long is the grant period?

(end of insert)



*Office of Senator*  
GARY R. GEORGE

TO: Tina Yacker, Attorney  
Legislative Reference Bureau

FROM: Cathy Lange  
Office of Senator Gary R. George

DATE: September 28, 1999

RE: LRB 1603/P2 – Food Pantry Bill

---

The following are the changes that we would like made to the preliminary food pantry draft. Please feel free to give me a call if you have questions about any of these items (266-2500).

- ✓ 1. Page 2, lines 5 and 7: It is no longer our intention to create a "network." Both of these lines should read "Statewide food pantry grants program."
- ✓ 2. Page 2, lines 20 and 21: The word emergency is not necessary in either line. In addition, would it be appropriate to strike the word "low-income" and use "nccdy" instead in order to be consistent throughout the bill?
- ✓ 3. Page 3, lines 11 and 12: These lines should remain as written in regard to non-profit organizations.
- ✓ 4. Page 3, lines 13 and 14: These lines should remain as written. It should be left to the food pantries to define "needy households."
- ✓ 5. Page 3, line 15: This line should remain as written. It should be left to the food pantries to define "service area."

- 7  
11
- ✓6. Page 4, lines 11 to 15: We don't want a food pantry to receive a grant that exceeds \$20,000. The portion of a grant that would have exceeded \$20,000 should be returned to the general grant pool and redistributed to the remaining pantries based on their proportion of persons served. We do not want the Department to have a choice. Please re-draft to indicate that the maximum grant shall be \$20,000 and delete "department may establish."
- ✓7. Page 4, line 20: Please draft to read "submit a report, not longer than three pages, to the department".
8. The grant period should be one year in length.

*Pantries to receive grant based on pop. served  
except No grant = > \$20,000.*



(Soon)  
**State of Wisconsin**  
**1999 - 2000 LEGISLATURE**

LRB-1603/111

TAY:jlj:km

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

- 1 **AN ACT to create** 20.435 (3) (fp) and 46.766 of the statutes; **relating to:** funding
- 2 for food pantries, granting rule-making authority and making an
- 3 appropriation.

***Analysis by the Legislative Reference Bureau***

INSET ANAL

→ ~~This is a preliminary draft. An analysis will be provided in a later version.~~  
For further information see the **state and local** 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:***

- 4 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
- 5 the following amounts for the purposes indicated:

1

1999-00

2000-01

2

**20.435 Health and family services, department**

3

**of**

4

**(3) CHILDREN AND FAMILY SERVICES**

5

(fp) ~~Statewide~~ <sup>grants</sup> food pantry ~~network~~ GPR A 1,500,000 1,500,000

6

**SECTION 2.** 20.435 (3) (fp) of the statutes is created to read:

7

20.435 (3) (fp) ~~Statewide~~ <sup>grants</sup> food pantry ~~network~~ ← The amounts in the schedule

8

for grants awarded under s. 46.766.

9

**SECTION 3.** 46.766 of the statutes is created to read:

10

**46.766 Food pantry grants.** (1) In this section:

11

(a) 1. "Nonprofit organization" means an organization described in section 501

12

(c) of the Internal Revenue Code.

13

2. "Rural" means outside a metropolitan statistical area specified under 42

14

CFR 412.62 (ii) (A) or within a metropolitan statistical area but isolated from an

15

urban center.

16

(b) From the appropriation under s. 20.435 (3) (fp), the department shall

17

provide <sup>annual</sup> grants to food pantries that apply and qualify for the grants. Grants

18

awarded under this section may be used for any of the following purposes:

19

1. The purchase, storage, transportation, coordination or distribution of

20

~~emergency~~ food to <sup>needy</sup> low-income households.

\*\*\*NOTE: Is the word "emergency" necessary? Could it be interpreted too narrowly?\*\*\*

21

2. The administration of emergency food distribution.

22

3. The purchase of capital equipment.

*needy*

1 4. Programs designed to increase food availability to ~~low-income~~ *needy* households  
2 or enhance food security.

3 5. Nutrition education and outreach.

4 6. Technical assistance related to food pantry management.

5 (c) No grant received under this section may be used to foster or advance  
6 religious or political views.

7 (2) A food pantry qualifies for a grant under this section if the food pantry meets  
8 all of the following conditions:

9 (a) The food pantry applies on an application developed by the department. The  
10 application may not exceed one page.

11 (b) The food pantry is a nonprofit organization or is affiliated with a nonprofit  
12 organization.

