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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Children and Families (AC-CF)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
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- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)

Assembly

Record of Committee Proceedings

Committee on Children and Families

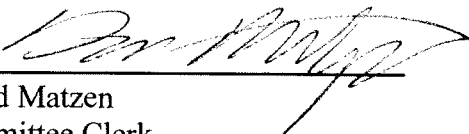
Clearinghouse Rule 03-001

Relating to the telecommunications assistance program for deaf and severely hearing impaired persons' purchase of telecommunications equipment.

Department of Health and Family Services

April 23, 2003 Referred to Committee on Children and Families.

May 23, 2003 No action taken.



David Matzen
Committee Clerk





State of Wisconsin

Department of Health and Family Services

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Jim Doyle
Governor

Helene Nelson
Secretary

April ¹⁸~~24~~, 2003

The Honorable Alan J. Lasee, President
Wisconsin State Senate
17 West Main St., Room 401
Madison, WI 53702

The Honorable John Gard, Speaker
Wisconsin State Assembly
17 West Main, Suite 208
Madison, WI 53702

Re: Clearinghouse Rule 03-001

HFS 78, relating to the telecommunications assistance program for deaf, deafblind and severely hard of hearing persons' purchase of telecommunications equipment.

Gentlemen:

In accordance with the provisions of s. 227.19 (2), Stats., you are hereby notified that the above-mentioned rules are in final draft form. This notice and the report required by s. 227.19 (3), Stats., are submitted herewith in triplicate.

The rules were submitted to the Legislative Council for review under s. 227.15, Stats. A copy of the Council's report is also enclosed.

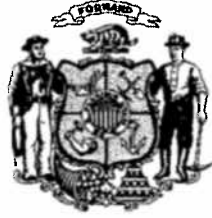
If you have any questions about the rules, please contact Linda Huffer at 266-5641.

Sincerely,

Larry Hartzke
Administrative Rules Manager

cc Gary Poulson, Assistant Revisor of Statutes
Senator Joseph Leibham, JCRAR
Representative Glenn Grothman, JCRAR
Linda Huffer, Division of Disability and Elder Services
Gary Radloff, Secretary's Office





STATE REPRESENTATIVE

STEVE KESTELL

27TH ASSEMBLY DISTRICT

TO: Members of the Children and Families Committee

Representative Ladwig

Representative Albers

Representative Jeskewitz

Representative Vukmir

Representative Miller

Representative Sinicki

Representative Krug

FROM: Representative Steve Kestell, Chair

DATE: April 24, 2003

RE: Clearinghouse Rule 03-001

On April 23, 2003 the following clearinghouse rule submitted by the Department of Health and Family Services was referred to the Assembly Children and Families Committee:

Clearinghouse Rule 03-001, an order to repeal and recreate chapter HFS 78, relating to the telecommunications assistance program for deaf and severely hearing-impaired persons and the purchase of telecommunications equipment.

Currently, Wisconsin operates two programs for persons with hearing loss that may be used to obtain financial assistance for purchasing telecommunications equipment. The PSC administers the Telecommunications Equipment Purchase Program (TEPP) and DHFS administers the Telecommunications Assistance Program (TAP). The proposed rule makes the following changes to the TAP program: reduce the waiting period for subsequent applications from 4 to 3 years to be compatible with the PSC's TEPP program, remove the limit on the number of eligible applicants per household, reduce the existing assistance limit of \$600 per voucher to a maximum of \$100 per voucher (to be used in meeting the \$100 co-payment requirement of the TEPP program), eliminate financial assistance for the installation of telecommunications equipment, and update the terminology used to refer to deaf and severely hard-of-hearing persons.

The deadline for committee action on this rule is **May 23, 2003**. If you are interested in obtaining a hard copy of the rule or requesting a hearing, please do so prior to the deadline date. This rule can also be accessed online in FOLIO under the "Clearinghouse Rules" InfoBase.



