



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1302/4

ISR:jld&cmh: [initials]

RMR [initials]

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

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

[Handwritten signature]

-only change is on p. 6

DO NOT GEN

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 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.

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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
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:

1 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
2 \$8,012,500 ~~\$25,119,800~~ in fiscal year ~~1999-2000~~ 2001-02 and \$7,412,500
3 \$16,226,300 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
8 s. 49.137 (3) to assist child care providers in meeting the quality of care standards
9 established under sub. (1d), and for a system of rates or a program of grants, as
10 provided under sub. (1d), to reimburse child care providers that meet those quality
11 of care standards and for grants under s. 49.137 (2) and (4m) and contracts under s.
12 49.137 (4) to improve the quality of child day care services in this state.

13 **SECTION 3.** 49.155 (1g) (c) of the statutes is amended to read:

14 49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer
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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:

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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:

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13 child's biological or adoptive family has a gross income that is at or below 200% of the
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15 family, the Wisconsin works agency shall include income described under s. 49.145
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17 **SECTION 8.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

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19 care for the child under a court order, and is receiving payments under s. 48.57 (3m)
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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:

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

* Pu Robert Blaine, DOA 1/31/01

New Sections

Ref.	Title	SFY02	SFY03
	Local pass-through grant program	17,495,000	17,481,100

Sager-Rosenthal, Ivy

From: Blaine, Robert
Sent: Thursday, February 01, 2001 2:11 PM
To: Sager-Rosenthal, Ivy
Subject: child care allocations under 49.155

I have the final child care allocations for draft 1302.

p. 3, l. 2: the amount should be **\$29,199,300** (not 25,119,800)

p. 3, l. 3: the amount should be **\$29,185,400** (not 16,226,300)

p. 3, l. 15: the amounts should be **\$4,549,500** in 2001-02 and **\$4,733,700** in 2002-03 (not 4,007,400 in each year).

p. 6, l. 17: the amounts should be **\$17,495,000 in 2001-02 and \$17,481,100 in 2002-03** (not \$17,694,200 in each year)

Thanks,
Robert



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1302/5

ISR:jld&cmh&wlj:p&A

RMR

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FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Seem

Eds:
only change
on p. 6 & p. 3

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

Malaise, Gordon

From: Fossum, Gretchen
Sent: Monday, February 05, 2001 9:22 AM
To: Malaise, Gordon
Subject: LRB 0489/4

Gordon:

The elimination of the reference to s. 20.435(8)(kx) should be retained in either draft 1302 or draft 0489, whichever is easier.

Gretchen A. Fossum
State Budget Office
February 5, 2001



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

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Today
DNOTE

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HEALTH AND HUMAN SERVICES

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✓ Insert A

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23 income described under s. 49.145 (3) (b) 1. and 3.

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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:

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

3 **SECTION 13.** 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 the children of Wisconsin works participants and applicants.

10 **SECTION 14.** 49.155 (3m) (d) of the statutes is amended to read:

11 49.155 (3m) (d) No funds distributed under par. (a) may be used ~~to provide for~~
12 child care services that are provided for a child by a person child care provider who
13 is the parent of the child or who resides with the child, unless the county determines
14 that the care is necessary because of a special health condition of the child.

15 **SECTION 15.** 49.175 (1) (qm) of the statutes is created to read:

16 49.175 (1) (qm) *Local pass-through grant program.* For the local pass-through
17 grant program under s. 49.137 (4m), \$17,495,000 in fiscal year 2001–02 and
18 \$17,481,100 in fiscal year 2002–03.

19 **SECTION 9358. Initial applicability; workforce development.**

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

24

(END)

INS 6/23

Insert 6-23

SECTION 9458. Effective dates; workforce development. ✓

(1) DAY CARE CENTER LICENSING. ✓ The treatment of section 20.445 (3) (mc) (by SECTION ② of the statutes takes effect on January 6, 2003. ✓

autorefer A
from INS 2-1

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/7ins
ISR:.....

