



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1524? P1

RLR:.....

KK

In 1/18/07

DOA:..... Steve Milioto, BB0385a - Changing family care district to long-term care district

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

US: Pls fix requester's sheet

RMR
D-note

Do NOT Gen

1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, DHFS administers the Family Care program to provide long-term care services to people who are at least 18 years of age, have a physical or developmental disability or a degenerative brain disorder, and satisfy financial eligibility criteria. ✓ Under Family Care, DHFS contracts with care management organizations to provide a flexible long-term care benefit called the family care benefit for a capitated payment rate, and contracts with resource centers to provide information and referral services pertaining to long-term care and to assess financial and functional eligibility for the family care benefit, among other services. ✓ DHFS may contract with a county, an American Indian tribe or band, the Great Lakes Inter-Tribal Council, a family care district or a private entity to operate either a care management organization or a resource center, but not both. ✓ A family care district is a special purpose district created by one or more counties that is independent of the county and that may operate either a care management organization or a resource center. ✓

Also under current law, several counties administer the Wisconsin Partnership Program or the Program for All-Inclusive Care for the Elderly (PACE), capitated

payment rate programs to provide both acute health and long-term care services to elderly people or people with physical disabilities who are eligible for nursing home care. ✓

This bill renames a family care district a long-term care district and provides for American Indian tribes or bands acting alone or in conjunction with other tribes or bands or counties to create a long-term care district. ✓ The bill allows a long-term care district to operate the Wisconsin Partnership Program or PACE, as long as the district does not also operate a resource center. ✓ The bill also does the following: modifies provisions governing membership of long-term care district boards; ✓ modifies compensation and benefit provisions relevant to former county employees who are hired by a long-term care district; specifies that counties are not responsible for providing or paying for any services that a long-term care district is required by statute or contract to provide or pay for; ✓ and provides for a county or American Indian tribe or band to withdraw or be removed from a long-term care district. ✓ Finally, the bill modifies provisions governing membership of a governing board of a care management organization. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.94 (4) (a) 1. of the statutes is amended to read:

2 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
3 credentialing board, commission, independent agency, council or office in the
4 executive branch of state government; all bodies created by the legislature in the
5 legislative or judicial branch of state government; any public body corporate and
6 politic created by the legislature including specifically the Fox River Navigational
7 System Authority and the Wisconsin Aerospace Authority, a professional baseball
8 park district, a local professional football stadium district, a local cultural arts
9 district and a ~~family~~ [✓] long-term care district under s. 46.2895; every Wisconsin works
10 agency under subch. III of ch. 49; every provider of medical assistance under subch.
11 IV of ch. 49; technical college district boards; development zones designated under
12 s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit
13 corporation or cooperative or unincorporated cooperative association to which

1 moneys are specifically appropriated by state law; and every corporation, institution,
 2 association or other organization which receives more than 50% of its annual budget
 3 from appropriations made by state law, including subgrantee or subcontractor
 4 recipients of such funds.

NOTE: NOTE: Subd. 1. is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252; 1999 a. 9, 65, 105, 167, 197; 2001 a. 16, 105; 2003 a. 33, 111; 2005 a. 25, 74, 142, 335, 441; s. 13.93 (2) (c).

5 **SECTION 2.** 13.94 (4) (b) of the statutes is amended to read:

6 **13.94 (4) (b)** In performing audits of family long-term care districts under s.
 7 46.2895, Wisconsin works agencies under subch. III of ch. 49, providers of medical
 8 assistance under subch. IV of ch. 49, corporations, institutions, associations, or other
 9 organizations, and their subgrantees or subcontractors, the legislative audit bureau
 10 shall audit only the records and operations of such providers and organizations
 11 which pertain to the receipt, disbursement or other handling of appropriations made
 12 by state law.

History: 1971 c. 270 s. 104; 1971 c. 307; 1973 c. 334; 1975 c. 39, 199, 224, 421; 1977 c. 26, 29; 1977 c. 196 s. 131; 1977 c. 418; 1979 c. 34, 314, 324; 1981 c. 20, 335; 1983 a. 27, 36, 96, 381; 1985 a. 29, 57, 120, 176; 1987 a. 27, 119, 186, 320, 328, 354, 399, 403; 1989 a. 31, 122; 1991 a. 39, 269, 316; 1993 a. 16, 27, 107, 263, 399, 491; 1995 a. 27 ss. 43g to 47n, 9116 (5); 1995 a. 56, 216, 225, 274, 289; 1997 a. 27, 252; 1999 a. 9, 65, 105, 167, 197; 2001 a. 16, 105; 2003 a. 33, 111; 2005 a. 25, 74, 142, 335, 441; s. 13.93 (2) (c).

13 **SECTION 3.** 17.13 (title) of the statutes is amended to read:

14 **17.13 (title)** Removal of village, town, town sanitary district, school
 15 **district, technical college and family long-term care district officers.**

History: 1971 c. 154; 1977 c. 449; 1983 a. 532; 1993 a. 399; 1995 a. 34, 225; 1999 a. 9.

16 **SECTION 4.** 17.13 (intro.) of the statutes is amended to read:

17 **17.13** Removal of village, town, town sanitary district, school district,
 18 **and technical college and family ~~care district officers.~~** (intro.) Officers of
 19 towns, town sanitary districts, villages, school districts, and technical college
 20 districts ~~and family care districts~~ may be removed as follows:

History: 1971 c. 154; 1977 c. 449; 1983 a. 532; 1993 a. 399; 1995 a. 34, 225; 1999 a. 9.

21 **SECTION 5.** 17.13 (4) of the statutes is repealed.

1 **SECTION 6.** 17.15 (5) of the statutes is amended to read:

2 17.15 (5) ~~FAMILY LONG-TERM~~ CARE DISTRICT. Any member of a family ~~long-term~~
3 care district governing board appointed under s. 46.2895 (3) (a) ~~2.~~ may be removed
4 by the appointing authority for cause.

History: 1989 a. 324; 1991 a. 39, 316; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 27; 1999 a. 9; 2001 a. 16.

5 **SECTION 7.** 17.27 (3m) of the statutes is amended to read:

6 17.27 (3m) ~~FAMILY LONG-TERM~~ CARE DISTRICT BOARD. If a vacancy occurs in the
7 position of any appointed member of a family ~~long-term~~ care district board, the
8 appointing authority shall appoint to serve for the residue of the unexpired term a
9 person who meets the applicable requirements under s. 46.2895 (3) (b).

History: 1977 c. 29; 1979 c. 221; 1983 a. 192; 1989 a. 324; 1991 a. 39; 1993 a. 399; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

10 **SECTION 8.** 19.32 (1) of the statutes is amended to read:

11 19.32 (1) "Authority" means any of the following having custody of a record: a
12 state or local office, elected official, agency, board, commission, committee, council,
13 department or public body corporate and politic created by constitution, law,
14 ordinance, rule or order; a governmental or quasi-governmental corporation except
15 for the Bradley center sports and entertainment corporation; a local exposition
16 district under subch. II of ch. 229; a family ~~long-term~~ care district under s. 46.2895;
17 any court of law; the assembly or senate; a nonprofit corporation which receives more
18 than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and
19 which provides services related to public health or safety to the county or
20 municipality; a nonprofit corporation operating the Olympic ice training center
21 under s. 42.11 (3); or a formally constituted subunit of any of the foregoing.