\*\*\*\*NOTE: How likely is it that a for-profit food pantry would be affiliated with a nonprofit organization? It seems more likely that a nonprofit food pantry would be affiliated with a for-profit or that a food pantry affiliated with a nonprofit (such as a church) would also be nonprofit. Are there specific for-profit food pantries that were contemplated in preparing that language?

13 (c) The food pantry distributes food packages directly, without charge, to needy  
14 households.

\*\*\*\*NOTE: Do you want to define "needy households" or have the department define it? It could also be left to the food pantries to decide. It doesn't have to be defined by statute or rule.

15 (d) The food pantry is open to the general public in its service area.

\*\*\*\*NOTE: Do you want to define "service area" or have the department define it? It could also be left to the food pantries to decide. It doesn't have to be defined by statute or rule.

16 (e) The food pantry does not base food distribution on any criteria other than  
17 need of the recipient, except to the extent necessary for the orderly and fair  
18 distribution of food.

1 (f) The food pantry has a permanent address, regular hours of operation and  
2 is open at least one day per month.

3 (g) The food pantry adheres to the United States department of agriculture food  
4 safety and food storage standards.

5 (3) (a) The department shall allocate 25% of the total funds available for grants  
6 under this section to be distributed <sup>except as provided in sub. (1)(b),</sup> among rural food pantries that apply and are  
7 eligible in proportion to the number of persons served by each of those food pantries.  
8 Except as provided in <sup>Sub. (1)</sup> ~~part~~ (b), the department shall distribute the remainder of the  
9 grants to all food pantries that apply and are qualified in proportion to the number  
10 of persons served by each food pantry.

11 (b) ~~the department may not use more than 5% of the total amount available for the grant~~ <sup>any</sup> ~~if the~~  
12 ~~department establishes a maximum and any remaining funds remain unallocated, the~~  
13 department shall distribute the remaining funds to food pantries that have not  
14 received the maximum amount, in proportion to the number of persons served by  
15 each of those food pantries, <sup>but not to exceed \$20,000</sup>

\*\*\*\*NOTE: This is an unusual provision and I'm not sure what you're intent is. Do you want the department to have two choices: not to establish a maximum; or to make the maximum \$20,000? Or do you intend the department to establish any maximum that it wants? If it's the former, the provision should be redrafted to specify that, if the department establishes a maximum, the maximum shall be \$20,000. If it's the latter, the \$20,000 is irrelevant.

16 (c) The department may not use more than 5% of the total amount available  
17 under the appropriation under s. 20.435 (3) (fp) for administration of the grant  
18 program under this section.

19 (4) A food pantry that receives a grant under this section shall, not later than  
20 60 days after the end of the grant period, submit a report <sup>not longer than 3 pages,</sup> to the department in the  
21 manner prescribed by the department by rule, that describes how the grant money



1 was used by the food pantry. The department shall compile the reports and submit  
2 the compiled reports to the legislature under s. 13.172 (2).

\*\*\*NOTE: How long is the grant period?

3

(END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1603/lins  
TAY.....

insert anal

*the department of health and family services*

This bill requires ~~DHS~~ to award annual grants to food pantries that meet certain conditions. Twenty-five percent of the total amount appropriated for the grants is to be distributed to qualified rural food pantries in proportion to the number of persons served by each of those food pantries. The remainder is to be distributed among qualified food pantries statewide, also in proportion to the number of persons served by each food pantry. No grant, however, may exceed \$20,000. ✓ Each food pantry may use the grant to purchase, store and distribute food to needy households, to purchase equipment, for various hunger prevention programs and for the general operations of the food pantry.

## Yacker, Tina

---

**From:** Rossmiller, Dan  
**Sent:** Friday, December 03, 1999 12:31 PM  
**To:** Yacker, Tina  
**Subject:** FW: food pantry bill

Tina:

A group of advocates in the Milwaukee area is reviewing the food pantry bill draft and they forwarded me these suggested changes. I will try to call you to discuss them but I wanted you to be aware of their comments before we talked.

