

1           **\*-0905/3.13\* SECTION 906.** 46.27 (6u) (d) (intro.) of the statutes is amended to  
2           read:

3           **46.27 (6u) (d) (intro.)** In determining financial eligibility under par. (c) 1. and  
4           in calculating the amount under par. (c) 2., the county department or aging unit shall  
5           include as the assets for any person, except those persons who are eligible for medical  
6           assistance under s. 49.46, 49.468 ~~or~~, 49.47, or 49.471 (4) (a), any portion of assets that  
7           the person or the person's spouse has, after August 12, 1993, transferred to another  
8           as specified in par. (b), unless one of the following conditions applies:

9           **\*-0905/3.14\* SECTION 907.** 46.27 (7) (am) of the statutes is amended to read:

10           **46.27 (7) (am)** From the appropriation under s. 20.435 (7) (bd), the department  
11           shall allocate funds to each county or private nonprofit agency with which the  
12           department contracts to pay assessment and case plan costs under sub. (6) not  
13           otherwise paid by fee or under s. 49.45 or 49.78 (2). The department shall reimburse  
14           counties for the cost of assessing persons eligible for medical assistance under s.  
15           49.46, 49.468, ~~or~~ 49.47, or 49.471 (4) (a) as part of the administrative services of  
16           medical assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds  
17           allocated under this paragraph to pay the cost of long-term community support  
18           services and for a risk reserve under par. (fr).

19           **\*-0905/3.15\* SECTION 908.** 46.27 (7) (b) of the statutes is amended to read:

20           **46.27 (7) (b)** From the appropriations under s. 20.435 (7) (bd) and (im), the  
21           department shall allocate funds to each county to pay the cost of providing long-term  
22           community support services under sub. (5) (b) not otherwise paid under s. 49.45 to  
23           persons eligible for medical assistance under s. 49.46 ~~or~~, 49.47, or 49.471 (4) (a) or  
24           to persons whom the county department or aging unit administering the program  
25           finds likely to become medically indigent within 6 months by spending excess income

1 or assets for medical or remedial care. The average per person reimbursement under  
2 this paragraph may not exceed the state share of the average per person payment  
3 rate the department expects under s. 49.45 (6m). The county department or aging  
4 unit administering the program may spend funds received under this paragraph  
5 only in accordance with the case plan and service contract created for each person  
6 receiving long-term community support services. Counties may use unspent funds  
7 allocated under this paragraph from the appropriation under s. 20.435 (7) (bd) for a  
8 risk reserve under par. (fr).

9 **\*-1198/P4.2\* SECTION 909.** 46.27 (7) (cj) 3. a. of the statutes is repealed.

10 **\*-1524/P3.19\* SECTION 910.** 46.27 (7) (fr) 3. c. of the statutes is amended to  
11 read:

12 46.27 (7) (fr) 3. c. If approved by a resolution of the county board of supervisors,  
13 to transfer funds to a family long-term care district.

14 **\*-0892/11.13\* SECTION 911.** 46.27 (9) (a) of the statutes is amended to read:

15 46.27 (9) (a) The department may select up to 5 counties that volunteer to  
16 participate in a pilot project under which they will receive certain funds allocated for  
17 long-term care. The department shall allocate a level of funds to these counties  
18 equal to the amount that would otherwise be paid under s. 20.435 (4) (b), (~~gp~~), or (w),  
19 or (~~xd~~) to nursing homes for providing care because of increased utilization of nursing  
20 home services, as estimated by the department. In estimating these levels, the  
21 department shall exclude any increased utilization of services provided by state  
22 centers for the developmentally disabled. The department shall calculate these  
23 amounts on a calendar year basis under sub. (10).

24 **\*-0330/P6.7\* SECTION 912.** 46.27 (9) (c) of the statutes is amended to read:

1 46.27 (9) (c) All long-term community support services provided under this  
2 pilot project in lieu of nursing home care shall be consistent with those services  
3 described in the participating county's community options plan under sub. (4) (c) 1.  
4 and provided under sub. (5) (b). Unless the department has contracted under s.  
5 ~~46.281 (1) (e) 1.~~ 46.284 (2) with an entity other than the county department, each  
6 county participating in the pilot project shall assess persons under sub. (6).

7 \***-0892/11.14\* SECTION 913.** 46.27 (10) (a) 1. of the statutes is amended to read:

8 46.27 (10) (a) 1. The department shall determine for each county participating  
9 in the pilot project under sub. (9) a funding level of state medical assistance  
10 expenditures to be received by the county. This level shall equal the amount that the  
11 department determines would otherwise be paid under s. 20.435 (4) (b), ~~(gp), or (w),~~  
12 or (xd), or because of increased utilization of nursing home services, as estimated by  
13 the department.

14 \***-1198/P4.3\* SECTION 914.** 46.27 (11) (c) 5n. a. of the statutes is repealed.

15 \***-0905/3.16\* SECTION 915.** 46.275 (1m) (a) of the statutes is amended to read:

16 46.275 (1m) (a) "Medical assistance" means aid provided under subch. IV of ch.  
17 49, except s. ~~ss.~~ 49.468 and 49.471.

18 \***-0892/11.15\* SECTION 916.** 46.275 (5) (a) of the statutes is amended to read:

19 46.275 (5) (a) Medical Assistance reimbursement for services a county, or the  
20 department under sub. (3r), provides under this program is available from the  
21 appropriation accounts under s. 20.435 (4) (b), ~~(gp), (o), and (w), and (xd).~~ If 2 or more  
22 counties jointly contract to provide services under this program and the department  
23 approves the contract, Medical Assistance reimbursement is also available for  
24 services provided jointly by these counties.

25 \***-0892/11.16\* SECTION 917.** 46.275 (5) (c) of the statutes is amended to read:

1 46.275 (5) (c) The total allocation under s. 20.435 (4) (b), ~~(pp)~~, (o), and (w), and  
2 (xd) to counties and to the department under sub. (3r) for services provided under  
3 this section may not exceed the amount approved by the federal department of health  
4 and human services. A county may use funds received under this section only to  
5 provide services to persons who meet the requirements under sub. (4) and may not  
6 use unexpended funds received under this section to serve other developmentally  
7 disabled persons residing in the county.

8 **\*-0242/1.2\* SECTION 918.** 46.275 (5m) of the statutes is repealed.

9 **\*-0905/3.17\* SECTION 919.** 46.277 (1m) (a) of the statutes is amended to read:

10 46.277 (1m) (a) "Medical assistance" means aid provided under subch. IV of ch.  
11 49, except s. ss. 49.468 and 49.471.

12 **\*-1198/P4.4\* SECTION 920.** 46.277 (3) (d) of the statutes is created to read:

13 46.277 (3) (d) The county department or aging unit that administers the  
14 program under this section shall, within the time period specified by the department,  
15 offer counseling, that is specified by the department, concerning public and private  
16 benefit programs to prospective residents of community-based residential facilities  
17 who are referred to the county department or aging unit under s. 50.035 (4n).

18 **\*-1198/P4.5\* SECTION 921.** 46.277 (5) (d) 1n. a. of the statutes is repealed.

19 **\*-0647/3.1\* SECTION 922.** 46.277 (5) (g) 3. of the statutes is amended to read:

20 46.277 (5) (g) 3. If it is likely that the number of individuals for whom an  
21 enhanced reimbursement for services is provided under subd. 1. and who are  
22 diverted from imminent entry into nursing homes will exceed 150, the department  
23 may submit a request to the joint committee on finance secretary of administration  
24 for approval to provide enhanced reimbursement for services provided under subd.  
25 1. for diversion from imminent entry into nursing homes for a number of individuals

1 in excess of 150. Notwithstanding s. 13.101 (3) (a), the committee is not required to  
2 find that an emergency exists. If the cochairpersons of the committee do not notify  
3 the secretary within 14 working days after the date of the department's submittal  
4 that the committee intends to schedule a meeting to review the request, approval of  
5 the request is granted. If, within 14 working days after the date of the department's  
6 request submittal, the cochairpersons of the committee notify the secretary that the  
7 committee intends to schedule a meeting to review the request, the request may be  
8 granted only as approved by the committee.

9 **\*-0905/3.18\* SECTION 923.** 46.278 (1m) (b) of the statutes is amended to read:

10 46.278 (1m) (b) "Medical assistance" means aid provided under subch. IV of ch.  
11 49, except s. ss. 49.468 and 49.471.

12 **\*-0892/11.17\* SECTION 924.** 46.278 (6) (d) of the statutes is amended to read:

13 46.278 (6) (d) If a county makes available nonfederal funds equal to the state  
14 share of service costs under a waiver received under sub. (3), the department may,  
15 from the appropriation under s. 20.435 (4) (o), provide reimbursement for services  
16 that the county provides under this section to persons who are in addition to those  
17 who may be served under this section with funds from the appropriation account  
18 under s. 20.435 (4) (b) ~~or~~, (w), or (xd).

19 **\*-0892/11.18\* SECTION 925.** 46.2785 (5) (a) of the statutes is amended to read:

20 46.2785 (5) (a) Medical assistance reimbursement for services a county or  
21 private agency contracts for or provides under the waiver program shall be made  
22 from the appropriation accounts under s. 20.435 (4) (b) and, (o), and (xd).

23 **\*-1261/5.263\* \*-1261/P3.209\* SECTION 926.** 46.28 (1) (f) of the statutes is  
24 amended to read:

1 46.28 (1) (f) "Victim of domestic abuse" means an individual who has  
2 encountered domestic abuse, as defined in s. 46.95 49.165 (1) (a).

3 **\*-0330/P6.8\* SECTION 927.** 46.2803 (2) of the statutes is created to read:

4 46.2803 (2) Notwithstanding s. 46.27 (7), a county in which a care management  
5 organization is operating pursuant to a contract under s. 46.284 (2) or a county in  
6 which a program described under s. 46.2805 (1) (a) or (b) is administered may use  
7 funds appropriated under 20.435 (7) (bd) and allocated to the county under s. 46.27  
8 (7) to provide community mental health or substance abuse services and supports for  
9 persons with mental illness or persons in need of services or supports for substance  
10 abuse and to provide services under the Family Support Program under s. 46.985.

11 **\*-0330/P6.9\* SECTION 928.** 46.2804 (title) of the statutes is amended to read:

12 **46.2804 (title) Managed care programs for Client management of**  
13 **managed care long-term care services benefit.**

14 **\*-0330/P6.10\* SECTION 929.** 46.2804 (1) of the statutes is repealed.

15 **\*-0330/P6.11\* SECTION 930.** 46.2804 (2) of the statutes is renumbered  
16 46.2804.

17 **\*-1524/P3.20\* SECTION 931.** 46.2805 (5) of the statutes is renumbered 46.2805  
18 (7r) and amended to read:

19 46.2805 (7r) "Family Long-term care district" means a special purpose district  
20 created under s. 46.2895 (1).

21 **\*-1524/P3.21\* SECTION 932.** 46.2805 (6) of the statutes is renumbered 46.2805  
22 (7u) and amended to read:

23 46.2805 (7u) "Family Long-term care district board" means the governing  
24 board of a family long-term care district.

25 **\*-0330/P6.12\* SECTION 933.** 46.2805 (6m) of the statutes is created to read:

1           46.2805 (6m) "Family member" means a spouse or an individual related by  
2 blood, marriage, or adoption within the 3rd degree of kinship as computed under s.  
3 990.001 (16).