History: 1981 c. 335; 1985 a. 26, 29, 332; 1987 a. 305; 1991 a. 39, 1991 a. 269 ss. 26pd, 33b; 1993 a. 215, 263, 491; 1995 a. 158; 1997 a. 79, 94; 1999 a. 9; 2001 a. 16; 2003 a. 47; 2005 a. 387.

22 **SECTION 9.** 19.82 (1) of the statutes is amended to read:

1 19.82 (1) "Governmental body" means a state or local agency, board,
2 commission, committee, council, department or public body corporate and politic
3 created by constitution, statute, ordinance, rule or order; a governmental or
4 quasi-governmental corporation except for the Bradley center sports and
5 entertainment corporation; a local exposition district under subch. II of ch. 229; a
6 family long-term care district under s. 46.2895; a nonprofit corporation operating
7 the Olympic ice training center under s. 42.11 (3); or a formally constituted subunit
8 of any of the foregoing, but excludes any such body or committee or subunit of such
9 body which is formed for or meeting for the purpose of collective bargaining under
10 subch. I, IV or V of ch. 111.

11 History: 1975 c. 426; 1977 c. 364, 447; 1985 a. 26, 29, 332; 1987 a. 305; 1993 a. 215, 263, 456, 491; 1995 a. 27, 185; 1997 a. 79; 1999 a. 9.

11 **SECTION 10.** 20.927 (1m) of the statutes is amended to read:

12 20.927 (1m) Except as provided under subs. (2) and (3), no funds of this state
13 or of any county, city, village, town or family long-term care district under s. 46.2895
14 or of any subdivision or agency of this state or of any county, city, village or town and
15 no federal funds passing through the state treasury shall be authorized for or paid
16 to a physician or surgeon or a hospital, clinic or other medical facility for the
17 performance of an abortion.

18 History: 1977 c. 245; 1999 a. 9; 2001 a. 103.

18 **SECTION 11.** 20.9275 (1) (b) of the statutes is amended to read:

19 20.9275 (1) (b) "Local governmental unit" means a city, village, town, county
20 or family long-term care district under s. 46.2895 or an agency or subdivision of a
21 city, village, town or county.

22 History: 1997 a. 27, 237; 1999 a. 9; 2003 a. 33.

22 **SECTION 12.** 25.50 (1) (d) of the statutes is amended to read:

23 25.50 (1) (d) "Local government" means any county, town, village, city, power
24 district, sewerage district, drainage district, town sanitary district, public inland

1 lake protection and rehabilitation district, local professional baseball park district
 2 created under subch. III of ch. 229, family long-term care district under s. 46.2895,
 3 local professional football stadium district created under subch. IV of ch. 229, local
 4 cultural arts district created under subch. V of ch. 229, public library system, school
 5 district or technical college district in this state, any commission, committee, board
 6 or officer of any governmental subdivision of this state, any court of this state, other
 7 than the court of appeals or the supreme court, or any authority created under s.
 8 114.61, 231.02, 233.02 or 234.02.

History: 1975 c. 164; 1977 c. 29, 187; 1979 c. 34 s. 2102 (46) (a); 1979 c. 175 s. 53; 1981 c. 20, 93; 1983 a. 27 s. 2202 (45), (49); 1985 a. 29 s. 3202 (46); 1987 a. 27; 1989 a. 31, 159, 336; 1991 a. 33, 39; 1993 a. 16, 399; 1995 a. 27, 56, 274; 1999 a. 9, 65, 83, 167; 2001 a. 38; 2005 a. 25, 335.

9 **SECTION 13.** 40.02 (28) of the statutes is amended to read:

10 40.02 (28) "Employer" means the state, including each state agency, any
 11 county, city, village, town, school district, other governmental unit or
 12 instrumentality of 2 or more units of government now existing or hereafter created
 13 within the state, any federated public library system established under s. 43.19
 14 whose territory lies within a single county with a population of 500,000 or more, a
 15 local exposition district created under subch. II of ch. 229 and a family long-term
 16 care district created under s. 46.2895, except as provided under ss. 40.51 (7) and
 17 40.61 (3) and subch. X. "Employer" does not include a local cultural arts district
 18 created under subch. V of ch. 229. Each employer shall be a separate legal
 19 jurisdiction for OASDHI purposes.

NOTE: NOTE: Sub. (28) is amended eff. 1-1-10 by 1999 Wis. Act 65 to read:NOTE:

20 40.02 (28) "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of
 21 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies
 22 within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229 and a family care district created under s.
 23 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local cultural arts district created under subch. V of ch. 229. Each employer
 24 shall be a separate legal jurisdiction for OASDHI purposes.

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s.
 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403
 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16,
 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238; 1999 a. 9, 11, 42, 63, 65, 83;
 2001 a. 16, 38, 103, 104, 109; 2003 a. 33; 2005 a. 153, 335.

25 **SECTION 14.** 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act 65,
 26 is amended to read:

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1 40.02 (28) "Employer" means the state, including each state agency, any
2 county, city, village, town, school district, other governmental unit or
3 instrumentality of 2 or more units of government now existing or hereafter created
4 within the state, any federated public library system established under s. 43.19
5 whose territory lies within a single county with a population of 500,000 or more, a
6 local exposition district created under subch. II of ch. 229 and a family long-term
7 care district created under s. 46.2895, except as provided under ss. 40.51 (7) and
8 40.61 (3). "Employer" does not include a local cultural arts district created under
9 subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI
10 purposes.

NOTE: NOTE: Sub. (28) is amended eff. 1-1-10 by 1999 Wis. Act 65 to read:NOTE:

11 40.02 (28) "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of
12 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies
13 within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229 and a family care district created under s.
14 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local cultural arts district created under subch. V of ch. 229. Each employer
15 shall be a separate legal jurisdiction for OASDHI purposes.

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s.
304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403
ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16,
263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238; 1999 a. 9, 11, 42, 63, 65, 83;
2001 a. 16, 38, 103, 104, 109; 2003 a. 33; 2005 a. 153, 335.

16 **SECTION 15.** 40.02 (36) of the statutes is amended to read:

17 40.02 (36) "Governing body" means the legislature or the head of each state
18 agency with respect to employees of that agency for the state, the common council
19 in cities, the village board in villages, the town board in towns, the county board in
20 counties, the school board in school districts, or the board, commission or other
21 governing body having the final authority for any other unit of government, for any
22 agency or instrumentality of 2 or more units of government, for any federated public
23 library system established under s. 43.19 whose territory lies within a single county
24 with a population of 500,000 or more, for a local exposition district created under

- 1 subch. II of ch. 229 or for a family long-term care district created under s. 46.2895,
2 but does not include a local cultural arts district created under subch. V of ch. 229.

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238; 1999 a. 9, 11, 42, 63, 65, 83; 2001 a. 16, 38, 103, 104, 109; 2003 a. 33; 2005 a. 153, 335.

- 3 **SECTION 16.** 46.21 (2m) (c) of the statutes is amended to read:


- 4 **46.21 (2m) (c) Exchange of information.** Notwithstanding ss. 46.2895 (9), 48.78
5 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7) and 253.07
6 (3) (c), a subunit of a county department of human services or tribal agency acting
7 under this subsection may exchange confidential information about a client, without
8 the informed consent of the client, with any other subunit of the same county
9 department of human services or tribal agency, with a resource center, a care
10 management organization, or a family long-term care district, with an
11 elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral
12 for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person
13 providing services to the client under a purchase of services contract with the county
14 department of human services or tribal agency or with a resource center, a care
15 management organization, or a family long-term care district, if necessary to enable
16 an employee or service provider to perform his or her duties, or to enable the county
17 department of human services or tribal agency to coordinate the delivery of services
18 to the client. An agency that releases information under this paragraph shall
19 document that a request for information was received and what information was
20 provided.

NOTE: NOTE: Par. (c) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1973 c. 136, 153, 262; 1975 c. 224; 1975 c. 413 s. 18; 1977 c. 271, 272, 449; 1979 c. 34; 1981 c. 217, 329, 391; 1983 a. 27, 239, 368, 524; 1985 a. 29 s. 3202 (23); 1985 a. 120, 176, 332; 1987 a. 399; 1989 a. 31, 112, 319; 1991 a. 274; 1993 a. 27, 186, 213, 446; 1995 a. 27, 77, 201; 1997 a. 27, 79, 164, 237, 283; 1999 a. 9; 2005 a. 264, 388, 443; s. 13.93 (2) (c).

- 21 **SECTION 17.** 46.215 (1m) of the statutes is amended to read:

1 46.215 (1m) EXCHANGE OF INFORMATION; LONG-TERM CARE. Notwithstanding ss.
2 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
3 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of social
4 services or tribal agency acting under this section may exchange confidential
5 information about a client, without the informed consent of the client, with any other
6 subunit of the same county department of social services or tribal agency, with a
7 resource center, a care management organization, or a family long-term care
8 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency
9 to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)
10 lg., or with a person providing services to the client under a purchase of services
11 contract with the county department of social services or tribal agency or with a
12 resource center, a care management organization, or a family long-term care
13 district, if necessary to enable an employee or service provider to perform his or her
14 duties, or to enable the county department of social services or tribal agency to
15 coordinate the delivery of services to the client. An agency that releases information
16 under this subsection shall document that a request for information was received
17 and what information was provided.

 NOTE: NOTE: Sub. (1m) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 264, 388, 406; s. 13.93 (2) (c).

18 **SECTION 18.** 46.22 (1) (dm) of the statutes is amended to read:

19 46.22 (1) (dm) *Exchange of information; long-term care.* Notwithstanding ss.
20 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
21 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of social
22 services or tribal agency acting under this subsection may exchange confidential
23 information about a client, without the informed consent of the client, with any other

1 subunit of the same county department of social services or tribal agency, with a
2 resource center, a care management organization, or a family long-term care
3 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency
4 to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)
5 lg., or with a person providing services to the client under a purchase of services
6 contract with the county department of social services or tribal agency or with a
7 resource center, a care management organization, or a family long-term care
8 district, if necessary to enable an employee or service provider to perform his or her
9 duties, or to enable the county department of social services or tribal agency to
10 coordinate the delivery of services to the client. An agency that releases information
11 under this paragraph shall document that a request for information was received
12 and what information was provided.

NOTE: NOTE: Par. (dm) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; s. 13.93 (2) (c).

13 SECTION 19. 46.23 (3) (e) of the statutes is amended to read:

14 46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss.
15 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
16 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of
17 human services or tribal agency acting under this section may exchange confidential
18 information about a client, without the informed consent of the client, with any other
19 subunit of the same county department of human services or tribal agency, with a
20 resource center, a care management organization, or a family long-term care
21 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency
22 to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)
23 lg., or with a person providing services to the client under a purchase of services

1 contract with the county department of human services or tribal agency or with a
2 resource center, a care management organization, or a family long-term care
3 district, if necessary to enable an employee or service provider to perform his or her
4 duties, or to enable the county department of human services or tribal agency to
5 coordinate the delivery of services to the client. An agency that releases information
6 under this paragraph shall document that a request for information was received
7 and what information was provided.

NOTE: NOTE: Par. (e) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1975 c. 39, 224; 1977 c. 29; 1981 c. 20, 93, 291; 1981 c. 329 s. 31; 1983 a. 27 ss. 962, 2202 (20); 1985 a. 29 ss. 844m to 860, 3200 (56) (a); 1985 a. 120, 176, 332; 1987 a. 186; 1987 a. 403 s. 256; 1989 a. 56, 359; 1991 a. 274; 1993 a. 16, 27, 83, 445, 491; 1995 a. 27 ss. 2112 to 2127, 9126 (19), 9130 (4); 1995 a. 64, 201, 352, 417; 1997 a. 3, 164, 268, 283; 1999 a. 9; 2005 a. 264, 388, 406; s. 13.93 (2) (c).

8 **SECTION 20.** 46.27 (7) (fr) 3. c. of the statutes is amended to read:

9 46.27 (7) (fr) 3. c. If approved by a resolution of the county board of supervisors,
10 to transfer funds to a family long-term care district.

History: 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 192, 239; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 13, 27, 39, 79, 237; 1999 a. 9, 63; 2001 a. 16, 103; 2003 a. 133; 2005 a. 22, 25, 264, 386, 387.

11 **SECTION 21.** 46.2805 (5) of the statutes is renumbered 46.2805 (7r) and
12 amended to read:

13 46.2805 (7r) "Family Long-term care district" means a special purpose district
14 created under s. 46.2895 (1). ✓

History: 1999 a. 9, 185; 2003 a. 33.

15 **SECTION 22.** 46.2805 (6) of the statutes is renumbered 46.2805 (7u) and
16 amended to read:

17 46.2805 (7u) "Family Long-term care district board" means the governing
18 board of a family long-term care district.

History: 1999 a. 9, 185; 2003 a. 33.

19 **SECTION 23.** 46.281 (1) (d) of the statutes is amended to read:

20 46.281 (1) (d) In geographic areas in which, in the aggregate, resides no more
21 than 29 percent of the state population that is eligible for the family care benefit,
22 contract with a county, a family long-term care district, a tribe or band, the Great

1 Lakes Inter-Tribal Council, Inc., or with 2 or more of these entities to manage all
2 long-term care programs and administer the family care benefit as care
3 management organizations. If the department proposes to contract with these
4 entities to administer care management organizations in geographic areas in which,
5 in the aggregate, resides more than 29 percent but less than 50 percent of the state
6 population that is eligible for the family care benefit, the department shall first
7 notify the joint committee on finance in writing of the proposed contract. The
8 notification shall include the contract proposal; and an estimate of the fiscal impact
9 of the proposed addition that demonstrates that the addition will be cost neutral,
10 including startup, transitional, and ongoing operational costs and any proposed
11 county contribution. If the cochairpersons of the committee do not notify the
12 department within 14 working days after the date of the department's notification
13 that the committee has scheduled a meeting for the purpose of reviewing the
14 proposed contract, the department may enter into the proposed contract. If within
15 14 days after the date of the department's notification the cochairpersons of the
16 committee notify the department that the committee has scheduled a meeting for the
17 purpose of reviewing the proposed contract, the department may enter into the
18 proposed contract only upon approval of the committee. The department may
19 contract with these entities to administer care management organizations in
20 geographic areas in which, in the aggregate, resides 50 percent or more of the state
21 population that is eligible for the family care benefit only if specifically authorized
22 by the legislature and if the legislature appropriates necessary funding.

History: 1999 a. 9; 2001 a. 103; 2005 a. 25, 386.

23 **SECTION 24.** 46.282 (3) (a) 1. b. of the statutes is amended to read:

1 46.282 (3) (a) 1. b. Whether the county should create a family long-term care
2 district to operate a resource center or under a care management organization.

3 History: 1999 a. 9; 2001 a. 103; 2005 a. 386.

3 **SECTION 25.** 46.283 (1) (a) 2. of the statutes is amended to read:

4 46.283 (1) (a) 2. Whether to create a family long-term care district to apply to
5 the department for a contract to operate a resource center.

