

# Clearinghouse Rule 00-082

## RULES CERTIFICATE


State of Wisconsin )  
 ) ss.  
Department of Administration )

I, George Lightbourn, Secretary of the Wisconsin Department of Administration, and custodian of the official records, certify that the attached administrative rule relating to Low Income Assistance Public Benefits was duly approved and adopted by the Department of Administration on October 11, 2000.

I further certify that this copy has been compared by me with the original on file with this Department and that it is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand in the City of Madison, Wisconsin this 11 day of Oct, 2000.

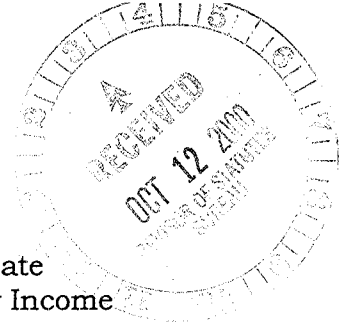


  
George Lightbourn, Secretary  
Department of Administration

00-082

12-1-00

## ORDER OF THE DEPARTMENT OF ADMINISTRATION



The Wisconsin Department of Administration proposes an order to create chapter Adm 45 of the Wisconsin Administrative Code, relating to Low Income Assistance Public Benefits.

Analysis Prepared by the Department of Administration:

**Statutory Authority:** ss. 16.004(1) and 16.957(2) (c) 2., Stats.

**Statutes Interpreted:** s. 16.957(2) (a), Stats.

Under s. 16.957(2)(c), Stats., the Department of Administration is required to promulgate rules for low-income public benefits programs. The proposed rule establishes eligibility and application requirements and procedures for assistance under a low-income public benefits program established under s. 16.957(2)(a), Stats.

It is the Department's understanding that the Legislature's intent for this rule was to build upon and transition from the Low-Income Home Energy Assistance Program (LIHEAP) and the Low-Income Weatherization Assistance Program (LIWAP) currently administered by the Department under ss. 16.385 and 16.39, Stats., respectively. The Department presently utilizes extensive, detailed policy and procedure manuals under which those programs operate. Annual plans are also prepared for each of these programs which are submitted to the federal government as required by the U.S. Department of Housing and Urban Development after extensive opportunities for public input, including public hearings. Because these programs, and the public benefits programs yet to be developed in concert with them under s. 16.957(2)(a), Stats., must be implemented during the heating season, they must be able to react to significant fluctuations of weather, energy costs and energy shortages in a relatively short period of time. For these reasons, this proposed rule is intentionally succinct, yet flexible in order to account for the specific needs of low-income assistance programs envisioned.

Section Adm 45.03 provides a definition for "contractor" that follows the statutory requirement that the Department contract for delivery of low-income assistance programs with community action agencies, non-stock, nonprofit corporations, or local units of government. However, as is the present practice under the LIHEAP and LIWAP programs, the Department's contractor(s) may on occasion subcontract with private entities to perform certain functions or services, depending upon the scope and needs of the new public benefits programs.

Section Adm 45.04 identifies the persons or households eligible to receive low-income assistance, which follows the statutory requirements. It also details those persons or households not eligible for such assistance, including those who will receive low-income assistance from municipal utility or retail electric cooperatives which in turn elect to operate a community program under s. 16.957(5)(d), Stats., and anyone presently imprisoned in a state institution.

Section Adm 45.05 provides that in consultation with the Council on Utility Public Benefits, the Department will annually announce new or continued low-income assistance programs, at which time they will provide specific information on the application process and eligibility criteria. This rule is general in nature, in order to allow for specific program details to be provided as programs are developed.

Section Adm 45.06 provides minimum application requirements necessary for the Department or its contractors to provide services should the application be approved. Any application received must be approved or denied within 45 days of the receipt of the completed application by either the Department, or the approving authority as stated in the program announcement. A person or household whose application is denied may request the approving authority to review it for accuracy of information and appropriateness of designation. Presently, the low-income assistance programs administered by the Department utilize the contested case procedure under s. 227.44, Stats. The Department intends that procedure will be utilized under any extension or expansion of the existing programs pursuant to the public benefits legislation, as well as to new programs developed thereunder.

**Final Regulatory Flexibility Analysis:**

Pursuant to s. 227.114, Stats., the rule herein is not expected to negatively impact on small businesses.

**TEXT OF RULE:**

**Section 1** Adm 45 is created to read:

**Chapter Adm 45**

**Low-Income Assistance Public Benefits.**

**Adm 45.01 Authority.** Sections 16.004(1) and 16.957(2)(c) 2., Stats., authorize the department to promulgate rules for low-income assistance public benefits programs.

**Adm 45.02 Purpose.** The purpose of this chapter is to establish general eligibility and application requirements and procedures for assistance under a low-income public benefits program established under s. 16.957(2)(a), Stats.

**Adm 45.03 Definitions.** In this chapter:

(1) "Approving authority" means the department or a contractor responsible for application review and program eligibility determination designated by the department.

(2) "Benefit" means an award of financial or other assistance by the department or a contractor designated by the department to an eligible household under a public benefits program.

