

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4117/P1dn
MDK:jld:jm

February 3, 2014

Sen. Vinehout:

Note that the Department of Administration (DOA) uses funding under the federal Low Income Home Energy Assistance Program (LIHEAP) to help pay for assistance under the state program. States must expend the federal money in accordance with a plan the state submits to the U.S. Department of Health and Human Services (HHS). See 42 USC 8624 (d). To accomplish the intent of this draft, it may be necessary for DOA to revise the plan submitted to HHS. Also, DOA may have to make a presentation to the Joint Committee on Finance under s. 16.54 (2) (b) before DOA can implement the draft. Therefore, you may want to have DOA's Division of Energy Services review this draft and advise whether additional language is necessary.

Except for the plan requirement described above, I did not find anything in the relevant federal law or regulations that is inconsistent with this draft. In fact, I found an HHS guidance document (LIHEAP IM 2001-13) which suggests that states can revise their plans to make supplemental payments or extend program duration year-round. (See <http://www.acf.hhs.gov/programs/ocs/resource/uses-of-liheap-funds>.) However, I would encourage you to get DOA's input on this issue, as there may have been changes to the federal requirements or additional guidance material of which I am not aware.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov