



2011 ASSEMBLY BILL 315

October 12, 2011 – Introduced by Representatives ROYS, C. TAYLOR, BERCEAU, HEBL, HULSEY, POCAN, POPE-ROBERTS, TURNER and GRIGSBY, cosponsored by Senators RISSER, TAYLOR and ERPENBACH. Referred to Committee on Children and Families.

1 **AN ACT to amend** 16.84 (5), 16.85 (1), 20.505 (5) (ka), 20.865 (2) (am), 20.865 (2)
2 (gm) and 20.865 (2) (qm); and **to create** 13.48 (2) (b) 4., 13.48 (2) (j) and 16.841
3 of the statutes; **relating to:** child care facilities for children of state employees
4 in the city of Madison.

Analysis by the Legislative Reference Bureau

This bill directs the Department of Administration (DOA) to contract with one or more child care providers to supplement the cost of procuring suitable space for child care services provided to children of employees of state agencies whose work stations are located in the central Madison area. Under the bill, DOA must assess the costs of providing child care services to state agencies on an equitable basis as determined by DOA, and the agencies may draw upon program supplement appropriations to finance any unbudgeted costs for these assessments.

For further information see the *state* 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:

5 **SECTION 1.** 13.48 (2) (b) 4. of the statutes is created to read:

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1 13.48 (2) (b) 4. Notwithstanding subd. 3., the building commission, upon
2 request of the department of administration, may lease or provide space in buildings
3 described under subd. 2. to child care providers and, whether or not a child care
4 provider operates for profit, may charge it an annual rent determined by the
5 commission.

6 **SECTION 2.** 13.48 (2) (j) of the statutes is created to read:

7 13.48 (2) (j) No later than the first day of the 7th month after the effective date
8 of each biennial budget act, the director of the office of state employment relations
9 shall report to the building commission, in writing, regarding the desirability of
10 including plans for child care facility space in the plans for any construction or major
11 remodeling project, enumerated in the state building program in the biennial budget
12 act, for any state office building. Based upon the report of the director of the office
13 of state employment relations, the building commission may direct that plans for
14 child care facility space be included in the plans for that construction or major
15 remodeling project.

16 **SECTION 3.** 16.84 (5) of the statutes is amended to read:

17 16.84 (5) Have responsibility, subject to approval of the governor, for all
18 functions relating to the leasing, acquisition, allocation and utilization of all real
19 property by the state, except where such responsibility is otherwise provided by the
20 statutes. In this connection, the department shall, with the governor's approval,
21 require physical consolidation of office space utilized by any executive branch agency
22 having fewer than 50 authorized full-time equivalent positions with office space
23 utilized by another executive branch agency, whenever feasible. The department
24 shall not lease with an option to purchase any state office facility in the city of
25 Madison after the effective date of this subsection [LRB inserts date], unless the

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1 department first provides suitable space for a child care facility primarily for use by
2 children of state employees. The department shall lease or acquire office space for
3 legislative offices or legislative service agencies at the direction of the joint
4 committee on legislative organization. In this subsection, “executive branch agency”
5 has the meaning given in s. 16.70 (4).

6 **SECTION 4.** 16.841 of the statutes is created to read:

7 **16.841 Madison child care facilities and services. (1)** In this section:

8 (a) “Agency” has the meaning given in s. 16.70 (1e).

9 (b) “Child care provider” means a provider licensed under s. 48.65, certified
10 under s. 48.651, or established or contracted for under s. 120.13 (14).

11 **(2)** The department shall contract with one or more child care providers to
12 supplement the cost of providing suitable space for child care services to be offered
13 to the children of employees of agencies whose work stations are located in an area
14 designated by the department comprising the central portion of the city of Madison.

15 **(3)** The department may lease space or provide space in any state-owned or
16 state-leased building to be used by a child care provider under a contract specified
17 in sub. (2) or may contribute to space costs incurred by a child care provider under
18 such a contract for the purpose of providing child care services to children specified
19 in sub. (2). Prior to leasing space or providing space to a child care provider in any
20 state-owned facility that is not constructed specially for the use of a particular
21 agency, the department shall obtain concurrence of the building commission under
22 s. 13.48 (2) (b) 4.

23 **(4)** The department shall assess the costs of providing child care facilities to
24 agencies whose employees are eligible to place their children in a facility operated
25 by a child care provider who contracts with the department under sub. (2). The

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1 assessment shall be made on an equitable basis as determined by the department.
2 The department shall deposit assessment receipts into the appropriation account
3 under s. 20.505 (5) (ka).

4 (5) The department may permit children other than children of employees
5 specified in sub. (2) to receive child care services at a child care facility established
6 under sub. (3) if all children who are eligible to receive services under sub. (2) are first
7 provided an opportunity for services.

8 **SECTION 5.** 16.85 (1) of the statutes, as affected by 2011 Wisconsin Act 32,
9 section 267, is amended to read:

10 16.85 (1) To take charge of and supervise all engineering or architectural
11 services or construction work, as defined in s. 16.87, performed by, or for, the state,
12 or any department, board, institution, commission, or officer of the state, including
13 nonprofit-sharing corporations organized for the purpose of assisting the state in the
14 construction and acquisition of new buildings or improvements and additions to
15 existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, except the
16 engineering, architectural, and construction work of the department of
17 transportation; and the engineering service performed by the department of safety
18 and professional services, department of revenue, public service commission,
19 department of health services, and other departments, boards, and commissions
20 when the service is not related to the maintenance, and construction and planning,
21 of the physical properties of the state. The department shall not authorize
22 construction work for any state office facility in the city of Madison after the effective
23 date of this subsection [LRB inserts date], unless the department first provides
24 suitable space for a child care facility primarily for use by children of state employees.

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1 **SECTION 6.** 20.505 (5) (ka) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 20.505 **(5)** (ka) *Facility operations and maintenance; police and protection*
4 *functions.* The amounts in the schedule for the purpose of financing the costs of
5 operation of state-owned or operated facilities that are not funded from other
6 appropriations, including custodial and maintenance services; minor projects;
7 utilities, fuel, heat and air conditioning; assessments levied by the department
8 under s. 16.847 (3) for costs incurred and savings generated at departmental
9 facilities; costs incurred under ss. 16.858 and 16.895 by or on behalf of the
10 department; and supplementing the costs of operation of child care facilities for
11 children of state employees under s. 16.841; and for police and protection functions
12 under s. 16.84 (2) and (3). All moneys received from state agencies for the operation
13 of such facilities, parking rental fees established under s. 16.843 (2) (bm) and
14 miscellaneous other sources, all moneys received from assessments under s. 16.895,
15 all moneys received for the performance of gaming protection functions under s.
16 16.84 (3), and all moneys transferred from the appropriation account under s. 20.865
17 (2) (e) for this purpose shall be credited to this appropriation account.

18 **SECTION 7.** 20.865 (2) (am) of the statutes, as affected by 2011 Wisconsin Act
19 32, is amended to read:

20 20.865 **(2)** (am) *Space management and child care.* The amounts in the
21 schedule to finance the unbudgeted costs of remodeling, moving, additional rental
22 costs, and move-related vacant space costs resulting from relocations of state
23 agencies directed by the department of administration, and the unbudgeted costs of
24 assessments for child care facilities under s. 16.841 (4) incurred by state agencies.

