

2001 ASSEMBLY BILL 645

November 27, 2001 – Introduced by Representatives RHOADES, GRONEMUS, RYBA, LADWIG, BALOW, SINICKI, LIPPERT, OWENS, WARD, OLSEN, SYKORA, ALBERS, PETROWSKI, VRAKAS and STONE, cosponsored by Senators ERPENBACH, HARSDORF, DARLING, SCHULTZ, PLACHE and HUELSMAN. Referred to Committee on Personal Privacy.

1 **AN ACT** *to renumber and amend* 49.1375 (2) and 120.13 (14); *to amend* 48.66
2 (2) and 48.66 (5); and *to create* 48.65 (1m), 48.651 (1m), 49.136 (6m), 49.137
3 (5m), 49.1375 (2) (b) and 120.13 (14) (b) of the statutes; **relating to:** publication
4 of the street address of a person who provides day care in the person's home.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS) may license a person to operate a day care center, a county department of human services or social services (county department) may certify a day care provider for reimbursement under the Wisconsin works program, and a school board may contract for the provision of day care programs for children. In addition, the department of workforce development (DWD) may provide a child care start-up and expansion grant, a child care staff retention grant, a child care quality improvement grant, or an early childhood excellence initiative grant to an applying child care provider. Currently, information obtained in the process of licensing a person to operate a day care center, certifying a day care provider for reimbursement under the Wisconsin works program, contracting with a person to provide a day care program, and providing a grant to a child care provider is subject to disclosure under the open records law.

This bill prohibits DHFS, DWD, a county department, or a school board from including in any list or directory of day care providers published by DHFS, DWD, the county department, or the school board the street address of a person who provides

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day care in the person's home unless the person authorizes the person's street address to be so published.

The bill, however, specifically does not prohibit DHFS, DWD, a county department, or a school board from disclosing the person's street address to any person in response to that person's request under the open records law to inspect and copy the records of DHFS, DWD, the county department, or the school board, to a federal, state, or local governmental agency or a contractor of such an agency for purposes of permitting that agency or contractor to perform a legally authorized function, or to any other person as necessary for DHFS or the county department to regulate and license or certify day care providers, for DWD to administer its grant programs, or for the school board to provide day care programs for children. Under the bill, a federal, state, or local governmental agency or contractor that receives the street address of an in-home day care provider who has not authorized publication of the person's street address may not further disclose the street address to any person except for purposes of performing the legally authorized function for which the street address was disclosed to the agency or contractor.

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.** 48.65 (1m) of the statutes is created to read:

2 48.65 **(1m)** The department may not include in any list or directory of day care
3 centers published by the department the street address of a person who operates a
4 day care center in the person's home unless the person authorizes on the form
5 provided under s. 48.66 (2) or (5) the person's street address to be so published. This
6 subsection does not prohibit the department from disclosing the person's street
7 address to any person in response to that person's request under s. 19.35 (1) to inspect
8 and copy the records of the department, to a federal, state, or local governmental
9 agency or a contractor of such an agency for purposes of permitting that agency or
10 contractor to perform a legally authorized function, or to any other person as
11 necessary for the department to perform its function of regulating and licensing day
12 care centers. A federal, state, or local governmental agency or contractor that

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1 receives the street address of a person who has not authorized publication of the
2 person's street address under this subsection may not disclose that information to
3 any person except for purposes of performing the legally authorized function for
4 which that information was disclosed to the agency or contractor.

5 **SECTION 2.** 48.651 (1m) of the statutes is created to read:

6 48.651 **(1m)** The department of workforce development shall provide an
7 application form for a person applying for certification or recertification as a day care
8 provider under sub. (1). The form shall include a place at which a person who intends
9 to provide day care in the person's home may authorize the person's street address
10 to be published in any list or directory of day care providers published by the county
11 department. A county department may not include in any list or directory of day care
12 providers published by the county department the street address of a person who
13 provides day care in the person's home unless the person authorizes on the
14 application form the person's street address to be so published. This subsection does
15 not prohibit the county department from disclosing the person's street address to any
16 person in response to that person's request under s. 19.35 (1) to inspect and copy the
17 records of the county department, to a federal, state, or local governmental agency
18 or a contractor of such an agency for purposes of permitting that agency or contractor
19 to perform a legally authorized function or to any other person as necessary for the
20 county department to perform its function of regulating and certifying day care
21 providers. A federal, state, or local governmental agency or contractor that receives
22 the street address of a person who has not authorized publication of the person's
23 street address under this subsection may not disclose that information to any person
24 except for purposes of performing the legally authorized function for which that
25 information was disclosed to the agency or contractor.