Insert 2-1

SECTION 1. 20.445 (3) (mc)^X of the statutes is amended to read:

20.445 (3) (mc) *Federal block grant operations.* The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for the purposes of operating and administering the block grant programs for which the block grant moneys are received and transferring moneys to the appropriation accounts under ss. 20.435 (3) (kx), and (6) (kx)[✓] ~~and (8) (kx)~~ and 20.525 (1) (kb) and (kf). All block grant moneys received for these purposes from the federal government or any of its agencies for the state administration of federal block grants shall be credited to this appropriation account.

NOTE: NOTE. Par. (mc) is amended eff. 1-6-03 by 1999 Wis. Act 9 to read:NOTE:

(mc) *Federal block grant operations.* The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for the purposes of operating and administering the block grant programs for which the block grant moneys are received and transferring moneys to the appropriation accounts under ss. 20.435 (3) (kx), (6) (kx) and (8) (kx) and 20.525 (1) (kb) and (kf). All block grant moneys received for these purposes from the federal government or any of its agencies for the state administration of federal block grants shall be credited to this appropriation account.

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8, 1983 a. 27 ss. 411 to 425, 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 723, 797 a. 35, 38, 39, 105, 112, 191, 233, 236, 237, 252; 1999 a. 9 ss. 270, 458 to 478; 1999 a. 15, 32.

SECTION 2. 20.445 (3) (mc) of the statutes, as affected by 1999 Wisconsin Act 9, section 474ac,[✓] is amended to read:

auto
ref A
to eff date

20.445 (3) (mc) *Federal block grant operations.* The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for the purposes of operating and administering the block grant programs for which the block grant moneys are received and transferring moneys to the appropriation accounts under ss. 20.435 (3) (kx), and (6) (kx)[✓] ~~and (8) (kx)~~ and 20.525 (1) (kf). All block grant moneys received for these purposes from the federal government or any of its agencies for the state administration of federal block grants shall be credited to this appropriation account.



DOA:.....Fossum - Community programs technical changes
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Insert A

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

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DWD receives federal child care and development block grant moneys and is required to transfer certain amounts of those moneys to DHFS for purposes of day care center licensing. This bill sets those amounts for fiscal years 2001-02 and 2002-03.

ALCOHOL AND OTHER DRUG ABUSE

Under current law, DHFS distributes grants for community programs, including grants for the provision of alcohol and other drug abuse treatment services in Milwaukee County (substance abuse grants). Current law requires the difference between the amount allocated for substance abuse grants in fiscal year 1999-2000 and the amount expended for those grants in that fiscal year to be transferred to DWD's appropriation for Wisconsin works administration and benefits at the end of that fiscal year. This bill eliminates that transfer requirement.

OTHER HEALTH AND HUMAN SERVICES

Under current law, DWD is required to award a grant of \$25,000 in fiscal year 1999-2000 and a grant of \$50,000 in each fiscal year thereafter to the Wisconsin Coalition Against Domestic Violence for the cost of a staff person to provide assistance in obtaining legal services to domestic abuse victims. This bill eliminates that requirement for fiscal year 1999-2000.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/7dn

ISR:K:...

JLd

Robert Blaine and Gretchen Fossum:

This draft now includes the provisions relating to the elimination of the transfer of child care moneys for day care center licensing that were originally in LRB-0489/3. ✓

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/7dn
ISR:jld:jf

February 5, 2001

Robert Blaine and Gretchen Fossum:

This draft now includes the provisions relating to the elimination of the transfer of child care moneys for day care center licensing that were originally in LRB-0489/3.

Ivy G. Sager-Rosenthal
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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1302/78

ISR:jld/cmh/wlj:jjf

8
RMR

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

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

NOTE

Do not gen

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DWD receives federal child care and development block grant moneys and is required to transfer certain amounts of those moneys to DHFS for purposes of day care center licensing. This bill sets those amounts for fiscal years 2001-02 and 2002-03.

