

2001 DRAFTING REQUEST

Bill

Received: 11/27/2000

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC 266-1308**

By/Representing: **Nicholas Zavos**

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

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Public Util. - misc.**

Extra Copies: **MDK**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Low-income energy and weatherization assistance programs

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> |
|--------------|--|-----------------------|------------------------|----------------|----------------------------|----------------------------|-----------------|
| /? | kunkemd 03/02/2001 mlief 03/07/2001 | gilfokm 03/09/2001 | | _____ | | | State |
| /1 | | | jfrantze 03/09/2001 | _____ | lrb_docadmin 03/09/2001 | lrb_docadmin 11/05/2001 | |

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| 1? | kunkemd 03/02/2001 mlief | 1-3/ King 18-01 | | | | | |

FE Sent For:

<END>

-1196

MEMORANDUM

from NICHOLAS R. ZAVOS
Legislative Council Staff
(608) 266-1308
nicholas.zavos@legis.state.wi.us

MARK -

Could you please put the attached proposals in bill form with each proposal as a separate bill

Thanks

Nick
Zavos

TOMMY G. THOMPSON
GOVERNOR

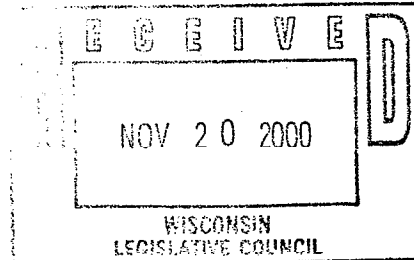
GEORGE LIGHTBOURN
SECRETARY



Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

November 16, 2000

Terry C. Anderson, Director
Legislative Council Staff
One East Main St., Suite 401
Madison, WI 53701-2536



Dear Mr. Anderson:

In response to your memo dated October 5, 2000, the Department of Administration submits the following remedial proposals for your consideration.

Under current law, the Department of Administration administers a number of energy 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. The following proposals make a number of technical changes to those two programs. In our opinion, the proposals do not require extensive explanations, do not involve significant policy changes and have no fiscal effect. Therefore the Department requests your consideration of the following proposals:

1. Repeal ss. 16.385 (1)(b), (d), (e) and (2)(b), Stats.:

Administrative/Substantive Problem:

The Department recommends elimination of the statutory definitions and references to the low-income warm room program, which no longer exists. This test project was eliminated in 1985.

Need for Change:

The statutes are obsolete since the program no longer exists.

Fiscal Effect:

none

✓
2. Amend ss. 16.385(3)(c) and (d), Stats.:

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

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

Administrative/Substantive Problem:

Current statutory language requires the Department to exceed the amount of administrative expenditures allowed under federal law.

Need for Change:

The amendment provides that the Department may allocate not more than the statutorily designated amounts for expenses in administering the low-income energy assistance program.

Fiscal Effect:

None. ✓

3. Amend s. 16.385(3) (e) 1., Stats.:

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

Administrative/Substantive Problem:

The word "transfer" at the federal level is used to denote a transfer of funds between two block grants, which is impermissible. By eliminating the word, state law will be in conformity with federal terminology. The Department also recommends deleting the obsolete language relating to contract levels for the weatherization assistance program in effect prior to July, 1985.

Need for Change:

The amendment aligns Wisconsin law with the federal law and deletes obsolete language.

Fiscal Effect:

None

4. Amend s. 16.385(3)(e) 2, Stats.:

(3) (e) 2. Allocate not more than \$3,200,000 in each federal fiscal year for the payment of crisis assistance benefits to meet weather-related or fuel supply shortage emergencies under sub. (8). This restriction does not apply to funds released under the authorization of the President to meet emergency requirements under 42 USC 8621.

Administrative/Substantive Problem:

Since the \$3,200,000 is fully appropriated from the initial federal block grant allocation to the state, the current statute could be interpreted to limit the Department's ability to act in an emergency if it can not spend any funds released under the authorization of the President for emergency purposes.

Need for Change:

This addition will allow the Department to expend any emergency funds received under 42 USC 8621 in addition to the original allocation.

Fiscal Effect:

None.

5. Amend s. 16.385(3)(e) 7, Stats.:

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

Administrative/Substantive Problem:

This amendment eliminates a reference to the Department of Administration which 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.

Need for Change:

This language was created when LIHEAP was in the Department of Health & Social Services.

Fiscal Effect:

None. ✓

6. Amend 16.385 (5) (c) and create s. 16.385 (5) (cm), Stats.:

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

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

Administrative/Substantive Problem:

The AFDC program has been eliminated and replaced by TANF.

Need for Change:

The amendment is needed to 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.

Fiscal Effect:

None.

7. Amend ss. 20.505 (7) (km) and (o), Stats.:

(7)(km) *Weatherization assistance.* All moneys ~~transferred from the appropriation under par. (o) and all moneys~~ received from other state agencies or the department, for the weatherization program under s. 16.39, for that purpose.

(7)(o) *Federal aid; individuals and organization; weatherization assistance.* All moneys received from the federal government for aids to individuals and organizations related to housing assistance under subch. II of ch. 16, as authorized by the governor under s. 16.54, for the purpose of providing aids to individuals and organizations and for the weatherization program under s. 16.39 as provided in s. 16.385(3)(e) 1.

Administrative/Substantive Problem:

Current law requires the Department to allocate funds in one appropriation and to transfer that amount to another Department appropriation for weatherization assistance.