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1 **SECTION 3.** 48.66 (2) of the statutes is amended to read:

2 48.66 **(2)** The department shall prescribe application forms to be used by all
3 applicants for licenses from it. The application forms prescribed by the department
4 shall require that the social security numbers of all applicants for a license to operate
5 a child welfare agency, group home, shelter care facility or day care center who are
6 individuals, other than an individual who does not have a social security number and
7 who submits a statement made or subscribed under oath or affirmation as required
8 under sub. (2m) (a) 2., be provided and that the federal employer identification
9 numbers of all applicants for a license to operate a child welfare agency, group home,
10 shelter care facility or day care center who are not individuals be provided. The
11 application form prescribed by the department to be used by an applicant for
12 licensure to operate a day care center shall include a place at which an applicant who
13 intends to operate the day care center in the person's home may authorize the
14 applicant's street address to be published as provided in s. 48.65 (1m).

15 **SECTION 4.** 48.66 (5) of the statutes is amended to read:

16 48.66 **(5)** A child welfare agency, group home, day care center or shelter care
17 facility license, other than a probationary license, is valid until revoked or
18 suspended, but shall be reviewed every 2 years after the date of issuance as provided
19 in this subsection. At least 30 days prior to the continuation date of the license, the
20 licensee shall submit to the department an application for continuance of the license
21 in the form and containing the information that the department requires. The
22 application form required by the department to be used by an applicant for
23 continuance of a license to operate a day care center shall include a place at which
24 an applicant who operates the day care center in the person's home may authorize
25 the applicant's street address to be published as provided in s. 48.65 (1m). If the

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1 minimum requirements for a license established under s. 48.67 are met, the
2 application is approved, the applicable fees referred to in ss. 48.68 (1) and 48.685 (8)
3 are paid and any forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is
4 due is paid, the department shall continue the license for an additional 2-year
5 period, unless sooner suspended or revoked. If the application is not timely filed, the
6 department shall issue a warning to the licensee. If the licensee fails to apply for
7 continuance of the license within 30 days after receipt of the warning, the
8 department may revoke the license as provided in s. 48.715 (4) and (4m) (b).

9 **SECTION 5.** 49.136 (6m) of the statutes is created to read:

10 49.136 **(6m)** NONDISCLOSURE OF INFORMATION. The department shall provide a
11 grant application form for a person applying for a grant under sub. (2). The form
12 shall include a place at which a person who provides day care in the person's home
13 may authorize the person's street address to be published in any list or directory of
14 child care providers published by the department the street address of a person who
15 provides day care in the person's home unless the person authorizes on the
16 application form the person's street address to be so published. The department may
17 not include in any list or directory of child care providers published by the
18 department. This subsection does not prohibit the department from disclosing the
19 person's street address to any person in response to that person's request under s.
20 19.35 (1) to inspect and copy the records of the department, to a federal, state, or local
21 governmental agency or a contractor of such an agency for purposes of permitting
22 that agency or contractor to perform a legally authorized function, or to any other
23 person as necessary for the department to administer the grant program under this
24 section. A federal, state, or local governmental agency or contractor that receives the
25 street address of a person who has not authorized publication of the person's street

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1 address under this subsection may not disclose that information to any person except
2 for purposes of performing the legally authorized function for which that information
3 was disclosed to the agency or contractor.

4 **SECTION 6.** 49.137 (5m) of the statutes is created to read:

5 49.137 **(5m)** NONDISCLOSURE OF INFORMATION. The department shall provide a
6 grant application form for a person applying for a grant under sub. (2) or (3). The
7 form shall include a place at which a person who provides day care in the person's
8 home may authorize the person's street address to be published in any list or
9 directory of child care providers published by the department. The department may
10 not include in any list or directory of child care providers published by the
11 department the street address of a person who provides day care in the person's home
12 unless the person authorizes on the application form the person's street address to
13 be so published. This subsection does not prohibit the department from disclosing
14 the person's street address to any person in response to that person's request under
15 s. 19.35 (1) to inspect and copy the records of the department, to a federal, state, or
16 local governmental agency or a contractor of such an agency for purposes of
17 permitting that agency or contractor to perform a legally authorized function, or to
18 any other person as necessary for the department to administer the grant programs
19 under subs. (2) and (3). A federal, state, or local governmental agency or contractor
20 that receives the street address of a person who has not authorized publication of the
21 person's street address under this subsection may not disclose that information to
22 any person except for purposes of performing the legally authorized function for
23 which that information was disclosed to the agency or contractor.