4           \*-0330/P6.13\* SECTION 934. 46.2805 (6r) of the statutes is created to read:

5           46.2805 (6r) "Financial and cost-sharing screening" means a screening to  
6 determine financial eligibility under s. 46.286 (1) (b) and cost-sharing under s.  
7 46.286 (2) using a uniform tool prescribed by the department.

8           \*-0330/P6.14\* SECTION 935. 46.2805 (6v) of the statutes is created to read:

9           46.2805 (6v) "Frail elder" means an individual who is 65 years of age or older  
10 and has a physical disability or irreversible dementia that restricts the individual's  
11 ability to perform normal daily tasks or that threatens the capacity of the individual  
12 to live independently.

13           \*-0330/P6.15\* SECTION 936. 46.2805 (7) of the statutes is amended to read:

14           46.2805 (7) "~~Functional and financial screen~~ screening" means a screen  
15 ~~prescribed by the department that is used~~ screening to determine functional  
16 eligibility under s. 46.286 (1) (a) ~~and financial eligibility under s. 46.286 (1) (b) using~~  
17 a uniform tool prescribed by the department.

18           \*-1562/P4.4\* SECTION 937. 46.2805 (7m) of the statutes is repealed.

19           \*-0330/P6.16\* SECTION 938. 46.281 (1) (intro.) of the statutes is renumbered  
20 46.281 (1n) (intro.), and 46.281 (1n) (title), as renumbered, is amended to read:

21           46.281 (1n) (title) ~~DUTIES~~ OTHER DUTIES OF THE DEPARTMENT

22           \*-0330/P6.17\* SECTION 939. 46.281 (1) (c) of the statutes is renumbered 46.281  
23 (1d) and amended to read:

24           46.281 (1d) WAIVER REQUEST. Request The department shall request from the  
25 secretary of the federal department of health and human services any waivers of

1 federal medicaid laws necessary to permit the use of federal moneys to provide the  
2 family care benefit to recipients of medical assistance. The department shall  
3 implement any waiver that is approved and that is consistent with ss. 46.2805 to  
4 46.2895. Regardless of whether a waiver is approved, the department may  
5 implement operation of resource centers, care management organizations, and the  
6 family care benefit.

7 **\*-0330/P6.18\* SECTION 940.** 46.281 (1) (d) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 46.281 (1) (d). This SECTION has been affected by  
drafts with the following LRB numbers: 0330 and 1524.

8 **\*-0330/P6.19\* SECTION 941.** 46.281 (1) (e) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 46.281 (1) (e). This SECTION has been affected by  
drafts with the following LRB numbers: 0330 and 1562.

9 **\*-0330/P6.20\* SECTION 942.** 46.281 (1) (f) of the statutes is renumbered 46.281  
10 (1n) (a).

11 **\*-0330/P6.21\* SECTION 943.** 46.281 (1) (g) of the statutes is renumbered  
12 46.281 (1n) (b).

13 **\*-0330/P6.22\* SECTION 944.** 46.281 (1) (h) of the statutes is renumbered  
14 46.281 (1n) (c).

15 **\*-0333/P6.1\* SECTION 945.** 46.281 (1) (i) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 46.281 (1) (i). This SECTION has been affected by  
drafts with the following LRB numbers: 0330 and 0333.

16 **\*-0330/P6.23\* SECTION 946.** 46.281 (1g) of the statutes is created to read:  
17 46.281 (1g) CONTRACTING FOR RESOURCE CENTERS AND CARE MANAGEMENT  
18 ORGANIZATIONS. The department may contract with entities as provided under s.  
19 46.283 (2) to provide the services under s. 46.283 (3) and (4) as resource centers in  
20 any geographic area in the state, and may contract with entities as provided under

1 s. 46.284 (2) to administer the family care benefit as care management organizations  
2 in any geographic area in the state.

3 **\*-1562/P4.5\* SECTION 947.** 46.281 (1n) (d) of the statutes is created to read:

4 46.281 (1n) (d) 1. Establish regions for long-term care advisory committees  
5 under s. 46.2825, periodically review the boundaries of the regions, and, as  
6 appropriate, revise the boundaries.

7 2. Specify the number of members that each governing board of a resource  
8 center shall appoint to a regional long-term care advisory committee. The total  
9 number of committee members shall not exceed 25, and the department shall allot  
10 committee membership equally among the governing boards of resource centers  
11 operating within the boundaries of the regional long-term care advisory committee.

12 3. Provide information and staff assistance to assist regional long-term care  
13 advisory committees in performing the duties under s. 46.2825 (2).

\*\*\*\*NOTE: This is reconciled s. 46.281 (1n) (d). This SECTION has been affected by  
the following LRB numbers: 0330 and 1562.

14 **\*-0330/P6.24\* SECTION 948.** 46.281 (2) (title) of the statutes is amended to  
15 read:

16 46.281 (2) (title) POWERS OTHER POWERS OF THE DEPARTMENT.

17 **\*-0330/P6.25\* SECTION 949.** 46.281 (3) of the statutes is amended to read:

18 46.281 (3) DUTY OF THE SECRETARY. The secretary shall certify to each county,  
19 hospital, nursing home, community-based residential facility, adult family home  
20 and residential care apartment complex the date on which a resource center that  
21 serves the area of the county, hospital, nursing home, community-based residential  
22 facility, adult family home or residential care apartment complex is first available  
23 to provide a perform functional screenings and financial screen and cost-sharing

1 screenings. To facilitate phase-in of services of resource centers, the secretary may  
2 certify that the resource center is available for specified groups of eligible individuals  
3 or for specified facilities in the county.

4 \*-1562/P4.6\* SECTION 950. 46.282 (title) of the statutes is repealed.

5 \*-1562/P4.7\* SECTION 951. 46.282 (2) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 46.282 (2). This SECTION has been affected by drafts with the following LRB numbers: 0330 and 1562.

6 \*-1562/P4.8\* SECTION 952. 46.282 (3) (title) of the statutes is repealed.

7 \*-1562/P4.9\* SECTION 953. 46.282 (3) (a) (intro.) of the statutes is repealed.

8 \*-1562/P4.10\* SECTION 954. 46.282 (3) (a) 1. of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 46.282 (3) (a) 1. This SECTION has been affected by drafts with the following LRB numbers: 1524 and 1562.

9 \*-1562/P4.11\* SECTION 955. 46.282 (3) (a) 2. of the statutes is repealed.

10 \*-1562/P4.12\* SECTION 956. 46.282 (3) (a) 3. of the statutes is repealed.

11 \*-1562/P4.13\* SECTION 957. 46.282 (3) (a) 4. of the statutes is repealed.

12 \*-1562/P4.14\* SECTION 958. 46.282 (3) (a) 5. of the statutes is repealed.

13 \*-1562/P4.15\* SECTION 959. 46.282 (3) (a) 6. of the statutes is repealed.

14 \*-1562/P4.16\* SECTION 960. 46.282 (3) (a) 7. of the statutes is repealed.

15 \*-1562/P4.17\* SECTION 961. 46.282 (3) (a) 8. of the statutes is renumbered

16 46.2825 (2) (e) and amended to read:

17 46.2825 (2) (e) Monitor the pattern of enrollments and disenrollments in local  
18 care management organizations that provide services in the committee's region.

19 \*-1562/P4.18\* SECTION 962. 46.282 (3) (a) 9. of the statutes is renumbered

20 46.283 (6) (b) 3. and amended to read:

21 46.283 (6) (b) 3. Identify any gaps in services, living arrangements, and

22 ~~community resources and develop strategies to build local capacity to serve older~~

1 ~~persons and persons with physical or developmental disabilities~~ needed by  
2 individuals belonging to the client groups served by the resource center, especially  
3 those with long-term care needs.

4 **\*-1562/P4.19\* SECTION 963.** 46.282 (3) (a) 10. of the statutes is renumbered  
5 46.2825 (2) (g) and amended to read:

6 46.2825 (2) (g) Perform long-range planning on long-term care policy for older  
7 ~~persons and persons with physical or developmental disabilities~~ individuals  
8 belonging to the client groups served by the resource center.

9 **\*-1562/P4.20\* SECTION 964.** 46.282 (3) (a) 11. of the statutes is renumbered  
10 46.283 (6) (b) 8. and amended to read:

11 46.283 (6) (b) 8. Annually review interagency agreements between ~~a~~ the  
12 resource center and care management organization or organizations that provide  
13 services in the area served by the resource center and make recommendations, as  
14 appropriate, on the interaction between the resource center and the care  
15 management ~~organization or organizations~~ to assure coordination between or  
16 among them and to assure access to and timeliness in provision of services by the  
17 resource center and the care management organizations.

18 **\*-1562/P4.21\* SECTION 965.** 46.282 (3) (a) 12. of the statutes is renumbered  
19 46.283 (6) (b) 9. and amended to read:

20 46.283 (6) (b) 9. Annually review Review the number and types of complaints  
21 and grievances about and appeals concerning the long-term care system by persons  
22 who receive or may receive care under the system in the area served by the resource  
23 center, to determine if a need exists for system changes, and recommend system or  
24 other changes if appropriate.

1           \*-1562/P4.22\* SECTION 966. 46.282 (3) (a) 13. of the statutes is renumbered  
2           46.283 (6) (b) 6. and amended to read:

3           46.283 (6) (b) 6. Identify potential new sources of community resources and  
4           funding for needed services for older persons and persons with physical or  
5           developmental disabilities individuals belonging to the client groups served by the  
6           resource center.

7           \*-1562/P4.23\* SECTION 967. 46.282 (3) (a) 14. of the statutes is repealed.

8           \*-1562/P4.24\* SECTION 968. 46.282 (3) (a) 15. of the statutes is repealed.

9           \*-1562/P4.25\* SECTION 969. 46.282 (3) (b) of the statutes is renumbered  
10          46.283 (6) (b) 10. and amended to read:

11          46.283 (6) (b) 10. ~~A local long-term care council may, within the local~~  
12          ~~long-term care council's area~~ If directed to do so by the county board, assume the  
13          duties of the county long-term community support planning committee as specified  
14          under s. 46.27 (4) for a county served by the resource center.

15          \*-1562/P4.26\* SECTION 970. 46.2825 of the statutes is created to read:

16          **46.2825 Regional long-term care advisory committees. (1) CREATION.**  
17          The governing board of each resource center operating in a region established by the  
18          department under s. 46.281 (1n) (d) 1. shall appoint the number of its members that  
19          is specified by the department under s. 46.281 (1n) (d) 2. to a regional long-term care  
20          advisory committee. At least 50 percent of the persons a resource center board  
21          appoints to a regional long-term care advisory committee shall be older persons or  
22          persons with a physical or developmental disability or their family members,  
23          guardians, or other advocates.

\*\*\*\*NOTE: This is reconciled section 46.2825 (1). This SECTION has been affected by  
drafts with the following LRB numbers: 0330 and 1562.

1           (2) DUTIES. A regional long-term care advisory committee shall do all of the  
2 following:

3           (a) Evaluate the performance of care management organizations and entities  
4 that operate a program described under s. 46.2805 (1) (a) or (b) in the committee's  
5 region with respect to responsiveness to recipients of their services, fostering choices  
6 for recipients, and other issues affecting recipients; and make recommendations  
7 based on the evaluation to the department and to the care management  
8 organizations and entities, as appropriate.