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.** 20.445 (3) (mc) of the statutes is amended to read:

2 20.445 (3) (mc) *Federal block grant operations.* The amounts in the schedule,
3 less the amounts withheld under s. 49.143 (3), for the purposes of operating and
4 administering the block grant programs for which the block grant moneys are
5 received and transferring moneys to the appropriation accounts under ss. 20.435 (3)

1 (~~kk~~), and (6) (kk) and (8) (kk) and 20.525 (1) (kb) and (kf). All block grant moneys
2 received for these purposes from the federal government or any of its agencies for the
3 state administration of federal block grants shall be credited to this appropriation
4 account.

5 **SECTION 2.** 20.445 (3) (mc) of the statutes, as affected by 1999 Wisconsin Act
6 9, section 474ac, is amended to read:

7 20.445 (3) (mc) *Federal block grant operations.* The amounts in the schedule,
8 less the amounts withheld under s. 49.143 (3), for the purposes of operating and
9 administering the block grant programs for which the block grant moneys are
10 received and transferring moneys to the appropriation accounts under ss. 20.435 (3)
11 (~~kk~~), and (6) (kk) and (8) (kk) and 20.525 (1) (kf). All block grant moneys received for
12 these purposes from the federal government or any of its agencies for the state
13 administration of federal block grants shall be credited to this appropriation
14 account.

15 **SECTION 3.** 49.137 (4m) of the statutes is created to read:

16 49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. The department shall award
17 grants to local governments and tribal governing bodies for programs to improve the
18 quality of child care. The department shall promulgate rules to administer the grant
19 program, including rules that specify the eligibility criteria and procedures for
20 awarding the grants.

21 **SECTION 4.** 49.155 (1g) (b) of the statutes is amended to read:

22 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
23 ~~\$8,012,500~~ \$29,199,300 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$7,412,500~~
24 \$29,185,400 in fiscal year ~~2000-01~~ 2002-03 for the purposes of providing technical
25 assistance for child care providers and of administering the child care program under

1 this section and for grants under s. 49.136 (2) for the start-up and expansion of child
2 day care services, and for child day care start-up and expansion planning, for grants
3 under s. 49.134 (2) for child day care resource and referral services, for grants under
4 s. 49.137 (3) to assist child care providers in meeting the quality of care standards
5 established under sub. (1d), and for a system of rates or a program of grants, as
6 provided under sub. (1d), to reimburse child care providers that meet those quality
7 of care standards and for grants under s. 49.137 (2) and (4m) and contracts under s.
8 49.137 (4) to improve the quality of child day care services in this state.

9 **SECTION 5.** 49.155 (1g) (c) of the statutes is amended to read:

10 49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer
11 ~~\$3,596,900~~ \$4,549,500 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$3,745,200~~ \$4,733,700
12 in fiscal year ~~2000-01~~ 2002-03 to the appropriation under s. 20.435 (3) (kx), and
13 transfer ~~\$20,700 in fiscal year 1999-2000 and \$27,700 in fiscal year 2000-01~~ to the
14 appropriation under s. 20.435 (8) (kx), for the purpose of day care center licensing
15 under s. 48.65.

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

17 49.155 (1m) (bm) If the individual is providing care for a child under a court
18 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n), or
19 if the individual is a foster parent or treatment foster parent, and child care is needed
20 for that child, the individual meets the requirement under s. 49.145 (2) (c).

21 **SECTION 7.** 49.155 (1m) (c) (intro.) of the statutes is repealed.

