

2013 DRAFTING REQUEST

Bill

Received: **1/27/2014** Received By: **mkunkel**
 Wanted: **As time permits** Same as LRB: **-4432**
 For: **Kathleen Vinehout (608) 266-8546** By/Representing: **Joel Nilsestuen**
 May Contact: Drafter: **mkunkel**
 Subject: **Public Util. - misc.** Addl. Drafters:
 Extra Copies: **EVM**

Submit via email: **YES**
 Requester's email: **Sen.Vinehout@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Propane payments under the Wisconsin Home Energy Assistance Program

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>
/?	mkunkel 1/28/2014						
/P1	mkunkel 3/26/2014	jdye 2/1/2014	jmurphy 2/2/2014		mbarman 2/3/2014		State
/1		evinz 3/26/2014	jfrantze 3/26/2014		lparisi 3/26/2014	lparisi 3/31/2014	State

FE Sent For:

*at intro
4/4/14*

<END>

2013 DRAFTING REQUEST

Bill

Received: **1/27/2014** Received By: **mkunkel**
Wanted: **As time permits** Same as LRB:
For: **Kathleen Vinehout (608) 266-8546** By/Representing: **Joel Nilsestuen**
May Contact: Drafter: **mkunkel**
Subject: **Public Util. - misc.** Addl. Drafters:
Extra Copies: **EVM**

Submit via email: **YES**
Requester's email: **Sen.Vinehout@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Propane payments under the Wisconsin Home Energy Assistance Program

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>
/?	mkunkel 1/28/2014			_____			
/P1	mkunkel 3/26/2014	jdyer 2/1/2014	jmurphy 2/2/2014	_____	mbarman 2/3/2014		State
/1		evinz 3/26/2014	jfrantze 3/26/2014	_____	lparisi 3/26/2014		State

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 1/27/2014 Received By: mkunkel
 Wanted: As time permits Same as LRB:
 For: Kathleen Vinehout (608) 266-8546 By/Representing: Joel Nilsestuen
 May Contact: Drafter: mkunkel
 Subject: Public Util. - misc. Addl. Drafters:
 Extra Copies: EVM

Submit via email: YES
 Requester's email: Sen.Vinehout@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Propane payments under the Wisconsin Home Energy Assistance Program

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mkunkel 1/28/2014						
/P1		jdyer 2/1/2014	jmurphy 2/2/2014		mbarman 2/3/2014		State
FE Sent For:	11 eev 3/26/14	11 eev 3/26/14			Jo 3/26		

<END>

2013 DRAFTING REQUEST

Bill

Received: 1/27/2014 Received By: mkunkel
 Wanted: As time permits Same as LRB:
 For: Kathleen Vinehout (608) 266-8546 By/Representing: Joel Nilsestuen
 May Contact: Drafter: mkunkel
 Subject: Public Util. - misc. Addl. Drafters:
 Extra Copies: EVM

Submit via email: YES
 Requester's email: Sen.Vinehout@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Propane payments under the Wisconsin Home Energy Assistance Program ✓

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>
/?	mkunkel	PI 2/1 jld jd		bm 1/2/2			

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
One East Main Street, Suite 200
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 1/24/14

Legislator, agency, or other person requesting this draft Sen. Vinehout

Person submitting request (name and phone number) Jod Nilsestuen, 6-8546

Persons to contact for questions about this draft (names and phone numbers) Same

Describe the problem, including any helpful examples. How do you want to solve the problem?

Modify WI Home Energy Assistance Program (WHEAP) to address volatile propane market. WHEAP is normally a one-time payment made during heating season Oct 1-May 15. Draft would allow payment for propane to be made year-round so customers could fill tanks during the summer when prices are lower.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

n/a

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2005 LRB-2345/1 or 2003 AB-67).

n/a

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 _____

Do you consider this request urgent? YES NO

If yes, please indicate why

current pressing issue, WI residents want action by state.

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO

OFFICE OF COMMUNITY SERVICES

An Office of the Administration for Children & Families

<http://www.acf.hhs.gov/programs/ocs/resource/uses-of-liheap-funds>

LIHEAP IM 2001-13 Uses of LIHEAP Funds

Special Topics

January 10, 2001

Audience: Low Income Home Energy Assistance Program (LIHEAP)

Category: Guidance, Policies, Procedures, Information Memorandums (IM)

TO: LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) GRANTEEES AND OTHER INTERESTED PARTIES

SUBJECT: Uses of LIHEAP Funds

RELATED

REFERENCES: Low Income Home Energy Assistance Act, Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, as amended.

PURPOSE: To offer suggestions and solicit ideas about uses of LIHEAP funds far in excess of the usual allotments.

