



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

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

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*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, in several counties organizations 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.

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*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.

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.

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

14 **17.13 Removal of village, town, town sanitary district, school district,**  
15 **and technical college ~~and family care district~~ officers.** (intro.) Officers of  
16 towns, town sanitary districts, villages, school districts, and technical college  
17 districts ~~and family care districts~~ may be removed as follows:

18 **SECTION 4.** 17.13 (4) of the statutes is repealed.

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

20 17.15 (5) ~~FAMILY~~ LONG-TERM CARE DISTRICT. Any member of a family long-term  
21 care district governing board appointed under s. 46.2895 (3) (a) 2. may be removed  
22 by the appointing authority for cause.

23 **SECTION 6.** 17.27 (3m) of the statutes is amended to read:

24 17.27 (3m) ~~FAMILY~~ LONG-TERM CARE DISTRICT BOARD. If a vacancy occurs in the  
25 position of any appointed member of a family long-term care district board, the

1 appointing authority shall appoint to serve for the residue of the unexpired term a  
2 person who meets the applicable requirements under s. 46.2895 (3) (b).

3 **SECTION 7.** 19.32 (1) of the statutes is amended to read:

4 19.32 (1) "Authority" means any of the following having custody of a record: a  
5 state or local office, elected official, agency, board, commission, committee, council,  
6 department or public body corporate and politic created by constitution, law,  
7 ordinance, rule or order; a governmental or quasi-governmental corporation except  
8 for the Bradley center sports and entertainment corporation; a local exposition  
9 district under subch. II of ch. 229; a family long-term care district under s. 46.2895;  
10 any court of law; the assembly or senate; a nonprofit corporation which receives more  
11 than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and  
12 which provides services related to public health or safety to the county or  
13 municipality; a nonprofit corporation operating the Olympic ice training center  
14 under s. 42.11 (3); or a formally constituted subunit of any of the foregoing.

15 **SECTION 8.** 19.82 (1) of the statutes is amended to read:

16 19.82 (1) "Governmental body" means a state or local agency, board,  
17 commission, committee, council, department or public body corporate and politic  
18 created by constitution, statute, ordinance, rule or order; a governmental or  
19 quasi-governmental corporation except for the Bradley center sports and  
20 entertainment corporation; a local exposition district under subch. II of ch. 229; a  
21 family long-term care district under s. 46.2895; a nonprofit corporation operating  
22 the Olympic ice training center under s. 42.11 (3); or a formally constituted subunit  
23 of any of the foregoing, but excludes any such body or committee or subunit of such  
24 body which is formed for or meeting for the purpose of collective bargaining under  
25 subch. I, IV ~~or~~, V, or VI of ch. 111.

\*\*\*\*NOTE: This is reconciled s. 19.82 (1). This SECTION has been affected by drafts with the following LRB numbers: 1524 and 1352.

1           **SECTION 9.** 20.927 (1m) of the statutes is amended to read:

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

8           **SECTION 10.** 20.9275 (1) (b) of the statutes is amended to read:

9           20.9275 (1) (b) "Local governmental unit" means a city, village, town, county  
10 or family long-term care district under s. 46.2895 or an agency or subdivision of a  
11 city, village, town, or county.

12           **SECTION 11.** 25.50 (1) (d) of the statutes is amended to read:

13           25.50 (1) (d) "Local government" means any county, town, village, city, power  
14 district, sewerage district, drainage district, town sanitary district, public inland  
15 lake protection and rehabilitation district, local professional baseball park district  
16 created under subch. III of ch. 229, family long-term care district under s. 46.2895,  
17 local professional football stadium district created under subch. IV of ch. 229, local  
18 cultural arts district created under subch. V of ch. 229, public library system, school  
19 district or technical college district in this state, any commission, committee, board  
20 or officer of any governmental subdivision of this state, any court of this state, other  
21 than the court of appeals or the supreme court, or any authority created under s.  
22 114.61, 149.41, 231.02, 233.02 or 234.02.

\*\*\*\*NOTE: This is reconciled s. 25.50 (1) (d). This SECTION has been affected by drafts with the following LRB numbers: 1524 and 1006.