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

23 49.155 (1m) (c) 1. (intro.) The Except as provided in subds. 1g., 1h., 1m., 2., and
24 3., the gross income of the individual's family is at or below 185% of the poverty line
25 for a family the size of the individual's family or, for an individual who is already

1 receiving a child care subsidy under this section, the gross income of the individual's
2 family is at or below 200% of the poverty line for a family the size of the individual's
3 family. In calculating the gross income of the family, the Wisconsin works agency
4 shall include income described under s. 49.145 (3) (b) 1. and 3., except that, in
5 calculating farm and self-employment income, the Wisconsin works agency shall
6 include the sum of the following:

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

8 49.155 (1m) (c) 1g. ~~The~~ If the individual is a foster parent of the child ~~and,~~ the
9 child's biological or adoptive family has a gross income that is at or below 200% of the
10 poverty line. In calculating the gross income of the child's biological or adoptive
11 family, the Wisconsin works agency shall include income described under s. 49.145
12 (3) (b) 1. and 3.

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

14 49.155 (1m) (c) 1h. ~~The~~ If the individual is a relative of the child, is providing
15 care for the child under a court order, and is receiving payments under s. 48.57 (3m)
16 or (3n) on behalf of the child ~~and,~~ the child's biological or adoptive family has a gross
17 income that is at or below 200% of the poverty line. In calculating the gross income
18 of the child's biological or adoptive family, the Wisconsin works agency shall include
19 income described under s. 49.145 (3) (b) 1. and 3.

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

21 49.155 (1m) (c) 1m. ~~The~~ If the individual was eligible under s. 49.132 (4) (a),
22 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
23 stats., on September 30, 1997, but lost aid solely because of the application of s.
24 49.132 (6), 1995 stats., ~~and~~ the gross income of the individual's family is at or below
25 200% of the poverty line for a family the size of the individual's family. This

1 subdivision does not apply to an individual whose family's gross income at any time
2 on or after September 30, 1997, is more than 200% of the poverty line for a family the
3 size of the individual's family.

4 **SECTION 12.** 49.155 (1m) (c) 2. of the statutes is amended to read:

5 49.155 (1m) (c) 2. ~~The~~ If the individual was eligible under s. 49.132 (4) (am),
6 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
7 stats., on or after May 10, 1996, but lost eligibility solely because of increased
8 income, ~~and~~ the gross income of the individual's family is at or below 200% of the
9 poverty line for a family the size of the individual's family. This subdivision does not
10 apply to an individual whose family's gross income increased to more than 200% of
11 the poverty line for a family the size of the individual's family.

12 **SECTION 13.** 49.155 (1m) (c) 3. of the statutes is amended to read:

13 49.155 (1m) (c) 3. ~~The~~ If the individual was eligible for a child care subsidy
14 under s. 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care
15 subsidy on or after May 10, 1996, but lost the subsidy solely because of increased
16 income, ~~and~~ the gross income of the individual's family is at or below 200% of the
17 poverty line for a family the size of the individual's family. This subdivision does not
18 apply to an individual whose family's gross income increased to more than 200% of
19 the poverty line for a family the size of the individual's family.

20 **SECTION 14.** 49.155 (3m) (title) of the statutes is amended to read:

21 49.155 (3m) (title) DISTRIBUTION OF CHILD CARE FUNDS TO COUNTIES, WISCONSIN
22 WORKS AGENCIES, AND CERTAIN CHILD CARE PROVIDERS.

23 **SECTION 15.** 49.155 (3m) (a) of the statutes is amended to read:

24 49.155 (3m) (a) The department shall reimburse child care providers or shall
25 distribute funds to county departments under s. 46.215, 46.22 or 46.23 for child care

1 services provided under this section and to private nonprofit agencies that provide
2 child care for children of migrant workers. The department may reimburse a
3 Wisconsin works agency for child care that the Wisconsin works agency provides to
4 the children of Wisconsin works participants and applicants.

5 **SECTION 16.** 49.155 (3m) (d) of the statutes is amended to read:

6 49.155 (3m) (d) No funds distributed under par. (a) may be used to provide for
7 child care services that are provided for a child by a person child care provider who
8 is the parent of the child or who resides with the child, unless the county determines
9 that the care is necessary because of a special health condition of the child.