Dan Rossmiller  
Chief of Staff  
Office of Senator George

-----Original Message-----

**From:** Jon Janowski [<mailto:jon@HUNGERTASKFORCE.ORG>] <<mailto:jon@HUNGERTASKFORCE.ORG>>  
**Sent:** Thursday, December 02, 1999 3:17 PM  
**To:** 'Dan.Rossmiller@legis.state.wi.us'  
**Subject:** food pantry bill update - II

Hi Dan:

Advocates discussed the food pantry bill draft today. We have two basic issues: (1) There should be language in the bill which sets up a temporary advisory committee of advocates whose specific purpose is to guide DHFS during its promulgation of rules for the bill. This committee would be composed of folks like us, Second Harvest, WISCAP, UW-Extension, faith community and volunteer types, and a few others who helped to put this original concept together. The committee would only be temporary, and it really is intended to provide "expert" feedback to DHFS during rule consideration and promulgation; once final rules would be promulgated, the group would only get back together if DHFS sees a reason to get it back together to discuss issues related to the grant program. (2) We would like to see the grant maximum be dropped from \$20,000 to \$15,000. Our fear is that \$20,000 is too much to be used by one pantry, yet we want a sufficient amount for them to use that money for staffing purposes (which is what most of the "progressive" programs want to use this money for). A \$15,000 maximum is the compromise figure we arrived at -

Let me know if you have questions about these ideas. We can even put together sample language if you'd like. Otherwise, we all thought the drafter did an excellent job of putting the draft together. Hope this helps, and talk to you soon.

Jon Janowski, Hunger Task Force of Milwaukee  
414-777-0483

## Yacker, Tina

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**From:** Rossmiller, Dan  
**Sent:** Monday, December 06, 1999 4:53 PM  
**To:** Yacker, Tina  
**Subject:** FW: food pantry bill update - II

Tina:

I sent you an earlier e-mail with comments on the food pantry draft. This is a follow-up to that earlier e-mail. Please call me if you have any questions. Also, please feel free to contact Mr. Janowski if you need clarification.

-----Original Message-----

**From:** Jon Janowski [<mailto:jon@HUNGERTASKFORCE.ORG>] <<mailto:jon@HUNGERTASKFORCE.ORG>>  
**Sent:** Monday, December 06, 1999 3:04 PM  
**To:** 'Rossmiller, Dan'  
**Subject:** RE: food pantry bill update - II

Dan:

Just let me know if you need advocates to come up with language for the bill regarding the temporary advisory committee. Certainly advocates can give you a list of who should be on the committee. If you want us to do this, I can get you a list (probably) by the end of this week.

We really feel strongly about the temporary advisory committee. We need a "safeguard" in place so that DHFS rulemaking would be sound and sensible.

Look forward to hearing from you soon - Thanks for your help and feedback -

Jon Janowski, Hunger Task Force of Milwaukee

414-777-0483

-----Original Message-----

**From:** Rossmiller, Dan [<mailto:Dan.Rossmiller@legis.state.wi.us>] <<mailto:Dan.Rossmiller@legis.state.wi.us>>  
**Sent:** Friday, December 03, 1999 12:33 PM  
**To:** 'Jon Janowski'  
**Subject:** RE: food pantry bill update - II

Jon:

I tried to forward your comments to Tina Yacker, the drafting attorney but she is out of the office until Wednesday, December 8<sup>th</sup>. If you want to discuss this with me before then, please contact me by phone (608) 266-2500 or e-mail.

-----Original Message-----

**From:** Jon Janowski [<mailto:jon@HUNGERTASKFORCE.ORG>] <<mailto:jon@HUNGERTASKFORCE.ORG>>  
**Sent:** Thursday, December 02, 1999 3:17 PM  
**To:** 'Dan.Rossmiller@legis.state.wi.us'  
**Subject:** food pantry bill update - II

Hi Dan:

Advocates discussed the food pantry bill draft today. We have two basic issues: (1) There should be language in the bill which sets up a temporary

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advisory committee of advocates whose specific purpose is to guide DHFS during its promulgation of rules for the bill. This committee would be composed of folks like us, Second Harvest, WISCAP, UW-Extension, faith community and volunteer types, and a few others who helped to put this original concept together. The committee would only be temporary, and it really is intended to provide "expert" feedback to DHFS during rule consideration and promulgation; once final rules would be promulgated, the group would only get back together if DHFS sees a reason to get it back together to discuss issues related to the grant program.

(2) We would like to see the grant maximum be dropped from \$20,000 to \$15,000. Our fear is that \$20,000 is too much to be used by one pantry, yet we want a sufficient amount for them to use that money for staffing purposes (which is what most of the "progressive" programs want to use this money for). A \$15,000 maximum is the compromise figure we arrived at - Let me know if you have questions about these ideas. We can even put together sample language if you'd like. Otherwise, we all thought the drafter did an excellent job of putting the draft together. Hope this helps, and talk to you soon.