AGENCY REPORT TO THE LEGISLATURE ON CLEARINGHOUSE RULE 03-001

Need for Rules

Under Wisconsin statute at ss. 196.218 and 46.297, Stats., and pursuant to administrative rules under s. PSC 160.071 and Ch. HFS 78, respectively, Wisconsin operates two programs persons with hearing loss may use to obtain financial assistance for purchasing telecommunications equipment. The Public Service Commission (PSC) administers one program, known as the Telecommunications Equipment Purchase Program (TEPP) and the Department of Health and Family Services administers the other, known as the Telecommunication Assistance Program (TAP.) Both programs receive periodic legislative appropriations from which the financial assistance is provided to approved applicants. The PSC's TEPP program's funding is substantially larger than that available for the Department's TAP program. Moreover, the PSC's TEPP program requires applicants to pay \$100 towards the purchase of telecommunications equipment. To both conserve the limited TAP program funds and to better integrate the TAP program with the PSC TEPP program, with certain exceptions, the Department proposes reducing the existing assistance limit of \$600 per voucher to a maximum of \$100 per voucher, to be used in meeting the copayment requirement of the TEPP program. By so doing, the TAP program's more limited resources may be conserved, thereby extending the TAP program benefits to a greater number of potential recipients. To also make ch. HFS 78 more consistent with s. PSC 160.071, the Department proposes reducing the waiting period for subsequent applications from four years to three.

The current rules also limit TAP program financial assistance to one person per household. That constraint has prevented other household members with otherwise qualifying needs from receiving TAP program assistance. Moreover, the current household limitation is narrower than that used by PSC for the TEPP program. To better unify the eligibility criteria between the two programs, the Department proposes to modify the rule to eliminate the one person per household constraint and to expand the eligibility for financial assistance by loosening the definition of who shares a household with a deaf or severely hard of hearing person. The Department proposes to eliminate financial assistance for the installation of telecommunications equipment. Finally, the Department also proposes to update the terminology used to refer to deaf and severely hard of hearing persons.

Responses to Clearinghouse Recommendations

The Department accepted all of the Legislative Council's Rules Clearinghouse suggestions and offers the explanations for the following Clearinghouse comments:

3. Comment: There appears to be some conflict between the use of the term "hard of hearing" in the proposed rule and in s. PSC 160.071. Section HFS 78.05 (1) states that a person is eligible for TAP assistance if certified as "deaf, deafblind or **hard of hearing**" (emphasis added). However, the department's rule would use TAP assistance only to pay copayments under the TEPP (Telecommunication Equipment Purchase Program) program, unless an exception is made for a compounding physical or visual disability under s. HFS 78.07 (1) (b). If the compounding exception did not apply, an applicant falling under the "hard of hearing" disability category in the TEPP program would not make a copayment, unlike those falling under the "severely hard of hearing" and "deaf" disability categories, and therefore, such an applicant could **not** use TAP assistance. [See s. PSC 160.071 (1) (b) and (c).]

Response: The Department has amended s. HFS 78.04 (2) (f) and added a par. (g) to reflect an applicant's inability to obtain a TAP voucher for the purposes specified in s. PSC 160.071 (1) (b) 1.

4.a. Comment: The fifth sentence of the plain language analysis states that the PSC's TEPP program requires applicants to pay \$100 towards the purchase of telecommunications equipment, and s. HFS 78.04 (2) (f) includes the phrase: "\$100 copayment requirement of the telecommunications equipment purchase program administered by the public service commission for *all* eligible applicants." (Emphasis added.) That sentence appears to be inaccurate with respect to "hard of hearing" applicants falling under the TEPP program's "hard of hearing" disability category, since such applicants are not required to make a copayment under s. PSC 160.071 (1) (c).

Response: The Department has amended the plain language analysis and s. HFS 78.04 (2) (f) and added a par. (g) to reflect an applicant's inability to obtain a TAP voucher for the purposes specified in s. PSC 160.071 (1) (b) 1.