1           **SECTION 12.** 40.02 (28) of the statutes is amended to read:

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

12           **SECTION 13.** 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act 65,  
13 is amended to read:

14           40.02 (28) "Employer" means the state, including each state agency, any  
15 county, city, village, town, school district, other governmental unit or  
16 instrumentality of 2 or more units of government now existing or hereafter created  
17 within the state, any federated public library system established under s. 43.19  
18 whose territory lies within a single county with a population of 500,000 or more, a  
19 local exposition district created under subch. II of ch. 229 and a family long-term  
20 care district created under s. 46.2895, except as provided under ss. 40.51 (7) and  
21 40.61 (3). "Employer" does not include a local cultural arts district created under  
22 subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI  
23 purposes.

24           **SECTION 14.** 40.02 (36) of the statutes is amended to read:

1           40.02 (36) "Governing body" means the legislature or the head of each state  
2 agency with respect to employees of that agency for the state, the common council  
3 in cities, the village board in villages, the town board in towns, the county board in  
4 counties, the school board in school districts, or the board, commission or other  
5 governing body having the final authority for any other unit of government, for any  
6 agency or instrumentality of 2 or more units of government, for any federated public  
7 library system established under s. 43.19 whose territory lies within a single county  
8 with a population of 500,000 or more, for a local exposition district created under  
9 subch. II of ch. 229 or for a family long-term care district created under s. 46.2895,  
10 but does not include a local cultural arts district created under subch. V of ch. 229.

11           **SECTION 15.** 46.21 (2m) (c) of the statutes is amended to read:

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

1 to the client. An agency that releases information under this paragraph shall  
2 document that a request for information was received and what information was  
3 provided.

4 **SECTION 16.** 46.215 (1m) of the statutes is amended to read:

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

22 **SECTION 17.** 46.22 (1) (dm) of the statutes is amended to read:

23 46.22 (1) (dm) *Exchange of information; long-term care.* Notwithstanding ss.  
24 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,  
25 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of social

1 services or tribal agency acting under this subsection may exchange confidential  
2 information about a client, without the informed consent of the client, with any other  
3 subunit of the same county department of social services or tribal agency, with a  
4 resource center, a care management organization, or a family long-term care  
5 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency  
6 to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)  
7 lg., or with a person providing services to the client under a purchase of services  
8 contract with the county department of social services or tribal agency or with a  
9 resource center, a care management organization, or a family long-term care  
10 district, if necessary to enable an employee or service provider to perform his or her  
11 duties, or to enable the county department of social services or tribal agency to  
12 coordinate the delivery of services to the client. An agency that releases information  
13 under this paragraph shall document that a request for information was received  
14 and what information was provided.

15 **SECTION 18.** 46.23 (3) (e) of the statutes is amended to read:

16 46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss.  
17 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,  
18 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of  
19 human services or tribal agency acting under this section may exchange confidential  
20 information about a client, without the informed consent of the client, with any other  
21 subunit of the same county department of human services or tribal agency, with a  
22 resource center, a care management organization, or a family long-term care  
23 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency  
24 to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)  
25 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.

8 **SECTION 19.** 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.

11 **SECTION 20.** 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).

15 **SECTION 21.** 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.

19 **SECTION 22.** 46.283 (1) (a) 2. of the statutes is amended to read:

20 46.283 (1) (a) 2. Whether to create a family long-term care district to apply to  
21 the department for a contract to operate a resource center.

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

23 46.284 (1) (a) 2. Whether to create a family long-term care district to apply to  
24 the department for a contract to operate a care management organization.

25 **SECTION 24.** 46.284 (6) of the statutes is amended to read:

1           46.284 (6) GOVERNING BOARD. A care management organization shall have a  
2 governing board that reflects the ethnic and economic diversity of the geographic  
3 area served by the care management organization. At least one-fourth of the  
4 members of the governing board shall be ~~older persons or persons with physical or~~  
5 ~~developmental disabilities or their family members, guardians or other advocates~~  
6 ~~who are~~ representative of the client group or groups whom the care management  
7 organization's enrollee organization is contracted to serve or those clients' family  
8 members, guardians, or other advocates.