6 History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 254, 264, 386, 388.

6 **SECTION 26.** 46.283 (2) (a) of the statutes is amended to read:

7 46.283 (2) (a) Before July 1, 2001, the department may contract only with a
8 county, a family long-term care district, the governing body of a tribe or band or the
9 Great Lakes Inter-Tribal Council, Inc., or 2 or more of these entities under a joint
10 application, to operate a resource center.

11 History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 254, 264, 386, 388.

11 **SECTION 27.** 46.283 (2) (b) (intro.) of the statutes is amended to read:

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

20 History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 254, 264, 386, 388.

20 **SECTION 28.** 46.283 (2) (b) 2. of the statutes is amended to read:

21 46.283 (2) (b) 2. A county agency or a family long-term care district applies for
22 a contract but fails to meet the standards specified in sub. (3).

23 History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 254, 264, 386, 388.

23 **SECTION 29.** 46.284 (1) (a) 2. of the statutes is amended to read:

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

3 History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 264, 386.

3 **SECTION 30.** 46.284 (2) (b) (intro.) of the statutes is amended to read:

4 46.284 (2) (b) (intro.) Within each county, the department shall initially
5 contract to operate a care management organization with the county or a family [✓]
6 long-term care district if the county elects to operate a care management
7 organization and the care management organization meets the requirements of sub.
8 (3) and performance standards prescribed by the department. A county that
9 contracts under this paragraph may operate the care management organization for
10 all of the target groups or for a selected group or groups. With respect to contracts
11 exclusively with counties to operate a care management organization, all of the
12 following apply:

13 History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 264, 386.

13 **SECTION 31.** 46.284 (2) (b) 3. of the statutes is amended to read:

14 46.284 (2) (b) 3. After December 31, 2003, the department may contract with
15 counties, family [✓]long-term care districts, the governing body of a tribe or band or the
16 Great Lakes inter-tribal council, inc., or under a joint application of any of these, or
17 with a private organization that has no significant connection to an entity that
18 operates a resource center. Proposals for contracts under this subdivision shall be
19 solicited under a competitive sealed proposal process under s. 16.75 (2m) and, after
20 consulting with the local long-term care council for the county or counties, the
21 department shall evaluate the proposals primarily as to the quality of care that is
22 proposed to be provided, certify those applicants that meet the requirements

1 specified in sub. (3) (a), select certified applicants for contract and contract with the
2 selected applicants.

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 264, 386.

3 SECTION 32. 46.284 (6) of the statutes is amended to read:

4 46.284 (6) GOVERNING BOARD. ~~A care management organization shall have a~~
5 ~~governing board that reflects the ethnic and economic diversity of the geographic~~
6 ~~area served by the care management organization.~~ ^{plain} At least one-fourth of the
7 members of the governing board of a care management organization shall be older
8 persons or persons with physical or developmental disabilities or their family
9 members, guardians or other advocates who are representative of the client group
10 or groups whom the care management organization's enrollee organization is
11 contracted to serve or those client's family members, guardians, or other advocates. ✓

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 264, 386.

12 SECTION 33. 46.285 (1) (intro.) of the statutes is amended to read:

13 46.285 (1) (intro.) In order to meet federal requirements and assure federal
14 financial participation in funding of the family care benefit, a county, a tribe or band,
15 a family long-term care district or an organization, including a private, nonprofit
16 corporation, may not directly operate both a resource center and a care management
17 organization, except as follows:

History: 1999 a. 9; 2005 a. 386.

18 SECTION 34. 46.285 (2) (a) 1. of the statutes is amended to read:

19 46.285 (2) (a) 1. If a county board of supervisors and, if applicable, a county
20 executive or a county administrator, elect to apply to the department for a contract
21 to operate a resource center, the county board of supervisors may create a family
22 long-term care district to apply to the department for a contract to operate a care
23 management organization.

History: 1999 a. 9; 2005 a. 386.

SECTION 35. 46.285 (2) (a) 2. of the statutes is amended to read:

46.285 (2) (a) 2. If a county board of supervisors and, if applicable, a county executive or a county administrator, elect to apply to the department for a contract to operate a care management organization, the county board of supervisors may create a family long-term care district to apply to the department to operate a resource center.

History: 1999 a. 9; 2005 a. 386.

SECTION 36. 46.285 (2) (c) of the statutes is amended to read:

46.285 (2) (c) Any county or family long-term care district that seeks to operate jointly with a tribe or band or tribal or band corporation a care management organization or resource center shall submit jointly with the tribe or band or tribal or band corporation an application to the department to operate the care management organization or resource center.

History: 1999 a. 9; 2005 a. 386.

SECTION 37. 46.2895 (title) of the statutes is amended to read:

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

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

SECTION 38. 46.2895 (1) (a) of the statutes is renumbered 46.2895 (1) and

46.2895 (1) (intro.) and (a) 1. and 2., as renumbered, are amended to read:

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

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

Section # 46.2895 (1) (a) 1. a. is amended to read:

LPS: PLS
Chg
comp.

46.2895(1)(a) 1. a.
(b) 1. a.

Section #. 46.2895 (1) (a) 1. b. is amended to read:

Bold
46.2895 (1) (a) 1. b.

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

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

SECTION 39. 46.2895 (1) (a) 3 of the statutes is created to read:

1. c.

46.2895 (1) (a) 3. Specifies the number of individuals who shall be appointed as members of the long-term care district board, and if the long-term care district is created by more than one county or tribe or band, how many members shall be appointed by each county or tribe or band. ✓

SECTION 40. 46.2895 (1) (b) of the statutes is repealed. ✓

SECTION 41. 46.2895 (1) (c) of the statutes is created to read:

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

SECTION 42. 46.2895 (1) (d) of the statutes is created to read:

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

SECTION 43. 46.2895 (1) (e) of the statutes is created to read:

4

46.2895 (1) (e) A long-term care district may change its primary purpose specified under par. (a) 2 if all the counties or tribes or bands that created the district and that have not withdrawn or been removed from the district under sub. (14), adopt a resolution approving the change in primary purpose and if the change in purpose does not violate any provision of a contract between the department and the district. ✓

SECTION 44. 46.2895 (2) of the statutes is amended to read:

1 46.2895 (2) JURISDICTION. A family long-term care district's jurisdiction is the
 2 geographical area of the county or counties ~~of the county board or boards of~~
 3 ~~supervisors who~~ that created the family long-term care district and the geographic
 4 area of the reservation of, or lands held in trust for, any tribe or band that created
 5 the long-term care district. ✓

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

6 **SECTION 45.** 46.2895 (3) (title) of the statutes is amended to read:

7 46.2895 (3) (title) FAMILY LONG-TERM CARE DISTRICT BOARD. ✓

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

8 **SECTION 46.** 46.2895 (3) (a) 1. of the statutes is renumbered 46.2895 (3) (a) and
 9 amended to read:

10 46.2895 (3) (a) The county board of supervisors of a county or, in a county with
 11 a county administrator or county executive, the county administrator or county
 12 executive shall appoint the ~~members of the family long-term care district board,~~
 13 ~~which is the governing board of a family care district under sub. (1) (a) members~~
 14 whom the county is allotted, by resolutions adopted under sub. (1) (a) 3, to appoint. ✓ (I.C.)

