

2001 DRAFTING REQUEST

Bill

Received: **12/01/2000**

Received By: **isagerro**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Blaine**

This file may be shown to any legislator: **NO**

Drafter: **isagerro**

May Contact:

Alt. Drafters:

Subject: **Public Assistance - Wis works**

Extra Copies:

Pre Topic:

DOA:.....Blaine -

Topic:

W-2 child care eligibility and child care funding

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>
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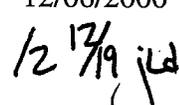
W-2 child care funding

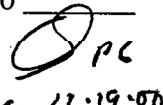
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STATUTORY MODIFICATIONS

Department of Administration:
2001-03 Biennial Budget

Analyst: Robert Blaine

Subject: Child Care

a local pass-through grant program to be established by the state for child care programs.
??
not in statute

Revise s. 49.155 (1g)(b) to include the new provision "Local Pass-through Grant Program" under s. 49.137 as one of the listed purposes for the distribution of the funds within the section.

Intent: The July 2000 hearing under s. 13.10 permitted the Department of Workforce Development pass through child care development block grant (CCDGB) funds to local units of government. This program is named the "Local Pass-Through Grant Program," and the requested change would identify this program as are recipient of CCDGB funds.

Revise s. 49.155 (1g)(b) to reflect the distribution of \$29,769,400 in each fiscal year.

Revise s. 49.155 (1g)(c) to reflect the transfer of \$4,007,400 in each fiscal year to the appropriation under s. 20.435 (3)(kx).

Revise s. 49.155 (1g)(c) to reflect the transfer of \$27,700 in each fiscal year to the appropriation under s. 20.435(8)(kx).

Intent: These sections include statutory allocations of funds, which need to be amended to reflect new biennial budget allocation levels.

Revise s. 49.155 (3m) to allow the distribution of funds to Wisconsin Works (W-2) agencies in addition to counties and child care providers.

Intent: Currently, local W-2 agencies provide some in-house child care services for W-2 applicants and participants. This revision is to clarify that these agencies, in addition to counties and child care providers, are eligible to receive child care funding.

Sager-Rosenthal, Ivy

From: Blaine, Robert
Sent: Tuesday, December 05, 2000 4:11 PM
To: Sager-Rosenthal, Ivy
Subject: RE: Child care funding

The latter. Some W-2 agencies have in-house child care centers they use to provide services to W-2 participants / applicants while they are in job training sessions or having their eligibility for services developed. DWD wants to be able to reimburse the agencies for these services with child care funds.

-----Original Message-----

From: Sager-Rosenthal, Ivy
Sent: Tuesday, December 05, 2000 3:49 PM
To: Blaine, Robert
Subject: Child care funding

Robert:

For the child care funding request, do you intend the W-2 agencies that receive child care funds to be able to use the funds as counties do under s. 49.155 (3m) (c)? Or are the funds the W-2 agencies will receive only to be for reimbursement for child care services provided (i.e. the same as child care providers are reimbursed under s. 49.155 (1) (a))?

Let me know,
Ivy

Ivy G. Sager-Rosenthal
Legislative Attorney
Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 261-4455



Jld

DOA:.....Blaine - W-2 child care funding

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

INOTE
SOSW
12/16/00

Do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

CCDBG

PUBLIC ASSISTANCE

* Under current law, DWD receives federal child care development block grant (CCDBG) funds. Current law requires that these funds be distributed to provide various child care services and grant programs, including technical assistance to child care providers, grants for the start-up and expansion of child day care services, and grants for improving the quality of care standards. Also under current law, DWD must distribute CCDBG funds to child care providers and counties for child care services that are provided to eligible low-income individuals.

*

This bill requires that the CCDBG funds also be distributed to provide grants to local governments for providing child care programs and child care services. The bill also permits DWD to reimburse a Wisconsin works (W-2) agency for child care services that the W-2 agency provides to W-2 participants and applicants.

and to private nonprofit agencies that provide child care for children & migrant workers

For further information see the *state and local* 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:

1 **SECTION 1.** 49.155 (1g) (b) ^X of the statutes is amended to read:

2 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
 3 \$8,012,500 ~~\$29,769,400~~ in fiscal year ~~1999-2000~~ 2001-02 [✓] and \$7,412,500
 4 \$29,769,400 in fiscal year ~~2000-01~~ 2002-03 [✓] for the purposes of providing technical
 5 assistance for child care providers and of administering the child care program under
 6 this section and for grants under s. 49.136 (2) for the start-up and expansion of child
 7 day care services, and for child day care start-up and expansion planning, for grants
 8 under s. 49.134 (2) for child day care resource and referral services, for grants under
 9 s. 49.137 (3) to assist child care providers in meeting the quality of care standards
 10 established under sub. (1d), and for a system of rates or a program of grants, as
 11 provided under sub. (1d), to reimburse child care providers that meet those quality
 12 of care standards, to provide grants to local governments for child care programs and
 13 services, and for grants under s. 49.137 (2) and contracts under s. 49.137 (4) to
 14 improve the quality of child day care services in this state.