9           **SECTION 25.** 46.285 (1) of the statutes is renumbered 46.285, and 46.285  
10 (intro.), (1) and (2), as renumbered, are amended to read:

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

16           **(1)** For an entity with which the department has contracted under s. 46.281 (1)  
17 (e) 1., 2005 stats., provision of the services specified under s. 46.283 (3) (b), (e), (f) and  
18 (g) shall be structurally separate from the provision of services of the care  
19 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.

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

1           **SECTION 26.** 46.285 (2) of the statutes is repealed.

2           **SECTION 27.** 46.2895 (title) of the statutes is amended to read:

3           **46.2895** (title) **Family Long-term care district.**

4           **SECTION 28.** 46.2895 (1) (a) (intro.) of the statutes is amended to read:

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

12           **SECTION 29.** 46.2895 (1) (a) 1. a. of the statutes is amended to read:

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

15           **SECTION 30.** 46.2895 (1) (a) 1. b. of the statutes is amended to read:

16           46.2895 (1) (a) 1. b. Specifies the family long-term care district’s primary  
17          purpose, which shall be to operate, under contract with the department, ~~either a~~  
18          resource center under s. 46.283 ~~or,~~ a care management organization under s. 46.284,  
19          ~~but not both,~~ or a program described under s. 46.2805 (1) (a) or (b).

20           **SECTION 31.** 46.2895 (1) (a) 1. c. of the statutes is created to read:

21           46.2895 (1) (a) 1. c. Specifies the number of individuals who shall be appointed  
22          as members of the long-term care district board, the length of their terms, and, if the  
23          long-term care district is created by more than one county or tribe or band, how many  
24          members shall be appointed by each county or tribe or band.

25           **SECTION 32.** 46.2895 (1) (b) of the statutes is repealed.

1           **SECTION 33.** 46.2895 (1) (c) of the statutes is created to read:

2           46.2895 (1) (c) A long-term care district may not operate a care management  
3 organization under s. 46.284 or a program described under s. 46.2805 (1) (a) or (b)  
4 if the district operates a resource center under s. 46.283.

5           **SECTION 34.** 46.2895 (1) (d) of the statutes is created to read:

6           46.2895 (1) (d) A county or tribe or band may create more than one long-term  
7 care district.

8           **SECTION 35.** 46.2895 (1) (e) of the statutes is created to read:

9           46.2895 (1) (e) A long-term care district may change its primary purpose  
10 specified under par. (a) 1. b. if all the counties or tribes or bands that created the  
11 district and that have not withdrawn or been removed from the district under sub.  
12 (14), adopt a resolution approving the change in primary purpose and if the change  
13 in purpose does not violate par. (c) or any provision of a contract between the  
14 department and the district.

15           **SECTION 36.** 46.2895 (2) of the statutes is amended to read:

16           46.2895 (2) JURISDICTION. A family long-term care district's jurisdiction is the  
17 geographical area of the county or counties ~~of the county board or boards of~~  
18 ~~supervisors who~~ that created the family long-term care district and the geographic  
19 area of the reservation of, or lands held in trust for, any tribe or band that created  
20 the long-term care district.

21           **SECTION 37.** 46.2895 (3) (title) of the statutes is amended to read:

22           46.2895 (3) (title) ~~FAMILY~~ LONG-TERM CARE DISTRICT BOARD.

23           **SECTION 38.** 46.2895 (3) (a) 1. of the statutes is renumbered 46.2895 (3) (a) and  
24 amended to read:

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

6           **SECTION 39.** 46.2895 (3) (a) 2. of the statutes is repealed.

7           **SECTION 40.** 46.2895 (3) (b) 1. of the statutes is amended to read:

8           46.2895 (3) (b) 1. ~~The family care district board appointed under par. (a) 1. shall~~  
9 ~~consist of 15 persons who are residents of the area of jurisdiction of the family care~~  
10 ~~district. At least one-fourth of the members of a long-term care district board shall~~  
11 ~~be representative of the client group or groups whom it is the family long-term care~~  
12 ~~district's primary purpose to serve or those clients' family members, guardians, or~~  
13 ~~other advocates.~~

14           **SECTION 41.** 46.2895 (3) (b) 2. of the statutes is repealed.

