State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 02/04/2013 (Per: PJK & FFK)

☞Compile Draft – Appendix A

Appendix A ☞ The 2013 drafting file for LRB–0423

Appendix B ☞ The 2013 drafting file for LRB–0963

Appendix C ☞ The 2013 drafting file for LRB–1468

2013 LRB–0423

has been copied to the drafting file for

2013 LRB–0903

Part of the compile used to create 2013 AB 40.

2013 DRAFTING REQUEST

Bill

Received:	**10/18/2012**	Received By:	**fknepp**
Wanted:	**As time permits**	Same as LRB:	
For:	**Administration-Budget**	By/Representing:	**Major**
May Contact:		Drafter:	**fknepp**
Subject:	**Public Assistance - Wis shares**	Addl. Drafters:	
		Extra Copies:	**Pam Kahler**

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

Pre Topic:

DOA:.....Major, BB0196 -

Topic:

Payment rates under Wisconsin Shares

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	fknepp 10/23/2012			_____ _____			
/P1	fknepp 11/16/2012	scalvin 11/27/2012	rschluet 11/27/2012	_____ _____	sbasford 10/23/2012		State S&L
/P2	fknepp 1/30/2013			_____ _____	srose 11/27/2012		State S&L

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/P3	fknepp 2/1/2013	scalvin 1/30/2013	jfrantze 1/30/2013	_____ _____	sbasford 1/30/2013		State S&L
/P4		jdyer 2/2/2013	jfrantze 2/3/2013	_____ _____	sbasford 2/3/2013		State S&L

FE Sent For:

<END>

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DOA:.....Major, BB0196 -

Topic: Payment

Reimbursement rates under Wisconsin Shares

Instructions:

See attached

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	fknepp 10/23/2012	/PH 2/2 jld	2/3	PH 2/3			
/P1	fknepp 11/16/2012	scalvin 11/27/2012	rschluet 11/27/2012	_____ _____	sbasford 10/23/2012		State S&L
/P2	fknepp 1/30/2013			_____ _____	srose 11/27/2012		State S&L

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/P3		scalvin 1/30/2013	jfrantze 1/30/2013	_____ _____	sbasford 1/30/2013		State S&L

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/?	fknepp 10/23/2012						
/P1	fknepp 11/16/2012	scalvin 11/27/2012	11/27/2012		sbasford 10/23/2012		State S&L
/P2		~~LPB~~ sac LP3 01/30/2013	1/30		srose 11/27/2012		State S&L

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		Extra Copies:	**Pam Kahler**

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Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**

Pre Topic:

DOA:.....Major, BB0196 -

Topic:

Reimbursement rates under
Administering Wisconsin Shares

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	fknepp 10/23/2012			_____ _____			
/P1		scalvin 10/23/2012	10/23/2012	_____ _____	sbasford 10/23/2012		State S&L

/P2 sac 11/27/12

FE Sent For:

11/27/12

<END>

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Bill

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		Extra Copies:	**Pam Kahler**

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Requester's email:
Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**

Pre Topic:

DOA:.....Major, BB0196 -

Topic:

Administering Wisconsin Shares

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	fknepp	/P1 SAC 10/23/12	/P1 SAC 10/23/12	[illegible] 10/23			

FE Sent For:

<END>

Kahler, Pam

From: Hanaman, Cathlene
Sent: Wednesday, October 17, 2012 4:21 PM
To: Kahler, Pam
Subject: FW: Statutory Language Drafting Request - BB0196
Attachments: Child Care Admin- stat lang paper.doc

From: katrina.major@wisconsin.gov [mailto:katrina.major@wisconsin.gov]
Sent: Wednesday, October 17, 2012 3:51 PM
To: Hanaman, Cathlene
Cc: Thornton, Scott - DOA; Kraus, Jennifer - DOA; Katrina.Kisiolek@wisconsin.gov
Subject: Statutory Language Drafting Request - BB0196

Biennial Budget: 2013-15

Topic: child care functions

Tracking Code: BB0196

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA
Phone: 608-266-2288
E-mail: katrina.major@wisconsin.gov

