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# Wisconsin Legislative Council

## AMENDMENT MEMO

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### 2023 Assembly Bill 389

### Assembly Amendments 1 and 2

## BACKGROUND

State law requires, subject to certain exceptions, that a person who provides care and supervision for four or more children under age seven be licensed by the Department of Children and Families (DCF). Under DCF's administrative rules, a provider who cares for four to eight children under the age of seven must be licensed as a "family child care center," while a provider who cares for nine or more children must be licensed as a "group child care center."

## 2023 ASSEMBLY BILL 389

2023 Assembly Bill 389 requires DCF to establish, by rule, a new category of licensed child care centers providing care and supervision for four to 12 children. The bill requires DCF to regulate this new category of child care centers the same way in which it regulates "family child care centers," except:

- DCF must require that, for a group of nine to 12 children, two providers provide care and supervision at all times.
- DCF may regulate the new category of child care centers differently from "family child care centers" to the extent necessary to safely accommodate a larger group of children.

The bill also specifies that the new category of child care centers may not provide care and supervision for more than eight children at one time who are two years of age or younger.

## ASSEMBLY AMENDMENT 1

Assembly Amendment 1 specifies that DCF must regulate the new category of child care providers in the same way that it regulates family child care providers with respect to the maximum number of children per provider. In addition, the amendment requires that DCF prohibit more than two providers from providing care and supervision of children at one time.

In light of these directives, the amendment removes the bill's more specific provisions that prohibited more than eight children age two or under from being in care at one time, and that required two providers provide care and supervision for a group of nine to 12 children at all times.

## ASSEMBLY AMENDMENT 2

Under current administrative rules promulgated by the Department of Safety and Professional Services, the Commercial Building Code does not apply to a one- or two-family dwelling in which a public or private day care center for eight or fewer children is located. Assembly Amendment 2 directly modifies the administrative code and expands this exception to apply to dwellings in which a public or private day care center for 12 or fewer children is located.

## **BILL HISTORY**

Representative Goeben introduced Assembly Bill 389 on September 1, 2023, and offered Assembly Amendment 1 on September 11, 2023. On September 12, 2023, the Assembly Committee on Children and Families recommended adoption of the amendment on a vote of Ayes, 12; Noes, 0; and recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 4.

Representative Goeben offered Assembly Amendment 2 on September 14, 2023. That same day, the Assembly adopted Assembly Amendments 1 and 2 on voice votes, and passed Assembly Bill 389, as amended, on a vote of Ayes, 62; Noes, 35.

For a full history of the bill, visit the Legislature's [bill history page](#).

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