15 History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 ^X a. 41, 105, 237, 252; 1999 a. 9.

15 **SECTION 2.** 49.155 (1g) (c) of the statutes is amended to read:

16 49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer
 17 ~~\$3,596,900~~ \$4,007,400 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$3,745,200~~ \$4,007,400
 18 in fiscal year ~~2000-01~~ 2002-03 to the appropriation under s. 20.435 (3) (kx), and
 19 transfer ~~\$20,700~~ \$27,700 in fiscal year ~~1999-2000~~ 2001-02 and \$27,700 in fiscal year
 20 ^{plain Δ} ~~2000-01~~ 2002-03 to the appropriation under s. 20.435 (8) (kx), for the purpose of day
 21 care center licensing under s. 48.65.

22 History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 ^X a. 41, 105, 237, 252; 1999 a. 9.

22 **SECTION 3.** 49.155 (3m) (title) of the statutes is amended to read:

1 49.155 (3m) (title) DISTRIBUTION OF CHILD CARE FUNDS TO COUNTIES, WISCONSIN
2 WORKS AGENCIES, AND CERTAIN CHILD CARE PROVIDERS.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 ~~a.~~ 41, 105, 237, 252; 1999 a. 9.

3 **SECTION 4.** 49.155 (3m) (a) of the statutes is amended to read:

4 49.155 (3m) (a) The department shall reimburse child care providers or shall
5 distribute funds to county departments under s. 46.215, 46.22 or 46.23 for child care
6 services provided under this section and to private nonprofit agencies that provide
7 child care for children of migrant workers. The department may reimburse a
8 Wisconsin works agency for child care that the Wisconsin works agency provides to
9 Wisconsin works participants and applicants.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9.

(END)

The children of

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/1dn

ISR:.....

JLD

December 6, 2000

Robert Blaine:

Because this bill authorizes, instead of requires, DWD to reimburse W-2 agencies for child care services, I did not require that ~~the~~ CCDBG funds be distributed for the reimbursement. It doesn't make sense to require DWD to distribute the CCDBG funds if the reimbursement to W-2 agencies is at DWD's discretion. If you want to require DWD to distribute the funds for the reimbursement, DWD should be required, instead of authorized, to reimburse W-2 agencies for child care services.

* If you have any questions or comments, please do not hesitate to contact me. 

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/1dn
ISR:jld:jf

December 7, 2000

Robert Blaine:

Because this bill authorizes, instead of requires, DWD to reimburse W-2 agencies for child care services, I did not require that CCDBG funds be distributed for the reimbursement. It doesn't make sense to require DWD to distribute the CCDBG funds if the reimbursement to W-2 agencies is at DWD's discretion. If you want to require DWD to distribute the funds for the reimbursement, DWD should be required, instead of authorized, to reimburse W-2 agencies for child care services.

If you have any questions or comments, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us

Sager-Rosenthal, Ivy

From: Blaine, Robert
Sent: Sunday, December 10, 2000 2:20 PM
To: Sager-Rosenthal, Ivy
Subject: RE: LRB Draft: 01-1302/1 W-2 child care funding

Only one comment on the child care funding draft. The department has suggested that language should be added under s. 49.137 (which pertains to child care quality improvement grants) to authorize the Local Pass Through Program. They've proposed specifying, under a section titled "Local Pass-Through Grant Program" that from the allocation under s. 49.155 (1g)(b), the department may award grants to local government and child care agencies for quality improvement purposes as directed by the department through administrative rule.

I've also asked DWD to comment on the language in 49.155 (3m) (a) related to W-2 agencies to make sure this meets their intent. Hopefully we will hear back from them by Mon or Tues.

Thanks,
Robert

*shall b/c requiring \$ be distributed
for the purpose*

-----Original Message-----

From: Frantzen, Jean
Sent: Thursday, December 07, 2000 11:09 AM
To: Blaine, Robert
Cc: Kraus, Jennifer; Currier, Dawn; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01-1302/1 W-2 child care funding

Following is the PDF version of draft 01-1302/1.

<< File: 01-1302/1 >> << File: 01-1302/1dn >>

INSTEAD ISSUES:

*Grant Administration and limits on exp⁷
49.137 (5) and (6)*

Sager-Rosenthal, Ivy

From: Blaine, Robert
Sent: Thursday, December 14, 2000 4:04 PM
To: Sager-Rosenthal, Ivy
Subject: FW: LRB draft 1302/1

DWD's comments on the child care draft. . .