24 **SECTION 7.** 49.1375 (2) of the statutes is renumbered 49.1375 (2) (a) and
25 amended to read:

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1 49.1375 (2) (a) The department shall establish a grant program under which
2 a child care provider that receives training at a center that is awarded a grant under
3 sub. (1) may apply for a grant to establish an early childhood program that serves
4 children specified under sub. (1). The program developed under a grant received
5 under this ~~subsection~~ paragraph shall emphasize stimulation of the children's
6 language skills and senses of vision and touch. A person who is awarded a grant
7 under this ~~subsection~~ paragraph shall contribute matching funds from local or
8 private sources equal to 25% of the amount awarded under this ~~subsection~~
9 paragraph.

10 **SECTION 8.** 49.1375 (2) (b) of the statutes is created to read:

11 49.1375 (2) (b) The department shall provide a grant application form for a
12 person applying for a grant under par. (a). The form shall include a place at which
13 a person who provides day care in the person's home may authorize the person's
14 street address to be published in any list or directory of child care providers
15 published by the department. The department may not include in any list or
16 directory of child care providers published by the department the street address of
17 a person who provides day care in the person's home unless the person authorizes
18 on the application form the person's street address to be so published. This
19 subsection does not prohibit the department from disclosing the person's street
20 address to any person in response to that person's request under s. 19.35 (1) to inspect
21 and copy the records of the department, to a federal, state, or local governmental
22 agency or a contractor of such an agency for purposes of permitting that agency or
23 contractor to perform a legally authorized function, or to any other person as
24 necessary for the department to administer the grant programs under subs. (2) and
25 (3). A federal, state, or local governmental agency or contractor that receives the

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1 street address of a person who has not authorized publication of the person's street
2 address under this subsection may not disclose that information to any person except
3 for purposes of performing the legally authorized function for which that information
4 was disclosed to the agency or contractor.

5 **SECTION 9.** 120.13 (14) of the statutes is renumbered 120.13 (14) (a) and
6 amended to read:

7 120.13 (14) (a) Establish and provide or contract for the provision of day care
8 programs for children. The school board may receive federal or state funds for this
9 purpose. The school board may charge a fee for all or part of the cost of the service
10 for participation in a day care program established under this subsection paragraph.
11 Costs associated with a day care program under this subsection paragraph may not
12 be included in shared costs under s. 121.07 (6). Day care programs established under
13 this subsection paragraph shall meet the standards for licensed day care centers
14 established by the department of health and family services. If a school board
15 proposes to contract for or renew a contract for the provision of a day care program
16 under this subsection paragraph or if on July 1, 1996, a school board is a party to a
17 contract for the provision of a day care program under this subsection paragraph, the
18 school board shall refer the contractor or proposed contractor to the department of
19 health and family services for the criminal history and child abuse record search
20 required under s. 48.685. Each school board shall provide the department of health
21 and family services with information about each person who is denied a contract for
22 a reason specified in s. 48.685 (4m) (a) 1. to 5.

23 **SECTION 10.** 120.13 (14) (b) of the statutes is created to read:

24 120.13 (14) (b) The school board shall provide a contract form for a person
25 proposing to contract or to renew a contract under par. (a). The form shall include

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1 a place at which a person who provides a day care program in the person's home may
2 authorize the person's street address to be published in any list or directory of day
3 care programs published by the school board. The school board may not include in
4 any list or directory of day care programs published by the school board the street
5 address of a person who provides a day care program in the person's home unless the
6 person authorizes on the contract form the person's street address to be so published.
7 This paragraph does not prohibit the school board from disclosing the person's street
8 address to any person in response to that person's request under s. 19.35 (1) to inspect
9 and copy the records of the school board, to a federal, state, or local governmental
10 agency or a contractor of such an agency for purposes of permitting that agency or
11 contractor to perform a legally authorized function, or to any other person as
12 necessary for the department to provide day care programs for children under par.
13 (a). A federal, state, or local governmental agency or contractor that receives the
14 street address of a person who has not authorized publication of the person's street
15 address under this paragraph may not disclose that information to any person except
16 for purposes of performing the legally authorized function for which that information
17 was disclosed to the agency or contractor.

18 (END)