BACKGROUND: Congress increased the LIHEAP appropriation for fiscal year 2001 from \$1.1 billion to \$1.4 billion. Additionally, the President made two contingency fund releases of \$1.56 million dollars on December 18, 2000 and \$300 million on December 30, 2000 because of increases in heating oil and natural gas costs. An additional \$400 million in contingency funds released September 22, 2000 also are available for use in FY 2001.

Sharp energy price increases this year, exacerbated by unusually cold weather, are creating a serious hardship for low income households. The Department of Energy (DOE) is projecting still higher winter prices that threaten catastrophic consequences. For example, DOE projects that residential natural gas heating bills this winter will be on average 50% higher than last winter. However, we are getting widespread reports of natural gas bills more than twice as high as the same month(s) last winter. Heating oil prices seem to have stabilized at almost \$1.50 per gallon, which is 20% higher than last winter average price, but bills are much higher than the price increase indicates because the winter has been colder.

CONTENT: The infusion of more funds into the LIHEAP program than in recent years allows grantees to use greater flexibility in offering assistance to low income households, even though the demand for assistance is higher. No special restrictions were imposed on the use of the funds. The funds may be used for any purpose authorized under LIHEAP, including heating assistance, cooling assistance, crisis assistance, weatherization, administration and planning costs, Assurance 16 activities, and carryover to FY 2002.

Some of the ways grantees are responding to the increased needs of low and moderate income households for assistance are:

- Raising benefit amounts
- Providing additional crisis assistance
- Expanding definition of service population for crisis assistance
- Reconnecting electrical or natural gas service
- Raising eligibility levels (increasing the maximum to as much as 60% of state median income)
- Making supplemental payments
- Extending program duration (year-round, if needed)
- Carrying over 10% of funds awarded in FY 2001 into FY 2002
- Increasing weatherization activities (may request waiver to use up to 25% of available LIHEAP funds)
- Establishing heating or cooling centers so that those without heat or air conditioning may obtain relief from the elements
- Providing energy awareness training or other "Assurance 16" activities to reduce need for energy assistance
- Providing furnace replacement or repair
- Purchasing air conditioners or repairing air conditioners
- Performing additional outreach activities
- Investing in the leveraging incentive program
- Asking subgrantees to stay open weekends and evenings to take additional applications
- States agreeing to increased tribal allocations

Grantees may be unaware that they have a lot of flexibility in providing services in crisis situations. Generally, any activity that is necessary to resolve a crisis is allowable, such as providing temporary shelter until heat can be restored by the repair or replacement of a furnace. Repair or replacement of a furnace during a crisis situation does not need to be counted against the 15% weatherization cap.

Grantees also may be unaware of the Federal maximum allowable income eligibility level for their state. Section 2605(b)(2)(B) of the LIHEAP statute sets the income eligibility maximum as follows:

(B) households with incomes which do not exceed the greater of -- (i) an amount equal to 150 percent of the poverty level for such State; or (ii) an amount equal to 60 percent of the State median income....

Sixty percent of the state median income is at least a little higher than 150% of the poverty level in every state and over 200% of the poverty level in about one-third of the states. Attached is a chart showing the comparison of 60% of the FY 2001 state median income estimates with 150% of the 2000 HHS poverty guideline. You may also refer to LIHEAP-IM-2000-10 and LIHEAP-IM-2000-11, both dated March 15, 2000, for additional details concerning establishing eligibility levels.

We welcome your input concerning additional uses of LIHEAP funds. After you have implemented any additional activities to those indicated in your FY 2001 LIHEAP plan, please submit a plan amendment informing us of changes in your programs. You do not need approval from us. The amendment can be in the form of a letter explaining program changes.

ATTACHMENTS: 1. Comparison of 60% of FY 2001 State Median Income Estimates with 150% of the 2000 HHS Poverty Guidelines
2. List of current State income limits

INQUIRIES TO: Janet M. Fox, Director
Division of Energy Assistance
Office of Community Services, ACF, HHS
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447
Telephone: (202) 401-9351
Fax: (202) 401-5661

_____/s_____
Janet M. Fox
Director
Division of Energy Assistance
Office of Community Services

LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, as amended)

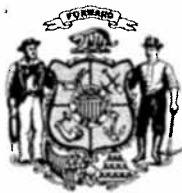
Section 2605 (42 USC 8624)

(c)(1) As part of the annual application required in subsection (a), the chief executive officer of each State shall prepare and furnish to the Secretary, in such format as the Secretary may require, a plan which—

(A) describes the eligibility requirements to be used by the State for each type of assistance to be provided under this title, including criteria for designating an emergency under section 2604(c);

(B) describes the benefit levels to be used by the State for each type of assistance including assistance to be provided for emergency crisis intervention and for weatherization and other energy-related home repair;

(d) The State shall expend funds in accordance with the State plan under this title or in accordance with revisions applicable to such plan.