10 **SECTION 17.** 49.175 (1) (qm) of the statutes is created to read:

11 49.175 (1) (qm) *Local pass-through grant program.* For the local pass-through
12 grant program under s. 49.137 (4m), \$17,495,000 in fiscal year 2001-02 and
13 \$17,481,100 in fiscal year 2002-03.

14 **SECTION 9358. Initial applicability; workforce development.**

15 (1) WISCONSIN WORKS CHILD CARE SUBSIDY. ^{eligibility (cs)} The treatment of section 49.155 (1m)
16 ~~and~~ (c) (intro.), 1. (intro.), 1g., 1h., 1m., 2., and 3. ~~and~~ (3m) (d) of the statutes
17 first applies to eligibility determinations for the Wisconsin works child care subsidy
18 made on the effective date of this subsection.

19 **SECTION 9458. Effective dates; workforce development.**

20 (1) DAY CARE CENTER LICENSING. The treatment of section 20.445 (3) (mc) (by
21 SECTION 2) of the statutes takes effect on January 6, 2003.

22 (END)

3
Wisconsin works child care funds. The treatment
of section 49.155(3m)(d) of the statute first applies
to child care funds distributed on the effective
date of this subsection.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/8dn

ISR:.....

JLD

Robert Blaine:

This draft reconciles LRB-0441, LRB-1302, and LRB-1303. All of these drafts should continue to appear in the compiled bill.

The draft also contains the changes ^{that} we discussed to the initial applicability section.

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

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1302/8dn
ISR:jld:rs

February 7, 2001

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This draft reconciles LRB-0441, LRB-1302, and LRB-1303. All of these drafts should continue to appear in the compiled bill.

The draft also contains the changes to the initial applicability section that we discussed.

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

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1302/8
ISR:jld/cmh/wlj:rs

DOA:.....Blaine – W-2 child care eligibility and child care funding

FOR 2001-03 BUDGET NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DWD receives federal child care and development block grant moneys and is required to transfer certain amounts of those moneys to DHFS for purposes of day care center licensing. This bill sets those amounts for fiscal years 2001-02 and 2002-03.

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

1 program, including rules that specify the eligibility criteria and procedures for
2 awarding the grants.

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

4 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
5 ~~\$8,012,500~~ \$29,199,300 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$7,412,500~~
6 \$29,185,400 in fiscal year ~~2000-01~~ 2002-03 for the purposes of providing technical
7 assistance for child care providers and of administering the child care program under
8 this section and for grants under s. 49.136 (2) for the start-up and expansion of child
9 day care services, and for child day care start-up and expansion planning, for grants
10 under s. 49.134 (2) for child day care resource and referral services, for grants under
11 s. 49.137 (3) to assist child care providers in meeting the quality of care standards
12 established under sub. (1d), and for a system of rates or a program of grants, as
13 provided under sub. (1d), to reimburse child care providers that meet those quality
14 of care standards and for grants under s. 49.137 (2) and (4m) and contracts under s.
15 49.137 (4) to improve the quality of child day care services in this state.

16 **SECTION 3.** 49.155 (1g) (c) of the statutes is amended to read:

17 49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer
18 ~~\$3,596,900~~ \$4,549,500 in fiscal year ~~1999-2000~~ 2001-02 and ~~\$3,745,200~~ \$4,733,700
19 in fiscal year ~~2000-01~~ 2002-03 to the appropriation under s. 20.435 (3) (kx), ~~and~~
20 transfer ~~\$20,700~~ in fiscal year ~~1999-2000~~ and ~~\$27,700~~ in fiscal year ~~2000-01~~ to the
21 appropriation under s. 20.435 (8) (~~kx~~), for the purpose of day care center licensing
22 under s. 48.65.