15           **SECTION 42.** 46.2895 (3) (b) 3. of the statutes is amended to read:

16           46.2895 (3) (b) 3. Membership of ~~the family~~ a long-term care district board  
17 ~~under subd. 1. or 2. shall reflect the ethnic and economic diversity of in the area of~~  
18 ~~jurisdiction of the family long-term care district. Up to one-fourth of the members~~  
19 ~~of the board may be elected or appointed officials or employees of the county or~~  
20 ~~counties that created the family care district.~~

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

24           **SECTION 43.** 46.2895 (3) (b) 5. of the statutes is created to read:

1           46.2895 (3) (b) 5. Only individuals who reside within the jurisdiction of a  
2 long-term care district may serve as members of the long-term care district board.

3           **SECTION 44.** 46.2895 (3) (c) of the statutes is repealed.

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

5           46.2895 (3) (d) As soon as possible after the appointment of the initial members  
6 of the family long-term care district board, the board shall organize for the  
7 transaction of business and elect a chairperson and other necessary officers. Each  
8 chairperson shall be elected by the board from time to time for the term of that  
9 chairperson's office as a member of the board or for the term of 3 years, whichever  
10 is shorter, and shall be eligible for reelection. A majority of the board shall constitute  
11 a quorum. The Unless specified otherwise in a bylaw adopted by the board, the board  
12 may act based on the affirmative vote of a majority of a quorum.

13           **SECTION 46.** 46.2895 (4) (intro.) of the statutes is amended to read:

14           46.2895 (4) POWERS. (intro.) Subject to sub. (1) (a) 1. b. (c), a family long-term  
15 care district has all the powers necessary or convenient to carry out the purposes and  
16 provisions of ss. 46.2805 to 46.2895. In addition to all these powers, a family  
17 long-term care district may do all of the following:

18           **SECTION 47.** 46.2895 (4) (b) of the statutes is amended to read:

19           46.2895 (4) (b) Adopt bylaws and policies and procedures for the regulation of  
20 its affairs and the conduct of its business. The bylaws, policies and procedures shall  
21 be consistent with ss. 46.2805 to 46.2895 and, if the family long-term care district  
22 contracts with the department under par. (d) or (dm), with the terms of that contract.

23           **SECTION 48.** 46.2895 (4) (dm) of the statutes is created to read:

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

4           **SECTION 49.** 46.2895 (4) (g) of the statutes is amended to read:

5           46.2895 (4) (g) Subject to sub. (8), employ any agent, employee, or special  
6 adviser that the family long-term care district finds necessary, fix and regulate his  
7 or her compensation and provide, either directly or subject to an agreement under  
8 s. 66.0301 as a participant in a benefit plan of another governmental entity, any  
9 employee benefits, including an employee pension plan.

10          **SECTION 50.** 46.2895 (4) (h) of the statutes is amended to read:

11          46.2895 (4) (h) Mortgage, pledge or otherwise encumber the family long-term  
12 care district's property or funds.

13          **SECTION 51.** 46.2895 (4) (k) of the statutes is amended to read:

14          46.2895 (4) (k) Create a risk reserve or other special reserve as the family  
15 long-term care district board desires or as the department requires under the  
16 contract with the department that is specified under par. (d).

17          **SECTION 52.** 46.2895 (4) (L) of the statutes is amended to read:

18          46.2895 (4) (L) Accept aid, including loans, to accomplish the purpose of the  
19 family long-term care district from any local, state or federal governmental agency  
20 or accept gifts, loans, grants or bequests from individuals or entities, if the conditions  
21 under which the aid, loan, gift, grant or bequest is furnished are not in conflict with  
22 this section.

23          **SECTION 53.** 46.2895 (4) (m) of the statutes is amended to read:

24          46.2895 (4) (m) Make and execute other instruments necessary or convenient  
25 to exercise the powers of the family long-term care district.