4.c. Comment: The reference to forms in s. HFS 78.04 (1) appears inadequate. Whereas s. HFS 78.04 (1) states that the applicant shall submit a "completed department TAP application form" to the department, it appears from the note following s. HFS 78.04 (1) that the applicant actually submits a "TEPP application form" instead, and to the PSC instead of the department (the Note states that the TEPP application form should be sent to the address or fax number given on the form, which is presumably at the PSC since it is a PSC form). If a conflict exists between the rule and the note, the conflict should be resolved.

Response: The Department has modified s. HFS 78.04 (1) to reflect the Department's use of the TEPP application for the TAP program.

5.a. Comment: The relating clause uses the term "severely hearing impaired," whereas the proposed rule uses the term "hard of hearing" (see comment below). Should the relating clause be changed? Or, should the entire rule make use of the statutory term "severely hearing impaired"?

Response: The Department prefers not to use the term "severely hearing impaired," but has changed the term to "severely hard of hearing" throughout the chapter and, in doing so, makes the chapter consistent with the TEPP application form.

5.d. Comment: According to the next-to-last sentence of the first paragraph of the analysis, reducing the maximum voucher benefit from \$600 to \$100 and requiring the voucher to be used to meet the copayment requirement of the TEPP program extends "the TAP program benefits to a greater number of potential recipients." Given that applicants falling under TEPP's "hard of hearing" disability category would generally be excluded from TAP program benefits, because no copayment is required from them, is this statement true?

Response: It is true that under s. PSC 160.071 (1) (c) a person who is hard of hearing can receive up to \$200 under the TEPP program without being required to make a copayment, thereby not needing the \$100 TAP financial assistance. However, ch. HFS 78 applies to persons who are deaf, deafblind or **severely** hard of hearing. If a person declares himself or herself as severely hard of hearing, that person generally would need additional equipment to supplement telecommunication capabilities, and thus would qualify for the TEPP voucher of \$800 plus the \$100 TAP assistance, if eligible. The Department's statement in the analysis section of the rulemaking order correctly points out that, through the proposed changes in this rule, the TAP program benefits will be extended to a greater number of potential recipients.

5.L. Comment: In general, under s. HFS 78.07 (1) (c), it is unclear whether, for example, a deaf-blind recipient of a \$7,200 TEPP voucher under s. PSC 160.071 (1) (b) 6. can also receive a TAP voucher for a lesser amount that nevertheless exceeds the \$100 copayment requirement--since apparently from the note following s. HFS 78.04 (1) the TEPP application is used to apply for a TAP and TEPP voucher. If so, it would appear that the recipient of a TAP voucher could pay for charges exceeding the TAP voucher amount with a TEPP voucher under s. HFS 78.07 (1) (c) 2. Whether that is the case should be clarified in this provision.

Response: The Department has decided to limit all TAP vouchers to \$100 and has revised s. HFS 78.07 (1) accordingly.

Final Regulatory Flexibility Analysis

The rule changes will not affect small businesses as defined in s. 227.114 (1) (a), Stats.

Public Review

Pursuant to s. 227.16 (2) (e), Stats., the Department published the proposed rule and fiscal estimate in the notice section of the Wisconsin Administrative Register, No. 568 on March 15, 2003. The notice stated that the proposed rule would be promulgated without a public hearing unless the Department received a petition to do so within 30 days after publication of the notice. The Department did not subsequently receive any request for a hearing.

PROPOSED ORDER
OF THE DEPARTMENT OF HEALTH AND FAMILY SERVICES
REPEALING AND RECREATING RULES

To repeal and recreate chapter HFS 78, relating to the telecommunications assistance program for deaf, deafblind and severely hard of hearing persons' purchase of telecommunications equipment.