I agree with both of Dave's suggestions, and if you could make the suggested revisions, that would be great.

Thanks,
Robert

-----Original Message-----

From: Edie, Dave
Sent: Thursday, December 14, 2000 3:14 PM
To: Blaine, Robert; Smith, Shawn; Mansfield, Mark
Cc: Bates, James; Sweet, Alan; McGurk, Kathy
Subject: RE: LRB draft 1302/1

I have two comments, after discussions with OCC staff.

1. In 49.155 (1g)(b), revise the underlined section to say "to provide grants to local **and tribal** governments for child care programs and services." Tribes are eligible, and would object to be referred to as local governments.

2. In 49.155 (3m)(a), it looks fine. The intent is to provide child care for individuals applying for W-2 services, including child care subsidies. The question is whether the term "Wisconsin works participants and applicants" is broad enough. It might be preferable to use broader language like "**Wisconsin works participants and applicants and child care subsidy applicants.**" This language would clarify that we are including working families applying for child care subsidies.

*ditto
under
S. 7774(1)
(P) child
care
subsidy*

-----Original Message-----

From: Blaine, Robert
Sent: Thursday, December 14, 2000 8:45 AM
To: Smith, Shawn; Mansfield, Mark
Cc: Edie, Dave
subject: LRB draft 1302/1

The drafter has asked whether the department has any problems with her language under 49.155 (3m), regarding W-2 agencies. I realize I asked for comments by the 18th, but she was wanting to do another draft (to add language for the Local Pass Through program under 49.137) but didn't want to start if the department needed other changes under 49.155 (3m).

If you can, let me know whether you might need additional changes and I can tell her to hold off on the next draft.

Thanks,
Robert

State Budget Office
Wisconsin Department of Administration
(608) 266-8219
robert.blaine@doa.state.wi.us



SEVEN
in 12/15/00

ISR:jld:jf
RMR

DOA:.....Blaine - W-2 child care funding

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

distribute CCDBG funds
requires DWD to for grants to local governments and tribal governing bodies for programs to improve the quality of child care.

Don't Gen

NOTE

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DWD receives federal child care development block grant (CCDBG) funds. Current law requires that these funds be distributed to provide various child care services and grant programs, including technical assistance to child care providers, grants for the start-up and expansion of child day care services, and grants for improving the quality of care standards. Also under current law, DWD must distribute CCDBG funds to child care providers and counties for child care services that are provided to eligible low-income individuals and to private nonprofit agencies that provide child care for children of migrant workers.

This bill requires that ~~the~~ CCDBG funds ~~also~~ be distributed to provide grants to local governments for providing child care programs and child care services. The bill also permits DWD to reimburse a Wisconsin works (W-2) agency for child care services that the W-2 agency provides to W-2 participants and applicants.

For further information see the *state and local* 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:

1 **SECTION 1.** 49.155 (1g) (b) of the statutes is amended to read:

2 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
 3 \$8,012,500 \$29,769,400 in fiscal year 1999-2000 2001-02 and \$7,412,500
 4 \$29,769,400 in fiscal year 2000-01 2002-03 for the purposes of providing technical
 5 assistance for child care providers and of administering the child care program under
 6 this section and for grants under s. 49.136 (2) for the start-up and expansion of child
 7 day care services, and for child day care start-up and expansion planning, for grants
 8 under s. 49.134 (2) for child day care resource and referral services, for grants under
 9 s. 49.137 (3) to assist child care providers in meeting the quality of care standards
 10 established under sub. (1d), and for a system of rates or a program of grants, as
 11 provided under sub. (1d), to reimburse child care providers that meet those quality
 12 of care standards, ~~to provide grants to local governments for child care programs and~~
 13 ~~services,~~ and for grants under s. 49.137 (2) ^{and (4m)} and contracts under s. 49.137 (4) to
 14 improve the quality of child day care services in this state.

15 **SECTION 2.** 49.155 (1g) (c) of the statutes is amended to read:

16 49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer
 17 \$3,596,900 \$4,007,400 in fiscal year 1999-2000 2001-02 and \$3,745,200 \$4,007,400
 18 in fiscal year 2000-01 2002-03 to the appropriation under s. 20.435 (3) (kx), and
 19 transfer \$20,700 \$27,700 in fiscal year 1999-2000 2001-02 and \$27,700 in fiscal year
 20 2000-01 2002-03 to the appropriation under s. 20.435 (8) (kx), for the purpose of day
 21 care center licensing under s. 48.65.