Jon Janowski, Hunger Task Force of Milwaukee  
414-777-0483

## Yacker, Tina

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**From:** Yacker, Tina  
**Sent:** Wednesday, December 15, 1999 3:52 PM  
**To:** Rossmiller, Dan  
**Cc:** 'jon@hungertaskforce.org'  
**Subject:** RE: update on food stamp waiver bill (SB 37)

I was just reviewing the bill when your email arrived. Actually, I was re-reviewing the email from Jon. It wasn't clear to me that those were final drafting instructions (at least with respect to the advisory committee). It looked from the email you sent before that you were going to discuss the details with Jon and then get back to me. I'm sorry if I misunderstood.

Generally, what I need to know is the number of people to be on the committee and the way that representatives to the committee should be identified (for example, "one representative of a food bank serving a rural area; one representative of a food bank serving a first class city," etc.). There is something else to note, however. According to the email, the committee would be created to provide "expert feedback to DHFS during rule consideration and promulgation." The only rulemaking specifically authorized in the bill is the manner in which the three-page report is to be submitted. No other rulemaking is required and therefore may never be done (although DHFS is required by ch. 227 to promulgate rules that it determines are necessary to interpret the statutes and, truthfully, there are certain aspects of this bill that will probably need interpreting). Therefore, what I can do is require DHFS, prior to promulgating any rules under the created section, to convene an advisory committee composed of the persons you identify for me.

An alternative would be to specify that DHFS promulgate rules by a certain date (or promulgate certain rules by a certain date) and have the committee advise DHFS until that point. If we specify rulemaking, should we specify a deadline by which that rulemaking would need to occur?

One more note: Committees are, by definition, temporary and only advisory. DHFS would be under no obligation to follow the recommendations of the committee. If there are concerns about how DHFS will interpret the bill, those concerns should be addressed in the bill to allow as little interpretation as possible.

If you would like to arrange a meeting to discuss any of these items, please let me know. It will not take any time really to draft; I just need to know what I should be drafting.

-- Tina

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Tina Yacker, Administrative Services Manager  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 261-6927  
Tina.Yacker@legis.state.wi.us

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-----Original Message-----

**From:** Rossmiller, Dan  
**Sent:** Wednesday, December 15, 1999 2:53 PM  
**To:** Yacker, Tina  
**Subject:** FW: update on food stamp waiver bill (SB 37)

Tina:

Can you provide any information that would help me to respond to these folks. I presume they are referring to the food pantry draft.

-----Original Message-----

**From:** Jon Janowski [<mailto:jon@HUNGERTASKFORCE.ORG>] <[mailto:](mailto:jon@HUNGERTASKFORCE.ORG)

**Sent:** [\[mailto:jon@HUNGERTASKFORCE.ORG\]](mailto:jon@HUNGERTASKFORCE.ORG)  
**To:** 'Rossmiller, Dan'  
**Subject:** RE: update on food stamp waiver bill (SB 37)

Dan:

Any word on a final draft from Tina Yacker? Advocates are calling me wondering what the timeframe is for this bill and should they start strategizing on how, where, and when to do outreach on it. I'm telling them to wait until we have a final draft and bill number assigned. Can you provide a general timeframe of when there might be a bill number assigned, when it might be introduced, and when would advocates be activated to "lobby" for its passage?

Thanks - let me know if you need any information or assistance.

Jon Janowski, HTFM  
414-777-0483

-----Original Message-----

**From:** Rossmiller, Dan [\[mailto:Dan.Rossmiller@legis.state.wi.us\]](mailto:Dan.Rossmiller@legis.state.wi.us) <<mailto:Dan.Rossmiller@legis.state.wi.us>>  
**Sent:** Thursday, December 09, 1999 12:47 PM  
**To:** 'Jon Janowski'  
**Subject:** RE: update on food stamp waiver bill (SB 37)

Jon:

RE: Food Pantry Bill

Tina Yacker, the Legislative Reference Bureau (LRB) drafting attorney who has been working on the food pantry draft was out of the office until yesterday. She e-mailed me yesterday to let me know that she hope to work on the changes you suggested this week. I will try to keep you posted on her progress.

Let me know if you have questions.