Analysis Prepared by the Department of Health and Family Services

Under Wisconsin statute at ss. 196.218 and 46.297, Stats., and pursuant to administrative rules under s. PSC 160.071 and Ch. HFS 78, respectively, Wisconsin operates two programs persons with hearing loss may use to obtain financial assistance for purchasing telecommunications equipment. The Public Service Commission (PSC) administers one program, known as the Telecommunications Equipment Purchase Program (TEPP) and the Department of Health and Family Services administers the other, known as the Telecommunication Assistance Program (TAP.) Both programs receive periodic legislative appropriations from which the financial assistance is provided to approved applicants. The PSC's TEPP program's funding is substantially larger than that available for the Department's TAP program. Moreover, except as specified under s. PSC 160.071 (1) (c), the PSC's TEPP program requires applicants to pay \$100 towards the purchase of telecommunications equipment. To both conserve the limited TAP program funds and to better integrate the TAP program with the PSC TEPP program, the Department proposes reducing the existing assistance limit of \$600 per voucher to a maximum of \$100 per voucher, to be used in meeting the copayment requirement of the TEPP program. By so doing, the TAP program's more limited resources may be conserved, thereby extending the TAP program benefits to a greater number of potential recipients. To also make ch. HFS 78 more consistent with s. PSC 160.071, the Department proposes reducing the waiting period for subsequent applications from four years to three.

The current rules also limit TAP program financial assistance to one person per household. That constraint has prevented other household members with otherwise qualifying needs from receiving TAP program assistance. Moreover, the current household limitation is narrower than that used by PSC for the TEPP program. To better unify the eligibility criteria between the two programs, the Department proposes to modify the rule to eliminate the one person per household constraint and to expand the eligibility for financial assistance by loosening the definition of who shares a household with a deaf or severely hard of hearing person. The Department proposes to eliminate financial assistance for the installation of telecommunications equipment. Finally, the Department also proposes to update the terminology used to refer to deaf and severely hard of hearing persons.

The Department's authority to repeal and recreate these rules is found in s. 46.297 (4) (a), Stats. The rules interpret s. 46.297, Stats.

SECTION 1. Chapter HFS 78 is repealed and recreated to read:

Chapter HFS 78

TELECOMMUNICATION ASSISTANCE FOR DEAF, DEAFBLIND AND SEVERELY HARD OF HEARING PERSONS

HFS 78.01	Authority and purpose.
HFS 78.02	Applicability.
HFS 78.03	Definitions.
HFS 78.04	Application procedure.
HFS 78.05	Eligibility requirements.
HFS 78.06	TAP assistance restrictions.
HFS 78.07	Purchase and care of telecommunications devices.

HFS 78.01 Authority and purpose. This chapter is promulgated under the authority of s. 46.297 (4), Stats., for the purpose of implementing the telecommunication assistance program (TAP) for persons who are deaf, deafblind or severely hard of hearing. The chapter sets forth eligibility requirements, uniform application procedures, criteria for granting assistance and policies relating to the purchase and maintenance of the telecommunications equipment.

HFS 78.02 Applicability. This chapter applies to the department and to all deaf, deafblind and severely hard of hearing persons who apply to the department for program funding for the purchase of telecommunication equipment for their homes.

HFS 78.03 Definitions. In this chapter:

(1) "Deaf, deafblind or severely hard of hearing" means a hearing loss significant enough to prevent the individual from using the telephone system without technological adaptations that facilitate effective communication in a visual or audible mode.

(2) "Department" means the Wisconsin department of health and family services.

(3) "Household" means a residence unit whose members share a common living arrangement.

(4) "Public service commission" or "PSC" means the Wisconsin public service commission.

(5) "TAP manager" means the department's staff member responsible for developing and implementing TAP.

(6) "Telecommunication assistance program" or "TAP" means a financial assistance program created by s. 46.297, Stats., for the purpose of making telecommunication devices available to deaf, deafblind and severely hard of hearing persons who do not have the means to afford these devices.

(7) "Telecommunication device" or "device" means any technology needed by a deaf, deafblind or severely hard of hearing person to facilitate his or her use of a telephone.

(8) "Telecommunication Equipment Purchase Program" or "TEPP" means the financial assistance program under s. 196.218, Stats., and administered by the public service commission under s. PSC 160.071 to provide financial assistance to customers with a disability who have

special needs certification in the purchase of equipment needed to personally access and use essential services of the telecommunications network.