9           (b) Evaluate the performance of resource centers operating in the committee's  
10 region and, as appropriate, make recommendations, concerning their performance  
11 to the department and the resource centers.

12           (c) Monitor grievances and appeals made to care management organizations  
13 or entities that operate a program described under s. 46.2805 (1) (a) or (b) within the  
14 committee's region.

15           (d) Review utilization of long-term care services in the committee's region.

16           (f) Using information gathered under s. 46.283 (6) (b) 2. by governing boards  
17 of resources centers operating in the committee's region and other available  
18 information, identify any gaps in the availability of services, living arrangements,  
19 and community resources needed by older persons and persons with physical or  
20 developmental disabilities, and develop strategies to build capacity to provide those  
21 services, living arrangements, and community resources in the committee's region.

22           (h) Annually report to the department regarding significant achievements and  
23 problems relating to the provision of long-term care services in the committee's  
24 region.

25           \*-1524/P3.22\* SECTION 971. 46.283 (1) (a) 2. of the statutes is amended to read:

1 46.283 (1) (a) 2. Whether to create a family long-term care district to apply to  
2 the department for a contract to operate a resource center.

3 **\*-0330/P6.26\* SECTION 972.** 46.283 (2) (a) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 46.283 (2) (a). This SECTION has been affected by  
drafts with the following LRB numbers: 0330 and 1524.

4 **\*-0330/P6.27\* SECTION 973.** 46.283 (2) (b) of the statutes is renumbered  
5 46.283 (2), and 46.283 (2) (intro.) and (b), as renumbered, are amended to read:

6 46.283 (2) (intro.) ~~After June 30, 2001, the~~ The department may, ~~if the~~  
7 ~~applicable review conditions under s. 46.281 (1) (e) 2. are satisfied,~~ contract to  
8 operate a resource center with counties, family long-term care districts, or the  
9 governing body of a tribe or band or the Great Lakes Inter-Tribal Council, Inc., under  
10 a joint application of any of these, or with a private nonprofit organization if the  
11 department determines that the organization has no significant connection to an  
12 entity that operates a care management organization and if any of the following  
13 applies:

14 (b) A county agency or a family long-term care district applies for a contract  
15 but fails to meet the standards specified in sub. (3).

\*\*\*\*NOTE: This is reconciled s. 46.283 (2) (b) (intro.) and 2. This SECTION has been  
affected by drafts with the following LRB numbers: 0330 and 1524.

16 **\*-0333/P6.2\* SECTION 974.** 46.283 (3) (h) of the statutes is repealed.

17 **\*-0333/P6.3\* SECTION 975.** 46.283 (3) (i) of the statutes is repealed.

18 **\*-0905/3.19\* SECTION 976.** 46.283 (3) (k) of the statutes is amended to read:

19 46.283 (3) (k) A determination of eligibility for state supplemental payments  
20 under s. 49.77, medical assistance under s. 49.46, 49.468 ~~or~~, 49.47, or 49.471, or the  
21 federal food stamp program under 7 USC 2011 to 2029.

22 **\*-0330/P6.28\* SECTION 977.** 46.283 (4) (e) of the statutes is amended to read:

1           46.283 (4) (e) ~~Within 6 months after the family care benefit is available to all~~  
2 ~~eligible persons in the area of the resource center, provide~~ Provide information about  
3 the services of the resource center, including the services specified in sub. (3) (d),  
4 about assessments under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c) and  
5 about the family care benefit to all older persons and persons with a physical  
6 disability who are residents of nursing homes, community-based residential  
7 facilities, adult family homes and residential care apartment complexes in the area  
8 of the resource center.

9           \***-0330/P6.29\*** SECTION 978. 46.283 (4) (f) of the statutes is amended to read:

10          46.283 (4) (f) ~~Provide~~ Perform a functional screening and a financial screen to  
11 and cost-sharing screening for any resident, as specified in par. (e), who requests a  
12 ~~screen~~ screening and assist any resident who is eligible and chooses to enroll in a care  
13 management organization to do so.

14          \***-0330/P6.30\*** SECTION 979. 46.283 (4) (g) of the statutes is amended to read:

15          46.283 (4) (g) ~~Provide~~ Perform a functional screening and a financial screen to  
16 and cost-sharing screening for any person seeking admission to a nursing home,  
17 community-based residential facility, residential care apartment complex, or adult  
18 family home if the secretary has certified that the resource center is available to the  
19 person and the facility and the person is determined by the resource center to have  
20 a condition that is expected to last at least 90 days that would require care,  
21 assistance, or supervision. A resource center may not require a financial screen and  
22 cost-sharing screening for a person seeking admission or about to be admitted on a  
23 private pay basis who waives the requirement for a financial screen and cost-sharing  
24 screening under this paragraph, unless the person is expected to become eligible for  
25 medical assistance within 6 months. A resource center need not ~~provide~~ perform a

1 functional screen ~~for screening for~~ a person seeking admission or about to be  
2 admitted ~~who has received a screen for whom a functional eligibility under s. 46.286~~

3 (1) (a) screening was performed within the previous 6 months.

4 **\*-1562/P4.27\* SECTION 980.** 46.283 (4) (j) of the statutes is created to read:

5 46.283 (4) (j) Target any outreach, education, and prevention services it  
6 provides and any service development efforts it conducts on the basis of findings  
7 made by the governing board of the resource center under sub. (6) (b) 2. and 3.

8 **\*-0892/11.19\* SECTION 981.** 46.283 (5) of the statutes is amended to read:

9 46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),  
10 (bm), ~~(gp)~~, (pa), and (w), and (xd) and (7) (b), (bd), and (md), the department may  
11 contract with organizations that meet standards under sub. (3) for performance of  
12 the duties under sub. (4) and shall distribute funds for services provided by resource  
13 centers.

14 **\*-1562/P4.28\* SECTION 982.** 46.283 (6) of the statutes is amended to read:

15 46.283 (6) GOVERNING BOARD. (a) 1. A resource center shall have a governing  
16 board that reflects the ethnic and economic diversity of the geographic area served  
17 by the resource center.

18 2. ~~At least one-fourth of the members of the governing board shall be older~~  
19 ~~persons or persons with physical or developmental disabilities individuals who~~  
20 ~~belong to a client group served by the resource center or their family members,~~  
21 ~~guardians, or other advocates. The proportion of these board members who belong~~  
22 ~~to each client group, or their family members, guardians, or advocates, shall be the~~  
23 ~~same, respectively, as the proportion of individuals in this state who receive services~~  
24 ~~under s. 46.2805 to 46.2895 and belong to each client group.~~

25 **\*-1562/P4.29\* SECTION 983.** 46.283 (6) (a) 3. of the statutes is created to read:

1 46.283 (6) (a) 3. An individual who has a financial interest in, or serves on the  
2 governing board of, a care management organization or an organization that  
3 administers a program described under s. 46.2805 (1) (a) or (b) or a managed care  
4 program under s. 49.45 for individuals who are eligible to receive supplemental  
5 security income under 42 USC 1381 to 1383c, which serves any geographic area also  
6 served by a resource center, and the individual's family members, may not serve as  
7 members of the governing board of the resource center.

8 **\*-1562/P4.30\* SECTION 984.** 46.283 (6) (b) of the statutes is created to read:

9 46.283 (6) (b) The governing board of a resource center shall do all of the  
10 following:

11 1. Determine the structure, policies, and procedures of, and oversee the  
12 operations of, the resource center. The operations of a resource center that is  
13 operated by a county are subject to the county's ordinances and budget.

14 2. Annually gather information from consumers and providers of long-term  
15 care services and other interested persons concerning the adequacy of long-term  
16 care services offered in the area served by the resource center. The board shall  
17 provide well-advertised opportunities for persons to participate in the board's  
18 information gathering activities conducted under this subdivision.

19 4. Report findings made under subds. 2. and 3. to the applicable regional  
20 long-term care advisory committee.

21 5. Recommend strategies for building local capacity to serve older persons and  
22 persons with physical or developmental disabilities, as appropriate, to local elected  
23 officials, the regional long-term care advisory committee, or the department.

24 7. Appoint members to the regional long-term care advisory committee, as  
25 provided under s. 46.2825 (1).

1           \*-1562/P4.31\* SECTION 985. 46.284 (1) (a) (intro.) of the statutes is amended  
2   to read:

3           46.284 (1) (a) (intro.) ~~After considering recommendations of the local~~  
4   ~~long-term care council under s. 46.282 (3) (a) 1., a~~ A county board of supervisors and,  
5   in a county with a county executive or a county administrator, the county executive  
6   or county administrator, may decide all of the following:

7           \*-1524/P3.23\* SECTION 986. 46.284 (1) (a) 2. of the statutes is amended to read:

8           46.284 (1) (a) 2. Whether to create a family long-term care district to apply to  
9   the department for a contract to operate a care management organization.

10          \*-0330/P6.31\* SECTION 987. 46.284 (2) (b) (intro.) of the statutes is repealed.

      \*\*\*\*NOTE: This is reconciled s. 46.284. (2) (b) (intro.). This SECTION has been  
affected by drafts with the following LRB numbers: 0330 and 1524.

11          \*-0330/P6.32\* SECTION 988. 46.284 (2) (b) 1. of the statutes is repealed.

      \*\*\*\*NOTE: This is reconciled s. 46.284 (2) (b) 1. This SECTION has been affected by  
drafts with the following LRB numbers: 0330 and 1562.

12          \*-0330/P6.33\* SECTION 989. 46.284 (2) (b) 2. of the statutes is repealed.

13          \*-0330/P6.34\* SECTION 990. 46.284 (2) (b) 3. of the statutes is renumbered  
14   46.284 (2) (bm) and amended to read:

15           46.284 (2) (bm) ~~After December 31, 2003, the~~ The department may contract  
16   with counties, family long-term care districts, the governing body of a tribe or band  
17   or the Great Lakes inter-tribal council, inc., or under a joint application of any of  
18   these, or with a private organization that has no significant connection to an entity  
19   that operates a resource center. Proposals for contracts under this subdivision shall  
20   be solicited under a competitive sealed proposal process under s. 16.75 (2m) and,  
21   ~~after consulting with the local long-term care council for the county or counties, the~~  
22   department shall evaluate the proposals primarily as to the quality of care that is

1 proposed to be provided, certify those applicants that meet the requirements  
2 specified in sub. (3) (a), select certified applicants for contract and contract with the  
3 selected applicants.

\*\*\*\*NOTE: This is reconciled s. 46.284. (2) (b) 3. This SECTION has been affected by  
drafts with the following LRB numbers: 0330, 1524, and 1562.

4 **\*-1562/P4.32\* SECTION 991.** 46.284 (3) (a) of the statutes is amended to read:

5 46.284 (3) (a) If an entity meets the requirements under par. (b) and applicable  
6 rules of the department and submits to the department an application for initial  
7 certification or certification renewal, the department shall certify that the entity  
8 meets the requirements for a care management organization. An application shall  
9 include comments about the applicant and recommendations about the application  
10 that are provided by the appropriate local long-term care council, as specified under  
11 s. 46.282 (3) (a) 3.