-----Original Message-----

**From:** Jon Janowski [\[mailto:jon@HUNGERTASKFORCE.ORG\]](mailto:jon@HUNGERTASKFORCE.ORG) <<mailto:jon@HUNGERTASKFORCE.ORG>>  
**Sent:** Thursday, December 09, 1999 12:45 PM  
**To:** 'Rossmiller, Dan'  
**Subject:** RE: update on food stam waiver bill (SB 37)

Dan:

No need for changes. I think it's exactly what we want done. I will keep an eye out for the committee date, but please let us know if there is anything we (or our networks around the state) can do to help this pass. I am going to fax you some interesting information that gives a good description of who the people are who would benefit from this bill passing. This might help you sell the bill.

Thanks again for your help. Also let me know any updates on the food pantry bill if you hear anything.  
Jon Janowski, HTFM  
414-777-0483

-----Original Message-----

**From:** Rossmiller, Dan

[mailto:Dan.Rossmiller@legis.state.wi.us] <mailto:[mailto:Dan.Rossmiller@legis.state.wi.us]>

Sent: Thursday, December 09, 1999 10:25 AM  
To: 'Jon Janowski'  
Subject: RE: update on food stam waiver bill (SB 37)

Jon:

As you know, the bill had a hearing in late October. It is in Senator Judy Robson's committee. It could be scheduled for a committee vote in early January if you are o.k. with it. Please let us know if you see any need for changes.

If you think it is o.k. as is I will let Sen. Robson's office know that they can go ahead and schedule a vote.

-----Original Message-----

**From: Jon Janowski**

[mailto:jon@HUNGERTASKFORCE.ORG] <mailto:[mailto:jon@HUNGERTASKFORCE.ORG]>

Sent: Thursday, December 09, 1999 9:59 AM  
To: 'dan.rossmiller@legis.state.wi.us'  
Subject: update on food stam waiver

Bill (SB 37)

Hi Dan:

Can you provide me with an update on SB37, the food stamp waiver bill? I know Senator George has pushed this in the past. What is its status, and is there anything we can do with our networks to support its passage? Thanks.  
Jon Janowski, Hunger Task Force of Milwaukee

414-777-0483



## Yacker, Tina

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**From:** Jon Janowski [jon@HUNGERTASKFORCE.ORG]  
**Sent:** Tuesday, December 21, 1999 10:09 AM  
**To:** 'dan.rossmiller@legis.state.wi.us'  
**Cc:** 'tina.yacker@legis.state.wi.us'  
**Subject:** FW: Food Stamp bill

Dan:

I have discussed these questions with advocates. Here are our suggestions:

\* As far as the advisory committee makeup, we think there should be a core group consisting of WISCAP, Second Harvest of WI, Lutheran Office for Public Policy of WI, UW-Extension, and Hunger Task Force of Milwaukee. These are all essentially statewide organizations that are "experts" on emergency food issues. We also think there should be flexibility to add two other individuals or organizations on an "as needed" basis. One of the two individuals should be Jane Voichick (retired professor from UW-Madison) and the other spot kept open in case there is a need to add another advocacy voice to the discussions with DHFS.

We agree that the language should be generic regarding the categorizing of this core group. This might take some work, but here are some suggestions - Hunger Task Force of Milwaukee (emergency food provider), Second Harvest (food bank), WISCAP (community action agency), Lutheran Office (faith-based representative), UW-Extension (UW-Extension professional), and two others (hunger advocate and one "open" spot - the "open" spot could be saved for someone the Department wants such as a wholesaler or grocer).

\* We agree with your recommendation that the advisory committee be convened prior to any rulemaking by DHFS. Since it seems that existing rules would need to be amended, maybe the language would look something like "DHFS should promulgate rules by X date and shall consult with the advisory committee prior to promulgating or changing rules". The committee should meet with DHFS not only prior to any rulemaking, but also in an event where they would want to change or amend rules. Seemingly, this would force DHFS to get rules promulgated in a timely fashion and also meet with the committee prior to doing so.

Our basic point is that we want to limit DHFS interpretation as much as possible and ensure that the committee is created and used before DHFS takes any action on amending existing rules or promulgating new rules.

Hopefully this makes sense. I look forward to your feedback.

Jon Janowski, Hunger Task Force of Milwaukee  
414-777-0483

-----Original Message-----

**From:** Jon Janowski  
**Sent:** Monday, December 20, 1999 1:04 PM  
**To:** 'Rossmiller, Dan'  
**Subject:** RE: Food Stamp bill

Dan:

Sorry I haven't gotten back to you. I can't seem to get out of meetings. I will discuss this with a few of the advocates and get back to you ASAP. Thanks for your persistence on this.