22 **SECTION 3.** 49.155 (3m) (title) of the statutes is amended to read:

23 49.155 (3m) (title) DISTRIBUTION OF CHILD CARE FUNDS TO COUNTIES, WISCONSIN
 24 WORKS AGENCIES, AND CERTAIN CHILD CARE PROVIDERS.

25 **SECTION 4.** 49.155 (3m) (a) of the statutes is amended to read:

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/2ins
ISR:.....

Insert 2-1

SECTION 1. 49.137 (4m)^x of the statutes is created to read:

49.137 (4m) LOCAL PASS-THROUGH[✓] GRANT PROGRAM. The department[✓] shall award grants to local governments and tribal governing bodies for programs to improve the quality of child care. The department shall promulgate rules[✓] to administer the grant program, including rules that specify the eligibility criteria and procedures for awarding the grants.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/2dn

ISR:.....

↑
JL

December 15, 2000 } new date

Robert Blaine:

Did you want s. 49.137 (5) and (6) ✓ to apply to the local pass-through grant program? Under the bill, s. 49.137 (5) applies to the program but s. 49.137 (6) does not. If this is not your intent, please let me know.

Also, I did not change the language in s. 49.155 (3m) (a) ✓ as suggested by DWD because the language already includes individuals applying for child care subsidies. The child care subsidy program is included in the definition of the Wisconsin works program under s. 49.141 (1) (p). ✓ Thus, when referring to Wisconsin works participants and applicants, individuals applying for the child care subsidy are included.

Please review the bill carefully to make sure it achieves your intent. If you have any questions or comments, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1302/2dn
ISR:jld:rs

December 19, 2000

Robert Blaine:

Did you want s. 49.137 (5) and (6) to apply to the local pass-through grant program? Under the bill, s. 49.137 (5) applies to the program but s. 49.137 (6) does not. If this is not your intent, please let me know.

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Please review the bill carefully to make sure it achieves your intent. If you have any questions or comments, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us



LPS: Please fix request sheet Thanks!

State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1302/2
ISR:jld/rs

3

eligibility and child care

RMR

§ cm H

DOA:.....Blaine - W-2 child care funding

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

NOTE

son

CCDBG funds may not be used to cover the costs of child care services that are provided to a child by a person who resides with the child, unless a county determines that the child care is necessary because of a special health condition of the child.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DWD receives federal child care development block grant (CCDBG) funds. Current law requires that these funds be distributed to provide various child care services and grant programs, including technical assistance to child care providers, grants for the start-up and expansion of child day care services, and grants for improving the quality of care standards. Also under current law, DWD ~~must~~ distribute CCDBG funds to child care providers and counties for child care services that are provided to eligible low-income individuals and to private nonprofit agencies that provide child care for children of migrant workers.

who are eligible for the Wisconsin work (W-2) child care subsidy

This bill requires DWD to distribute CCDBG funds for grants to local governments and tribal governing bodies for programs to improve the quality of child care. The bill also permits DWD to reimburse a Wisconsin work W-2 agency for child care services that the W-2 agency provides to W-2 participants and applicants.

For further information see the **state and local** 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:

and prohibits the use of CCDBG funds for child care services that are provided for a child by the child's custodial parent, guardian, foster parent, treatment foster parent, legal custodian, or person acting in place of a parent, unless a county determines that the child care is necessary because of a special health condition of the child.

Insert Appendix

1 **SECTION 1.** 49.137 (4m) of the statutes is created to read:

2 49.137 (**4m**) LOCAL PASS-THROUGH GRANT PROGRAM. The department shall award
3 grants to local governments and tribal governing bodies for programs to improve the
4 quality of child care. The department shall promulgate rules to administer the grant
5 program, including rules that specify the eligibility criteria and procedures for
6 awarding the grants.

7 **SECTION 2.** 49.155 (1g) (b) of the statutes is amended to read:

8 49.155 (**1g**) (b) From the appropriation under s. 20.445 (3) (mc), distribute
9 ~~\$8,012,500~~ \$29,769,400 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$7,412,500~~
10 \$29,769,400 in fiscal year ~~2000-01~~ 2002-03 for the purposes of providing technical
11 assistance for child care providers and of administering the child care program under
12 this section and for grants under s. 49.136 (2) for the start-up and expansion of child
13 day care services, and for child day care start-up and expansion planning, for grants
14 under s. 49.134 (2) for child day care resource and referral services, for grants under
15 s. 49.137 (3) to assist child care providers in meeting the quality of care standards
16 established under sub. (1d), and for a system of rates or a program of grants, as
17 provided under sub. (1d), to reimburse child care providers that meet those quality
18 of care standards and for grants under s. 49.137 (2) and (4m) and contracts under s.
19 49.137 (4) to improve the quality of child day care services in this state.