(9) "Wisconsin adjusted gross income" has the meaning prescribed in s. 71.01 (13), Stats.

HFS 78.04 Application procedure. (1) APPLICATION FORM AND HEARING LOSS DOCUMENTATION. To apply for assistance from TAP, the applicant shall submit the following materials to the department as an application package:

(a) A completed PSC TEPP application form; and

(b) A completed department certification of hearing loss form or an audiogram from a certified audiologist.

Note: The Department TAP Program uses the PSC TEPP application form, Telecommunication Equipment Purchase Program Application. Both the TEPP application form and the Department certification of hearing loss form, Hearing Loss Certification, may be requested from the TAP Manager, Bureau for the Deaf and Hard of Hearing, Division of Supportive Living, P.O. Box 7851, Madison, Wisconsin 53707-7851. The forms are also available for downloading at: <http://www.dhfs.state.wi.us/sensory/TAP/TAP.html>. Upon completing the Telecommunication Equipment Purchase Program Application, applicants should send or fax the form to the address or fax number given on the form. Upon completing the hearing loss certification form, applicants should send or fax the form to the TAP Manager at the address given above.

(2) PROCESSING TAP APPLICATIONS. The department shall process applications for TAP services in the following manner:

(a) The department shall accept an application at any time except as provided in s. HFS 78.06 (3).

(b) The department shall review applications in the order they are received to determine whether the application is complete and includes all required attachments.

(c) When the department finds an application to be complete, the TAP manager shall date and sign the application.

(d) The department shall send the applicant written notification of the department's decision on his or her application within 30 calendar days after the department determines the application complete.

(e) If the department denies assistance to the applicant, the applicant may reapply if, due to a change in conditions, the applicant meets eligibility requirements under s. HFS 78.05.

(f) Except as provided under par. (g), if the department approves issuing a TAP voucher to the applicant, the applicant shall apply the voucher to the \$100 co-payment requirement of the telecommunications equipment purchase program administered by the public service commission for all eligible applicants.

(g) A voucher recipient under s. PSC 160.071 (1) (b) 1. who is not required to make a copayment under s. PSC 160.071 (1) (c) is not eligible for a TAP voucher.

HFS 78.05 Eligibility requirements. An applicant shall meet the following requirements to be eligible for TAP assistance:

(1) **CERTIFICATION OF HEARING LOSS.** The applicant shall be certified as deaf, deafblind or severely hard of hearing by a licensed physician, an audiologist who is certified by the American speech and hearing association or a coordinator of deaf and hard of hearing services who is employed by the department's division of supportive living.

(2) **RESIDENCY.** An applicant shall be either a Wisconsin resident or a tax dependent of a Wisconsin resident.

(3) **INCOME ELIGIBILITY.** (a) The Wisconsin adjusted gross income of the applicant's family as reported for Wisconsin income tax purposes for the most recent annual tax reporting period shall be equal to or less than 200% of the poverty line established under 42 USC 9902 (2) as updated annually or more often by the secretary of the U.S. department of health and human services.

(b) If an applicant is claimed as a dependent for income tax purposes, the adjusted gross income of the person or persons claiming the applicant as a dependent shall be listed on the application form and shall be used to determine income eligibility.

(4) **TELEPHONE SERVICE.** The applicant shall have telephone service at home, except that if the applicant does not have telephone service in the home at the time of application for TAP assistance, the applicant shall submit a copy of the telephone service installation bill before the department issues a voucher to the applicant.

(5) **RESIDENTS IN NURSING HOMES OR INSTITUTIONS.** An applicant living in a nursing home or institution may be considered for TAP assistance only if the applicant has personal telephone service. In this subsection, "personal telephone service" means that the telephone is located in the applicant's assigned bedroom and the telephone is registered on behalf and for the use of the applicant.