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

Intent:

child care functions

Attachments: True

Please send completed drafts to statlanguage@wisapps.wi.gov

Department of Children and Families
2013-15 Biennial Budget
Statutory Language Request

Topic: Child Care Functions in Milwaukee and Balance of State

Current Language:

Under current law at ss. 49.155 and 49.826, the Department of Children and Families administers a child-care subsidy program, known as Wisconsin Shares, using three different relationships for various statutory indicated functions: First, it directly administers authorization, customer-service, and program-integrity services in Milwaukee County. Second, it contracts with the Department of Health Services, which maintains a Milwaukee Enrollment Services (MilES) unit, for initial eligibility determinations and periodic eligibility reviews in Milwaukee. And, third, it contracts with counties and tribes to perform all these services in the balance-of-the state (BOS) and has authority to contract with other agencies or on a regional basis.

Proposed Changes:

Following DCF's assumption of responsibilities for direct provision of some child care services in Milwaukee county, while contracting with DHS for other services provided by DHS employees in Milwaukee county, and continuing to contract with balance-of-state (BOS) counties for a somewhat different set of child-care responsibilities, DCF wishes to clarify the original intent that it has a full range of options to either directly provide or contract for any combination of responsibilities related to Wisconsin Shares. Accordingly, the following changes are suggested:

1. At s. 49.155 (1m) (intro), change the word, "shall" to "may," and clarify that the Department may perform aspects of eligibility determination without contracting this function out.
2. At s. 49.155 (3)c and 49.826(2)3, delete the requirements that the county annually perform a market survey of child care rates, as directed by the Department, and determine maximum reimbursement rates, if directed by the Department.
3. Modify the various sections in s. 49.155(6) to remove references to counties setting child care rates.
4. Modify s. 49.155(3g)(b) and 49.826 to delete "provider" and rename the administrative unit to the "child care services unit" that performs the functions in s. 49.155(3g)(a) and s. 49.826 (2) (a).
5. Create a new provision in s. 49.826(2)(a) to allow the Department to perform any of the eligibility and enrollment functions under s.49.155 (3g), if the department does not contract with the Milwaukee County enrollment services unit for that function."
6. Modify s. 49.155(3m)(b)1. to eliminate the methodology for determining the allocation of funds, while keeping the constraints under sections (b)2 and 3.

Justification:

DCF assumed responsibility for all Milwaukee County child care functions on January 1 2010 DCF contracts with the DHS Milwaukee county Income-Maintenance/Eligibility Unit ("MilES") for child care eligibility determinations. This evolution has created some need for clarification of current law to reflect current practice and provide flexibility for the future.

Under current law, DCF "may" contract with the DHS Milwaukee "enrollment services unit" (MilES) for certain specific functions: Shares eligibility determination, determining Shares clients' co-payment responsibilities, determination and authorization of the amount of child care eligible individuals need, and performing client eligibility reviews. [s.49.155 (3g)] DCF, in turn "may" establish a "child care provider services unit" in Milwaukee County to certify child-care providers, provide child-care program-integrity services, assist Shares-eligible individuals in identifying appropriate child care arrangements, and perform a county market-rate survey. 49.155(3g)

It could be advantageous to clarify that DCF may directly provide child care services, including using DCF employees to perform eligibility and authorization work, and a provision saying the Department has "all necessary and convenient powers to administer the section" would tend to resolve all ambiguities in favor of the Department. Two other developments that have occurred since 2009 are the creation of regional IM consortia and the addition of Wisconsin Shares to the DHS-developed on-line "ACCESS" web portal for individuals to apply for public assistance. While this does not complete the eligibility process for Shares, it shows that the eligibility function may become subdivided into centrally administered and locally administered functions. Current law at s.49.155 (1m) seems potentially inflexible by prescribing that the department "shall contract with a county department or agency" for eligibility determination, except for in Milwaukee county.

Similarly, the provisions for contracting with the DHS MilES unit made sense at the time to describe which former Milwaukee-County functions were supervised by DHS versus DCF, with the subsequent transfer of the authorization function to the DCF Milwaukee Early Care Administration (MECA) division (encompassing that function plus the statutory functions of DCF's "Provider Services Unit"). DCF recommends that the term "provider" be deleted from s.49.826. Additionally, it seems unnecessary to use phrases such as "as directed by the department," to apply to a function now conducted by DCF staff.