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

15 **SECTION 47.** 46.2895 (3) (a) 2. of the statutes is repealed. ✗

16 **SECTION 48.** 46.2895 (3) (b) 1. of the statutes is amended to read:

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

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

23 **SECTION 49.** 46.2895 (3) (b) 2. of the statutes is repealed. ✓

1 **SECTION 50.** 46.2895 (3) (b) 3. of the statutes is amended to read:

2 46.2895 (3) (b) 3. Membership of the family a long-term care district board
3 ~~under subd. 1. or 2.~~ shall reflect the ethnic and economic diversity of in the area of
4 jurisdiction of the family long-term care district. ~~Up to one-fourth of the members~~
5 ~~of the board may be elected or appointed officials or employees of the county or~~
6 ~~counties that created the family care district.~~ 4. No member of the a long-term care
7 district board may have a private financial interest in or profit directly or indirectly
8 from any contract or other business of the family long-term care district.

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

9 **SECTION 51.** 46.2895 (3) (b) 5. of the statutes is created to read:

10 46.2895 (3) (b) 5. Only individuals who reside within the jurisdiction of a
11 long-term care district may serve as members of the long-term care district board. ✓

12 **SECTION 52.** 46.2895 (3) (c) of the statutes is repealed. ✗

13 **SECTION 53.** 46.2895 (3) (d) of the statutes is amended to read:

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

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

22 **SECTION 54.** 46.2895 (4) (intro.) of the statutes is amended to read: ✓

23 46.2895 (4) POWERS. (intro.) Subject to sub. (1) (a) 1. b. (c), a family long-term
24 care district has all the powers necessary or convenient to carry out the purposes and

1 provisions of ss. 46.2805 to 46.2895. In addition to all these powers, a family
2 long-term care district may do all of the following:

3 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

3 **SECTION 55.** 46.2895 (4) (b) of the statutes is amended to read:

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

8 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

8 **SECTION 56.** 46.2895 (4) (c) of the statutes is repealed.

9 **SECTION 57.** 46.2895 (4) (em) of the statutes is created to read:

10 46.2895 (4) (dm) Enter into a contract with the department to operate a
11 program described under s. 46.2805 (1) (a) or (b) and provide services related to the
12 contracted services.

13 **SECTION 58.** 46.2895 (4) (g) of the statutes is amended to 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 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

19 **SECTION 59.** 46.2895 (4) (h) of the statutes is amended to read:

20 46.2895 (4) (h) Mortgage, pledge or otherwise encumber the family long-term
21 care district's property or funds.

22 **SECTION 60.** 46.2895 (4) (k) of the statutes is amended to 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).

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.
History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

4 **SECTION 61.** 46.2895 (4) (L) of the statutes is amended to read:

5 46.2895 (4) (L) Accept aid, including loans, to accomplish the purpose of the
6 family long-term care district from any local, state or federal governmental agency
7 or accept gifts, loans, grants or bequests from individuals or entities, if the conditions
8 under which the aid, loan, gift, grant or bequest is furnished are not in conflict with
9 this section.

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

10 **SECTION 62.** 46.2895 (4) (m) of the statutes is amended to read:

11 46.2895 (4) (m) Make and execute other instruments necessary or convenient
12 to exercise the powers of the family long-term care district.

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

13 **SECTION 63.** 46.2895 (5) of the statutes is amended to read:

14 46.2895 (5) LIMITATION ON POWERS. A family long-term care district may not
15 issue bonds or levy a tax or assessment.

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

16 **SECTION 64.** 46.2895 (6) (intro.) of the statutes is amended to read:

17 46.2895 (6) DUTIES. (intro.) The family long-term care district board shall do
18 all of the following:

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

19 **SECTION 65.** 46.2895 (6) (b) of the statutes is amended to read:

20 46.2895 (6) (b) Subject to sub. (8), develop and implement a personnel
21 structure and other employment policies for employees of the family long-term
22 care district.

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

23 **SECTION 66.** 46.2895 (6) (c) of the statutes is amended to read:

1 46.2895 (6) (c) Assure compliance with the terms of any contract with the
2 department under sub. (4) (d) or (dm).

3 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

3 **SECTION 67.** 46.2895 (6) (d) of the statutes is amended to read:

4 46.2895 (6) (d) Establish a fiscal operating year and annually adopt a budget
5 for the family long-term care district.

6 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

6 **SECTION 68.** 46.2895 (6) (e) of the statutes is amended to read:

7 46.2895 (6) (e) Contract for any legal services required for the family long-term
8 care district.

9 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

9 **SECTION 69.** 46.2895 (7) (a) of the statutes is amended to read:

10 46.2895 (7) (a) Manage the property and business of the family long-term care
11 district and manage the employees of the district, subject to the general control of the
12 family long-term care district board.

13 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

13 **SECTION 70.** 46.2895 (7) (b) of the statutes is amended to read:

14 46.2895 (7) (b) Comply with the bylaws and direct enforcement of all policies
15 and procedures adopted by the family long-term care district board.

16 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

16 **SECTION 71.** 46.2895 (7) (c) of the statutes is amended to read:

17 46.2895 (7) (c) Perform duties in addition to those specified in pars. (a) and (b)
18 as are prescribed by the family long-term care district board.

19 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

19 **SECTION 72.** 46.2895 (8) (a) (intro.) of the statutes is amended to read:

20 46.2895 (8) (a) (intro.) A family long-term care district board that is created
21 at least in part by a county shall do all of the following:

22 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

22 **SECTION 73.** 46.2895 (8) (a) 1. of the statutes is amended to read:

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

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

17 **SECTION 74.** 46.2895 (8) (a) 2. of the statutes is repealed.

18 **SECTION 75.** 46.2895 (8) (a) 3. of the statutes is amended to read:

19 46.2895 (8) (a) 3. If the family long-term care district offers employment to any
20 individual who was previously employed by the a county, which participated in
21 creating the district and at the time of the offer had not withdrawn or been removed
22 from the district under sub. (14), and who while employed by the county performed
23 duties relating to the same or a substantially similar function for which the
24 individual is offered employment by the district, with respect to that individual,

1 recognize all years of service with the county for any benefit provided or program
2 operated by the district for which an employee's years of service may affect the
3 provision of the benefit or the operation of the program.

4 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

SECTION 76. 46.2895 (8) (a) 4. of the statutes is amended to read:

5 46.2895 (8) (a) 4. If the county has not established its own retirement system
6 for county employees, adopt a resolution that the family long-term care district be
7 included within the provisions of the Wisconsin retirement system under s. 40.21 (1).
8 In this resolution, the family long-term care district shall agree to recognize 100%
9 of the prior creditable service of its employees earned by the employees while
10 employed by the district.

11 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

SECTION 77. 46.2895 (8) (b) (intro.) of the statutes is amended to read:

12 46.2895 (8) (b) (intro.) The county board of supervisors of ~~the area of~~
13 ~~jurisdiction of the family~~ each county that creates a long-term care district shall do
14 all of the following:

15 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

SECTION 78. 46.2895 (8) (b) 1. of the statutes is amended to read:

16 46.2895 (8) (b) 1. If the county has established its own retirement system for
17 county employees, provide that family long-term care district employees are eligible
18 to participate in the county retirement system.

19 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

SECTION 79. 46.2895 (8) (b) 2. of the statutes is repealed.