(6) **PERSONS ELIGIBLE FOR OR RECEIVING SERVICES FROM THE DEPARTMENT OF WORKFORCE DEVELOPMENT.** A person eligible for or receiving services from the department of workforce development's division of vocational rehabilitation shall first be evaluated by that division to determine if the person is eligible for a telecommunication device under the vocational rehabilitation program, and if denied, may apply for assistance from TAP.

HFS 78.06 TAP assistance restrictions. The following restrictions apply to the provision of TAP assistance:

(1) Eligible applicants shall be granted TAP assistance on a first-come, first-served basis subject to availability of funds.

(2) Any person who is deaf, deafblind or severely hard of hearing and shares a household with other persons who are deaf, deafblind or severely hard of hearing may be a recipient of TAP assistance.

(3) A recipient of TAP assistance may not reapply for assistance more often than once every 3 years.

HFS 78.07 Purchase and care of telecommunication devices. (1) PURCHASE OF DEVICES. If the department approves the issuance of a TAP voucher to an eligible applicant, the voucher may not exceed \$100.

(2) WARRANTY AND MAINTENANCE OF DEVICES. (a) The recipient may purchase only a device that is warranted by the manufacturer or distributor for a period of not less than one year.

(b) Recipients shall maintain the device when the warranty expires.

(c) Recipients shall purchase batteries, paper for the printer, and other general supplies necessary for operation of the device.

(3) OWNERSHIP OF DEVICES. Any telecommunication device purchased through TAP shall be the property of the recipient.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2) (intro.), Stats.

Wisconsin Department of Health and
Family Services

Dated:

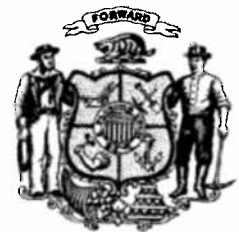
By: _____

Helene Nelson
Secretary

SEAL:



WISCONSIN STATE LEGISLATURE



46.295 SOCIAL SERVICES

federal law to provide interpreter services to a hearing-impaired person or if the agency agrees to pay for the services.

(6) The department shall promulgate rules to implement this section.

History: 1995 a. 27 ss. 2271, 2417; Stats. 1995 s. 46.295.
Cross Reference: See also ch. HFS 77, Wis. adm. code.

46.297 Telecommunication aid for the hearing impaired. (1) ASSISTANCE. From the appropriation under s. 20.435 (7) (d), the department shall, subject to the availability of funds, provide assistance to hearing-impaired persons to secure telecommunication devices capable of serving their needs. Except in extraordinary circumstances, the department shall purchase or provide funds for the purchase of telecommunication devices.

(2) ELIGIBILITY. A person is eligible to receive assistance under sub. (1) if all of the following conditions are met:

(a) The person is certified as deaf or severely hearing impaired by a physician, an audiologist licensed under subch. II of ch. 459 or the department.

(b) The adjusted gross income of the person's family is equal to or less than 200% of the poverty line established under 42 USC 9902 (2).

(3) HEARING RIGHTS. Any person aggrieved by a decision of the department under this section has a right to a contested case hearing under ch. 227.

(4) DEPARTMENTAL DUTIES. The department shall:

(a) Promulgate rules necessary for the administration of this section.

(b) Establish application procedures and determine eligibility.

History: 1983 a. 427; Stats. 1983 s. 46.90; 1983 a. 538 s. 51; Stats. 1983 s. 46.92; 1987 a. 27; 1987 a. 257 s. 2; 1989 a. 173 s. 3; Stats. 1989 s. 47.20; 1989 a. 316; 1995 a. 27 s. 2421; Stats. 1995 s. 46.297.

Cross Reference: See also ch. HFS 77, 78, and 143, Wis. adm. code.