23 **SECTION 4.** 49.155 (1m) (c) (intro.) of the statutes is repealed.

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

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

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

11 49.155 (1m) (c) 1g. The If the individual is a foster parent of the child and, the
12 child's biological or adoptive family has a gross income that is at or below 200% of the
13 poverty line. In calculating the gross income of the child's biological or adoptive
14 family, the Wisconsin works agency shall include income described under s. 49.145
15 (3) (b) 1. and 3.

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

17 49.155 (1m) (c) 1h. The If the individual is a relative of the child, is providing
18 care for the child under a court order, and is receiving payments under s. 48.57 (3m)
19 or (3n) on behalf of the child and, the child's biological or adoptive family has a gross
20 income that is at or below 200% of the poverty line. In calculating the gross income
21 of the child's biological or adoptive family, the Wisconsin works agency shall include
22 income described under s. 49.145 (3) (b) 1. and 3.

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

24 49.155 (1m) (c) 1m. The If the individual was eligible under s. 49.132 (4) (a),
25 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995

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

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

8 49.155 (1m) (c) 2. ~~The~~ If the individual was eligible under s. 49.132 (4) (am),
9 1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
10 stats., on or after May 10, 1996, but lost eligibility solely because of increased
11 income, ~~and~~ the gross income of the individual's family is at or below 200% of the
12 poverty line for a family the size of the individual's family. This subdivision does not
13 apply to an individual whose family's gross income increased to more than 200% of
14 the poverty line for a family the size of the individual's family.

15 **SECTION 10.** 49.155 (1m) (c) 3. of the statutes is amended to read:

16 49.155 (1m) (c) 3. ~~The~~ If the individual was eligible for a child care subsidy
17 under s. 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care
18 subsidy on or after May 10, 1996, but lost the subsidy solely because of increased
19 income, ~~and~~ the gross income of the individual's family is at or below 200% of the
20 poverty line for a family the size of the individual's family. This subdivision does not
21 apply to an individual whose family's gross income increased to more than 200% of
22 the poverty line for a family the size of the individual's family.

23 **SECTION 11.** 49.155 (3m) (title) of the statutes is amended to read:

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

SECTION 12

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

2 49.155 (3m) (a) The department shall reimburse child care providers or shall
3 distribute funds to county departments under s. 46.215, 46.22 or 46.23 for child care
4 services provided under this section and to private nonprofit agencies that provide
5 child care for children of migrant workers. The department may reimburse a
6 Wisconsin works agency for child care that the Wisconsin works agency provides to
7 the children of Wisconsin works participants and applicants.

8 **SECTION 13.** 49.155 (3m) (d) of the statutes is amended to read:

9 49.155 (3m) (d) No funds distributed under par. (a) may be used to provide for
10 child care services that are provided for a child by a person child care provider who
11 is the parent of the child or who resides with the child, unless the county determines
12 that the care is necessary because of a special health condition of the child.

13 **SECTION 14.** 49.175 (1) (qm) of the statutes is created to read:

14 49.175 (1) (qm) *Local pass-through grant program.* For the local pass-through
15 grant program under s. 49.137 (4m), \$17,495,000 in fiscal year 2001–02 and
16 \$17,481,100 in fiscal year 2002–03.

17 **SECTION 9358. Initial applicability; workforce development.**

18 (1) WISCONSIN WORKS CHILD CARE SUBSIDY ELIGIBILITY. The treatment of section
19 49.155 (1m) (c) (intro.), 1. (intro.), 1g., 1h., 1m., 2., and 3. of the statutes first applies
20 to eligibility determinations for the Wisconsin works child care subsidy made on the
21 effective date of this subsection.

22 (2) WISCONSIN WORKS CHILD CARE FUNDS. The treatment of section 49.155 (3m)
23 (d) of the statutes first applies to child care funds distributed on the effective date
24 of this subsection.

25

(END)