1           **SECTION 54.** 46.2895 (5) of the statutes is amended to read:

2           46.2895 (5) **LIMITATION ON POWERS.** A family long-term care district may not  
3 issue bonds or levy a tax or assessment.

4           **SECTION 55.** 46.2895 (6) (intro.) of the statutes is amended to read:

5           46.2895 (6) **DUTIES.** (intro.) The family long-term care district board shall do  
6 all of the following:

7           **SECTION 56.** 46.2895 (6) (b) of the statutes is amended to read:

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

11          **SECTION 57.** 46.2895 (6) (c) of the statutes is amended to read:

12          46.2895 (6) (c) Assure compliance with the terms of any contract with the  
13 department under sub. (4) (d) or (dm).

14          **SECTION 58.** 46.2895 (6) (d) of the statutes is amended to read:

15          46.2895 (6) (d) Establish a fiscal operating year and annually adopt a budget  
16 for the family long-term care district.

17          **SECTION 59.** 46.2895 (6) (e) of the statutes is amended to read:

18          46.2895 (6) (e) Contract for any legal services required for the family long-term  
19 care district.

20          **SECTION 60.** 46.2895 (7) (a) of the statutes is amended to read:

21          46.2895 (7) (a) Manage the property and business of the family long-term care  
22 district and manage the employees of the district, subject to the general control of the  
23 family long-term care district board.

24          **SECTION 61.** 46.2895 (7) (b) of the statutes is amended to read:

1           46.2895 (7) (b) Comply with the bylaws and direct enforcement of all policies  
2 and procedures adopted by the family long-term care district board.

3           **SECTION 62.** 46.2895 (7) (c) of the statutes is amended to read:

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

6           **SECTION 63.** 46.2895 (8) (a) (intro.) of the statutes is amended 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           **SECTION 64.** 46.2895 (8) (a) 1. of the statutes is amended to read:

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

1           **SECTION 65.** 46.2895 (8) (a) 2. of the statutes is repealed.

2           **SECTION 66.** 46.2895 (8) (a) 3. of the statutes is amended to read:

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

12           **SECTION 67.** 46.2895 (8) (a) 4. of the statutes is amended to read:

13           46.2895 (8) (a) 4. If the county has not established its own retirement system  
14 for county employees, adopt a resolution that the family long-term care district be  
15 included within the provisions of the Wisconsin retirement system under s. 40.21 (1).  
16 In this resolution, the family long-term care district shall agree to recognize 100%  
17 of the prior creditable service of its employees earned by the employees while  
18 employed by the district.

19           **SECTION 68.** 46.2895 (8) (b) (intro.) of the statutes is amended to read:

20           46.2895 (8) (b) (intro.) ~~The county board of supervisors of the area of~~  
21 ~~jurisdiction of the family~~ each county that creates a long-term care district shall do  
22 all of the following:

23           **SECTION 69.** 46.2895 (8) (b) 1. of the statutes is amended to read:

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

4           **SECTION 70.** 46.2895 (8) (b) 2. of the statutes is repealed.

5           **SECTION 71.** 46.2895 (8) (b) 2m. of the statutes is created to read:

6           46.2895 (8) (b) 2m. If the long-term care district employs any individual who  
7 was previously employed by the county, provide the individual health care coverage  
8 that is similar to the health care coverage that the county provided the individual  
9 when he or she was employed by the county.

10          **SECTION 72.** 46.2895 (8) (b) 3. of the statutes is repealed.

11          **SECTION 73.** 46.2895 (8) (c) of the statutes is created to read:

12          46.2895 (8) (c) A long-term care district and any county that created the  
13 district and has not withdrawn from or been removed from the district under sub.  
14 (14) may enter into an agreement allocating the costs of providing benefits described  
15 under this section between the district and the county.

16          **SECTION 74.** 46.2895 (9) of the statutes is amended to read:

17          46.2895 (9) CONFIDENTIALITY OF RECORDS. No record, as defined in s. 19.32 (2),  
18 of a family long-term care district that contains personally identifiable information,  
19 as defined in s. 19.62 (5), concerning an individual who receives services from the  
20 family long-term care district may be disclosed by the family long-term care district  
21 without the individual's informed consent, except as required to comply with s.  
22 16.009 (2) (p) or 49.45 (4).