O-NOTE

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SOON

12-1-28

4 Gen

1 AN ACT ...; relating to: heating assistance for propane used for home heating.✓

Analysis by the Legislative Reference Bureau

Under current law, the Department of Administration (DOA)✓ administers a program to provide heating assistance to eligible households.✓ “Heating assistance” is defined as a benefit given to a household to assist in meeting the cost of home heating. Current law allows households to apply for heating assistance after ✓September 30 and before May 16 of any year.✓ This bill allows a household to apply at anytime during the year if the heating assistance is for propane used for home heating. Also, the bill requires DOA✓ to ensure that heating assistance for propane used for home heating is available at times when market conditions reduce propane prices.✓

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:

2 SECTION 1. 16.27 (1) (eg)✓ of the statutes is created to read:
3 16.27 (1) (eg) “Propane heating assistance”✓ means heating assistance to assist
4 in meeting the cost of propane used in home heating.✓

1 SECTION 2. 16.27 (4) (a) [✓] of the statutes is renumbered 16.27 (4) (a) 1. and
2 amended to read:

3 16.27 (4) (a) 1. ~~A~~ [✓] Except as provided in subd. 2. [✓] a household may apply after
4 September 30 and before May 16 of any year for heating assistance from the county
5 department under s. 46.215 (1) (n) or 46.22 (1) (b) 4m. a. to e. or from another local
6 governmental agency or a private nonprofit organization with which the department
7 contracts to administer the heating assistance program, and shall have the
8 opportunity to do so on a form prescribed by the department for that purpose.

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; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344; 2009 a. 11, 28.

9 SECTION 3. 16.27 (4) (a) 2. [✓] of the statutes is created to read:

10 (10) 16.27 (4) (a) 2. A household may make an application under ^{ga} ~~under~~ subd. 1. [✓] for
11 propane heating assistance at anytime during a year. [✓]

12 SECTION 4. 16.27 (6) [✓] of the statutes is amended to read:

13 16.27 (6) BENEFITS. Within the limits of federal funds allocated under sub. (3)
14 and subject to the requirements of sub. (4) (b) and s. 16.54 (2) (b), heating assistance
15 shall be paid under this section according to a benefit schedule established by the
16 department based on household income, family size, and energy costs. The
17 department [✓] shall ensure that propane heating assistance is available at times when
18 market conditions reduce propane prices. [✓]

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; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344; 2009 a. 11, 28.

19

(END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4117/P1dn

MDK:.....

date

Jld

Sen. Vinehout: ✓

the Department of Administration

- * Note that 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

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

Kunkel, Mark

From: Nilsestuen, Joel
Sent: Wednesday, March 26, 2014 2:50 PM
To: Kunkel, Mark
Subject: RE: lrb 4117

Excellent....thank you!

Joel Nilsestuen
Office of Sen. Kathleen Vinehout

PO Box 7882
Madison, WI 53707-7882

(608) 266-8546
Joel.Nilsestuen@legis.wisconsin.gov

From: Kunkel, Mark
Sent: Wednesday, March 26, 2014 2:49 PM
To: Nilsestuen, Joel
Subject: RE: lrb 4117

Yes, you should get that later today.
--Mark

From: Nilsestuen, Joel
Sent: Wednesday, March 26, 2014 2:48 PM
To: Kunkel, Mark
Subject: lrb 4117

Mark,

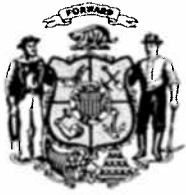
Can I get a /1` version of LRB 4117?

Thanks,

Joel Nilsestuen
Office of Sen. Kathleen Vinehout

PO Box 7882
Madison, WI 53707-7882

(608) 266-8546
Joel.Nilsestuen@legis.wisconsin.gov



1
EELV

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Today

RM
has
been
run

regen

1 AN ACT *to renumber and amend* 16.27 (4) (a); *to amend* 16.27 (6); and *to*
2 *create* 16.27 (1) (eg) and 16.27 (4) (a) 2. of the statutes; **relating to:** heating
3 assistance for propane used for home heating.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Administration (DOA) administers a program to provide heating assistance to eligible households. "Heating assistance" is defined as a benefit given to a household to assist in meeting the cost of home heating. Current law allows households to apply for heating assistance after September 30 and before May 16 of any year. This bill allows a household to apply at anytime during the year if the heating assistance is for propane used for home heating. Also, the bill requires DOA to ensure that heating assistance for propane used for home heating is available at times when market conditions reduce propane prices.

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:

4 SECTION 1. 16.27 (1) (eg) of the statutes is created to read:

Parisi, Lori

From: Nilsestuen, Joel
Sent: Monday, March 31, 2014 2:04 PM
To: LRB.Legal
Subject: Draft Review: LRB -4117/1 Topic: Propane payments under the Wisconsin Home Energy Assistance Program

Please Jacket LRB -4117/1 for the SENATE.