12 **\*-0892/11.20\* SECTION 992.** 46.284 (5) (a) of the statutes is amended to read:

13 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g), ~~(gp)~~,  
14 (im), (o), and (w), and (xd) and (7) (b) and (bd), the department shall provide funding  
15 on a capitated payment basis for the provision of services under this section.  
16 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is  
17 under contract with the department may expend the funds, consistent with this  
18 section, including providing payment, on a capitated basis, to providers of services  
19 under the family care benefit.

20 **\*-1524/P3.24\* SECTION 993.** 46.284 (6) of the statutes is amended to read:

21 46.284 (6) GOVERNING BOARD. A care management organization shall have a  
22 governing board that reflects the ethnic and economic diversity of the geographic  
23 area served by the care management organization. At least one-fourth of the

1 members of the governing board shall be ~~older persons or persons with physical or~~  
2 ~~developmental disabilities or their family members, guardians or other advocates~~  
3 ~~who are representative of the client group or groups whom the care management~~  
4 ~~organization's enrollee organization is contracted to serve or those clients' family~~  
5 ~~members, guardians, or other advocates.~~

6 \***-1524/P3.25\*** SECTION 994. 46.285 (1) of the statutes is renumbered 46.285,  
7 and 46.285 (intro.), (1) and (2), as renumbered, are amended to read:

8 **46.285** (intro.) In order to meet federal requirements and assure federal  
9 financial participation in funding of the family care benefit, a county, a tribe or band,  
10 a family long-term care district or an organization, including a private, nonprofit  
11 corporation, may not directly operate both a resource center and a care management  
12 organization, except as follows:

13 (1) For an entity with which the department has contracted under s. 46.281 (1)  
14 (e) 1., 2005 stats., provision of the services specified under s. 46.283 (3) (b), (e), (f) and  
15 (g) shall be structurally separate from the provision of services of the care  
16 management organization by January 1, 2001.

\*\*\*\*NOTE: This is reconciled s. 46.285 (1) (a). This SECTION has been affected by  
drafts with the following LRB numbers: 0330 and 1524.

17 (2) The department may approve separation of the functions of a resource  
18 center from those of a care management organization by a means other than those  
19 specified in sub. (2) creating a long-term care district under s. 46.2895 to serve either  
20 as a resource center or a care management organization.

21 \***-1524/P3.26\*** SECTION 995. 46.285 (2) of the statutes is repealed.

22 \***-0330/P6.35\*** SECTION 996. 46.286 (1) (intro.) of the statutes is amended to  
23 read:

1           46.286 (1) ELIGIBILITY. (intro.) A person is eligible for, but not necessarily  
2           entitled to, the family care benefit if the person is at least 18 years of age; has a  
3           physical disability, as defined in s. 15.197 (4) (a) 2., or a developmental disability, as  
4           defined in s. 51.01 (5) (a), or degenerative brain disorder, as defined in s. 55.01 (1v)  
5           is a frail elder; and meets all of the following criteria:

6           \***-0330/P6.36\*** SECTION 997. 46.286 (1) (a) 1. of the statutes is amended to read:

7           46.286 (1) (a) 1. The person's functional capacity level of care need is at either  
8           of the following levels:

9           a. The comprehensive nursing home level, if the person has a long-term or  
10          irreversible condition, expected to last at least 90 days or result in death within one  
11          year of the date of application, and requires ongoing care, assistance or supervision.

12          b. The intermediate non-nursing home level, if the person has a condition that  
13          is expected to last at least 90 days or result in death within 12 months after the date  
14          of application, and is at risk of losing his or her independence or functional capacity  
15          unless he or she receives assistance from others.

16          \***-0333/P6.4\*** SECTION 998. 46.286 (1) (b) (intro.) of the statutes is amended to  
17          read:

18          46.286 (1) (b) *Financial eligibility.* (intro.) A person is financially eligible if  
19          all any of the following apply:

20          \***-0333/P6.5\*** SECTION 999. 46.286 (1) (b) 1. (intro.) of the statutes is repealed.

21          \***-0333/P6.6\*** SECTION 1000. 46.286 (1) (b) 1. a. of the statutes is renumbered  
22          46.286 (1) (b) 3. and amended to read:

23          46.286 (1) (b) 3. The person was receiving the family care benefit on the  
24          effective date of this subdivision ... [revisor inserts date], the person would qualify  
25          for medical assistance except for financial or disability criteria, and the projected cost

## SECTION 1000

1 of the person's care plan, as calculated by the department or its designee, exceeds the  
2 person's gross monthly income, plus one-twelfth of his or her countable assets, less  
3 deductions and allowances permitted by rule by the department.

4 **\*-0333/P6.7\* SECTION 1001.** 46.286 (1) (b) 1. b. and 2. of the statutes are  
5 consolidated, renumbered 46.286 (1) (b) 1m. and amended to read:

6 46.286 (1) (b) 1m. The person is eligible under ch. 49 for medical assistance.  
7 ~~2. If subd. 1. b. applies, the person accepts medical assistance and~~ unless he or she  
8 is exempt from the acceptance under rules promulgated by the department, accepts  
9 medical assistance.

10 **\*-0333/P6.8\* SECTION 1002.** 46.286 (3) (a) (intro.) of the statutes is amended  
11 to read:

12 46.286 (3) (a) (intro.) Subject to ~~pars. par. (c) and (d)~~, a person is entitled to and  
13 may receive the family care benefit through enrollment in a care management  
14 organization if he or she all of the following apply:

15 1m. The person is at least 18 years of age,

16 2m. The person has a physical disability, as defined in s. 15.197 (4) (a) 2., a  
17 developmental disability, as defined in s. 51.01 (5) (a), or ~~degenerative brain disorder,~~  
18 as defined in s. 55.01 (1v), is a frail elder.

19 4m. The person is financially eligible, under sub. (1) (b) 1m., and fulfills any  
20 applicable cost-sharing requirements and meets any of the following criteria:

21 **\*-0333/P6.9\* SECTION 1003.** 46.286 (3) (a) 1. of the statutes is repealed.

22 **\*-0333/P6.10\* SECTION 1004.** 46.286 (3) (a) 2. of the statutes is repealed.

23 **\*-0333/P6.11\* SECTION 1005.** 46.286 (3) (a) 3. of the statutes is repealed.

24 **\*-0333/P6.12\* SECTION 1006.** 46.286 (3) (a) 3m. of the statutes is created to  
25 read:

1 46.286 (3) (a) 3m. The person is functionally eligible under sub. (1) (a).

2 \*-0333/P6.13\* SECTION 1007. 46.286 (3) (a) 4. of the statutes is repealed.

3 \*-0333/P6.14\* SECTION 1008. 46.286 (3) (a) 6. of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 46.286 (3) (a) (intro.) and 1. to 6. These SECTIONS have been affected by drafts with the following LRB numbers: 0330 and 0333.

4 \*-0333/P6.15\* SECTION 1009. 46.286 (3) (d) of the statutes is repealed.

5 \*-0248/3.2\* SECTION 1010. 46.286 (3m) of the statutes is repealed and  
6 recreated to read:

7 46.286 (3m) INFORMATION ABOUT ENROLLEES. The department shall obtain and  
8 share information about family care enrollees as provided in s. 49.475.

9 \*-0333/P6.16\* SECTION 1011. 46.288 (2) (intro.) of the statutes is amended to  
10 read:

11 46.288 (2) (intro.) Criteria and procedures for determining functional  
12 eligibility under s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost  
13 sharing under s. 46.286 (2) (a) ~~and entitlement under s. 46.286 (3)~~. The rules for  
14 determining functional eligibility under s. 46.286 (1) (a) 1. a. shall be substantially  
15 similar to eligibility criteria for receipt of the long-term support community options  
16 program under s. 46.27. Rules under this subsection shall include definitions of the  
17 following terms applicable to s. 46.286:

18 \*-0330/P6.37\* SECTION 1012. 46.289 (title) of the statutes is renumbered  
19 46.2803 (title).

20 \*-0330/P6.38\* SECTION 1013. 46.289 of the statutes is renumbered 46.2803  
21 (1).

22 \*-1524/P3.27\* SECTION 1014. 46.2895 (title) of the statutes is amended to  
23 read:

1           **46.2895 (title) Family Long-term care district.**

2           **\*-1524/P3.28\* SECTION 1015.** 46.2895 (1) (a) (intro.) of the statutes is amended  
3 to read:

4           **46.2895 (1) CREATION.** (a) (intro.) A county board of supervisors, a tribe or band,  
5 or any combination of counties or tribes or bands, may create a special purpose  
6 district that is termed a “family long-term care district”, that is a local unit of  
7 government, that is separate and distinct from, and independent of, the state and the  
8 county or tribe or band that created it, and that has the powers and duties specified  
9 in this section, if the each county board or tribe or band that participates in creating  
10 the district does all of the following:

11           **\*-1524/P3.29\* SECTION 1016.** 46.2895 (1) (a) 1. a. of the statutes is amended  
12 to read:

13           **46.2895 (1) (a) 1. a.** Declares the need for establishing the family long-term  
14 care district.

15           **\*-1524/P3.30\* SECTION 1017.** 46.2895 (1) (a) 1. b. of the statutes is amended  
16 to read:

17           **46.2895 (1) (a) 1. b.** Specifies the family long-term care district’s primary  
18 purpose, which shall be to operate, under contract with the department, either a  
19 resource center under s. 46.283 or, a care management organization under s. 46.284,  
20 but not both, or a program described under s. 46.2805 (1) (a) or (b).

21           **\*-1524/P3.31\* SECTION 1018.** 46.2895 (1) (a) 1. c. of the statutes is created to  
22 read:

23           **46.2895 (1) (a) 1. c.** Specifies the number of individuals who shall be appointed  
24 as members of the long-term care district board, the length of their terms, and, if the

1 long-term care district is created by more than one county or tribe or band, how many  
2 members shall be appointed by each county or tribe or band.

3 **\*-1524/P3.32\* SECTION 1019.** 46.2895 (1) (b) of the statutes is repealed.

4 **\*-1524/P3.33\* SECTION 1020.** 46.2895 (1) (c) of the statutes is created to read:

5 46.2895 (1) (c) A long-term care district may not operate a care management  
6 organization under s. 46.284 or a program described under s. 46.2805 (1) (a) or (b)  
7 if the district operates a resource center under s. 46.283.

8 **\*-1524/P3.34\* SECTION 1021.** 46.2895 (1) (d) of the statutes is created to read:

9 46.2895 (1) (d) A county or tribe or band may create more than one long-term  
10 care district.

11 **\*-1524/P3.35\* SECTION 1022.** 46.2895 (1) (e) of the statutes is created to read:

12 46.2895 (1) (e) A long-term care district may change its primary purpose  
13 specified under par. (a) 1. b. if all the counties or tribes or bands that created the  
14 district and that have not withdrawn or been removed from the district under sub.  
15 (14), adopt a resolution approving the change in primary purpose and if the change  
16 in purpose does not violate par. (c) or any provision of a contract between the  
17 department and the district.

18 **\*-1524/P3.36\* SECTION 1023.** 46.2895 (2) of the statutes is amended to read:

19 46.2895 (2) JURISDICTION. A family long-term care district's jurisdiction is the  
20 geographical area of the county or counties ~~of the county board or boards of~~  
21 ~~supervisors who~~ that created the family long-term care district and the geographic  
22 area of the reservation of, or lands held in trust for, any tribe or band that created  
23 the long-term care district.