23          **SECTION 75.** 46.2895 (10) of the statutes is amended to read:

24          46.2895 (10) EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss.  
25 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),

1 253.07 (3) (c) and 938.78 (2) (a), a family long-term care district acting under this  
2 section may exchange confidential information about a client, as defined in s.  
3 46.287 (1), without the informed consent of the client, under s. 46.21 (2m) (c),  
4 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or  
5 51.437 (4r) (b) in the jurisdiction of the family long-term care district, if necessary  
6 to enable the family long-term care district to perform its duties or to coordinate  
7 the delivery of services to the client.

8 **SECTION 76.** 46.2895 (11) of the statutes is amended to read:

9 46.2895 (11) OBLIGATIONS AND DEBTS, AND RESPONSIBILITIES NOT THOSE OF COUNTY.

10 The obligations and debts of ~~the family a~~ long-term care district are not the  
11 obligations or debts of ~~the~~ any county that created the family care district. If a  
12 long-term care district is obligated by statute or contract to provide or pay for  
13 services or benefits, no county is responsible for providing or paying for those services  
14 or benefits.

15 **SECTION 77.** 46.2895 (12) of the statutes is amended to read:

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

22 **SECTION 78.** 46.2895 (13) (intro.), (a) and (b) of the statutes are consolidated,  
23 renumbered 46.2895 (13) and amended to read:

24 46.2895 (13) DISSOLUTION. (intro.) Subject to the performance of the  
25 contractual obligations of a family long-term care district and if first approved by the

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

17 **SECTION 79.** 46.2895 (14) of the statutes is created to read:

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

23 **SECTION 80.** 51.42 (3) (e) of the statutes is amended to read:

24 51.42 (3) (e) *Exchange of information*. Notwithstanding ss. 46.2895 (9), 48.78  
25 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)

1 (c) and 938.78 (2) (a), any subunit of a county department of community programs  
2 or tribal agency acting under this section may exchange confidential information  
3 about a client, without the informed consent of the client, with any other subunit of  
4 the same county department of community programs or tribal agency, with a  
5 resource center, a care management organization, or a family long-term care  
6 district, or with any person providing services to the client under a purchase of  
7 services contract with the county department of community programs or tribal  
8 agency or with a resource center, care management organization, or family  
9 long-term care district, if necessary to enable an employee or service provider to  
10 perform his or her duties, or to enable the county department of community  
11 programs or tribal agency to coordinate the delivery of services to the client. Any  
12 agency releasing information under this paragraph shall document that a request  
13 was received and what information was provided.

14 **SECTION 81.** 51.437 (4r) (b) of the statutes is amended to read:

15 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,  
16 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), any  
17 subunit of a county department of developmental disabilities services or tribal  
18 agency acting under this section may exchange confidential information about a  
19 client, without the informed consent of the client, with any other subunit of the same  
20 county department of developmental disabilities services or tribal agency, with a  
21 resource center, a care management organization, or a family long-term care  
22 district, or with any person providing services to the client under a purchase of  
23 services contract with the county department of developmental disabilities services  
24 or tribal agency or with a resource center, a care management organization, or a  
25 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.

5 **SECTION 82.** 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.

18 **SECTION 83.** 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  
22 or other medical facility for the performance of an abortion except those permitted  
23 under and which are performed in accordance with s. 20.927.

24 **SECTION 84.** 66.0601 (1) (c) of the statutes is amended to read:

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

6           **SECTION 85.** 69.30 (1) (am) of the statutes is renumbered 69.30 (1) (bd) and  
7 amended to read:

8           69.30 (1) (bd) “Family Long-term care district” has the meaning given in s.  
9 46.2805 (5) (7r).