SECTION 80. 46.2895 (8) (b) 2m. of the statutes is created to read:

21 46.2895 (8) (b) 2m. If the long-term care district employs any individual who
22 was previously employed by the county, provide the individual health care coverage

1 that is similar to the health care coverage that the county provided the individual
2 when he or she was employed by the county. ✓

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

3 **SECTION 81.** 46.2895 (8) (b) 3. of the statutes is repealed. ✓

4 **SECTION 82.** 46.2895 (8) (c) of the statutes is created to read:

5 46.2895 (8) (c) A long-term care district and any county that created the
6 district and has not withdrawn from or been removed from the district under sub.
7 (14) may enter into an agreement allocating the costs of providing benefits described
8 under this section between the district and the county. ✓

9 **SECTION 83.** 46.2895 (9) of the statutes is amended to read:

10 46.2895 (9) CONFIDENTIALITY OF RECORDS. No record, as defined in s. 19.32 (2),
11 of a family long-term care district that contains personally identifiable information,
12 as defined in s. 19.62 (5), concerning an individual who receives services from the
13 family long-term care district may be disclosed by the family long-term care district
14 without the individual's informed consent, except as required to comply with s.
15 16.009 (2) (p) or 49.45 (4).

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

16 **SECTION 84.** 46.2895 (10) of the statutes is amended to read:

17 46.2895 (10) EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss.
18 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
19 253.07 (3) (c) and 938.78 (2) (a), a family long-term care district acting under this
20 section may exchange confidential information about a client, as defined in s.
21 46.287 (1), without the informed consent of the client, under s. 46.21 (2m) (c),
22 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or
23 51.437 (4r) (b) in the jurisdiction of the family long-term care district, if necessary

1 to enable the family long-term care district to perform its duties or to coordinate
2 the delivery of services to the client.

3 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

3 **SECTION 85.** 46.2895 (11) of the statutes is amended to read:

4 46.2895 (11) OBLIGATIONS ~~AND~~ DEBTS, AND RESPONSIBILITIES NOT THOSE OF COUNTY.

5 The obligations and debts of the family a long-term care district are not the
6 obligations or debts of the any county that created the family care district. If a
7 long-term care district is obligated by statute or contract to provide or pay for
8 services or benefits, no county is responsible for providing or paying for those services
9 or benefits.

10 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

10 **SECTION 86.** 46.2895 (12) of the statutes is amended to read:

11 46.2895 (12) ASSISTANCE TO FAMILY LONG-TERM CARE DISTRICT. From moneys in
12 ~~the~~ a county treasury that are not appropriated to some other purpose, the county
13 board of supervisors under sub. (1) (a) or the county boards of supervisors under sub.
14 (1) (b) may appropriate moneys to the family a long-term care district that the county
15 participated in creating as a gift or may lend moneys to the family long-term care
16 district.

17 History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

17 **SECTION 87.** 46.2895 (13) (intro.), (a) and (b) of the statutes are consolidated,
18 renumbered 46.2895 (13) and amended to read:

19 46.2895 (13) DISSOLUTION. (intro.) Subject to the performance of the
20 contractual obligations of a family long-term care district and if first approved by the
21 secretary of the department, the family long-term care district may be dissolved by
22 the joint action of the family long-term care district board and each county board of
23 supervisors under sub. (1) (a) or the county boards of supervisors under sub. (1) (b)
24 or tribe or band that created the family long-term care district and has not

1 withdrawn or been removed from the district under sub. (14). If the family a
2 long-term care district that is created by one county or tribe or band is dissolved, the
3 property of the district shall be transferred to the county board of supervisors or tribe
4 or band that created the family care district except as follows: it. ↑

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

5 ~~(a) If the family a long-term care district was is created under sub. (1) (b), by~~
6 more than one county or tribe or band, all of the county boards of supervisors counties
7 or tribes or bands that created the district and that have not withdrawn or been
8 removed from the district under sub. (14) shall agree on the apportioning of the
9 family long-term care district's property before the district may be dissolved. ↑

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

10 ~~(b) If the family long-term care district operates a care management~~
11 organization under s. 46.284, disposition of any remaining funds in the risk reserve
12 under s. 46.284 (5) (e) shall be made under the terms of the district's contract with
13 the department.

History: 1999 a. 9, 185; 2001 a. 30; 2005 a. 25, 264.

14 **SECTION 88.** 46.2895 (14) of the statutes is created to read:

15 46.2895 (14) WITHDRAWAL OR REMOVAL OF A COUNTY OR TRIBE OR BAND. Subject
16 to approval from the department, a long-term care district may establish conditions
17 for a county or tribe or band that participated with one or more counties or tribes or
18 bands in creating the district to withdraw from the district or for the district to
19 remove the county or tribe or band from the district. ✓

20 **SECTION 89.** 51.42 (3) (e) of the statutes is amended to read:

21 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
22 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)
23 (c) and 938.78 (2) (a), any subunit of a county department of community programs
24 or tribal agency acting under this section may exchange confidential information

1 about a client, without the informed consent of the client, with any other subunit of
2 the same county department of community programs or tribal agency, with a
3 resource center, a care management organization, or a family long-term care
4 district, or with any person providing services to the client under a purchase of
5 services contract with the county department of community programs or tribal
6 agency or with a resource center, care management organization, or family
7 long-term care district, if necessary to enable an employee or service provider to
8 perform his or her duties, or to enable the county department of community
9 programs or tribal agency to coordinate the delivery of services to the client. Any
10 agency releasing information under this paragraph shall document that a request
11 was received and what information was provided.

NOTE: NOTE: Par. (e) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9; 2001 a. 10, 16, 38; 2003 a. 320; 2005 a. 264, 388, 431, 434; s. 13.93 (2) (c).

12 SECTION 90. 51.437 (4r) (b) of the statutes is amended to read:

13 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
14 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), any
15 subunit of a county department of developmental disabilities services or tribal
16 agency acting under this section may exchange confidential information about a
17 client, without the informed consent of the client, with any other subunit of the same
18 county department of developmental disabilities services or tribal agency, with a
19 resource center, a care management organization, or a family long-term care
20 district, or with any person providing services to the client under a purchase of
21 services contract with the county department of developmental disabilities services
22 or tribal agency or with a resource center, a care management organization, or a
23 family long-term care district, if necessary to enable an employee or service provider

1 to perform his or her duties, or to enable the county department of developmental
2 disabilities services or tribal agency to coordinate the delivery of services to the
3 client. Any agency releasing information under this paragraph shall document that
4 a request was received and what information was provided.

NOTE: NOTE: Par. (b) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9; 2001 a. 16, 59; 2003 a. 33; 2005 a. 25, 264, 388; s. 13.93 (2) (c).

5 **SECTION 91.** 66.0301 (1) (a) of the statutes is amended to read:

6 66.0301 (1) (a) In this section "municipality" means the state or any
7 department or agency thereof, or any city, village, town, county, school district, public
8 library system, public inland lake protection and rehabilitation district, sanitary
9 district, farm drainage district, metropolitan sewerage district, sewer utility district,
10 solid waste management system created under s. 59.70 (2), local exposition district
11 created under subch. II of ch. 229, local professional baseball park district created
12 under subch. III of ch. 229, local professional football stadium district created under
13 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,
14 ~~family~~ [✓] long-term care district under s. 46.2895, water utility district, mosquito
15 control district, municipal electric company, county or city transit commission,
16 commission created by contract under this section, taxation district, regional
17 planning commission, or city-county health department.

History: 1999 a. 150 ss. 348, 349, 352, 353; 1999 a. 167 s. 38; 2001 a. 16, 30.