Need for Change:

The state and federal appropriation language for the weatherization assistance program should be amended to reflect the changes made to s. 16.385(3)(e) 1, Stats., which eliminated the reference to transferring funds from the federal appropriation language.

Fiscal Effect:

None.

Sincerely,



Edward D. Main
Chief Legal Counsel

cc: Secretary George Lightbourn
Deputy Secretary Linda Seemeyer
Paul McMahon
Steve Tryon

2001 BILL

MJZ:kmq

~~1999 ASSEMBLY BILL 658~~

D-N

LPS: Proof all amended stats. w/ FOLIO

January 19, 2000 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Children and Families.

Reger

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) 7., 16.385 (5) (c), 20.505 (7) (km) and 20.505 (7) (o); and *to*
 4 *create* 16.385 (5) (cm) of the statutes; **relating to:** the low-income energy
 5 assistance and weatherization assistance programs (suggested as remedial
 6 legislation by the department of administration).

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

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.

LRB-2554/1
PJK:cmh:jf

ASSEMBLY BILL 658

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.

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

(W-2)

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:
- 7 16.385 (3) (c) From the appropriation under s. 20.505 (7) (m), allocate up to
- 8 \$1,100,000 in each federal fiscal year, but not exceeding the amount authorized

ASSEMBLY BILL 658

1 under federal law, for the department's expenses in administering the funds to
2 provide low-income energy assistance.

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

4 16.385 (3) (d) From the appropriation under s. 20.505 (7) (o), allocate up to
5 \$2,900,000 in each federal fiscal year, but not exceeding the amount authorized
6 under federal law, for the expenses of a county department, another local
7 governmental agency or a private nonprofit organization in administering under
8 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.

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

10 16.385 (3) (e) 1. ~~Allocate and transfer to the appropriation under s. 20.505 (7)~~
11 ~~(km)~~, 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal
12 year ~~under the priority of maintaining funding for the geographical areas on July 20,~~
13 ~~1985, and, if funding is reduced, prorating contracted levels of payment, for the~~
14 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.

15 SECTION 9. 16.385 (3) (e) 7. of the statutes is amended to read:

16 16.385 (3) (e) 7. By October 1 of each year ~~and after consulting with the~~
17 ~~department of administration~~, allocate funds ~~budgeted but~~ that are not spent or
18 encumbered and any funds remaining from previous fiscal years to heating
19 assistance under sub. (6) or to the weatherization assistance program under s. 16.39.

NOTE: SECTION 9 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

INS 3-15

15

ASSEMBLY BILL 658

SECTION 9

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.

1 **SECTION 10.** 16.385 (5) (c) of the statutes is amended to read:

2 16.385 (5) (c) A household entirely composed of persons receiving aid to
3 ~~families with dependent children under s. 49.19~~, food stamps under 7 USC 2011 to
4 2029, ~~or~~ supplemental security income under 42 USC 1381 to 1383c or state
5 supplemental payments under ~~42 USC 1381 to 1383e~~ or s. 49.77.

6 **SECTION 11.** 16.385 (5) (cm) of the statutes is created to read:

7 16.385 (5) (cm) A household entirely composed of a Wisconsin works group, as
8 defined in s. 49.141 (1) (s).[✓]

NOTE: SECTIONS 10 and 11 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.

9 **SECTION 12.** 20.505 (7) (km) of the statutes is amended to read:

10 20.505 (7) (km) *Weatherization assistance.* All moneys transferred from the
11 ~~appropriation under par. (o) and all moneys~~ received from other state agencies or the
12 department, for the weatherization program under s. 16.39, for that purpose.

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

14 20.505 (7) (o) *Federal aid; individuals and organizations; weatherization*
15 *assistance.* All moneys received from the federal government for aids to individuals
16 and organizations related to housing assistance under subch. II of ch. 16, as
17 authorized by the governor under s. 16.54, for the purpose of providing aids to
18 individuals and organizations and for the weatherization program under s. 16.39 as
19 provided in s. 16.385 (3) (e) 1.

NOTE: SECTIONS 12 and 13 of this bill make changes in the state and federal appropriation language for the weatherization assistance program to reflect the changes

ASSEMBLY BILL 658

made in SECTION 8 of this bill, which eliminated the reference to transferring funds from the federal appropriation language.

1

(END)

auto ref. "KA"

INS 3-15

Section # 16.385 (3) (e) 2. of the statutes is amended to read:

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

(8). v

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417.; 1999 a. 9

This ^{subdivision} ~~restriction~~ does not apply to funds released under the authorization of the President to meet emergency requirements under 42 USC 8621. of the United States

NOTE: Section # 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 under this program. received

auto. ref. "KA"

D-N

:Kmg:

Nick; 2/20/18 (CS)

I wrote a note for the treatment of s. 16.385(3)(c)², which was not in the original bill. If you would like the note^(CS) ^{revi} revised, please let ^{me} know, and I will redraft the bill.

MJL

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

LRB-1196/1dn
MJL.kmg:jf

March 9, 2001

Nick:

I wrote a NOTE for the treatment of s. 16.385 (3) (e) 2., which was not in the original bill. If you would like the NOTE revised, please let me know, and I will redraft the bill.

Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380



WISCONSIN LEGISLATIVE COUNCIL

Kathy Annen
Information Technology Specialist

kathy.annen@legis.state.wi.us

608/266-2987

11/5/01

Please jacket this
draft for the
Assembly.

Introduced by the
Law Revision Committee

Thank you!

Kathy

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