(3) "Contractor" means a community action agency described in s.46.30(2)(a)1., Stats., a nonstock, nonprofit corporation organized under ch. 181, Stats., or a local unit of government under contract with the department that provides services under a public benefits program.

(4) "Department" means the department of administration.

(5) "Household" has the meaning set forth in s. 16.385(1)(c), Stats.

(6) "Low income public benefits program" means a program established in accordance with s. 16.957(2)(a), Stats.

(7) "Person" has the meaning set forth in s. 990.01(26), Stats.

(8) "Secured child caring institution" has the meaning specified in s. 938.02(15g), Stats.

(9) "Secured correctional facility" has the meaning specified in s. 938.02(15m), Stats.

(10) "State prison" has the meaning specified in s. 302.01, Stats.

**Adm 45.04 Eligibility requirements.** (1) A person or household eligible to receive fuel bill payment assistance, early identification crisis assistance, weatherization or conservation services, and similar low-income assistance from federally funded programs specified in ss. 16.385 and 16.39, Stats., shall be eligible for assistance through a low-income public benefits program.

(2) The following are not eligible for assistance under a low-income public benefits program:

(a) A person or household eligible to receive low-income assistance from a municipal utility or retail electric cooperative that elects to operate a commitment to community program as specified in s. 16.957(5)(d), Stats.

(b) A person who is imprisoned in a state prison or a person placed at a secure correctional facility or a secured child caring institution.

**Adm 45.05 Program elements.** In consultation with the council on utility public benefits, the department shall annually announce new or continued programs offered by the department that will provide low-income assistance. The department shall also provide specific information on the application process, where to obtain an application, the eligibility criteria, and where to file

the application for each program created or continued under s. 16.957(2)(a), Stats.

**Adm 45.06 Application requirements.** (1) A person or household may apply for a benefit from a low-income public benefits program by completing an application on forms prescribed by the department. At a minimum an application shall contain the names and ages of all household members, residence address, actual or estimated fuel use, documentation of income, the names of home energy providers and the social security number of the head-of-household.

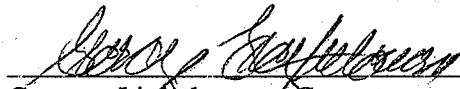
(2) An application shall be submitted to the approving authority identified on the form. All applications shall be executed by at least one individual from the eligible person or household.

(3) An application shall be approved or denied within 45 days of the receipt of the completed application by the approving authority.

(4) A person or household whose application is denied may request the approving authority to review the application for accuracy of information and the appropriateness of designation.

This rule shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Dated: 10-11-00

  
George Lightbourn, Secretary  
Department of Administration

FISCAL ESTIMATE FORM

1999 Session

X ORIGINAL

UPDATED

CORRECTED

SUPPLEMENTAL

LRB #

INTRODUCTION #

Admin. Rule # Dept of Admin Chap 45

Subject

Low Income Assistance Public Benefits

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

Increase Existing Appropriation

Increase Existing Revenues

Decrease Existing Appropriation

Decrease Existing Revenues

Create New Appropriation

Decrease Costs

Local:  No local government costs

1.  Increase Costs

Permissive  Mandatory

3.  Increase Revenues

Permissive  Mandatory

5. Types of Local Governmental Units Affected:

Towns  Villages  Cities

2.  Decrease Costs

Permissive  Mandatory

4.  Decrease Revenues

Permissive  Mandatory

Counties  Others \_\_\_\_\_

School Districts  WTCS Districts

Fund Sources Affected

GPR  FED  PRO  PRS  SEG  SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

The administrative rule proposes eligibility and applications requirements and procedures for assistance under a low-income public benefits program. The department is reviewing staffing requirements for the program and what cost may be associated with those requirements.

Long-Range Fiscal Implications:

Ongoing costs for the duration of the program.

Prepared By: / Phone # / Agency Name

Richard Wagner/ 608-266-0653 /DOA

Authorized Signature / Telephone No.

Chuck McDowell/ 608-267-3836

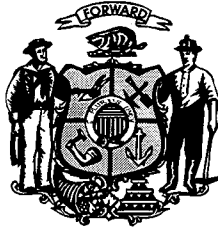
Date

4/11/00

STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
101 East Wilson Street, Madison, Wisconsin

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

October 12, 2000

✓ Mr. Gary Poulson  
Revisor of Statutes  
131 W. Wilson St., Suite 800  
Madison, WI 53703

Douglas La Follette  
Secretary of State  
30 W. Mifflin St., 10<sup>th</sup> Fl.  
Madison, WI 53703

TRANSMITTAL OF RULE ADOPTION - Adm 45

RE: Low Income Assistance Public Benefits

Dear Messrs. Poulson and La Follette:

Pursuant to s. 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the Officers of the Secretary of State and the Revisor of Statutes.

Enclosed, please find a rule certificate form, order of adoption and rule in final draft form as well as a fiscal estimate.

Pursuant to s. 227.114, Stats., the rule herein is not expected to negatively impact on small businesses.

Respectfully submitted,

  
George Lightbourn  
Secretary

Enclosure

