2009 DRAFTING REQUEST

Assembly Amendment (AA-AB462)

Received: **10/13/2009**   Received By: **pkahler**

Wanted: **Soon**   Identical to LRB:

For: **Robin Vos (608) 266-9171**   By/Representing: **Jenny Toftness**

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

May Contact: Addl. Drafters:

Subject: **Public Assistance - Wis works**   Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Vos@legis.wisconsin.gov**

Carbon copy (CC:) to: **Kim.Swissdorf@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Prohibit child care subsidy to parent who is a child care provider

---

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	pkahler 10/14/2009	jdyer 10/15/2009		_____ _____			
/1			phenry 10/15/2009	_____ _____	cduerst 10/15/2009	cduerst 10/15/2009	
/2	pkahler 10/27/2009	jdyer 10/28/2009	phenry 10/28/2009	_____ _____	mbarman 10/28/2009	mbarman 10/28/2009	

FE Sent For:

<END>

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/1	pkahler	/2/28 jw	phenry 10/15/2009		cduerst 10/15/2009	cduerst 10/15/2009	

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/?	pkahler	10/14 jld	12/15 ph	12/15			

FE Sent For:

<center><END></center>

3. If one is a self-employed and has children needing childcare, they are not eligible to be a Wisconsin Shares recipient in order to place their children in the care of another day care provider, unless they have applied for and been granted a waiver by the local unit of government or DCF. Further, as a provider, they are not allowed to claim payment for their child under their care as they would a non-related child occupying a Wisconsin Shares slot. ie. The state will not pay the self-employed provider for the care of their own children.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO 2009 ASSEMBLY BILL 462

[handwritten note:] #. Page 2, line 2: after "provided" insert ", prohibiting child care subsidy payments under Wisconsin Works for child care provided by another provider to a child of a child care provider, ".

[handwritten left margin:] SOON (~10-14)

1   At the locations indicated, amend the bill as follows:

2   **1.** Page 21, line 12: after that line insert:

3   "SECTION 36j. 49.155 (3m) (d) of the statutes is amended to read:

4   49.155 **(3m)** (d) No funds distributed under par. (a) may be used for child care

5   services that are provided for a child by a child care provider who is the parent of the

6   child or who resides with the child, ~~unless the county determines that the care is~~

7   ~~necessary because of a special health condition of the child.~~"

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

8   SECTION 36k. 49.155 (3m) (dm) of the statutes is created to read:

9   49.155 **(3m)** (dm) 1. Notwithstanding sub. (1m), if a child's parent is a child care

10   provider, no funds distributed under par. (a) may be used for child care services that

11   are provided for the child by another child care provider who is not the child's

12   parent.

1   2. Subdivision 1. does not apply if the child's parent has applied for, and been

2   granted, a waiver of the prohibition under subd. 1. by the county department or

3   agency or by the department.".

4   **2.** Page 24, line 1: delete "This act" and substitute "Except for the treatment

5   of section 49.155 (3m) (d) and (dm) of the statutes, this act".

6   **3.** Page 24, line 7: after that line insert:

7   "(1m) No CHILD CARE SUBSIDY FOR PARENT WHO IS CHILD CARE PROVIDER. The

8   treatment of section 49.155 (3m) (d) and (dm) of the statutes first applies to eligibility

9   and continued eligibility determinations that are made on the effective date of this

10   subsection.".

11   **4.** Page 24, line 13: after that line insert:

12   "(1m) No CHILD CARE SUBSIDY FOR PARENT WHO IS CHILD CARE PROVIDER. The

13   treatment of section 49.155 (3m) (d) and (dm) of the statutes and SECTION 40 (1m) of

14   this act take effect on the day after publication.".

15   **(END)**

date

This amendment affects the current law provision that prohibits payment for child care to a provider who is the child's parent or a person living with the child. The amendment also adds that a provider may not receive a subsidy for child care provided to his or her child by another provider without a waiver from DCF or the local department.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

This amendment may be considered nongermane under Assembly Rule 54 (3)(f) if it is determined to substantially expand the scope of the bill

October 15, 2009

This amendment affects the current law provision that prohibits payment for child care to a provider who is the child's parent or a person living with the child. The amendment also adds that a provider may not receive a subsidy for child care provided to his or her child by another provider without a waiver from DCF or the local department.

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Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From:	Toftness, Jennifer
Sent:	Tuesday, October 27, 2009 1:47 PM
To:	Kahler, Pam
Cc:	Sappenfield, Anne; Mcginnis, Cindy; Swissdorf, Kim
Subject:	Changes requested to LRB 0863

Hi Pam,

Could you please make the following changes to LRB 0863: specify that not allowing providers to claim child care subsidies for their own children will only apply to children that are not already recipients of shares assistance. For instance, if a provider currently receives shares for their own child to either be cared for in his/her own facility, or in another facility, that subsidy could continue as long as eligibility requirements were met. However, if that provider had another child after enactment of the law, that child would not qualify for shares assistance unless a waiver has been granted. In the case of people who have never been providers and apply to be providers after the enactment of the bill, none of their children will qualify for shares assistance unless a waiver has been granted.

With regard to waivers, please update this amendment to specify that DCF has rule writing authority with regard to what circumstances will be waived, and please specify that DCF must present those rules to Leg. Council within 3 months of the enactment date of the bill.

Thanks,

Jenny

Jenny Toftness
Office of State Representative Robin Vos
63rd Assembly District
(888) 534 0063

10/27/2009

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TO 2009 ASSEMBLY BILL 462

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11   SECTION 36k. 49.155 (3m) (dm) of the statutes is created to read:

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3 the child by another child care provider who is not the child's parent.

4   2. Subdivision 1. does not apply if the child's parent has applied for, and been

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6 agency or by the department.

7   **3.** Page 24, line 1: delete "This act" and substitute "Except for the treatment

8 of section 49.155 (3m) (d) and (dm) of the statutes, this act".

9   **4.** Page 24, line 7: after that line insert:

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11 treatment of section 49.155 (3m) (d) and (dm) of the statutes first applies to eligibility

12 and continued eligibility determinations that are made on the effective date of this

13 subsection.".

14   **5.** Page 24, line 13: after that line insert:

15   "(1m) No child care subsidy for parent who is child care provider. The

16 treatment of section 49.155 (3m) (d) and (dm) of the statutes and Section 40 (1m) of

17 this act take effect on the day after publication.".

18   **(END)**

INSERT 2-6

1 4. The department shall by rule specify the circumstances, or standards for

2 determining the circumstances, under which the department will grant a waiver

3 under subd. 3.".

4 ﬅ. Page 23, line 23: after that line insert:

5 "**SECTION 39r.** **Nonstatutory provisions.**

6 (1) RULES FOR WAIVER UNDER WISCONSIN SHARES. The department of children and

7 families shall submit in proposed form the rules required under section 49.155 (3m)

8 (d) 4. of the statutes, as created by this act, to the legislative council staff under

9 section 227.15 (1) of the statutes no later than the first day of the 4th month

10 beginning after the effective date of this subsection.".

(END OF INSERT 2-6)

INSERT 2-13

11 "(1m) NO CHILD CARE SUBSIDY FOR PARENT WHO IS CHILD CARE PROVIDER. The

12 renumbering and amendment of section 49.155 (3m) (d) of the statutes and the

13 creation of section 49.155 (3m) (d) 2., 3., and 4. of the statutes first apply to child care

14 services provided for a child who first receives child care services under the program

15 under section 49.155 of the statutes on the effective date of this subsection.".

(END OF INSERT 2-13)