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22 ~~\$3,596,900~~ \$4,007,400 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$3,745,200~~ \$4,007,400
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24 transfer ~~\$20,700~~ \$27,700 in fiscal year ~~1999-2000~~ 2001-02 and \$27,700 in fiscal year

1 ~~2000-01 2002-03~~ to the appropriation under s. 20.435 (8) (kx), for the purpose of day
2 care center licensing under s. 48.65.

3 **SECTION 4.** 49.155 (3m) (title) of the statutes is amended to read:

4 49.155 (3m) (title) DISTRIBUTION OF CHILD CARE FUNDS TO COUNTIES, WISCONSIN
5 WORKS AGENCIES, AND CERTAIN CHILD CARE PROVIDERS.

6 **SECTION 5.** 49.155 (3m) (a) of the statutes is amended to read:

7 49.155 (3m) (a) The department shall reimburse child care providers or shall
8 distribute funds to county departments under s. 46.215, 46.22 or 46.23 for child care
9 services provided under this section and to private nonprofit agencies that provide
10 child care for children of migrant workers. The department may reimburse a
11 Wisconsin works agency for child care that the Wisconsin works agency provides to
12 the children of Wisconsin works participants and applicants.

13

(END)

Insert
3-2

Insert
3-12

Insert Analysis

✓
WISCONSIN WORKS

Under current law, an individual who receives monthly payments under the kinship care program on behalf of a child under the age of 13 or disabled and under the age of 19 may be eligible for a child care subsidy if the individual needs child care to work or if a Wisconsin works (W-2) agency determines that education will enable the individual to maintain employment to pursue basic or technical college education. The kinship care program provides monthly payments to individuals who are relatives of children and who provide care and maintenance for the children either temporarily (short-term kinship care relative) or on a more permanent basis (long-term kinship care relative).

Under current law, to be eligible for the child care subsidy, both short-term and long-term kinship care relatives must be U.S. citizens. A long-term kinship care relative must also cooperate with child support enforcement efforts, provide DWD with any information that DWD requires, and assign to DWD any right the individual has to child or spousal support or maintenance. Also, under current law, a short-term kinship care relative is eligible for the child care subsidy if the child's biological or adoptive family has income that is at or below 200% of the federal poverty line while a long-term kinship care relative must have income that is at or below 185% of the federal poverty line to be eligible for the child care subsidy.

Under this bill, the eligibility requirements for the child care subsidy that currently apply to short-term kinship care relatives apply to long-term kinship care relatives.

(end of insert analysis)

Insert 3-2

SECTION 1. 49.155 (1m) (bm) of the statutes is amended to read:

49.155 (1m) (bm) If the individual is providing care for a child under a court order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n), or if the individual is a foster parent or treatment foster parent, and child care is needed for that child, the individual meets the requirement under s. 49.145 (2) (c).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9.

SECTION 2. 49.155 (1m) (c) (intro.) of the statutes is repealed.

SECTION 3. 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

49.155 (1m) (c) 1. (intro.) ~~The~~ Except as provided in subds. 1g., 1h., 1m., 2., and 3., the gross income of the individual's family is at or below 185% of the poverty line for a family the size of the individual's family or, for an individual who is already receiving a child care subsidy under this section, the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. In calculating the gross income of the family, the Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. and 3., except that, in calculating farm and self-employment income, the Wisconsin works agency shall include the sum of the following:

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9.

SECTION 4. 49.155 (1m) (c) 1g. of the statutes is amended to read:

49.155 (1m) (c) 1g. ~~The~~ If the individual is a foster parent of the child ~~and,~~ the child's biological or adoptive family has a gross income that is at or below 200% of the poverty line. In calculating the gross income of the child's biological or adoptive family, the Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. and 3.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9.

SECTION 5. 49.155 (1m) (c) 1h. of the statutes is amended to read:

49.155 (1m) (c) 1h. ~~The~~ If the individual is a relative of the child, is providing care for the child under a court order, and is receiving payments under s. 48.57 (3m) or (3n) on behalf of the child ~~and,~~ the child's biological or adoptive family has a gross income that is at or below 200% of the poverty line. In calculating the gross income of the child's biological or adoptive family, the Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. and 3.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9.

SECTION 6. 49.155 (1m) (c) 1m. of the statutes is amended to read:

49.155 (1m) (c) 1m. ~~The~~ If the individual was eligible under s. 49.132 (4) (a), 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995 stats., on September 30, 1997, but lost aid solely because of the application of s. 49.132 (6), 1995 stats., and the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. This subdivision does not apply to an individual whose family's gross income at any time on or after September 30, 1997, is more than 200% of the poverty line for a family the size of the individual's family.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9.