Jon Janowski, HTFM  
414-777-0483

-----Original Message-----

From: Rossmiller, Dan [mailto:Dan.Rossmiller@legis.state.wi.us]  
Sent: Friday, December 17, 1999 4:37 PM  
To: 'jon@HUNGERTASKFORCE.ORG'  
Subject: Food Stamp bill

I am calling to follow up. Tina Yacker, the drafter, has cc'ed you on her questions.

It is unclear what rules we are talking about. Do you want to require that new rules be promulgated or that existing rules be amended and how specific do you want to get as to their content?

As far as the advisory committee is concerned I would recommend that the draft require that the committee be convened prior to any rulemaking (i.e., specify that the department cannot promulgate rules until the committee has been convened). We can also tell the department who has to be on the committee.

What I would need to know from you is how many people do you want to specify and from what agencies or organizations. (We should describe the organizations somewhat generically, perhaps by describing the function or role that they fulfill, rather than by name.)

The next question would be do you want the committee to comprised only of those people you specify--i.e., make it an exclusive list--or do you want to allow others--i.e., make it an inclusive list. (For example, what if the department wants a grocer or wholesaler representative?)

Let me know what the group thinks.



D-NOTE  
**State of Wisconsin**  
**1999 - 2000 LEGISLATURE**

RMR  
LRB-1603/1/2  
TAY:jlg:km

SOON

**1999 BILL**

Regen

1 **AN ACT to create** 20.435 (3) (fp) and 46.766 of the statutes; **relating to:** funding  
2 for food pantries, granting rule-making authority and making an  
3 appropriation.

\$15,000

**Analysis by the Legislative Reference Bureau** (DHFS) ✓

This bill requires the department of health and family services to award annual grants to food pantries that meet certain conditions. Twenty-five percent of the total amount appropriated for the grants is to be distributed to qualified rural food pantries in proportion to the number of persons served by each of those food pantries. The remainder is to be distributed among qualified food pantries statewide, also in proportion to the number of persons served by each food pantry. No grant, however, may exceed \$20,000. Each food pantry may use the grant to purchase, store and distribute food to needy households, to purchase equipment, for various hunger prevention programs and for the general operations of the food pantry.

For further information see the **state and local** 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:**

4 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
5 the following amounts for the purposes indicated:

200 P The bill also directs DHFS to convene an advisory committee composed of various representatives of hunger prevention organizations and fields prior to promulgating any rules needed to implement the grant program.

## BILL

1 1999-00 2000-01

2 **20.435 Health and family services, department**

3 **of**

4 (3) CHILDREN AND FAMILY SERVICES

5 (fp) Food pantry grants GPR A 1,500,000 1,500,000

6 **SECTION 2.** 20.435 (3) (fp) of the statutes is created to read:

7 20.435 (3) (fp) *Food pantry grants*. The amounts in the schedule for grants  
8 awarded under s. 46.766.

9 **SECTION 3.** 46.766 of the statutes is created to read:

10 **46.766 Food pantry grants.** (1) In this section:

11 (a) 1. "Nonprofit organization" means an organization described in section 501  
12 (c) of the Internal Revenue Code.

13 2. "Rural" means outside a metropolitan statistical area specified under 42  
14 CFR 412.62 (ii) (A) or within a metropolitan statistical area but isolated from an  
15 urban center.

16 (b) From the appropriation under s. 20.435 (3) (fp), the department shall  
17 provide annual grants, not to exceed <sup>15,000</sup>~~20,000~~ per year per grant, to food pantries that  
18 apply and qualify for the grants. Grants awarded under this section may be used for  
19 any of the following purposes:

20 1. The purchase, storage, transportation, coordination or distribution of food  
21 to needy households.

22 2. The administration of emergency food distribution.

23 3. The purchase of capital equipment.

**BILL**

1           4. Programs designed to increase food availability to needy households or  
2 enhance food security.

3           5. Nutrition education and outreach.

4           6. Technical assistance related to food pantry management.

5           (c) No grant received under this section may be used to foster or advance  
6 religious or political views.

7           (2) A food pantry qualifies for a grant under this section if the food pantry meets  
8 all of the following conditions:

9           (a) The food pantry applies on an application developed by the department. The  
10 application may not exceed one page.

11           (b) The food pantry is a nonprofit organization or is affiliated with a nonprofit  
12 organization.