24 **\*-1524/P3.37\* SECTION 1024.** 46.2895 (3) (title) of the statutes is amended to  
25 read:

1 46.2895 (3) (title) FAMILY LONG-TERM CARE DISTRICT BOARD.

2 **\*-1524/P3.38\* SECTION 1025.** 46.2895 (3) (a) 1. of the statutes is renumbered  
3 46.2895 (3) (a) and amended to read:

4 46.2895 (3) (a) The county board of supervisors of a county or, in a county with  
5 a county administrator or county executive, the county administrator or county  
6 executive shall appoint the members of the family long-term care district board,  
7 which is the governing board of a family care district under sub. (1) (a) members  
8 whom the county is allotted, by resolutions adopted under sub. (1) (a) 1. c., to appoint.

9 **\*-1524/P3.39\* SECTION 1026.** 46.2895 (3) (a) 2. of the statutes is repealed.

10 **\*-1524/P3.40\* SECTION 1027.** 46.2895 (3) (b) 1. of the statutes is amended to  
11 read:

12 46.2895 (3) (b) 1. The family care district board appointed under par. (a) 1. shall  
13 consist of 15 persons who are residents of the area of jurisdiction of the family care  
14 district. At least one-fourth of the members of a long-term care district board shall  
15 be representative of the client group or groups whom it is the family long-term care  
16 district's primary purpose to serve or those clients' family members, guardians, or  
17 other advocates.

18 **\*-1524/P3.41\* SECTION 1028.** 46.2895 (3) (b) 2. of the statutes is repealed.

19 **\*-1524/P3.42\* SECTION 1029.** 46.2895 (3) (b) 3. of the statutes is amended to  
20 read:

21 46.2895 (3) (b) 3. Membership of the family a long-term care district board  
22 under subd. 1. or 2. shall reflect the ethnic and economic diversity of in the area of  
23 jurisdiction of the family long-term care district. Up to one-fourth of the members  
24 of the board may be elected or appointed officials or employees of the county or  
25 counties that created the family care district.

1           4. No member of the a long-term care district board may have a private  
2           financial interest in or profit directly or indirectly from any contract or other  
3           business of the family long-term care district.

4           \*-1524/P3.43\* SECTION 1030. 46.2895 (3) (b) 5. of the statutes is created to  
5           read:

6           46.2895 (3) (b) 5. Only individuals who reside within the jurisdiction of a  
7           long-term care district may serve as members of the long-term care district board.

8           \*-1524/P3.44\* SECTION 1031. 46.2895 (3) (c) of the statutes is repealed.

9           \*-1524/P3.45\* SECTION 1032. 46.2895 (3) (d) of the statutes is amended to  
10          read:

11          46.2895 (3) (d) As soon as possible after the appointment of the initial members  
12          of the family long-term care district board, the board shall organize for the  
13          transaction of business and elect a chairperson and other necessary officers. Each  
14          chairperson shall be elected by the board from time to time for the term of that  
15          chairperson's office as a member of the board or for the term of 3 years, whichever  
16          is shorter, and shall be eligible for reelection. A majority of the board shall constitute  
17          a quorum. The Unless specified otherwise in a bylaw adopted by the board, the board  
18          may act based on the affirmative vote of a majority of a quorum.

19          \*-1524/P3.46\* SECTION 1033. 46.2895 (4) (intro.) of the statutes is amended  
20          to read:

21          46.2895 (4) POWERS. (intro.) Subject to sub. (1) (a) 1. b. (c), a family long-term  
22          care district has all the powers necessary or convenient to carry out the purposes and  
23          provisions of ss. 46.2805 to 46.2895. In addition to all these powers, a family  
24          long-term care district may do all of the following:

1           **\*-1524/P3.47\* SECTION 1034.** 46.2895 (4) (b) of the statutes is amended to  
2 read:

3           46.2895 (4) (b) Adopt bylaws and policies and procedures for the regulation of  
4 its affairs and the conduct of its business. The bylaws, policies and procedures shall  
5 be consistent with ss. 46.2805 to 46.2895 and, if the family long-term care district  
6 contracts with the department under par. (d) or (dm), with the terms of that contract.

7           **\*-1524/P3.48\* SECTION 1035.** 46.2895 (4) (dm) of the statutes is created to  
8 read:

9           46.2895 (4) (dm) Subject to sub. (1) (c), enter into a contract with the  
10 department to operate a program described under s. 46.2805 (1) (a) or (b) and provide  
11 services related to the contracted services.

12           **\*-1524/P3.49\* SECTION 1036.** 46.2895 (4) (g) of the statutes is amended to  
13 read:

14           46.2895 (4) (g) Subject to sub. (8), employ any agent, employee, or special  
15 adviser that the family long-term care district finds necessary, fix and regulate his  
16 or her compensation and provide, either directly or subject to an agreement under  
17 s. 66.0301 as a participant in a benefit plan of another governmental entity, any  
18 employee benefits, including an employee pension plan.

19           **\*-1524/P3.50\* SECTION 1037.** 46.2895 (4) (h) of the statutes is amended to  
20 read:

21           46.2895 (4) (h) Mortgage, pledge or otherwise encumber the family long-term  
22 care district's property or funds.

23           **\*-1524/P3.51\* SECTION 1038.** 46.2895 (4) (k) of the statutes is amended to  
24 read:

1           46.2895 (4) (k) Create a risk reserve or other special reserve as the family  
2    long-term care district board desires or as the department requires under the  
3    contract with the department that is specified under par. (d).

4           \***-1524/P3.52\*** SECTION 1039. 46.2895 (4) (L) of the statutes is amended to  
5    read:

6           46.2895 (4) (L) Accept aid, including loans, to accomplish the purpose of the  
7    family long-term care district from any local, state or federal governmental agency  
8    or accept gifts, loans, grants or bequests from individuals or entities, if the conditions  
9    under which the aid, loan, gift, grant or bequest is furnished are not in conflict with  
10   this section.

11          \***-1524/P3.53\*** SECTION 1040. 46.2895 (4) (m) of the statutes is amended to  
12   read:

13          46.2895 (4) (m) Make and execute other instruments necessary or convenient  
14   to exercise the powers of the family long-term care district.

15          \***-1524/P3.54\*** SECTION 1041. 46.2895 (5) of the statutes is amended to read:

16          46.2895 (5) LIMITATION ON POWERS. A family long-term care district may not  
17   issue bonds or levy a tax or assessment.

18          \***-1524/P3.55\*** SECTION 1042. 46.2895 (6) (intro.) of the statutes is amended  
19   to read:

20          46.2895 (6) DUTIES. (intro.) The family long-term care district board shall do  
21   all of the following:

22          \***-1524/P3.56\*** SECTION 1043. 46.2895 (6) (b) of the statutes is amended to  
23   read:

1 46.2895 (6) (b) Subject to sub. (8), develop and implement a personnel  
2 structure and other employment policies for employees of the family long-term  
3 care district.

4 **\*-1524/P3.57\* SECTION 1044.** 46.2895 (6) (c) of the statutes is amended to  
5 read:

6 46.2895 (6) (c) Assure compliance with the terms of any contract with the  
7 department under sub. (4) (d) or (dm).

8 **\*-1524/P3.58\* SECTION 1045.** 46.2895 (6) (d) of the statutes is amended to  
9 read:

10 46.2895 (6) (d) Establish a fiscal operating year and annually adopt a budget  
11 for the family long-term care district.

12 **\*-1524/P3.59\* SECTION 1046.** 46.2895 (6) (e) of the statutes is amended to  
13 read:

14 46.2895 (6) (e) Contract for any legal services required for the family long-term  
15 care district.

16 **\*-1524/P3.60\* SECTION 1047.** 46.2895 (7) (a) of the statutes is amended to  
17 read:

18 46.2895 (7) (a) Manage the property and business of the family long-term care  
19 district and manage the employees of the district, subject to the general control of the  
20 family long-term care district board.

21 **\*-1524/P3.61\* SECTION 1048.** 46.2895 (7) (b) of the statutes is amended to  
22 read:

23 46.2895 (7) (b) Comply with the bylaws and direct enforcement of all policies  
24 and procedures adopted by the family long-term care district board.

1           **\*-1524/P3.62\* SECTION 1049.** 46.2895 (7) (c) of the statutes is amended to  
2       read:

3           46.2895 (7) (c) Perform duties in addition to those specified in pars. (a) and (b)  
4       as are prescribed by the family long-term care district board.

5           **\*-1524/P3.63\* SECTION 1050.** 46.2895 (8) (a) (intro.) of the statutes is amended  
6       to read:

7           46.2895 (8) (a) (intro.) A family long-term care district board that is created  
8       at least in part by a county shall do all of the following:

9           **\*-1524/P3.64\* SECTION 1051.** 46.2895 (8) (a) 1. of the statutes is amended to  
10      read:

11           46.2895 (8) (a) 1. If the family long-term care district offers employment to any  
12      individual who was previously employed by the a county, which participated in  
13      creating the district and at the time of the offer had not withdrawn or been removed  
14      from the district under sub. (14), and who while employed by the county performed  
15      duties relating to the same or a substantially similar function for which the  
16      individual is offered employment by the district and whose wages, hours and  
17      conditions of employment were established in a collective bargaining agreement  
18      with the county under subch. IV of ch. 111 that is in effect on the date that the  
19      individual commences employment with the district, with respect to that individual,  
20      abide by the terms of the collective bargaining agreement concerning the individual's  
21      compensation and benefits wages and, if applicable, vacation allowance, sick leave  
22      accumulation, sick leave bank, holiday allowance, funeral leave allowance, personal  
23      day allowance, or paid time off allowance until the time of the expiration of that  
24      collective bargaining agreement or adoption of a collective bargaining agreement

1 with the district under subch. IV of ch. 111 covering the individual as an employee  
2 of the district, whichever occurs first.

3 **\*-1524/P3.65\* SECTION 1052.** 46.2895 (8) (a) 2. of the statutes is repealed.

4 **\*-1524/P3.66\* SECTION 1053.** 46.2895 (8) (a) 3. of the statutes is amended to  
5 read:

6 46.2895 (8) (a) 3. If the family long-term care district offers employment to any  
7 individual who was previously employed by the a county, which participated in  
8 creating the district and at the time of the offer had not withdrawn or been removed  
9 from the district under sub. (14), and who while employed by the county performed  
10 duties relating to the same or a substantially similar function for which the  
11 individual is offered employment by the district, with respect to that individual,  
12 recognize all years of service with the county for any benefit provided or program  
13 operated by the district for which an employee's years of service may affect the  
14 provision of the benefit or the operation of the program.

15 **\*-1524/P3.67\* SECTION 1054.** 46.2895 (8) (a) 4. of the statutes is amended to  
16 read:

17 46.2895 (8) (a) 4. If the county has not established its own retirement system  
18 for county employees, adopt a resolution that the family long-term care district be  
19 included within the provisions of the Wisconsin retirement system under s. 40.21 (1).  
20 In this resolution, the family long-term care district shall agree to recognize 100%  
21 of the prior creditable service of its employees earned by the employees while  
22 employed by the district.