46.298 Vehicle sticker for the hearing impaired. Upon the request of a person who is certified as hearing impaired by the department, by a physician, by a hearing instrument specialist licensed under subch. I of ch. 459 or by an audiologist licensed under subch. II of ch. 459, the department shall issue to the person a decal or sticker for display on a motor vehicle owned or frequently operated by the person to apprise law enforcement officers of the fact that the vehicle is owned or operated by a hearing-impaired person. No charge shall be made for issuance of the decal or sticker. The department shall specify the design of the decal or sticker. The department shall designate the location on the vehicle at which the decal or sticker shall be affixed by its own adhesive.

History: 1987 a. 257; 1989 a. 31; 1989 a. 173 s. 4; Stats. 1989 s. 47.25; 1989 a. 316; 1995 a. 27 s. 2422; Stats. s. 46.298.

46.30 Community action agencies. (1) DEFINITIONS. In this section:

(a) "Limited-purpose agency" means a private, nonprofit organization that is a statewide organization whose project has statewide impact.

(b) "Poor person" means a resident of a community served by a community action agency, whose income is at or below 125% of the poverty line.

(c) "Poverty line" means the nonfarm federal poverty line for the continental United States, as defined by the federal department of labor under 42 USC 9902 (2).

(2) CREATION. (a) 1. A community action agency is any of the entities specified in par. (b) that meets the following conditions:

a. Is capable of performing the functions specified in sub. (3).

b. Receives the approval of the secretary.

c. Receives the approval of the county board of supervisors, if the community action agency serves an entire county, or, if the agency serves a city, village or town, receives the approval of the city's, village's or town's legislative body.

2. Each private, nonprofit community action agency shall be governed by a board consisting of 15 to 51 members, chosen from the following groups:

a. One-third of the members shall be elected public officials or their representatives. If the number of elected public officials who are reasonably available and willing to serve on a governing board is insufficient to meet this requirement, appointed public officials may be substituted. The chief executive or the legislative body of the county, city, village or town that approved the creation of a community action agency under subd. 1. c. shall appoint these members.

b. At least one-third of the members shall represent poor persons in the community to be served by the community action agency, being chosen in accordance with democratic selection procedures adequate to ensure that they are selected by and that they represent poor persons.

c. The remaining members shall represent specific groups or areas within the community to be served by the community action agency. The members selected under subd. 2. a. and b. shall determine which groups or areas are to be represented and shall delegate to the group, or to residents of the area, the task of selecting the representative. Representatives of an area of the community shall reside within that area.

3. Each community relations-social development commission created under s. 66.0125 that acts as a community action agency shall modify the composition of its commission so that the commission is composed of 15 to 51 members, chosen from the groups specified in subd. 2. a. to c.

(b) The following entities may organize as community action agencies:

1. Any private, nonprofit community organization, including any migrant or seasonal farm worker organization.

2. Any community relations-social development commission created under s. 66.0125.

3. Any entity designated by the community services administration as a community action agency under 42 USC 2790 to 2797, in effect on August 1, 1981, for federal fiscal year 1981, unless the agency lost its designation. Any such entity is deemed to meet the conditions under par. (a) 1.

(c) The approval of a community action agency may be rescinded but only if there is good cause and if the decision to rescind is made by both the legislative body of the county, city, village or town that granted the approval and the secretary. At least 90 days before rescinding approval, the legislative body or secretary shall notify the community action agency of its reasons for the action and hold a public hearing in the community concerning the action.

(3) POWERS AND DUTIES. (a) A community action agency shall do all of the following:

1. Administer funds received under sub. (4) and funds from other sources provided to support a community action program.

2. Set personnel, program and fiscal policies. Each community action agency shall set policies and procedures governing employee compensation and employment qualifications for itself and its agents. These policies and procedures shall ensure that employment practices are impartial and are designed to employ only competent persons, and shall guard against personal or financial conflicts of interest. Each community action agency shall also define the duties of its employees regarding advocacy on behalf of poor persons.

3. Involve, to the greatest extent practicable, poor persons in developing and implementing programs in order to ensure that these programs:

a. Will stimulate the capabilities of these persons for self-advancement.

b. Will be meaningful to and widely utilized by these persons.

4. Allow poor persons to influence the character of programs operated by the community action agency.