

1979 Senate Bill 355

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CHAPTER 48, Laws of 1979

AN ACT to amend 20.435 (4) (dL) and 49.055 (1) and (4); and to create 20.545 (3) (b), 20.865 (4) (c), 22.50 and 49.055 (7) of the statutes, relating to broadening the emergency fuel and utilities assistance law and making appropriations.

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

SECTION 1. Legislative purpose. The legislature finds that the rapid escalation of the price of home heating fuel since the winter of 1978 will present such hardship to a number of the state's low-income families that the energy necessities of life cannot be acquired by them. This fact, further exacerbated by the failure, to date, of the United States congress to enact the federal energy crisis assistance program, will mean that many low-income households in this state will enter the winter of 1979 without the resources necessary to ensure that minimum quantities of energy supplies will be available to them. Because this problem poses an immediate threat to many low-income households, the legislature cannot wait until congress responds to this crisis, but must act expeditiously in order to protect the life, health and safety of citizens of this state. The purpose of this act is to provide immediate assistance, until such time as federal funds are made available to this state, for the low-income households of this state which now face rising energy costs and the advent of the winter season.

SECTION 2. At the appropriate place in the schedule in section 20.005 of the statutes, insert the following amounts for the purposes indicated:

		1979-80	1980-81
20.545	Local affairs and development,		
	department of		
(3)	EMERGENCY GOVERNMENT SERVICES		
(b)	Emergency fuel and home heating		
	utilities assistance grants GPR A	2,300,000	-0-
20.865	Program supplements		
(4)	JOINT COMMITTEE ON FINANCE		
	SUPPLEMENTAL APPROPRIATIONS		
(c)	Winter emergency assistance GPR A	2,000,000	-0-

SECTION 3. 20.435 (4) (dL) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

20.435 (4) (dL) *Emergency fuel and utilities assistance.* ~~The~~ Biennially, the amounts in the schedule for emergency fuel and utilities assistance under s. 49.055.

SECTION 4. 20.545 (3) (b) of the statutes is created to read:

20.545 (3) (b) *Emergency fuel and home heating utilities assistance grants.* In fiscal year 1979-80 only, the amounts in the schedule to provide funds for emergency fuel and home heating utilities assistance grants under s. 22.50.

SECTION 5. 20.865 (4) (c) of the statutes is created to read:

20.865 (4) (c) *Winter emergency assistance.* In fiscal year 1979-80 only, the amounts in the schedule to provide assistance to individuals for winter emergencies.

SECTION 6. 22.50 of the statutes is created to read:

22.50 Emergency fuel and home heating utilities assistance grants. (1) The department shall contract with each community action agency to distribute grants under this section, unless the county board of supervisors of a county served by a community action agency designates an emergency government or county social service agency to distribute grants, within 5 days of the effective date of this act (1979). If the county board fails to act within this time period and no community action agency serves the county, the department shall contract for the distribution of grants in the county. In any county not served by a community action agency the department shall contract for the distribution of grants unless the county board of supervisors of the county designates an emergency government or county social service agency to distribute grants within this time period. Each grant shall be in the form of a check or voucher, from funds provided by the department, to utilities or fuel vendors to assist eligible persons with home heating emergencies. The agency distributing grants shall pay the utility or fuel vendor within 15 days after receiving a voucher for that utility's or vendor's delivery of home heating utilities or fuel. Assistance shall be sufficient to provide a continuing fuel supply or home heating utility service for 30 days, but in no case may grants made under this section exceed \$150 per household per fiscal year.

(2) The department shall distribute the amounts under s. 20.545 (3) (b) on the basis of a formula that takes into account the number of low-income households, the number of low-income elderly and heating degree days.

(3) Each agency distributing grants shall provide assistance, within the limits of the amounts appropriated, to any person who:

(a) 1. Receives supplemental security income in an independent living arrangement under 42 USC 1381 to 1385, in effect on the effective date of this act (1979); or

2. Applies for and is a member of a household that has an annual income at or below 125 % of the nonfarm federal poverty line for the continental United States, as defined by the U.S. department of labor under 42 USC 2971d, in effect on the effective date of this act (1979). In this subdivision, "annual income" has the meaning provided under 45 CFR 1060.2-2 (c) (1), in effect on the effective date of this act (1979);

(b) Agrees to participate in a utilities budget payment plan, if such a plan is available;

(c) Is ineligible to receive assistance under the federal energy crisis assistance program if funds for that program are available for distribution; and

(d) 1. Is a member of a household with monthly home heating bills that total more than 15 % of the household's current monthly gross income and is not a member of a federally subsidized housing unit in which a member receives a federal utility allowance; or

2. Is a member of a household without a fuel supply or home heating utility service.

(4) No person may be found ineligible for assistance because a moratorium prohibits the shutoff of gas or electric service to the person.