SECTION 7. 49.155 (1m) (c) 2. of the statutes is amended to read:

49.155 (1m) (c) 2. ~~The~~ If the individual was eligible under s. 49.132 (4) (am), 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995 stats., on or after May 10, 1996, but lost eligibility solely because of increased income, and the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. This subdivision does not apply to an individual whose family's gross income increased to more than 200% of the poverty line for a family the size of the individual's family.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9.

SECTION 8. 49.155 (1m) (c) 3. of the statutes is amended to read:

49.155 (1m) (c) 3. ~~The~~ If the individual was eligible for a child care subsidy under s. 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care subsidy on or after May 10, 1996, but lost the subsidy solely because of increased income, and the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. This subdivision does not

apply to an individual whose family's gross income increased to more than 200% of the poverty line for a family the size of the individual's family.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9.

Insert 3-12

SECTION 9. 49.155 (3m) (d) of the statutes is amended to read:

49.155 (3m) (d) No funds distributed under par. (a) may be used ~~to provide for~~ child care services that are provided for a child by a ~~person~~ child care provider who is ~~the parent of the child or who~~ resides with the child, unless the county determines that the care is necessary because of a special health condition of the child.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9.

SECTION 9358. Initial applicability; workforce development.

(1) WISCONSIN WORKS CHILD CARE SUBSIDY. The treatment of section 49.155 (1m) (bm), (c) (intro.), 1. (intro.), 1g., 1h., 1m., 2,[↓] and 3,[↗] and (3m) (d) of the statutes first applies to eligibility determinations for the Wisconsin works child care subsidy made on the effective date of this subsection. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/3dn

ISR:.....

cm lt

January 4, 2001

Robert Blaine:

✓
Is the treatment of s. 49.155 (3m) (d) what you intended? Under this bill, a child care provider who resides with the child, for example a grandmother, but who is not a parent under the definition in s. 49.155 (1) (c) is not eligible to receive a child care subsidy for the child. ←

Please review the bill carefully to make sure it achieves your intent. If you have any questions, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us

Sager-Rosenthal, Ivy

From: Blaine, Robert
Sent: Tuesday, January 02, 2001 7:58 PM
To: Sager-Rosenthal, Ivy
Subject: Draft 1302 -- child care

We completed our child care briefing with the Governor, and he wanted to do two additional stat language changes above what DOA was recommending.

First, the department requested revising s 49.155 (1m)(c) to include individuals receiving payments under s. 48.57(3n).

It is my understanding that there are two types of court-ordered Kinship Care: short-term (as specified under 48.57(3m)) and long-term ((3n)). Right now, we provide child care subsidies to short-term Kinship care cases, and eligibility is determined using the income of the natural parent. DWD wants to extend this subsidy to long-term, court ordered Kinship Care, as described under 48.57(3n). Thus, you may simply want to modify 49.155(1m)(c)1h to state "is receiving payments under s. 48.57 (3m) and (3n)..." The department's intent is to use the same eligibility calculation -- that is, continue using the income of the natural parent.

Second, the department requested revising s. 49.155(3m)(d) to deny eligibility to a licensed or certified provider of child care services from receiving payment for the care and supervision of a child for whom they are the parent (as defined in s. 49.155(1)(c)).

The way the department has described it to me is that the state's policy is that if a parent is a child care provider, and that parent is low-income, that parent cannot receive a child care subsidy for providing care to their own child. (3m)(d) states just this, that funds cannot be distributed to a provider for the care of a child that resides with the provider. Apparently, DWD recently lost a hearing in which a foster-parent was trying to get payment for taking care of a foster child. DWD is requesting that the language be tightened up so that they can administer the program as intended, and their recommendation is to reference 49.155(1)(c), which specifies who constitutes a parent, in (3m)(d).

Please let me know if you have any questions or if I can offer further clarifications.

Thanks

Am 49.155(3m)(d), instead of "person", parent?

*Per Robert Blaine, 12/4/00

DWD actually provides subsidies to long-term Kinship care recipients as well - ^{income level} eligibility is under s. 49.155 (1m)(c)1.

-want to change so that income for long-term Kinship care recipients is determined under S. 49.155 (1m)(c)1h.

-Also include long-term K.c. recipients in 49.155(1m)(b)m

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/3dn
ISR:cmlh:pg

January 7, 2001

Robert Blaine:

Is the treatment of s. 49.155 (3m) (d) what you intended? Under this bill, a child care provider who resides with the child, for example a grandmother, but who is not a parent under the definition in s. 49.155 (1) (c), is not eligible to receive a child care subsidy for the child.