Finally, ss. 49.155 (3) and s.49.826 that refer to counties performing an annual survey of market rates and using it to set rates, "if the department so directs," and the provision in ss. 49.155(6)a to c need to be revised to reflect that the Department is now responsible for the child care rate-setting function.

Desired Effective Date: Upon passage

Agency Contact: Mark Mansfield
266-9475

State of Wisconsin
2013 – 2014 LEGISLATURE

In 10-23-12

LRB-0423/P1
FFK:.....

DOA:.....Major, BB0196 – Administering Wisconsin Shares

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

do not gen

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W–2) program under current law provides work experience and benefits for low–income custodial parents who are at least 18 years old. Additionally, under a W–2 program known as Wisconsin Shares, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, may receive a child care subsidy if the individual needs child care services to participate in various educational or work activities and satisfies other eligibility criteria.

Under current law, DCF may contract with DHS to have the Milwaukee County enrollment services unit perform eligibility and authorization functions for Wisconsin Shares in Milwaukee county. Current law also authorizes DCF to establish its own unit to provide certain administrative services and functions related to Wisconsin Shares in Milwaukee county. In counties other than Milwaukee county, DCF must contract with the county department to determine eligibility for Wisconsin Shares in that county.

This bill makes various changes to the administration of Wisconsin Shares, including the following:

1. It eliminates the requirement that DCF contract with a county department to make eligibility determinations for Wisconsin Shares and authorizes DCF to make the determinations if DCF does not contract with a county to perform that function.

2. It authorizes DCF to make eligibility determinations for Wisconsin Shares in Milwaukee county if DCF does not contract with the the Milwaukee County enrollment services unit to perform that function.

3. It eliminates the requirement that a county determine maximum reimbursement rates for child care and directs DCF to set child care reimbursement rates in each county.

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 (1m) (intro.) of the statutes is amended to read:

2 49.155 **(1m)** ELIGIBILITY. (intro.) Except as provided in s. 49.155 (3g), the
3 department ~~shall~~ may contract with a county department or agency to determine the
4 eligibility of individuals residing in a particular geographic region or who are
5 members of a particular Indian tribal unit for child care subsidies under this section.
6 If the department does not contract with a county department or agency under this
7 subsection, the department may determine the eligibility of individuals residing in
8 the particular geographic region or who are members of a particular Indian tribal
9 unit for child care subsidies under this section. Under this section, an individual may
10 receive a subsidy for child care for a child who has not attained the age of 13 or, if the
11 child is disabled, who has not attained the age of 19, if the individual meets all of the
12 following conditions:

****NOTE: Section 49.155 (3) requires a county department or agency with which the department contracts under this subsection to administer child care assistance in that geographic region or for that tribal unit. Who, if anyone, should be required to administer child care assistance in a county if DCF does not enter into a contract with the county to make eligibility determinations under this subsection?

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185; 2011 a. 32, 120, 158, 202.

13 **SECTION 2.** 49.155 (3) (intro.) of the statutes is amended to read:

14 49.155 **(3)** CHILD CARE LOCAL ADMINISTRATION. (intro.) Except as provided in sub.
15 (3g), ~~the~~ a county department or agency with which the department contracts under

sub. (1m) to determine eligibility in a particular geographic region or for a particular Indian tribal unit shall administer child care assistance in that geographic region or for that tribal unit. For the administration of child care assistance under this section, the department may require the county department or agency to do all 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; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185; 2011 a. 32, 120, 158, 202.

SECTION 3. 49.155 (3) (c) of the statutes is repealed.

SECTION 4. 49.155 (3g) (intro.) of the statutes is amended to read:

49.155 **(3g)** CHILD CARE ADMINISTRATION IN CERTAIN COUNTIES. (intro.) In a county having a population of ~~500,000~~ 750,000 or more all of the following apply:

****NOTE: This is a technical change to ensure that this subsection will continue to apply only to Milwaukee county after the next census, at which time it is expected that Dane county's population will be greater than 500,000. If this is not consistent with your intent, please let me know. I made a similar change to s. 49.826.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185; 2011 a. 32, 120, 158, 202.

SECTION 5. 49.155 (3g) (b) of the statutes is amended to read:

49.155 **(3g)** (b) The department may establish a child care ~~provider~~ services unit, as provided in s. 49.826, to perform the ~~provider services~~ administrative functions specified in s. 49.826 (2) (a).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185; 2011 a. 32, 120, 158, 202.

SECTION 6. 49.155 (3g) (c) of the statutes is created to read:

49.155 **(3g)** (c) If the department does not contract with the Milwaukee County enrollment services unit, as provided under s. 49.825 (2) (b), the department may perform any of the eligibility and authorization functions described in par. (a).

SECTION 7. 49.155 (3m) (b) 1. of the statutes is amended to read:

49.155 **(3m)** (b) 1. Subject to subds. 2. and 3., the department shall, ~~to the extent practicable,~~ allocate funds to a contract entered into under sub. (1m) for the administration of the program under sub. (3) ~~in the same proportion as the~~

strike

strike

~~geographic region's or Indian tribal unit's proportionate share of all statewide subsidy authorizations and eligibility redeterminations under sub. (3) (e) in the 12–month period before the start of the contract period~~.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185; 2011 a. 32, 120, 158, 202.

SECTION 8. 49.155 (6) (a) of the statutes is amended to read:

49.155 **(6)** (a) ~~Subject to review and approval by the~~ The department~~, each county~~ shall establish the maximum reimbursement rate, on a county by county basis, for licensed child care services provided under this section. ~~A county~~ The department shall set the rate so that at least 75% of the number of places for children within the licensed capacity of all child care providers in ~~that~~ a county can be purchased at or below that maximum rate.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185; 2011 a. 32, 120, 158, 202.

SECTION 9. 49.155 (6) (b) of the statutes is amended to read:

49.155 **(6)** (b) ~~Subject to review and approval by the~~ The department~~, each county~~ shall set a maximum reimbursement rate for Level I certified family child care providers for services provided to eligible individuals under this section. The maximum rate set under this paragraph may not exceed 75% of the rate established under par. (a).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185; 2011 a. 32, 120, 158, 202.

SECTION 10. 49.155 (6) (c) of the statutes is amended to read:

49.155 **(6)** (c) ~~Subject to review and approval by the~~ The department~~, each county~~ shall set a maximum reimbursement rate for Level II certified family child care providers for services provided to eligible individuals under this section. The maximum rate set under this paragraph may not exceed 50% of the rate established under par. (a).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185; 2011 a. 32, 120, 158, 202.

SECTION 11. 49.826 (title) of the statutes is amended to read: no strike

49.826 (title) **Administration of child care ~~provider services~~ in certain counties.**

History: 2009 a. 28, 185; 2011 a. 10.

SECTION 12. 49.826 (1) (a) of the statutes is amended to read:

49.826 **(1)** (a) "County" means a county having a population of ~~500,000~~ 750,000 or more.

History: 2009 a. 28, 185; 2011 a. 10.

SECTION 13. 49.826 (1) (d) of the statutes is amended to read:

49.826 **(1)** (d) "Unit" means the child care ~~provider~~ services unit.

History: 2009 a. 28, 185; 2011 a. 10.

SECTION 14. 49.826 (2) (a) (intro.) of the statutes is amended to read:

49.826 **(2)** (a) (intro.) The department may establish a child care ~~provider~~ services unit under s. 15.02 (3) (c) 3. to perform any of the following administrative functions under the program under s. 49.155 in a county:

History: 2009 a. 28, 185; 2011 a. 10.

SECTION 15. 49.826 (2) (a) 3. of the statutes is repealed.

SECTION 16. 63.03 (2) (r) of the statutes is amended to read:

63.03 **(2)** (r) All staff performing services for the Milwaukee County enrollment services unit under s. 49.825 or for the child care ~~provider~~ services unit under s. 49.826.

History: 1971 c. 154; 1973 c. 12, 63, 262; 1977 c. 27, 323, 433, 447; 1981 c. 329 s. 31; 1985 a. 29 s. 3202 (56); 1985 a. 176; 1989 a. 31, 260, 268; 1991 a. 274; 1993 a. 16; 1995 a. 201; 2001 a. 61; 2009 a. 15, 28.

(END)

Knepp, Fern

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Thursday, November 15, 2012 10:21 AM
To: Knepp, Fern
Cc: Kraus, Jennifer - DOA
Subject: 0423p1

Hi Fern,
Can you please modify this draft to retain only the piece about eliminating the requirement that a county determine maximum reimbursement rates and directing DCF to set the rates?
Thanks,
Katie

State of Wisconsin
2013 - 2014 LEGISLATURE

In 11-19-2012

LRB-0423/P1 /P2
FFK:sac:jf RMR

DOA:.....Major, BB0196 – ~~Administering~~ Reimbursement rates under Wisconsin Shares

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

do not gen

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

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Ins. A

Under current law, DCF may contract with DHS to have the Milwaukee County enrollment services unit perform eligibility and authorization functions for Wisconsin Shares in Milwaukee county. Current law also authorizes DCF to establish its own unit to provide certain administrative services and functions related to Wisconsin Shares in Milwaukee county. In counties other than Milwaukee county, DCF must contract with the county department to determine eligibility for Wisconsin Shares in that county.

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5 members of a particular Indian tribal unit for child care subsidies under this section.
6 If the department does not contract with a county department or agency under this
7 subsection, the department may determine the eligibility of individuals residing in
8 the particular geographic region or who are members of a particular Indian tribal
9 unit for child care subsidies under this section. Under this section, an individual may
10 receive a subsidy for child care for a child who has not attained the age of 13 or, if the
11 child is disabled, who has not attained the age of 19, if the individual meets all of the
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****NOTE: Section 49.155 (3) requires a county department or agency with which the department contracts under this subsection to administer child care assistance in that geographic region or for that tribal unit. Who, if anyone, should be required to administer child care assistance in a county if DCF does not enter into a contract with the county to make eligibility determinations under this subsection?

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14 49.155 **(3)** CHILD CARE LOCAL ADMINISTRATION. (intro.) Except as provided in sub.
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SECTION 4. 49.155 (3g) (intro.) of the statutes is amended to read:

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****NOTE: This is a technical change to ensure that this subsection will continue to apply only to Milwaukee county after the next census, at which time it is expected that Dane county's population will be greater than 500,000. If this is not consistent with your intent, please let me know. I made a similar change to s. 49.826.

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49.155 **(3g)** (c) If the department does not contract with the Milwaukee County enrollment services unit, as provided under s. 49.825 (2) (b), the department may perform any of the eligibility and authorization functions described in par. (a).

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49.155 **(3m)** (b) 1. Subject to subds. 2. and 3., the department shall~~, to the extent practicable,~~ allocate funds to a contract entered into under sub. (1m) for the administration of the program under sub. (3) ~~in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all statewide~~

1 ~~subsidy authorizations and eligibility redeterminations under sub. (3) (e) in the~~
2 ~~12–month period before the start of the contract period~~.

3 **SECTION 8.** 49.155 (6) (a) of the statutes is amended to read:

4 49.155 **(6)** (a) ~~Subject to review and approval by the~~ The department~~, each~~
5 ~~county~~ shall establish the maximum reimbursement rate, on a county by county
6 basis, for licensed child care services provided under this section. ~~A county~~ The
7 department shall set the rate so that at least 75% of the number of places for children
8 within the licensed capacity of all child care providers in ~~that~~ a county can be
9 purchased at or below that maximum rate.

10 **SECTION 9.** 49.155 (6) (b) of the statutes is amended to read:

11 49.155 **(6)** (b) ~~Subject to review and approval by the~~ The department~~, each~~
12 ~~county~~ shall set a maximum reimbursement rate for Level I certified family child
13 care providers for services provided to eligible individuals under this section. The
14 maximum rate set under this paragraph may not exceed 75% of the rate established
15 under par. (a).

16 **SECTION 10.** 49.155 (6) (c) of the statutes is amended to read:

17 49.155 **(6)** (c) ~~Subject to review and approval by the~~ The department~~, each~~
18 ~~county~~ shall set a maximum reimbursement rate for Level II certified family child
19 care providers for services provided to eligible individuals under this section. The
20 maximum rate set under this paragraph may not exceed 50% of the rate established
21 under par. (a).

22 **SECTION 11.** 49.826 (title) of the statutes is amended to read:

23 **49.826** (title) **Administration of child care ~~provider~~ services in certain**
24 **counties.**

25 **SECTION 12.** 49.826 (1) (a) of the statutes is amended to read:

1 49.826 **(1)** (a) "County" means a county having a population of ~~500,000~~ 750,000
2 or more.

3 **SECTION 13.** 49.826 (1) (d) of the statutes is amended to read:

4 49.826 **(1)** (d) "Unit" means the child care ~~provider~~ services unit.

5 **SECTION 14.** 49.826 (2) (a) (intro.) of the statutes is amended to read:

6 49.826 **(2)** (a) (intro.) The department may establish a child care ~~provider~~
7 services unit under s. 15.02 (3) (c) 3. to perform any of the following administrative
8 functions under the program under s. 49.155 in a county:

9 **SECTION 15.** 49.826 (2) (a) 3. of the statutes is repealed.

10 **SECTION 16.** 63.03 (2) (r) of the statutes is amended to read:

11 63.03 **(2)** (r) All staff performing services for the Milwaukee County enrollment
12 services unit under s. 49.825 or for the child care ~~provider~~ services unit under s.
13 49.826.

14 **(END)**

INS A

Under current law, a county determines the maximum reimbursement rates for child care services that are provided under Wisconsin Shares in that county. Under this bill, DCF determines the maximum reimbursement rates in each county for child care services that are provided under Wisconsin Shares.

END INS A

Knepp, Fern

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Tuesday, January 29, 2013 12:47 PM
To: Knepp, Fern
Cc: Kraus, Jennifer - DOA
Subject: RE: 0423

Sorry, one more change to this one...can you also please change the maximum rate at the end of section two to the rates after application of the Youngstar provisions. Thanks Cancelled

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From: Major, Katrina L - DOA
Sent: Tuesday, January 29, 2013 10:54 AM
To: Knepp, Fern - LEGIS
Cc: Kraus, Jennifer - DOA
Subject: 0423

Hi Fern, can you change 0423 on shares reimbursement to remove all references to counties please...eliminate on a county by county basis and in a county. Thanks, k ✓

49.155(6)

State of Wisconsin
2013 - 2014 LEGISLATURE

In 1-30-13

LRB-0423/P2
FFK:sac:rs

DOA:.....Major, BB0196 – Reimbursement rates under Wisconsin Shares

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W–2) program under current law provides work experience and benefits for low–income custodial parents who are at least 18 years old. Additionally, under a W–2 program known as Wisconsin Shares, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, may receive a child care subsidy if the individual needs child care services to participate in various educational or work activities and satisfies other eligibility criteria.

Under current law, a county determines the maximum reimbursement rates for child care services that are provided under Wisconsin Shares in that county. Under this bill, DCF determines the maximum reimbursement rates in each county for child care services that are provided under Wisconsin Shares.

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:

SECTION 1. 49.155 (3) (c) of the statutes is repealed.

SECTION 2. 49.155 (6) (a) of the statutes is amended to read:

49.155 **(6)** (a) ~~Subject to review and approval by the~~ The department~~, each county~~ shall establish the maximum reimbursement rate, on a county by county basis, for licensed child care services provided under this section. ~~A county~~ The department shall set the rate so that at least 75% of the number of places for children within the licensed capacity of all child care providers ~~in that~~ a ~~county~~ can be purchased at or below that maximum rate.

SECTION 3. 49.155 (6) (b) of the statutes is amended to read:

49.155 **(6)** (b) ~~Subject to review and approval by the~~ The department~~, each county~~ shall set a maximum reimbursement rate for Level I certified family child care providers for services provided to eligible individuals under this section. The maximum rate set under this paragraph may not exceed 75% of the rate established under par. (a).

SECTION 4. 49.155 (6) (c) of the statutes is amended to read:

49.155 **(6)** (c) ~~Subject to review and approval by the~~ The department~~, each county~~ shall set a maximum reimbursement rate for Level II certified family child care providers for services provided to eligible individuals under this section. The maximum rate set under this paragraph may not exceed 50% of the rate established under par. (a).

SECTION 5. 49.826 (2) (a) 3. of the statutes is repealed.

(END)

Knepp, Fern

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Wednesday, January 30, 2013 4:28 PM
To: Knepp, Fern
Cc: Kraus, Jennifer - DOA
Subject: RE: Shares reimbursement

Hi Fern,
I'm really sorry because I thought we had finalized this issue last night, but DCF talked to their legal counsel today about how they could include the Youngstar modfications in this language. They came up with the below; will that work from your end? They want to make the rates payment instead of reimbursement which matches with a draft Pam is doing and make them plural because they include all the Youngstar rates, not just the max rate, and then change the end of the sentence to allow for the maximum rate as modified by Youngstar.
Thanks,
Katie

From: Nikolay, Robert A - DCF
Sent: Wednesday, January 30, 2013 1:51 PM
To: Major, Katrina L - DOA
Cc: Kraus, Jennifer - DOA; Mansfield, Mark - DCF; Keys, Randall L - DCF
Subject: RE: Shares reimbursement

Sorry for the various messages on this one. After consulting Mark and Randy, we think we are getting close. We believe the current draft implies that there will be one uniform rate, which will not likely be the case, so we propose making the references to rates plural. Secondly, as we discussed previously, if the 75% standard is to remain, we believe that the standard should include the YoungStar payment levels as a factor in the rates. As a result, we propose to strike the "purchased at or below that maximum rate" in Section 2 and replace it with "purchased by individuals eligible under this section." Finally, which would likely be done in reconciling the drafts, we would change reimbursement rate to payment rate in Sections 2-4. The proposed Section 2 would then read:

> 49.155 **(6)** (a) ~~Subject to review and approval by the~~ The department~~, each county~~ shall establish the maximum ~~reimbursement~~ payment rates for licensed child care services provided under this section. ~~A county~~ The department shall set the rates so that at least 75% of the number of places for children within the licensed capacity of all child care providers ~~in that county~~ can be purchased ~~at or below that maximum rate~~ by individuals eligible under this section.

Bob Nikolay
Budget Director
Wisconsin Department of Children & Families
(608) 261-4349

From: Major, Katrina L - DOA
Sent: Wednesday, January 30, 2013 10:12 AM
To: Nikolay, Robert A - DCF; Mansfield, Mark - DCF
Cc: Kraus, Jennifer - DOA
Subject: shares reimburs

Here's the shares rates draft. After discussing the concept of maximum v Youngstar-adjusted rates, I asked her to leave it at maximum because otherwise it seems circular. If you want that modified, let me know how. k

Telephone call w/ DCF 2-1-13
Bob Nichelay
&
DOA - Katie Mayer

Language in s. 49.155(6)(a) is intentionally ambiguous to allow DCF flexibility to make certain calculations & comply w/ affordability ~~rest~~ requirements under federal law.

State of Wisconsin
2013 – 2014 LEGISLATURE

LRB–0423/P3 /P4
FFK:sac:jf
rmr
+ jld

In 2-1-2013

DOA:.....Major, BB0196 – ~~Reimbursement~~ Payment rates under Wisconsin Shares

FOR 2013–2015 BUDGET — NOT READY FOR INTRODUCTION

LPS- Fix request sheet please

do not gen

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W–2) program under current law provides work experience and benefits for low–income custodial parents who are at least 18 years old. Additionally, under a W–2 program known as Wisconsin Shares, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, may receive a child care subsidy if the individual needs child care services to participate in various educational or work activities and satisfies other eligibility criteria.

Under current law, a county determines the maximum reimbursement rates for child care services that are provided under Wisconsin Shares in that county. Under this bill, DCF determines the maximum reimbursement rates for child care services that are provided under Wisconsin Shares.

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:

SECTION 1. 49.155 (3) (c) of the statutes is repealed.

SECTION 2. 49.155 (6) (a) of the statutes is amended to read:

49.155 **(6)** (a) ~~Subject to review and approval by the~~ The department~~, each county~~ shall establish ~~the~~ maximum ~~reimbursement rate~~ payment rates for licensed child care services provided under this section. ~~A county~~ The department shall set the ~~rate~~ rates so that at least 75% of the number of places for children within the licensed capacity of all child care providers ~~in that county~~ can be purchased ~~at or below that maximum rate~~ by eligible individuals under this section.

SECTION 3. 49.155 (6) (b) of the statutes is amended to read:

49.155 **(6)** (b) ~~Subject to review and approval by the~~ The department~~, each county~~ shall set ~~a~~ maximum ~~reimbursement rate~~ payment rates for Level I certified family child care providers for services provided to eligible individuals under this section. The maximum ~~rate~~ rates set under this paragraph may not exceed 75% of the ~~rate~~ rates established under par. (a).

SECTION 4. 49.155 (6) (c) of the statutes is amended to read:

49.155 **(6)** (c) ~~Subject to review and approval by the~~ The department~~, each county~~ shall set ~~a~~ maximum ~~reimbursement rate~~ payment rates for Level II certified family child care providers for services provided to eligible individuals under this section. The maximum ~~rate~~ rates set under this paragraph may not exceed 50% of the ~~rate~~ rates established under par. (a).

SECTION 5. 49.826 (2) (a) 3. of the statutes is repealed.

(END)

CS

**** NOTE: I did not change "reimbursement" to "payment" in s. 49.155 (6)(e) because that change is included in LRB-0903.

State of Wisconsin
2013 - 2014 LEGISLATURE

LRB-0423/P4
FFK:sac:jf

DOA:.....Major, BB0196 – Payment rates under Wisconsin Shares

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W–2) program under current law provides work experience and benefits for low–income custodial parents who are at least 18 years old. Additionally, under a W–2 program known as Wisconsin Shares, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, may receive a child care subsidy if the individual needs child care services to participate in various educational or work activities and satisfies other eligibility criteria.

Under current law, a county determines the maximum reimbursement rates for child care services that are provided under Wisconsin Shares in that county. Under this bill, DCF determines the maximum rates for child care services that are provided under Wisconsin Shares.

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 (3) (c) of the statutes is repealed.

2 **SECTION 2.** 49.155 (6) (a) of the statutes is amended to read:

3 49.155 **(6)** (a) ~~Subject to review and approval by the~~ The department~~, each~~
4 ~~county~~ shall establish ~~the~~ maximum ~~reimbursement rate~~ payment rates for licensed
5 child care services provided under this section. ~~A county~~ The department shall set
6 the ~~rate~~ rates so that at least 75% of the number of places for children within the
7 licensed capacity of all child care providers ~~in that county~~ can be purchased ~~at or~~
8 ~~below that maximum rate~~ by eligible individuals under this section.

9 **SECTION 3.** 49.155 (6) (b) of the statutes is amended to read:

10 49.155 **(6)** (b) ~~Subject to review and approval by the~~ The department~~, each~~
11 ~~county~~ shall set ~~a~~ maximum ~~reimbursement rate~~ payment rates for Level I certified
12 family child care providers for services provided to eligible individuals under this
13 section. The maximum ~~rate~~ rates set under this paragraph may not exceed 75% of
14 the ~~rate~~ rates established under par. (a).

15 **SECTION 4.** 49.155 (6) (c) of the statutes is amended to read:

16 49.155 **(6)** (c) ~~Subject to review and approval by the~~ The department~~, each~~
17 ~~county~~ shall set ~~a~~ maximum ~~reimbursement rate~~ payment rates for Level II certified
18 family child care providers for services provided to eligible individuals under this
19 section. The maximum ~~rate~~ rates set under this paragraph may not exceed 50% of
20 the ~~rate~~ rates established under par. (a).

****NOTE: I did not change "reimbursement" to "payment" in s. 49.155 (6) (e) because that change is included in LRB–0903.

21 **SECTION 5.** 49.826 (2) (a) 3. of the statutes is repealed.

22 **(END)**