(5) No person may be found ineligible for assistance for failing to repay previous fuel and utilities assistance loans under s. 49.055.

(6) Each agency distributing grants shall record the name and address of any homeowner receiving assistance under this section or submit the information to the utility providing energy to the recipient, for the purpose of initiating energy audits and weatherization. If the recipient is a renter, each agency distributing grants shall record the recipient's address and the name and address of the owner, if known, or submit the information to the utility providing energy to the recipient for the purpose of initiating energy audits and weatherization.

(7) Any public utility, as defined in s. 196.01 (1), or any fuel distributor furnishing heat, light or power to a residential customer shall provide written notice of intent to disconnect or discontinue service during the months of November to April and shall include information concerning any federal, state or local program that provides assistance for fuel or home heating bills. The department shall provide printed information at no cost upon request to any fuel distributor serving residential customers except public utilities. The information shall describe the nature and availability of any federal, state or local program that provides assistance for fuel or home heating bills.

(8) Each area agency on aging shall report to the agency distributing grants the names of elderly persons who may be eligible for assistance under this section.

(9) Assistance provided under this section is not income for the purpose of determining eligibility or grant size under any income maintenance program, including but not limited to public assistance, veteran's benefits, food stamps or supplemental security income.

(10) The department shall inform the sheriff of each county of the provisions of this section and of s. 49.055 and shall supply to each sheriff the names, addresses and telephone numbers of persons providing assistance under these sections. Any sheriff may immediately, on behalf of persons who contact the sheriff for emergency fuel and home heating utilities assistance, contact vendors providing emergency delivery of fuel and home heating utilities.

SECTION 7. 49.055 (1) and (4) of the statutes, as affected by chapter 34, laws of 1979, are amended to read:

49.055 (1) Within the limits of the appropriation under s. 20.435 (4) (dL), the department shall distribute funds for each fiscal year only to counties that choose to provide assistance on or before November 15 of that year for fuel and utilities emergencies. Funds shall be distributed on the basis of population only to those counties that provide 10% county matching funds. The county may include the cost of administering the fuel and utilities emergency assistance program as part or all of the 10% match. Within 30 days of July 29, 1979, counties shall deposit in the state treasury all funds received under this section for fiscal years 1977-78 and 1978-79 but not expended for loans to households under sub. (2). All funds distributed to counties for each fiscal year under this section on or after July 1, 1979, but not expended for loans to households under sub. (2), shall be deposited in the state treasury by July 31 of the next fiscal year.

(4) Loans shall be paid to only those households with an annual income at or below 150% 175% of the nonfarm federal poverty line for the continental United States, as defined by the U.S. department of labor under 42 USC 2971d, in effect on the effective date of this act (1979).

SECTION 8. 49.055 (7) of the statutes is created to read:

49.055 (7) Each agency distributing loans under this section shall record the name and address of any homeowner receiving assistance under this section or submit the information to the utility providing energy to the recipient, for the purpose of initiating energy audits and weatherization. If the recipient is a renter, the agency shall record the recipient's address and the name and address of the owner, if known, or submit the information to the utility providing energy to the recipient for the purpose of initiating energy audits and weatherization.

SECTION 9. **Distribution formula.** The department of local affairs and development shall establish its distribution formula under section 22.50 (2) of the statutes and the department of administration shall allocate funds to each agency distributing grants in accordance with this distribution formula within 5 days after the effective date of this act.

SECTION 10. Departmental report. The department of local affairs and development shall report to the appropriate committees in each house of the legislature on or before March 1, 1980, concerning number of persons receiving assistance under section 22.50 of the statutes, the average amount provided each recipient and showing the relative distribution of grants according to age and income levels of the recipients.

SECTION 11. Departmental report. On or before March 1, 1980, the department of health and social services shall report to the appropriate committees in each house of the legislature concerning the amount of funds used in the emergency fuel and utilities assistance loan program under section 49.055 of the statutes, as affected by this act, the repayment of loans, the number of persons receiving assistance under the loan program, the average amount provided each recipient during the previous 4 years and showing the relative distribution of loans according to age and income levels of the recipients.

SECTION 12. Departmental notification. The department of local affairs and development shall notify each county board chairman of the provisions of this act by registered, special delivery letter, on the day the governor signs this act.
