



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 387**

September 14, 2023 - Offered by Representatives BILLINGS, GOYKE, RATCLIFF, MYERS, C. ANDERSON, VINING, JACOBSON, PALMERI, EMERSON, RIEMER, BALDEH, HAYWOOD, HONG, STUBBS, MADISON, SINICKI, JOERS, OHNSTAD, SHELTON, BARE, SNODGRASS, SUBECK, ANDRACA, CLANCY, NEUBAUER, ORTIZ-VELEZ, MOORE OMOKUNDE, CONSIDINE, CABRERA, SHANKLAND and J. ANDERSON.

1 **AN ACT** *to repeal* 49.155 (6) (e) 2.; *to amend* 49.155 (6) (e) 3. (intro.) and 49.175
2 (1) (qm); and *to create* 20.437 (2) (c) and 49.133 of the statutes; **relating to:**
3 a Department of Children and Families program to make payments to child
4 care programs, 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 subsidy 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.

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
20.437 Children and families, department of				
(2) ECONOMIC SUPPORT				
(c) Child care quality improvement				
program	GPR	A	81,000,000	221,000,000

7 **SECTION 2.** 20.437 (2) (c) of the statutes is created to read:
8 20.437 (2) (c) *Child care quality improvement program.* The amounts in the
9 schedule for the program under s. 49.133.

10 **SECTION 3.** 49.133 of the statutes is created to read:
11 **49.133 Child care quality improvement program.** (1) From the
12 appropriation under s. 20.437 (2) (c) and under s. 49.175 (1) (qm), the department
13 may establish a program under which it may make monthly payments and monthly
14 per-child payments to child care providers certified under s. 48.651, child care
15 centers licensed under s. 48.65, and child care programs established or contracted
16 for by a school board under s. 120.13 (14).
17 (2) The department may promulgate rules to implement the program under
18 this section, including establishing eligibility requirements and payment amounts
19 and setting requirements for how recipients may use the payments.

1 **SECTION 4.** 49.155 (6) (e) 2. of the statutes is repealed.

2 **SECTION 5.** 49.155 (6) (e) 3. (intro.) of the statutes is amended to read:

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

6 **SECTION 6.** 49.175 (1) (qm) of the statutes, as affected by 2023 Wisconsin Act
7 19, is amended to read:

8 49.175 **(1)** (qm) *Quality care for quality kids.* For the child care quality
9 improvement activities specified in ss. 49.133, 49.155 (1g), and 49.257, \$16,683,700
10 in fiscal year 2022-23. In fiscal year 2023-24, for such activities, \$28,518,700
11 \$28,537,700. In fiscal year 2024-25, for such activities, ~~\$46,018,700~~ \$46,037,700.

12 **SECTION 7. Nonstatutory provisions.**

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

20 **SECTION 8. Fiscal changes.**

21 (1) FEDERAL BLOCK GRANT AIDS. In the schedule under s. 20.005 (3) for the
22 appropriation to the department of children and families under s. 20.437 (2) (md),
23 the dollar amount for fiscal year 2023-24 is increased by \$19,000,000 for the child
24 care quality improvement program under s. 49.133. In the schedule under s. 20.005
25 (3) for the appropriation to the department of children and families under s. 20.437

1 (2) (md), the dollar amount for fiscal year 2024-25 is increased by \$19,000,000 for
2 the child care quality improvement program under s. 49.133.

3 (END)