Please review the bill carefully to make sure it achieves your intent. If you have any questions, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us

Sager-Rosenthal, Ivy

From: Blaine, Robert
Sent: Friday, January 12, 2001 12:41 PM
To: Sager-Rosenthal, Ivy
Subject: 49.175 (1) allocations

We just got back from the briefing and finally received the decisions we needed to finalize the allocations. See the attached document.



Allocations
011201.doc

Also, I mentioned yesterday that we'd likely need some adjustments in the allocations under s. 49.155 (1g)(b). This would only affect the first sentence (ll. 2-3) of draft #1302. Instead of distributing \$29,769,400 2001-02 and \$29,769,400 in 2002-03, the allocation should be \$25,119,800 in 2001-02 and \$16,226,300 in 2002-03.

As always, many thanks.

Robert

P.S. -- I'll look into that child care question you asked earlier ASAP.

Per Robert Blaine

- allocation in 49.175 for grant program

in \$13,247,500 in FY01-02

\$14,354,000 in FY02-03



DOA:.....Blaine – W-2 child care eligibility and child care funding
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

soon
NOTE

1 Don't gen
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES
PUBLIC ASSISTANCE

Under current law, DWD receives federal child care development block grant (CCDBG) funds. Current law requires that these funds be distributed to provide various child care services and grant programs, including technical assistance to child care providers, grants for the start-up and expansion of child day care services, and grants for improving the quality of care standards. Also under current law, DWD distributes CCDBG funds to child care providers and counties for child care services that are provided to individuals who are eligible for the Wisconsin works (W-2) child care subsidy and to private nonprofit agencies that provide child care for children of migrant workers. CCDBG funds may not be used to cover the costs of child care services that are provided to a child by a person who resides with the child, unless a county determines that the child care is necessary because of a special health condition of the child.

This bill requires DWD to distribute CCDBG funds for grants to local governments and tribal governing bodies for programs to improve the quality of child care. The bill also permits DWD to reimburse a W-2 agency for child care services that the W-2 agency provides to W-2 participants and applicants and prohibits the use of CCDBG funds for child care services that are provided for a child by the child's custodial parent, guardian, foster parent, treatment foster parent, legal custodian,

or person acting in place of a parent, unless a county determines that the child care is necessary because of a special health condition of the child.

WISCONSIN WORKS

Under current law, an individual who receives monthly payments under the kinship care program on behalf of a child who is under the age of 13 or who is disabled and under the age of 19 may be eligible for a child care subsidy if the individual needs child care to work or to pursue basic or technical college education if a Wisconsin works (W-2) agency determines that education will enable the individual to maintain employment. The kinship care program provides monthly payments to individuals who are relatives of children and who provide care and maintenance for the children either temporarily (short-term kinship care relative) or on a more permanent basis (long-term kinship care relative).

Under current law, to be eligible for the child care subsidy, both short-term and long-term kinship care relatives must be U.S. citizens. A long-term kinship care relative must also cooperate with child support enforcement efforts, provide DWD with any information that DWD requires, and assign to DWD any right the individual has to child or spousal support or maintenance. Under current law, a short-term kinship care relative is eligible for the child care subsidy if the child's biological or adoptive family has income that is at or below 200% of the federal poverty line while a long-term kinship care relative must have income that is at or below 185% of the federal poverty line to be eligible for the child care subsidy.

Under this bill, the eligibility requirements for the child care subsidy that currently apply to short-term kinship care relatives apply to long-term kinship care relatives.

For further information see the *state and local* 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:

1 **SECTION 1.** 49.137 (4m) of the statutes is created to read:

2 49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. The department shall award
3 grants to local governments and tribal governing bodies for programs to improve the
4 quality of child care. The department shall promulgate rules to administer the grant
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 3 ~~(\$29,769,400)~~ ^{16,226,350} in fiscal year ~~2000-01~~ 2002-03 for the purposes of providing technical
 4 assistance for child care providers and of administering the child care program under
 5 this section and for grants under s. 49.136 (2) for the start-up and expansion of child
 6 day care services, and for child day care start-up and expansion planning, for grants
 7 under s. 49.134 (2) for child day care resource and referral services, for grants under
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 15 ~~\$3,596,900~~ \$4,007,400 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$3,745,200~~ \$4,007,400
 16 in fiscal year ~~2000-01~~ 2002-03 to the appropriation under s. 20.435 (3) (kx), and
 17 transfer ~~\$20,700~~ \$27,700 in fiscal year ~~1999-2000~~ 2001-02 and \$27,700 in fiscal year
 18 ~~2000-01~~ 2002-03 to the appropriation under s. 20.435 (8) (kx), for the purpose of day
 19 care center licensing under s. 48.65.