23 **\*-1524/P3.68\* SECTION 1055.** 46.2895 (8) (b) (intro.) of the statutes is amended  
24 to read:

1       46.2895 (8) (b) (intro.) ~~The county board of supervisors of the area of~~  
2       jurisdiction of the family each county that creates a long-term care district shall do  
3       all of the following:

4       \***-1524/P3.69\*** SECTION 1056. 46.2895 (8) (b) 1. of the statutes is amended to  
5       read:

6       46.2895 (8) (b) 1. If the county has established its own retirement system for  
7       county employees, provide that family long-term care district employees are eligible  
8       to participate in the county retirement system.

9       \***-1524/P3.70\*** SECTION 1057. 46.2895 (8) (b) 2. of the statutes is repealed.

10       \***-1524/P3.71\*** SECTION 1058. 46.2895 (8) (b) 2m. of the statutes is created to  
11       read:

12       46.2895 (8) (b) 2m. If the long-term care district employs any individual who  
13       was previously employed by the county, provide the individual health care coverage  
14       that is similar to the health care coverage that the county provided the individual  
15       when he or she was employed by the county.

16       \***-1524/P3.72\*** SECTION 1059. 46.2895 (8) (b) 3. of the statutes is repealed.

17       \***-1524/P3.73\*** SECTION 1060. 46.2895 (8) (c) of the statutes is created to read:

18       46.2895 (8) (c) A long-term care district and any county that created the  
19       district and has not withdrawn from or been removed from the district under sub.  
20       (14) may enter into an agreement allocating the costs of providing benefits described  
21       under this section between the district and the county.

22       \***-1524/P3.74\*** SECTION 1061. 46.2895 (9) of the statutes is amended to read:

23       46.2895 (9) CONFIDENTIALITY OF RECORDS. No record, as defined in s. 19.32 (2),  
24       of a family long-term care district that contains personally identifiable information,  
25       as defined in s. 19.62 (5), concerning an individual who receives services from the

## SECTION 1061

1 family long-term care district may be disclosed by the family long-term care district  
2 without the individual's informed consent, except as required to comply with s.  
3 16.009 (2) (p) or 49.45 (4).

4 **\*-1524/P3.75\* SECTION 1062.** 46.2895 (10) of the statutes is amended to read:

5 46.2895 (10) EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss.  
6 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),  
7 253.07 (3) (c) and 938.78 (2) (a), a family long-term care district acting under this  
8 section may exchange confidential information about a client, as defined in s.  
9 46.287 (1), without the informed consent of the client, under s. 46.21 (2m) (c),  
10 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or  
11 51.437 (4r) (b) in the jurisdiction of the family long-term care district, if necessary  
12 to enable the family long-term care district to perform its duties or to coordinate  
13 the delivery of services to the client.

14 **\*-1524/P3.76\* SECTION 1063.** 46.2895 (11) of the statutes is amended to read:

15 46.2895 (11) OBLIGATIONS AND DEBTS, AND RESPONSIBILITIES NOT THOSE OF COUNTY.  
16 The obligations and debts of the family a long-term care district are not the  
17 obligations or debts of the any county that created the family care district. If a  
18 long-term care district is obligated by statute or contract to provide or pay for  
19 services or benefits, no county is responsible for providing or paying for those services  
20 or benefits.

21 **\*-1524/P3.77\* SECTION 1064.** 46.2895 (12) of the statutes is amended to read:

22 46.2895 (12) ASSISTANCE TO FAMILY LONG-TERM CARE DISTRICT. From moneys in  
23 the a county treasury that are not appropriated to some other purpose, the county  
24 board of supervisors under sub. (1) (a) or the county boards of supervisors under sub.  
25 (1) (b) may appropriate moneys to the family a long-term care district that the county

1 participated in creating as a gift or may lend moneys to the family long-term care  
2 district.

3 \***-1524/P3.78\* SECTION 1065.** 46.2895 (13) (intro.), (a) and (b) of the statutes  
4 are consolidated, renumbered 46.2895 (13) and amended to read:

5 46.2895 (13) DISSOLUTION. (intro.) Subject to the performance of the  
6 contractual obligations of a family long-term care district and if first approved by the  
7 secretary of the department, the family long-term care district may be dissolved by  
8 the joint action of the family long-term care district board and each county board of  
9 supervisors under sub. (1) (a) or the county boards of supervisors under sub. (1) (b)  
10 or tribe or band that created the family long-term care district and has not  
11 withdrawn or been removed from the district under sub. (14). If the family a  
12 long-term care district that is created by one county or tribe or band is dissolved, the  
13 property of the district shall be transferred to the county board of supervisors or tribe  
14 or band that created the family care district except as follows: it. (a) If the family a  
15 long-term care district was is created under sub. (1) (b), by more than one county or  
16 tribe or band, all of the county boards of supervisors counties or tribes or bands that  
17 created the district and that have not withdrawn or been removed from the district  
18 under sub. (14) shall agree on the apportioning of the family long-term care district's  
19 property before the district may be dissolved. (b) If the family long-term care district  
20 operates a care management organization under s. 46.284, disposition of any  
21 remaining funds in the risk reserve under s. 46.284 (5) (e) shall be made under the  
22 terms of the district's contract with the department.

23 \***-1524/P3.79\* SECTION 1066.** 46.2895 (14) of the statutes is created to read:  
24 46.2895 (14) WITHDRAWAL OR REMOVAL OF A COUNTY OR TRIBE OR BAND. Subject  
25 to approval from the department, a long-term care district may establish conditions

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1 for a county or tribe or band that participated with one or more counties or tribes or  
2 bands in creating the district to withdraw from the district or for the district to  
3 remove the county or tribe or band from the district.

4 **\*-0242/1.3\* SECTION 1067.** 46.29 (1) (c) of the statutes is repealed.

5 **\*-0242/1.4\* SECTION 1068.** 46.29 (1) (fm) of the statutes is repealed.

6 **\*-1261/5.264\* \*-1261/P3.210\* SECTION 1069.** 46.30 (title) of the statutes is  
7 renumbered 49.265 (title).

8 **\*-1261/5.265\* \*-1261/P3.211\* SECTION 1070.** 46.30 (1) of the statutes is  
9 renumbered 49.265 (1).

10 **\*-1261/5.266\* \*-1261/P3.212\* SECTION 1071.** 46.30 (2) of the statutes is  
11 renumbered 49.265 (2).

12 **\*-1261/5.267\* \*-1261/P3.213\* SECTION 1072.** 46.30 (3) (title) of the statutes  
13 is renumbered 49.265 (3) (title).

14 **\*-1261/5.268\* \*-1261/P3.214\* SECTION 1073.** 46.30 (3) (a) (intro.) of the  
15 statutes is renumbered 49.265 (3) (a) (intro.).

16 **\*-1261/5.269\* \*-1261/P3.215\* SECTION 1074.** 46.30 (3) (a) 1. of the statutes  
17 is renumbered 49.265 (3) (a) 1.

18 **\*-1261/5.270\* \*-1261/P3.216\* SECTION 1075.** 46.30 (3) (a) 2. of the statutes  
19 is renumbered 49.265 (3) (a) 2.

20 **\*-1261/5.271\* \*-1261/P3.217\* SECTION 1076.** 46.30 (3) (a) 3. of the statutes  
21 is renumbered 49.265 (3) (a) 3.

22 **\*-1261/5.272\* \*-1261/P3.218\* SECTION 1077.** 46.30 (3) (a) 4. of the statutes  
23 is renumbered 49.265 (3) (a) 4.

24 **\*-1261/5.273\* \*-1261/P3.219\* SECTION 1078.** 46.30 (3) (a) 5. of the statutes  
25 is renumbered 49.265 (3) (a) 5.

1           \***-1261/5.274\*** \***-1261/P3.220\*** SECTION 1079. 46.30 (3) (a) 6. of the statutes  
2 is renumbered 49.265 (3) (a) 6.

3           \***-1261/5.275\*** \***-1261/P3.221\*** SECTION 1080. 46.30 (3) (a) 7. of the statutes  
4 is renumbered 49.265 (3) (a) 7.

5           \***-1261/5.276\*** \***-1261/P3.222\*** SECTION 1081. 46.30 (3) (a) 8. of the statutes  
6 is renumbered 49.265 (3) (a) 8. and amended to read:

7           49.265 (3) (a) 8. Appoint a representative or representatives to the citizen  
8 advisory committee under s. 46.031 49.325 (3) (a), in order to participate in  
9 developing and implementing programs designed to serve the poor.

10           \***-1261/5.277\*** \***-1261/P3.223\*** SECTION 1082. 46.30 (3) (b) of the statutes is  
11 renumbered 49.265 (3) (b).

12           \***-1261/5.278\*** \***-1261/P3.224\*** SECTION 1083. 46.30 (4) (title) of the statutes  
13 is renumbered 49.265 (4) (title).

14           \***-1261/5.279\*** \***-1261/P3.225\*** SECTION 1084. 46.30 (4) (a) of the statutes is  
15 renumbered 49.265 (4) (a) and amended to read:

16           49.265 (4) (a) The department shall distribute the federal community services  
17 block grant funds received under 42 USC 9903 and deposited in the appropriations  
18 under s. 20.435 ~~(3)~~ 20.437 (1) (mc) and (md).

19           \***-1261/5.280\*** \***-1261/P3.226\*** SECTION 1085. 46.30 (4) (b) of the statutes is  
20 renumbered 49.265 (4) (b).

21           \***-1261/5.281\*** \***-1261/P3.227\*** SECTION 1086. 46.30 (4) (c) of the statutes is  
22 renumbered 49.265 (4) (c).

23           \***-1261/5.282\*** \***-1261/P3.228\*** SECTION 1087. 46.30 (4) (d) of the statutes is  
24 renumbered 49.265 (4) (d).

1       \***-1261/5.283\*** \***-1261/P3.229\*** **SECTION 1088.** 46.30 (5) of the statutes is  
2       renumbered 49.265 (5).

3       \***-1261/5.284\*** \***-1261/P3.230\*** **SECTION 1089.** 46.40 (1) (a) of the statutes is  
4       amended to read:

5       46.40 (1) (a) Within the limits of available federal funds and of the  
6       appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds  
7       for community social, mental health, developmental disabilities, and alcohol and  
8       other drug abuse services and for services under ss. ~~46.51~~, 46.87, 46.985, and 51.421  
9       to county departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437 and to  
10      county aging units, as provided in subs. (2), (2m), and (7) to (9).

11      \***-1261/5.285\*** \***-1261/P3.231\*** **SECTION 1090.** 46.40 (1) (b) of the statutes is  
12      renumbered 48.563 (1) (b) and amended to read:

13      48.563 (1) (b) Notwithstanding s. ~~46.49~~ 48.568, if the department receives any  
14      federal moneys under 42 USC 670 to 679a in reimbursement of moneys allocated  
15      under par. (a) for the provision of foster care, the department shall distribute those  
16      federal moneys for services and projects to assist children and families and for the  
17      purposes specified in s. ~~46.46~~ 48.567.