10          **SECTION 86.** 69.30 (2) of the statutes is amended to read:

11          69.30 (2) A financial institution, state agency, county department, Wisconsin  
12 works agency, service office or family long-term care district or an employee of a  
13 financial institution, state agency, county department, Wisconsin works agency,  
14 service office or family long-term care district is not subject to s. 69.24 (1) (a) for  
15 copying a certified copy of a vital record for use by the financial institution, state  
16 agency, county department, Wisconsin works agency, service office or family  
17 long-term care district, including use under s. 45.04 (5), if the copy is marked “FOR  
18 ADMINISTRATIVE USE”.

19          **SECTION 87.** 70.11 (2) of the statutes is amended to read:

20          70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.  
21 Property owned by any county, city, village, town, school district, technical college  
22 district, public inland lake protection and rehabilitation district, metropolitan  
23 sewerage district, municipal water district created under s. 198.22, joint local water  
24 authority created under s. 66.0823, family long-term care district under s. 46.2895  
25 or town sanitary district; lands belonging to cities of any other state used for public

1 parks; land tax-deeded to any county or city before January 2; but any residence  
2 located upon property owned by the county for park purposes that is rented out by  
3 the county for a nonpark purpose shall not be exempt from taxation. Except as to  
4 land acquired under s. 59.84 (2) (d), this exemption shall not apply to land conveyed  
5 after August 17, 1961, to any such governmental unit or for its benefit while the  
6 grantor or others for his or her benefit are permitted to occupy the land or part thereof  
7 in consideration for the conveyance. Leasing the property exempt under this  
8 subsection, regardless of the lessee and the use of the leasehold income, does not  
9 render that property taxable.

10 **SECTION 88.** 71.26 (1) (b) of the statutes is amended to read:

11 71.26 (1) (b) *Political units.* Income received by the United States, the state  
12 and all counties, cities, villages, towns, school districts, technical college districts,  
13 joint local water authorities created under s. 66.0823, family long-term care districts  
14 under s. 46.2895 or other political units of this state.

15 **SECTION 89.** 101.01 (4) of the statutes is amended to read:

16 101.01 (4) "Employer" means any person, firm, corporation, state, county,  
17 town, city, village, school district, sewer district, drainage district, family long-term  
18 care district and other public or quasi-public corporations as well as any agent,  
19 manager, representative or other person having control or custody of any  
20 employment, place of employment or of any employee.

21 **SECTION 90.** 102.01 (2) (d) of the statutes is amended to read:

22 102.01 (2) (d) "Municipality" includes a county, city, town, village, school  
23 district, sewer district, drainage district and family long-term care district and other  
24 public or quasi-public corporations.

25 **SECTION 91.** 102.04 (1) (a) of the statutes is amended to read:

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

4           **SECTION 92.** 103.001 (6) of the statutes is amended to read:

5           103.001 (6) "Employer" means any person, firm, corporation, state, county,  
6 town, city, village, school district, sewer district, drainage district, family long-term  
7 care district and other public or quasi-public corporations as well as any agent,  
8 manager, representative or other person having control or custody of any  
9 employment, place of employment or of any employee.

10          **SECTION 93.** 111.70 (1) (j) of the statutes is amended to read:

11          111.70 (1) (j) "Municipal employer" means any city, county, village, town,  
12 metropolitan sewerage district, school district, family long-term care district, or any  
13 other political subdivision of the state, or instrumentality of one or more political  
14 subdivisions of the state, that engages the services of an employee and includes any  
15 person acting on behalf of a municipal employer within the scope of the person's  
16 authority, express or implied, but specifically does not include a local cultural arts  
17 district created under subch. V of ch. 229.

18          **SECTION 94.** 632.745 (6) (a) 2m. of the statutes is amended to read:

19          632.745 (6) (a) 2m. A family long-term care district under s. 46.2895.

20          **SECTION 95.** 985.01 (1g) of the statutes is amended to read:

21          985.01 (1g) "Governing body" has the meaning given in s. 345.05 (1) (b) and  
22 includes a family long-term care district board under s. 46.2895.

23          **SECTION 96.** 985.01 (3) of the statutes is amended to read:

24          985.01 (3) "Municipality" has the meaning in s. 345.05 (1) (c) and includes a  
25 family long-term care district under s. 46.2895.