13           (c) The food pantry distributes food packages directly, without charge, to needy  
14 households.

15           (d) The food pantry is open to the general public in its service area.

16           (e) The food pantry does not base food distribution on any criteria other than  
17 need of the recipient, except to the extent necessary for the orderly and fair  
18 distribution of food.

19           (f) The food pantry has a permanent address, regular hours of operation and  
20 is open at least one day per month.

21           (g) The food pantry adheres to the United States department of agriculture food  
22 safety and food storage standards.

23           (3) (a) The department shall allocate 25% of the total funds available for grants  
24 under this section to be distributed, except as provided in sub. (1) (b), among rural  
25 food pantries that apply and are eligible in proportion to the number of persons

**BILL**

1 served by each of those food pantries. Except as provided in sub. (2) (b), the  
 2 department shall distribute the remainder of the grants to all food pantries that  
 3 apply and are qualified in proportion to the number of persons served by each food  
 4 pantry.

5 (b) If any funds remain unallocated, the department shall distribute the  
 6 remaining funds to food pantries that have not received the maximum amount, in  
 7 proportion to the number of persons served by each of those food pantries, but not  
 8 to exceed ~~111,000~~ \$15,000<sup>8</sup>

9 (c) The department may not use more than 5% of the total amount available  
 10 under the appropriation under s. 20.435 (3) (fp) for administration of the grant  
 11 program under this section.

12 (4) A food pantry that receives a grant under this section shall, not later than  
 13 60 days after the end of the grant period, submit a report, not longer than 3 pages,  
 14 to the department in the manner prescribed by the department by rule, that  
 15 describes how the grant money was used by the food pantry. The department shall  
 16 compile the reports and submit the compiled reports to the legislature under s.

17 13.172 (2).

18 (END)

✓  
 NS  
 4-17

1 insert 4-17

2 SECTION 1. Nonstatutory provisions.

3 (1) FOOD PANTRY GRANT RULES. Not later than October 1, 2000, the department  
4 of health and family services shall promulgate any rules necessary to implement the  
5 grant program under section 46.766<sup>✓</sup> of the statutes, as created by this act. Prior to  
6 promulgating the rules, however, the department of health and family services shall  
7 convene a committee to advise the department regarding the department's proposed  
8 rules. The committee shall be composed of all of the following:

9 (a) One representative of an emergency food provider.

10 (b) One representative of a food bank.

11 (c) One representative of a community action agency.

12 (d) One representative of a faith-based social services organization.

13 (e) One representative of the University of Wisconsin<sup>②</sup> Extension with  
14 experience in hunger prevention policies.

15 (f) Two<sup>✓</sup> other persons with experience in hunger prevention and emergency food  
16 distribution.

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

LRB  
~~98~~-1603/2dn

TAY.....

Jg

Please review the nonstatutory provision of this draft carefully to ensure that it is consistent with your intent. Although Jon Janowski specified that a deadline for rule promulgation would be desirable, he did not specify what date. Therefore, I randomly chose the date of October 1, 2000. I believe that this would provide sufficient time to convene a committee and to promulgate rules. If you would prefer another date, however, please let me know.

Tina A. Yacker  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: Tina.Yacker@legis.state.wi.us



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

LRB-1603/2dn  
TAY:jlg:kjf

December 22, 1999

Please review the nonstatutory provision of this draft carefully to ensure that it is consistent with your intent. Although Jon Janowski specified that a deadline for rule promulgation would be desirable, he did not specify what date. Therefore, I randomly chose the date of October 1, 2000. I believe that this would provide sufficient time to convene a committee and to promulgate rules. If you would prefer another date, however, please let me know.

Tina A. Yacker  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: Tina.Yacker@legis.state.wi.us

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**Yacker, Tina**

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**From:** Rossmiller, Dan  
**Sent:** Tuesday, December 28, 1999 6:10 PM  
**To:** Yacker, Tina  
**Subject:** Food Pantry Draft

In answer to your drafter's note question, the advocates seem to think it would be better to use a more flexible date--something like the first day of the fifth or sixth month following publication--rather than a fixed date such as October 1.

Please let me know if you have any questions. I will be in Wednesday afternoon; however, I will gone from Thursday (12-30) through Sunday (1-2).



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1603/3  
TAY:jlg:kjf

EMR

1999 BILL

Regen

- 1 AN ACT to create 20.435 (3) (fp) and 46.766 of the statutes; relating to: funding  
2 for food pantries, granting rule-making authority and making an  
3 appropriation.