18 **SECTION 92.** 66.0601 (1) (b) of the statutes is amended to read:

19 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, ~~family~~
20 [✓] long-term care district under s. 46.2895 or agency or subdivision of a city, village or
21 town may authorize funds for or pay to a physician or surgeon or a hospital, clinic

1 or other medical facility for the performance of an abortion except those permitted
2 under and which are performed in accordance with s. 20.927.

3 **History:** 1999 a. 65 s. 14; 1999 a. 150 ss. 89, 90, 92, 94, 165 to 167; 2001 a. 30; 2005 a. 155.

3 **SECTION 93.** 66.0601 (1) (c) of the statutes is amended to read:

4 66.0601 (1) (c) *Payments for abortion-related activity restricted.* No city,
5 village, town, family long-term care district under s. 46.2895 or agency or
6 subdivision of a city, village or town may authorize payment of funds for a grant,
7 subsidy or other funding involving a pregnancy program, project or service if s.
8 20.9275 (2) applies to the pregnancy program, project or service.

9 **History:** 1999 a. 65 s. 14; 1999 a. 150 ss. 89, 90, 92, 94, 165 to 167; 2001 a. 30; 2005 a. 155.

9 **SECTION 94.** 69.30 (1) (am) of the statutes is renumbered 69.30 (1) (bd) and

10 amended to read:

11 69.30 (1) (bd) "Family Long-term care district" has the meaning given in s.
12 46.2805 (5) (7r).

13 **History:** 1989 a. 313; 1991 a. 221, 269, 315; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2005 a. 22.

13 **SECTION 95.** 69.30 (2) of the statutes is amended to read:

14 69.30 (2) A financial institution, state agency, county department, Wisconsin
15 works agency, service office or family long-term care district or an employee of a
16 financial institution, state agency, county department, Wisconsin works agency,
17 service office or family long-term care district is not subject to s. 69.24 (1) (a) for
18 copying a certified copy of a vital record for use by the financial institution, state
19 agency, county department, Wisconsin works agency, service office or family
20 long-term care district, including use under s. 45.04 (5), if the copy is marked "FOR
21 ADMINISTRATIVE USE".

22 **History:** 1989 a. 313; 1991 a. 221, 269, 315; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2005 a. 22.

22 **SECTION 96.** 70.11 (2) of the statutes is amended to read:

1 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.
2 Property owned by any county, city, village, town, school district, technical college
3 district, public inland lake protection and rehabilitation district, metropolitan
4 sewerage district, municipal water district created under s. 198.22, joint local water
5 authority created under s. 66.0823, family long-term care district under s. 46.2895
6 or town sanitary district; lands belonging to cities of any other state used for public
7 parks; land tax-deeded to any county or city before January 2; but any residence
8 located upon property owned by the county for park purposes that is rented out by
9 the county for a nonpark purpose shall not be exempt from taxation. Except as to
10 land acquired under s. 59.84 (2) (d), this exemption shall not apply to land conveyed
11 after August 17, 1961, to any such governmental unit or for its benefit while the
12 grantor or others for his or her benefit are permitted to occupy the land or part thereof
13 in consideration for the conveyance. Leasing the property exempt under this
14 subsection, regardless of the lessee and the use of the leasehold income, does not
15 render that property taxable.

History: 1971 c. 152, 154, 312; 1973 c. 90; 1973 c. 333 s. 201m; 1973 c. 335 s. 13; 1975 c. 39; 1975 c. 94 s. 91 (10); 1975 c. 199; 1977 c. 29 ss. 745m, 1646 (3), 1647 (5), (7); 1977 c. 83 s. 26; 1977 c. 273, 282, 391, 418, 447; 1979 c. 34 s. 2102 (39) (g); 1979 c. 221, 225; 1979 c. 310 s. 12; 1981 c. 20; 1983 a. 27 ss. 1177, 1178, 1179f; 1983 a. 189 s. 329 (16); 1983 a. 201, 327; 1985 a. 26, 29, 316, 332; 1987 a. 10, 27, 395, 399; 1987 a. 403 s. 256; 1989 a. 25, 31, 307; 1991 a. 37, 39, 269; 1993 a. 263, 307, 399, 490; 1995 a. 27 ss. 3344 to 3348m, 9126 (19); 1995 a. 201, 227, 247, 366; 1997 a. 27, 35, 134, 147, 164, 184, 237; 1999 a. 9, 32, 63, 65; 1999 a. 150 ss. 624, 672; 1999 a. 167, 185; 2001 a. 16, 38, 59, 103; 2003 a. 195, 291; 2005 a. 4, 22, 70, 74, 335.

16 **SECTION 97.** 71.26 (1) (b) of the statutes is amended to read:

17 71.26 (1) (b) *Political units.* Income received by the United States, the state
18 and all counties, cities, villages, towns, school districts, technical college districts,
19 joint local water authorities created under s. 66.0823, family long-term care districts
20 under s. 46.2895 or other political units of this state.

History: 1987 a. 312; 1987 a. 411 ss. 22, 124 to 129; 1989 a. 31, 336; 1991 a. 37, 39, 221, 269; 1993 a. 16, 112, 246, 263, 399, 437, 491; 1995 a. 27, 56, 351, 371, 380, 428; 1997 a. 27, 37, 184, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 1999 a. 167, 194; 2001 a. 16, 38, 106, 109; 2003 a. 33, 85, 99, 135, 255, 326; 2005 a. 25, 74, 335, 361, 362, 479, 483; s. 13.93 (2) (c).

21 **SECTION 98.** 101.01 (4) of the statutes is amended to read:

1 101.01 (4) "Employer" means any person, firm, corporation, state, county,
2 town, city, village, school district, sewer district, drainage district, family long-term
3 care district and other public or quasi-public corporations as well as any agent,
4 manager, representative or other person having control or custody of any
5 employment, place of employment or of any employee.

History: 1971 c. 185 ss. 1, 5; 1971 c. 228 ss. 15, 44; 1975 c. 413, 421; 1977 c. 29; 1983 a. 189 ss. 142, 143, 329 (4); 1985 a. 135 s. 83 (3); 1987 a. 161; 1993 a. 27, 184, 327; 1995 a. 27 ss. 3611 to 3629, 9116 (5); 1997 a. 237; 1999 a. 9; 2001 a. 16.

6 **SECTION 99.** 102.01 (2) (d) of the statutes is amended to read:

7 102.01 (2) (d) "Municipality" includes a county, city, town, village, school
8 district, sewer district, drainage district and family long-term care district and other
9 public or quasi-public corporations.

History: 1975 c. 147 ss. 7 to 13, 54; 1975 c. 200; 1979 c. 89, 278; 1981 c. 92; 1983 a. 98, 189; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1995 a. 27 ss. 3737 to 3741, 9130 (4); 1995 a. 117, 417; 1997 a. 3; 1999 a. 9, 14; 2001 a. 37; 2003 a. 139.

10 **SECTION 100.** 102.04 (1) (a) of the statutes is amended to read:

11 102.04 (1) (a) The state, each county, city, town, village, school district, sewer
12 district, drainage district, family long-term care district and other public or
13 quasi-public corporations therein.

History: 1975 c. 199; 1983 a. 98; 1989 a. 64; 1993 a. 112; 1997 a. 38; 1999 a. 9; 2001 a. 37; 2005 a. 172.

14 **SECTION 101.** 103.001 (6) of the statutes is amended to read:

15 103.001 (6) "Employer" means any person, firm, corporation, state, county,
16 town, city, village, school district, sewer district, drainage district, family long-term
17 care district and other public or quasi-public corporations as well as any agent,
18 manager, representative or other person having control or custody of any
19 employment, place of employment or of any employee.

