

## 2001 ASSEMBLY BILL 617

November 8, 2001 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Energy and Utilities.

1     **AN ACT** *to repeal* 16.385 (1) (b), 16.385 (1) (d), 16.385 (1) (e) and 16.385 (2) (b);  
2             *to renumber* 16.385 (2) (a); *to amend* 16.385 (3) (c), 16.385 (3) (d), 16.385 (3)  
3             (e) 1., 16.385 (3) (e) 2., 16.385 (3) (e) 7., 16.385 (5) (c), 20.505 (7) (km) and 20.505  
4             (7) (o); and *to create* 16.385 (5) (cm) of the statutes; **relating to:** the  
5             low-income energy assistance and weatherization assistance programs  
6             (suggested as remedial legislation by the department of administration).

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

Under current law, the department of administration (DOA) administers a number of housing assistance programs, including a low-income energy assistance program to assist low-income individuals with the cost of home energy and a weatherization assistance program to assist low-income individuals with weatherization costs. This bill makes a number of technical changes to those two programs.

Current law requires DOA to administer a low-income warm room program to install certain items for energy efficiency into the residences of certain low-income individuals and to train the individuals in the use of the items. Because DOA no longer conducts this program, the bill eliminates all references to the program.

Under current law, DOA is required to allocate for program administration expenses certain dollar amounts of moneys received from the federal government. The amounts exceed the percentages that are allowed under federal law to be used

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for administration expenses. The bill provides that up to the specified dollar amounts, but not exceeding the amounts authorized under federal law, must be allocated for program administration expenses. The bill also clarifies that DOA may expend any emergency funds received from the federal government, in addition to the original federal block grant received for low-income energy assistance.

Current law requires DOA to allocate moneys under one of its appropriations and to transfer the amount allocated to another DOA appropriation for weatherization assistance. The bill eliminates the transfer so that the appropriation under which the moneys are allocated directly provides the allocated moneys for weatherization assistance.

Finally, current law provides that a household composed entirely of persons receiving aid to families with dependent children (AFDC) is eligible for low-income energy assistance. Because AFDC no longer exists and Wisconsin works (W-2) is the replacement public assistance program, the bill provides that a household entirely composed of a W-2 group is eligible for low-income energy assistance.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of administration and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1        **SECTION 1.** 16.385 (1) (b) of the statutes is repealed.

2        **SECTION 2.** 16.385 (1) (d) of the statutes is repealed.

3        **SECTION 3.** 16.385 (1) (e) of the statutes is repealed.

4        **SECTION 4.** 16.385 (2) (a) of the statutes is renumbered 16.385 (2).

5        **SECTION 5.** 16.385 (2) (b) of the statutes is repealed.

NOTE: SECTIONS 1 to 5 of this bill delete statutory definitions and references to the low-income warm room program, which no longer exists. According to the department of administration, this test project was eliminated in 1985.

6        **SECTION 6.** 16.385 (3) (c) of the statutes is amended to read:

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1           16.385 (3) (c) From the appropriation under s. 20.505 (7) (m), allocate up to  
2           \$1,100,000 in each federal fiscal year, but not exceeding the amount authorized  
3           under federal law, for the department's expenses in administering the funds to  
4           provide low-income energy assistance.

5           **SECTION 7.** 16.385 (3) (d) of the statutes is amended to read:

6           16.385 (3) (d) From the appropriation under s. 20.505 (7) (o), allocate up to  
7           \$2,900,000 in each federal fiscal year, but not exceeding the amount authorized  
8           under federal law, for the expenses of a county department, another local  
9           governmental agency or a private nonprofit organization in administering under  
10          sub. (4) the funds to provide low-income energy assistance.

NOTE: SECTIONS 6 and 7 of this bill provide that the department of administration may allocate not more than the statutorily designated amount for expenses in administering the low-income energy assistance program.

11          **SECTION 8.** 16.385 (3) (e) 1. of the statutes is amended to read:

12          16.385 (3) (e) 1. Allocate ~~and transfer to the appropriation under s. 20.505 (7)~~  
13          ~~(km)~~, 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal  
14          year ~~under the priority of maintaining funding for the geographical areas on July 20,~~  
15          ~~1985, and, if funding is reduced, prorating contracted levels of payment,~~ for the  
16          weatherization assistance program administered by the department under s. 16.39.

NOTE: SECTION 8 of this bill eliminates the word "transfer" from this subdivision. According to the department of administration, the word "transfer", when used at the federal level, is used to denote a transfer of funds between two block grants, which is impermissible. This SECTION also deletes obsolete language relating to contract levels for the weatherization assistance program in effect prior to July 20, 1985.

17          **SECTION 9.** 16.385 (3) (e) 2. of the statutes is amended to read:

18          16.385 (3) (e) 2. Allocate not more than \$3,200,000 in each federal fiscal year  
19          for the payment of crisis assistance benefits to meet weather-related or fuel supply  
20          shortage emergencies under sub. (8). This subdivision does not apply to funds

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1 released under the authorization of the president of the United States to meet  
2 emergency requirements under 42 USC 8621.

NOTE: Section 9 of this bill clarifies that the department of administration may expend any emergency funds received under the federal low-income energy assistance program, in addition to the original federal block grant received under this program.

3 **SECTION 10.** 16.385 (3) (e) 7. of the statutes is amended to read:

4 16.385 (3) (e) 7. By October 1 of each year ~~and after consulting with the~~  
5 ~~department of administration,~~ allocate funds budgeted but that are not spent or  
6 encumbered and any funds remaining from previous fiscal years to heating  
7 assistance under sub. (6) or to the weatherization assistance program under s. 16.39.

NOTE: SECTION 10 of this bill eliminates a reference to the department of administration, which, in effect, required the department to consult with itself before allocating funds for heating assistance or weatherization assistance programs. In addition, the word “encumbered” is added to clarify that encumbered funds, as well as spent funds, are not available to be allocated to heating assistance or weatherization assistance programs.

8 **SECTION 11.** 16.385 (5) (c) of the statutes is amended to read:

9 16.385 (5) (c) A household entirely composed of persons receiving ~~aid to~~  
10 ~~families with dependent children under s. 49.19,~~ food stamps under 7 USC 2011 to  
11 2029, ~~or~~ supplemental security income under 42 USC 1381 to 1383c or state  
12 supplemental payments under ~~42 USC 1381 to 1383c or s. 49.77.~~

13 **SECTION 12.** 16.385 (5) (cm) of the statutes is created to read:

14 16.385 (5) (cm) A household entirely composed of a Wisconsin works group, as  
15 defined in s. 49.141 (1) (s).

NOTE: SECTIONS 11 and 12 of the bill update references in the statutes relating to the low-income energy assistance program by removing references to the aid to families with dependent children program and adding references to the Wisconsin works program.

16 **SECTION 13.** 20.505 (7) (km) of the statutes is amended to read:

