



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4421/1
EHS:cdc

2023 SENATE BILL 487

October 9, 2023 - Introduced by Senators ROYS, AGARD, CARPENTER, HESSELBEIN, L. JOHNSON, LARSON, PFAFF, SMITH, SPREITZER, TAYLOR and WIRCH, cosponsored by Representatives JOERS, JACOBSON, BILLINGS, C. ANDERSON, J. ANDERSON, ANDRACA, BALDEH, BARE, CLANCY, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, GOYKE, HAYWOOD, HONG, MADISON, MCGUIRE, MOORE OMOKUNDE, MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, PALMERI, RATCLIFF, RIEMER, SHANKLAND, SHELTON, SINICKI, SNODGRASS, STUBBS, SUBECK and VINING. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

1 **AN ACT** *to repeal* 49.155 (1g) (i) and 49.155 (6) (e) 2.; *to amend* 49.155 (6) (e) 3.
2 (intro.); and *to create* 20.437 (2) (c), 20.437 (2) (d), 49.132, 49.133 and 49.155
3 (1g) (j) of the statutes; **relating to:** a Department of Children and Families
4 program to make payments to child care programs, a child care partnership
5 grant program, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill authorizes the Department of Children and Families to establish a program for making monthly payments and monthly per-child payments to certified child care providers, licensed child care centers, and child care programs established or contracted for by a school board. This new payment program is in addition to the current law system for providing child care payments under Wisconsin Shares. The bill allows DCF to promulgate rules to implement the program, including establishing eligibility requirements and payment amounts and setting requirements for how recipients may use the payments. The bill funds the program through a new appropriation and by allocating federal moneys, including child care development funds and moneys received under the Temporary Assistance for Needy Families block grant program. To accomplish this, the bill eliminates a current law allocation of TANF funding for increasing Wisconsin Shares maximum payment rates paid to child care providers on the basis of a provider's quality rating, known as YoungStar.

This bill also authorizes DCF to establish a grant program to award funding to businesses that provide or wish to provide child care services for their employees.

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The bill allows such a grant to be used to reserve child care placements for local business employees, pay child care tuition, and other costs related to child care. Under the bill, a grant recipient must provide at least 25 percent matching funds. The bill allows DCF to promulgate rules to administer the grant program, including to determine eligibility for a grant.

For further information see the state 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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

			2023-24	2024-25
3 20.437 Children and families, department of				
4 (2) ECONOMIC SUPPORT				
5 (c) Child care quality improvement				
6 program	GPR	A	81,389,400	222,719,300
7 (d) Child care partnership grant				
8 program	GPR	A	11,198,000	11,198,000

9 **SECTION 2.** 20.437 (2) (c) of the statutes is created to read:
10 20.437 (2) (c) *Child care quality improvement program.* The amounts in the
11 schedule for the program under s. 49.133.

12 **SECTION 3.** 20.437 (2) (d) of the statutes is created to read:
13 20.437 (2) (d) *Child care partnership grant program.* The amounts in the
14 schedule for the grants under s. 49.132.

15 **SECTION 4.** 49.132 of the statutes is created to read:

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1 **49.132 Child care partnership grant program.** (1) In this section,
2 “business” means any organization or enterprise operated for profit or a nonprofit
3 corporation. “Business” does not include a governmental entity.

4 (2) The department may establish a grant program to award funding to
5 businesses that provide or wish to provide child care services for their employees.
6 A grant awarded under this program may be used to reserve child care placements
7 for local business employees, pay child care tuition, and other costs related to child
8 care.

9 (3) A business awarded a grant under this section shall provide matching funds
10 equal to 25 percent or more of the amount awarded.

11 (4) The department may promulgate rules to administer this section, including
12 to determine eligibility for a grant.

13 **SECTION 5.** 49.133 of the statutes is created to read:

14 **49.133 Child care quality improvement program.** (1) The department
15 may establish a program under which it may, from the appropriation under s. 20.437
16 (2) (c) and the allocation under s. 49.155 (1g), make monthly payments and monthly
17 per-child payments to child care providers certified under s. 48.651, child care
18 centers licensed under s. 48.65, and child care programs established or contracted
19 for by a school board under s. 120.13 (14).

20 (2) The department may promulgate rules to implement the program under
21 this section, including establishing eligibility requirements and payment amounts
22 and setting requirements for how recipients may use the payments.

23 **SECTION 6.** 49.155 (1g) (i) of the statutes, as created by 2023 Wisconsin Act 19,
24 is repealed.

25 **SECTION 7.** 49.155 (1g) (j) of the statutes is created to read:

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1 49.155 (1g) (j) The child care quality improvement program under s. 49.133.

2 **SECTION 8.** 49.155 (6) (e) 2. of the statutes is repealed.

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

4 49.155 (6) (e) 3. (intro.) The department may modify a child care provider's
 5 maximum payment rate under ~~subd. 2.~~ pars. (a) to (c) on the basis of the provider's
 6 quality rating, as described in the quality rating plan, in the following manner:

7 **SECTION 9106. Nonstatutory provisions; Children and Families.**

8 (1) CHILD CARE QUALITY IMPROVEMENT PROGRAM.

9 (a) Using the procedure under s. 227.24, the department of children and
 10 families may promulgate the rules authorized under s. 49.133 (2) as emergency
 11 rules. Notwithstanding s. 227.24 (1) (a) and (3), the department of children and
 12 families is not required to provide evidence that promulgating a rule under this
 13 subsection as an emergency rule is necessary for the preservation of the public peace,
 14 health, safety, or welfare and is not required to provide a finding of emergency for a
 15 rule promulgated under this subsection.

16 (b) The authorized FTE positions for the department of children and families
 17 are increased by 1.0 GPR, to be funded from the appropriation under s. 20.437 (2) (c),
 18 for the purpose of administering the child care quality improvement program under
 19 s. 49.133.

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(END)