20 **SECTION 4.** 49.155 (1m) (bm) of the statutes is amended to read:

21 49.155 (1m) (bm) If the individual is providing care for a child under a court
 22 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n), or
 23 if the individual is a foster parent or treatment foster parent, and child care is needed
 24 for that child, the individual meets the requirement under s. 49.145 (2) (c).

25 **SECTION 5.** 49.155 (1m) (c) (intro.) of the statutes is repealed.

1 **SECTION 6.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

2 49.155 (1m) (c) 1. (intro.) ~~The~~ Except as provided in subds. 1g., 1h., 1m., 2., and
3 3., the gross income of the individual's family is at or below 185% of the poverty line
4 for a family the size of the individual's family or, for an individual who is already
5 receiving a child care subsidy under this section, the gross income of the individual's
6 family is at or below 200% of the poverty line for a family the size of the individual's
7 family. In calculating the gross income of the family, the Wisconsin works agency
8 shall include income described under s. 49.145 (3) (b) 1. and 3., except that, in
9 calculating farm and self-employment income, the Wisconsin works agency shall
10 include the sum of the following:

11 **SECTION 7.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

12 49.155 (1m) (c) 1g. ~~The~~ If the individual is a foster parent of the child ~~and,~~ the
13 child's biological or adoptive family has a gross income that is at or below 200% of the
14 poverty line. In calculating the gross income of the child's biological or adoptive
15 family, the Wisconsin works agency shall include income described under s. 49.145
16 (3) (b) 1. and 3.

17 **SECTION 8.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

18 49.155 (1m) (c) 1h. ~~The~~ If the individual is a relative of the child, is providing
19 care for the child under a court order, and is receiving payments under s. 48.57 (3m)
20 or (3n) on behalf of the child ~~and,~~ the child's biological or adoptive family has a gross
21 income that is at or below 200% of the poverty line. In calculating the gross income
22 of the child's biological or adoptive family, the Wisconsin works agency shall include
23 income described under s. 49.145 (3) (b) 1. and 3.

24 **SECTION 9.** 49.155 (1m) (c) 1m. of the statutes is amended to read:

1 49.155 (1m) (c) 1m. ~~The~~ If the individual was eligible under s. 49.132 (4) (a),
2 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
3 stats., on September 30, 1997, but lost aid solely because of the application of s.
4 49.132 (6), 1995 stats., ~~and~~ the gross income of the individual's family is at or below
5 200% of the poverty line for a family the size of the individual's family. This
6 subdivision does not apply to an individual whose family's gross income at any time
7 on or after September 30, 1997, is more than 200% of the poverty line for a family the
8 size of the individual's family.

9 **SECTION 10.** 49.155 (1m) (c) 2. of the statutes is amended to read:

10 49.155 (1m) (c) 2. ~~The~~ If the individual was eligible under s. 49.132 (4) (am),
11 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
12 stats., on or after May 10, 1996, but lost eligibility solely because of increased
13 income, ~~and~~ the gross income of the individual's family is at or below 200% of the
14 poverty line for a family the size of the individual's family. This subdivision does not
15 apply to an individual whose family's gross income increased to more than 200% of
16 the poverty line for a family the size of the individual's family.

17 **SECTION 11.** 49.155 (1m) (c) 3. of the statutes is amended to read:

18 49.155 (1m) (c) 3. ~~The~~ If the individual was eligible for a child care subsidy
19 under s. 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care
20 subsidy on or after May 10, 1996, but lost the subsidy solely because of increased
21 income, ~~and~~ the gross income of the individual's family is at or below 200% of the
22 poverty line for a family the size of the individual's family. This subdivision does not
23 apply to an individual whose family's gross income increased to more than 200% of
24 the poverty line for a family the size of the individual's family.

25 **SECTION 12.** 49.155 (3m) (title) of the statutes is amended to read:

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/4ins
ISR:.....

Insert 6-14

SECTION 1. 49.175 (1) (qm) of the statutes is created to read:

49.175 (1) (qm) *Local pass-through grant program*. For the local pass-through grant program under s. 49.137 (4m), \$13,247,500 in fiscal year 2001-02 and \$4,354,000 in fiscal year 2002-03.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/4ins

ISR:.....

JLD

date

Robert Blaine:

The only changes I made to this bill were to change the amount of moneys allocated under s. 49.155 (1g) (b) and to add the s. 49.175 allocation for the local pass-through grant program.

Ivy G. Sager-Rosenthal
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/4dn
ISR:jld:kjf

January 14, 2001

Robert Blaine:

The only changes I made to this bill were to change the amount of moneys allocated under s. 49.155 (1g) (b) and to add the s. 49.175 allocation for the local pass-through grant program.

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* Robert Blaine 1/25/01

- A \$9,115 allocation
to \$17,694,200 in each fiscal year