---

*Analysis by the Legislative Reference Bureau*

This bill requires the department of health and family services (DHFS) to award annual grants to food pantries that meet certain conditions. Twenty-five percent of the total amount appropriated for the grants is to be distributed to qualified rural food pantries in proportion to the number of persons served by each of those food pantries. The remainder is to be distributed among qualified food pantries statewide, also in proportion to the number of persons served by each food pantry. No grant, however, may exceed \$15,000. Each food pantry may use the grant to purchase, store and distribute food to needy households, to purchase equipment, for various hunger prevention programs and for the general operations of the food pantry. The bill also directs DHFS to convene an advisory committee composed of representatives of various hunger prevention organizations and fields prior to promulgating any rules needed to implement the grant program.

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

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



**BILL**

1           3. The purchase of capital equipment.

2           4. Programs designed to increase food availability to needy households or  
3 enhance food security.

4           5. Nutrition education and outreach.

5           6. Technical assistance related to food pantry management.

6           (c) No grant received under this section may be used to foster or advance  
7 religious or political views.

8           (2) A food pantry qualifies for a grant under this section if the food pantry meets  
9 all of the following conditions:

10           (a) The food pantry applies on an application developed by the department. The  
11 application may not exceed one page.

12           (b) The food pantry is a nonprofit organization or is affiliated with a nonprofit  
13 organization.

14           (c) The food pantry distributes food packages directly, without charge, to needy  
15 households.

16           (d) The food pantry is open to the general public in its service area.

17           (e) The food pantry does not base food distribution on any criteria other than  
18 need of the recipient, except to the extent necessary for the orderly and fair  
19 distribution of food.

20           (f) The food pantry has a permanent address, regular hours of operation and  
21 is open at least one day per month.

22           (g) The food pantry adheres to the United States department of agriculture food  
23 safety and food storage standards.

24           (3) (a) The department shall allocate 25% of the total funds available for grants  
25 under this section to be distributed, except as provided in sub. (1) (b), among rural

**BILL**

1 food pantries that apply and are eligible in proportion to the number of persons  
2 served by each of those food pantries. Except as provided in sub. (2) (b), the  
3 department shall distribute the remainder of the grants to all food pantries that  
4 apply and are qualified in proportion to the number of persons served by each food  
5 pantry.

6 (b) If any funds remain unallocated, the department shall distribute the  
7 remaining funds to food pantries that have not received the maximum amount, in  
8 proportion to the number of persons served by each of those food pantries, but not  
9 to exceed \$15,000.

10 (c) The department may not use more than 5% of the total amount available  
11 under the appropriation under s. 20.435 (3) (fp) for administration of the grant  
12 program under this section.

13 (4) A food pantry that receives a grant under this section shall, not later than  
14 60 days after the end of the grant period, submit a report, not longer than 3 pages,  
15 to the department in the manner prescribed by the department by rule, that  
16 describes how the grant money was used by the food pantry. The department shall  
17 compile the reports and submit the compiled reports to the legislature under s.  
18 13.172 (2).

**SECTION 4. Nonstatutory provisions.**

19 (1) FOOD PANTRY GRANT RULES. Not later than ~~the first day of the 6th month beginning~~  
20 ~~the first day of the 6th month beginning~~ after ~~publication~~ *the first day of the 6th month beginning*  
21 of health and family services shall promulgate any rules necessary to implement the  
22 grant program under section 46.766 of the statutes, as created by this act. Prior to  
23 promulgating the rules, however, the department of health and family services shall  
24 convene a committee to advise the department regarding the department's proposed  
25 rules. The committee shall be composed of all of the following:

the effective date of this sub-section



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU**  
**Legal Section Telephone: 266-3561**  
**5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 01/04/2000

**To:** Senator George

**Relating to LRB drafting number:** LRB-1603

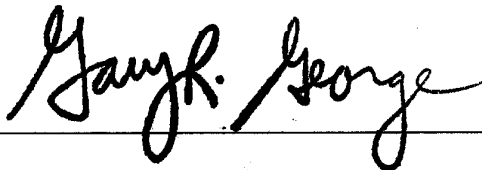
**Topic**

Funding for food pantries

**Subject(s)**

Public Assistance - misc

1. **JACKET** the draft for introduction \_\_\_\_\_



in the **Senate**  or the **Assembly** \_\_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

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