18      \***-1261/5.286\*** \***-1261/P3.232\*** **SECTION 1091.** 46.40 (1) (c) of the statutes is  
19      renumbered 48.563 (1) (c) and amended to read:

20      48.563 (1) (c) The Milwaukee County department of social services shall report  
21      to the department in a manner specified by the department on all children under the  
22      supervision of the Milwaukee County department of social services who are placed  
23      in foster homes and whose foster parents receive funding for child care from the  
24      amounts distributed under par. (a) so that the department may claim federal foster  
25      care and adoption assistance reimbursement under 42 USC 670 to 679a for the

1 amounts expended by the Milwaukee County department of social services for the  
2 provision of child care for those children. Notwithstanding s. 46.49 48.568, if the  
3 department receives any federal moneys under 42 USC 670 to 679a in  
4 reimbursement of the amounts expended by the Milwaukee County department of  
5 social services for the provision of child care for children in foster care in 1996 and  
6 1997, the department shall distribute those federal moneys to the Milwaukee County  
7 department of social services for the provision of child care for children in foster care.

8 \*~~1261/5.287~~\* \*~~1261/P3.233~~\* SECTION 1092. 46.40 (1) (d) of the statutes is  
9 amended to read:

10 46.40 (1) (d) If the department of health and family services receives any  
11 federal moneys under 42 USC 1396 to 1396v in reimbursement of the cost of  
12 preventing out-of-home placements of children, the department of health and  
13 family services shall transfer those moneys to the department of children and  
14 families, and the department of children and families shall use those moneys as the  
15 first source of moneys used to meet the amount of the allocation under sub. s. 48.563  
16 (2) that is budgeted from federal funds.

17 \*~~0258/1.1~~\* SECTION 1093. 46.40 (2) of the statutes is amended to read:

18 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under  
19 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not  
20 more than ~~\$242,078,700~~ \$242,421,500 in each fiscal year.

21 \*~~1261/5.288~~\* SECTION 1094. 46.40 (2) of the statutes, as affected by 2007  
22 Wisconsin Act .... (this act), is amended to read:

23 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under  
24 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not  
25 more than ~~\$242,421,500~~ \$176,255,400 in each fiscal year.

\*\*\*\*NOTE: This is reconciled s. 46.40 (2). This SECTION has been affected by drafts with the following LRB numbers: -0258 and -1261.

1           \***-1261/5.289\*** \***-1261/P3.235\*** SECTION 1095. 46.40 (3) of the statutes is  
2           renumbered 48.563 (3) and amended to read:

3           48.563 (3) TRIBAL CHILD CARE. For child care services under 42 USC 9858, the  
4           department shall distribute not more than \$412,800 in each fiscal year from the  
5           appropriation account under s. ~~20.435 (7)~~ 20.437 (1) (b) to federally recognized  
6           American Indian tribes or bands. A tribe or band that receives funding under this  
7           subsection shall use that funding to provide child care for an eligible child, as defined  
8           in 42 USC 9858n (4).

9           \***-1261/5.290\*** \***-1261/P3.236\*** SECTION 1096. 46.40 (7m) of the statutes is  
10          renumbered 48.563 (7m) and amended to read:

11          48.563 (7m) USE BY COUNTY OF COMMUNITY CHILDREN AND FAMILY AIDS FUNDS TO  
12          PAY PRIVATE ATTORNEYS FOR CERTAIN PROCEEDINGS UNDER THE CHILDREN'S CODE. Upon  
13          application by a county department under s. 46.215, 46.22, or 46.23 to the  
14          department for permission to use funds allocated to that county department under  
15          sub. (2) to employ private counsel for the purposes specified in this subsection and  
16          a determination by the department that use of funds for those purposes does not  
17          affect any federal grants or federal funding allocated under this section, the  
18          department and the county department shall execute a contract authorizing the  
19          county department to expend, as agreed upon in the contract, funds allocated to that  
20          county department under sub. (2) to permit the county department to employ private  
21          counsel to represent the interests of the state or county in proceedings under ~~ch. 48~~  
22          this chapter relating to child abuse or neglect cases, unborn child abuse cases,  
23          ~~proceedings to terminate, termination of parental rights, and any ch. 48 cases or~~

1 proceedings involving the Indian child welfare act Child Welfare Act, 25 USC 1901  
2 to 1963.

3 **\*-0330/P6.39\* SECTION 1097.** 46.40 (9) (a) (intro.) of the statutes is amended  
4 to read:

5 46.40 (9) (a) *Transfer to family care program and adult protective services*  
6 *allocation.* (intro.) If a care management organization under s. 46.284 is available  
7 in a county, the department may dispose of ~~not more than 21.3%~~ a portion of the  
8 amount allocated under sub. (2) that is specified in an agreement with the county to  
9 that county as follows; and, of the amount allocated under sub. (8), may dispose of  
10 the lesser of up to 60% or the amount remaining after subtracting an amount  
11 necessary to maintain funding for recipients under sub. (8) who, on September 1,  
12 2001, are ineligible for the family care benefit under s. 46.286, to that county, as  
13 follows:

14 **\*-0260/1.1\* SECTION 1098.** 46.40 (14m) of the statutes is repealed.

15 **\*-1261/5.291\* \*-1261/P3.238\* SECTION 1099.** 46.45 (2) (a) of the statutes is  
16 renumbered 48.565 (2) (a) and amended to read:

17 48.565 (2) (a) Subject to par. (am), if on December 31 of any year there remains  
18 unspent or unencumbered in the allocation under s. 46.40 48.563 (2) an amount that  
19 exceeds the amount received under 42 USC 670 to 679a and allocated under s. 46.40  
20 48.563 (2) in that year, the department shall carry forward the excess moneys and  
21 distribute not less than 50% of the excess moneys to counties having a population of  
22 less than 500,000 that are making a good faith effort, as determined by the  
23 department, to comply with s. 46.22 (1) (c) 8. f. for services and projects to assist  
24 children and families, notwithstanding the percentage limit specified in sub. (3) (a).  
25 A county shall use not less than 50% of the moneys distributed to the county under

1 this subsection for services for children who are at risk of abuse or neglect to prevent  
2 the need for child abuse and neglect intervention services, except that in the calendar  
3 year in which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2  
4 calendar years after that calendar year the county may use 100% of the moneys  
5 distributed under this paragraph to reimburse the department for the costs of  
6 achieving that compliance. If a county does not comply with s. 46.22 (1) (c) 8. f. before  
7 July 1, 2005, the department may recover any amounts distributed to that county  
8 under this paragraph after June 30, 2001, by billing the county or deducting from  
9 that county's allocation under s. 46.40 48.563 (2). All moneys received by the  
10 department under this paragraph shall be credited to the appropriation account  
11 under s. ~~20.435 (3)~~ 20.437 (1) (j).

12 \*~~1261/5.292~~\* \*~~1261/P3.239~~\* SECTION 1100. 46.45 (2) (am) of the statutes is  
13 renumbered 48.565 (2) (am) and amended to read:

14 48.565 (2) (am) If on December 31 of any year a county is not using the  
15 centralized unit contracted for under s. ~~46.03~~ 48.47 (7) (h) for determining whether  
16 the cost of providing care for a child is eligible for reimbursement under 42 USC 670  
17 to 679a, the department shall reduce that county's distribution under par. (a) by 50%.

18 \*~~1261/5.293~~\* \*~~1261/P3.240~~\* SECTION 1101. 46.45 (2) (b) of the statutes is  
19 renumbered 48.565 (2) (b).

20 \*~~1261/5.294~~\* \*~~1261/P3.241~~\* SECTION 1102. 46.45 (2) (c) of the statutes is  
21 renumbered 48.565 (2) (c) and amended to read:

22 48.565 (2) (c) The department shall credit to the appropriation account under  
23 s. ~~20.435 (8) (mb)~~ 20.437 (3) (mp) any moneys carried forward under par. (a), but not  
24 distributed to counties, and may expend those moneys as provided in s. ~~46.46~~ 48.567.

1           \***-1261/5.295\*** \***-1261/P3.242\*** **SECTION 1103.** 46.45 (3) (a) of the statutes is  
2           amended to read:

3           46.45 (3) (a) Except as provided in par. (b), at the request of a county, tribal  
4           governing body, or private nonprofit organization, the department shall carry  
5           forward up to 3% of the total amount allocated to the county, tribal governing body,  
6           or nonprofit organization for a calendar year, not including the amount allocated to  
7           the county under s. 46.40 (7), which amount may be carried forward as provided in  
8           par. (c). All funds carried forward for a tribal governing body or nonprofit  
9           organization, ~~all federal child welfare funds under 42 USC 620 to 626~~, and all funds  
10          allocated under s. 46.40 (2m) carried forward for a county shall be used for the  
11          purpose for which the funds were originally allocated. Other funds carried forward  
12          under this paragraph may be used for any purpose under s. 20.435 (7) (b), except that  
13          a county may not use any funds carried forward under this paragraph for  
14          administrative or staff costs. An allocation of carried-forward funding under this  
15          paragraph does not affect a county's base allocations under s. 46.40 (2), (2m), (8), and  
16          (9).

17          \***-1261/5.296\*** \***-1261/P3.243\*** **SECTION 1104.** 46.46 (1) of the statutes is  
18          amended to read:

19          46.46 (1) From the appropriation account under s. 20.435 (8) (mb), the  
20          department shall support costs that are exclusively related to the ongoing and  
21          recurring operational costs of augmenting the amount of moneys received under 42  
22          ~~USC 670 to 679a~~, 42 USC 1395 to 1395ddd, and 42 USC 1396 to 1396v and to any  
23          other purpose provided for by the legislature by law or in budget determinations and  
24          shall distribute moneys to counties as provided in sub. (1g). In addition, the

## SECTION 1104

1 department may expend moneys from the appropriation account under s. 20.435 (8)  
2 (mb) as provided in ~~subs. (1m) and sub. (2).~~

3 ~~\*-1261/5.297\* \*-1261/P3.244\*~~ SECTION 1105. 46.46 (1m) of the statutes is  
4 renumbered 48.567 (1m) and amended to read:

5 48.567 (1m) In addition to expending moneys from the appropriation account  
6 under s. ~~20.435 (8) (mb)~~ 20.437 (3) (mp) for the augmentation activities specified in  
7 sub. (1), the department may expend moneys received under 42 USC 1396 to 1396v  
8 in reimbursement of the cost of providing targeted case management services to  
9 children whose care is not eligible for reimbursement under 42 USC 670 to 679a and  
10 credited to the appropriation account under s. ~~20.435 (8) (mb)~~ 20.437 (3) (mp) to  
11 support the counties' share of implementing the statewide automated child welfare  
12 information system under s. 46.22 (1) (c) 8. f. and to provide services to children and  
13 families under s. 48.48 (17).

14 ~~\*-1261/5.298\*~~ SECTION 1106. 46.46 (2) of the statutes is amended to read:

15 46.46 (2) If the department proposes to use any moneys from the appropriation  
16 account under s. 20.435 (8) (mb) for any purpose other than the purposes specified  
17 in subs. (1), ~~(1g), and (1m)~~ and (1g), the department shall submit a plan for the  
18 proposed use of those moneys to the secretary of administration by September 1 of  
19 the fiscal year after the fiscal year in which those moneys were received. If the  
20 secretary of administration approves the plan, he or she shall submit the plan to the  
21 joint committee on finance by October 1 of the fiscal year after the fiscal year in which  
22 those moneys were received. If the cochairpersons of the committee do not notify the  
23 secretary of administration within 14 working days after the date of submittal of the  
24 plan that the committee has scheduled a meeting for the purpose of reviewing the  
25 plan, the department may implement the plan. If within 14 working days after the

1 date of the submittal by the secretary of administration the cochairpersons of the  
2 committee notify him or her that the committee has scheduled a meeting for the  
3 purpose of reviewing the plan, the department may implement the plan only with the  
4 approval of the committee.

5 **\*-1550/1.1\* SECTION 1107.** 46.48 (9) of the statutes is created to read:

6 46.48 (9) QUALITY HOME CARE PROGRAM. The department shall distribute at least  
7 \$167,000 in each fiscal year as a grant to an organization to provide services to  
8 consumers and providers of supportive home care and personal care.

9 **\*-0980/1.1\* SECTION 1108.** 46.48 (11m) (b) of the statutes is amended to read:

10 46.48 (11m) (b) The department shall award not more than ~~\$83,800 in fiscal~~  
11 ~~year 2005-06 and not more than \$106,400 in fiscal year 2006-07~~ annually as a grant  
12 to an organization or a group of organizations to provide services for female prisoners  
13 and offenders from Milwaukee County and their children, if the prisoners or  
14 offenders have been convicted of nonviolent crimes.

15 **\*-1022/3.1\* SECTION 1109.** 46.48 (16) of the statutes is created to read:

16 46.48 (16) CHILDREN'S LONG-TERM MANAGED CARE. The department shall award  
17 not more than \$250,000 in fiscal year 2007-08 and not more than \$250,000 in fiscal  
18 year 2008-09 as a grant to an organization or a group of organizations for technical  
19 assistance and planning services in support of family-centered managed care for  
20 children with long-term support needs.

21 **\*-1261/5.299\* \*-1261/P3.245\* SECTION 1110.** 46.481 (intro.) of the statutes is  
22 renumbered 48.481 (intro.) and amended to read:

23 **48.481 Grants for children's community programs.** (intro.) From the  
24 appropriation under s. 20.435 (3) 20.437 (1) (bc), the department shall distribute the  
25 following grants for children's community programs:

1       \***-1261/5.300\*** \***-1261/P3.246\*** SECTION 1111. 46.481 (1) (title) of the statutes  
2 is renumbered 48.481 (1) (title).

3       \***-1261/5.301\*** \***-1261/P3.247\*** SECTION 1112. 46.481 (1) (a) of the statutes is  
4 renumbered 48.481 (1) (a) and amended to read:

5       48.481 (1) (a) The department shall distribute \$497,200 in each fiscal year to  
6 counties for the purpose of supplementing payments for the care of an individual who  
7 attains age 18 after 1986 and who resided in a foster home, as defined in s. 48.02 (6),  
8 or a treatment foster home, as defined in s. 48.02 (17q), for at least 2 years  
9 immediately prior to attaining age 18 and, for at least 2 years, received exceptional  
10 foster care or treatment foster care payments in order to avoid institutionalization,  
11 as provided under rules promulgated by the department, so that the individual may  
12 live in a family home or other noninstitutional situation after attaining age 18. No  
13 county may use funds provided under this paragraph to replace funds previously  
14 used by the county for this purpose.

15       \***-1261/5.302\*** \***-1261/P3.248\*** SECTION 1113. 46.481 (1) (b) of the statutes is  
16 renumbered 48.481 (1) (b).

17       \***-1261/5.303\*** \***-1261/P3.249\*** SECTION 1114. 46.481 (3) of the statutes is  
18 renumbered 48.481 (3).

19       \***-0892/11.21\*** SECTION 1115. 46.485 (2g) (intro.) of the statutes is amended to  
20 read:

21       46.485 (2g) (intro.) From the appropriation accounts account under s. 20.435  
22 (4) (b) and ~~(gp)~~, the department may in each fiscal year transfer funds to the  
23 appropriation under s. 20.435 (7) (kb) for distribution under this section and from the  
24 appropriation account under s. 20.435 (7) (mb) the department may not distribute

1 more than \$1,330,500 in each fiscal year to applying counties in this state that meet  
2 all of the following requirements, as determined by the department:

3 **\*-0905/3.20\* SECTION 1116.** 46.485 (3g) of the statutes is amended to read:

4 46.485 (3g) The amount that the department may transfer under sub. (2g) for  
5 counties may not exceed the estimated state share of payments under s. 49.45, 49.46  
6 or, 49.47, or 49.471 for mental health care and treatment that is provided in inpatient  
7 facilities for children with severe emotional disturbances.

8 **\*-1261/5.304\* \*-1261/P3.250\* SECTION 1117.** 46.49 (title) of the statutes is  
9 amended to read:

10 **46.49 (title) Allocation of federal funds for community aids and child**  
11 **welfare.**

12 **\*-1261/5.305\* \*-1261/P3.251\* SECTION 1118.** 46.49 (1) of the statutes is  
13 amended to read:

14 46.49 (1) ~~Subject to s. 46.40 (1) (b) and (c),~~ if the department receives  
15 unanticipated federal community mental health services block grant funds under 42  
16 USC 300x to 300x-9, or federal prevention and treatment of substance abuse block  
17 grant funds under 42 USC 300x-21 to 300x-35, or foster care and adoption  
18 assistance payments under 42 USC 670 to 679a and if the department proposes to  
19 allocate the unanticipated funds so that an allocation limit in s. 46.40 is exceeded,  
20 the department shall submit a plan for the proposed allocation to the secretary of  
21 administration. If the secretary of administration approves the plan, he or she shall  
22 submit it to the joint committee on finance. If the cochairpersons of the committee  
23 do not notify the secretary of administration that the committee has scheduled a  
24 meeting for the purpose of reviewing the plan within 14 working days after the date  
25 of his or her submittal, the department may implement the plan, notwithstanding

1 any allocation limits under s. 46.40. If within 14 working days after the date of the  
2 submittal by the secretary of administration the cochairpersons of the committee  
3 notify him or her that the committee has scheduled a meeting for the purpose of  
4 reviewing the plan, the department may implement the plan, notwithstanding s.  
5 46.40, only with the approval of the committee.

6 ~~\*-1261/5.306\* \*-1261/P3.252\*~~ SECTION 1119. 46.495 (1) (d) of the statutes is  
7 amended to read:

8 46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the  
9 department shall distribute the funding for social services, ~~including funding for~~  
10 ~~foster care, treatment foster care, or subsidized guardianship care of a child on whose~~  
11 ~~behalf aid is received under s. 46.261~~, to county departments under ss. 46.215, 46.22,  
12 and 46.23 as provided under s. 46.40. County matching funds are required for the  
13 distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for the  
14 distribution under s. 46.40 (2) shall be specified in a schedule established annually  
15 by the department of health and family services. Each county's required match for  
16 the distribution under s. 46.40 (8) for a year equals 9.89% of the total of the county's  
17 distributions under s. 46.40 (8) for that year for which matching funds are required  
18 plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for  
19 juvenile delinquency-related services from its distribution for 1987. Each county's  
20 required match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of  
21 that county's amounts described in s. 46.40 (9) (a) (intro.) for that year. Matching  
22 funds may be from county tax levies, federal and state revenue sharing funds, or  
23 private donations to the county that meet the requirements specified in s. 51.423 (5).  
24 Private donations may not exceed 25% of the total county match. If the county match  
25 is less than the amount required to generate the full amount of state and federal

1 funds distributed for this period, the decrease in the amount of state and federal  
2 funds equals the difference between the required and the actual amount of county  
3 matching funds.

4 \***-1261/5.307\*** \***-1261/P3.253\*** **SECTION 1120.** 46.51 (title) of the statutes is  
5 renumbered 48.986 (title).

6 \***-1261/5.308\*** \***-1261/P3.254\*** **SECTION 1121.** 46.51 (1) of the statutes is  
7 renumbered 48.986 (1) and amended to read:

8 48.986 (1) From the amounts distributed under s. 46.40 48.563 (1) for services  
9 for children and families, the department shall distribute funds to eligible counties  
10 for services related to child abuse and neglect and to unborn child abuse, including  
11 child abuse and neglect and unborn child abuse prevention, investigation, and  
12 treatment.

13 \***-1261/5.309\*** \***-1261/P3.255\*** **SECTION 1122.** 46.51 (3) of the statutes is  
14 renumbered 48.986 (3).

15 \***-1261/5.310\*** \***-1261/P3.256\*** **SECTION 1123.** 46.51 (4) of the statutes is  
16 renumbered 48.986 (4).

17 \***-1261/5.311\*** \***-1261/P3.257\*** **SECTION 1124.** 46.51 (5) of the statutes is  
18 renumbered 48.986 (5).

19 \***-0728/6.3\*** **SECTION 1125.** 46.513 of the statutes is repealed.

20 \***-1261/5.312\*** \***-1261/P3.259\*** **SECTION 1126.** 46.515 (title) of the statutes is  
21 renumbered 48.983 (title).

22 \***-1261/5.313\*** \***-1261/P3.260\*** **SECTION 1127.** 46.515 (1) (intro.) of the  
23 statutes is renumbered 48.983 (1) (intro.).

24 \***-1261/5.314\*** \***-1261/P3.261\*** **SECTION 1128.** 46.515 (1) (a) of the statutes is  
25 repealed.

## SECTION 1129

1           **\*-1261/5.315\* \*-1261/P3.262\* SECTION 1129.** 46.515 (1) (b) (intro.) of the  
2 statutes is renumbered 48.983 (1) (b) (intro.).

3           **\*-1261/5.316\* \*-1261/P3.263\* SECTION 1130.** 46.515 (1) (b) 1. (intro.) of the  
4 statutes is renumbered 48.983 (1) (b) 1. (intro.).

5           **\*-1261/5.317\* \*-1261/P3.264\* SECTION 1131.** 46.515 (1) (b) 1. a. of the  
6 statutes is renumbered 48.983 (1) (b) 1. a.

7           **\*-1261/5.318\* \*-1261/P3.265\* SECTION 1132.** 46.515 (1) (b) 1. b. of the  
8 statutes is renumbered 48.983 (1) (b) 1. b.

9           **\*-1261/5.319\* \*-1261/P3.266\* SECTION 1133.** 46.515 (1) (b) 1. c. of the statutes  
10 is renumbered 48.983 (1) (b) 1. c. and amended to read:

11           48.983 (1) (b) 1. c. A family that includes a person who has contacted a county  
12 department, as defined in s. 48.02 (2g), or an Indian tribe that has been awarded a  
13 grant under this section or, in a county having a population of 500,000 or more that  
14 has been awarded a grant under this section, the department or a licensed child  
15 welfare agency under contract with the department requesting assistance to prevent  
16 abuse or neglect of a child in the person's family and with respect to which an  
17 individual responding to the request has determined that all of the conditions in  
18 subd. 2. exist.

19           **\*-1261/5.320\* \*-1261/P3.267\* SECTION 1134.** 46.515 (1) (b) 2. of the statutes  
20 is renumbered 48.983 (1) (b) 2.

21           **\*-1261/5.321\* \*-1261/P3.268\* SECTION 1135.** 46.515 (1) (c) of the statutes is  
22 repealed.

23           **\*-1261/5.322\* \*-1261/P3.269\* SECTION 1136.** 46.515 (1) (cm) of the statutes  
24 is renumbered 48.983 (1) (cm).