History: 1995 a. 27 ss. 3612, 3613, 3746, 9130 (4); 1997 a. 3; 1999 a. 9.

20 **SECTION 102.** 111.70 (1) (j) of the statutes is amended to read:

21 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
22 metropolitan sewerage district, school district, family long-term care district, or any
23 other political subdivision of the state, or instrumentality of one or more political

1 subdivisions of the state, that engages the services of an employee and includes any
2 person acting on behalf of a municipal employer within the scope of the person's
3 authority, express or implied, but specifically does not include a local cultural arts
4 district created under subch. V of ch. 229.

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253.

5 **SECTION 103.** 632.745 (6) (a) 2m. of the statutes is amended to read:

6 632.745 (6) (a) 2m. A family long-term care district under s. 46.2895.

History: 1995 a. 289, 453; 1997 a. 27; 1999 a. 9; 2001 a. 38.

7 **SECTION 104.** 985.01 (1g) of the statutes is amended to read:

8 985.01 (1g) "Governing body" has the meaning given in s. 345.05 (1) (b) and
9 includes a family long-term care district board under s. 46.2895.

History: 1981 c. 372; 1983 a. 189 ss. 327, 328, 329 (31); 1993 a. 486; 1999 a. 9, 85.

10 **SECTION 105.** 985.01 (3) of the statutes is amended to read:

11 985.01 (3) "Municipality" has the meaning in s. 345.05 (1) (c) and includes a
12 family long-term care district under s. 46.2895.

History: 1981 c. 372; 1983 a. 189 ss. 327, 328, 329 (31); 1993 a. 486; 1999 a. 9, 85.

13 **SECTION 9421. Effective dates; Health and Family Services.**

14 (1) LONG-TERM CARE DISTRICTS. The treatment of sections 40.02 (28) (by SECTION
15) of the statutes takes effect on January 1, 2010.

16 (END)

Use
A.R. 1
(pg 6)

B-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1524/P1dn

RLR:.....

lmk

(date)

Steve Milioto:

The drafting instructions allow an American Indian tribe or band acting together with another tribe or band or with a county to create a long-term care district. This draft also allows a tribe or band acting alone to create a district. Is this ok? ↓

This draft repeals s. 46.2895 (3) (c), which specifies the lengths of terms of long-term care district board members. Do you want to require that the resolution creating a district specify the length of the terms of the district board members?

Please review changes to s. 46.2895 (8) carefully. This draft specifies to which county the provisions under sub. (8) apply. ✓

Please review s. 46.2985 (11). Should this subsection cover American Indian tribes or bands? ✓

Are there currently any family care districts? If so, you may wish to specify whether provisions in the draft apply to districts created before the effective date of the bill. ✓

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1524/P1dn

RLR:lmk:nwn

January 23, 2007

Steve Milioto:

The drafting instructions allow an American Indian tribe or band acting together with another tribe or band or with a county to create a long-term care district. This draft also allows a tribe or band acting alone to create a district. Is this ok?

This draft repeals s. 46.2895 (3) (c), which specifies the lengths of terms of long-term care district board members. Do you want to require that the resolution creating a district specify the length of the terms of the district board members?

Please review changes to s. 46.2895 (8) carefully. This draft specifies to which county the provisions under sub. (8) apply.

Please review s. 46.2985 (11). Should this subsection cover American Indian tribes or bands?

Are there currently any family care districts? If so, you may wish to specify whether provisions in the draft apply to districts created before the effective date of the bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Ryan, Robin

From: Milioto, Steve - DOA
Sent: Friday, January 26, 2007 10:12 AM
To: Ryan, Robin
Cc: Johnston, James - DOA
Subject: FW: FW: LRB Draft: 07-1524/P1 Changing family care district to long-term care district

Importance: High

Hi Robin --

Please see comments 1, 2a, 2b and 3 below and make the necessary changes.

However, I have some concerns regarding point 2d. As you know, Craig Thompson from the Counties Association submitted language proposing changes to s. 46.285(5) absolving counties of any responsibilities incurred by CMOs. However, current law (see section 87 of draft 1524) already absolves counties of any responsibilities incurred by long-term care districts.

This raises several questions:

- 1) Is Craig's proposed language for 46.285(5) redundant given that 46.2895(11) frees long-term care districts from responsibility? (I'm operating on the idea that a CMO is a creature of a long-term care district.)
- 2) Is there a legal distinction between a long-term care district and a CMO created by the district?
- 3) What does the addition to s. 46.2895(11) achieve given that current law absolves counties of responsibilities incurred by long-term care districts?

Please advise. Best, Steve

-----Original Message-----

From: Andrew Forsaith [mailto:FORSAAC@dhfs.state.wi.us]
Sent: Thursday, January 25, 2007 5:46 PM
To: Milioto, Steve - DOA
Cc: Bove, Fredi-Ellen E - DHFS; Frye, Judith E - DHFS; Jones, Charles M - DHFS; Waller, Diane J - DHFS; Wilhelm, Charles A - DHFS
Subject: Re: FW: LRB Draft: 07-1524/P1 Changing family care district to long-term care district

Steve -- Here are comments on the draft:

- ✓ 1. Contrary to what our drafting instructions indicated, we would like to maintain current law for the first sentence in s. 46.284(6), to continue to require the CMO governing board to reflect the ethnic and economic diversity of the service area.
- ✓ 2. Regarding Robin's questions in the drafter's cover note:
 - a. Yes -- we do want a single tribe to have the authority to create a long term district.
 - b. Yes -- please have the statutes indicate that the enabling resolution should specify the lengths of terms for district board members ✓ c. s. 46.2895(8) looks fine as drafted.
 - d. Please leave s. 46.2895(11) as drafted -- to read that the county is not responsible for the financial obligations of the CMO. Please don't add tribes to that paragraph.
- ✓ 3. A small point -- paragraph 2 in the analysis section says "counties administer" Partnership or PACE programs -- Actually these programs are operated by private organizations, not counties.

Thanks for considering these comments.

>>> "Milioto, Steve - DOA" <steve.milioto@wisconsin.gov> 1/23/2007 2:37

PM >>>

Hi Andy --

Robin split the DHFS/WCA/Long-Term Care Council requests into two drafts. This is the first of two drafts. Please review the draft and Robin's drafter's note. Best, Steve

From: Natzke, Noah [mailto:Noah.Natzke@legis.wisconsin.gov]
Sent: Tuesday, January 23, 2007 2:25 PM
To: Milioto, Steve - DOA
Cc: Johnston, James - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA
Subject: LRB Draft: 07-1524/P1 Changing family care district to long-term care district

Following is the PDF version of draft 07-1524/P1.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1524/P2dn

RLR:.....

(date)

Section 46.285

6

Steve:

The /P1 draft repealed s. 46.2895 (4) (c). That was a mistake. ✓ It was not part of the drafting instructions. This draft eliminates the repeal. ✓

This draft repeals s. 46.285 (2), which states that a county or an Indian tribe or band may create a family care district. I am repealing it because it is redundant to the provisions under s. 46.2895 that provide for creation of a district. ✓ Subsection (2) (b) currently provides that an Indian tribe or band may create a corporation, as opposed to a family care district, to run a resource center or a care management organization. Even with the repeal of s. 46.2895 (2), an Indian tribe or band may create a corporation to run a resource center or CMO, because nothing specifies that a family care district is the only format by which a tribe or band may separate the operation of a resource center and a CMO. ✓

Robin Ryan
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