

1989 Assembly Bill 456

Date of enactment: April 12, 1990
Date of publication: April 16, 1990

1989 Wisconsin Act 202 (Vetoed in Part)

AN ACT to amend 15.01 (4); and to create 15.197 (4), 20.435 (6) (d) and 46.29 of the statutes, relating to creating a council on physical disabilities in the department of health and social services and making an appropriation.

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

SECTION 1. 15.01 (4) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

15.01 (4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Milwaukee river revitalization council has the powers and duties specified in s. 23.18 and the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2).

SECTION 2. 15.197 (4) of the statutes is created to read:

15.197 (4) COUNCIL ON PHYSICAL DISABILITIES. (a) *Definitions.* In this subsection:

1. "Major life activity" means any of the following:
 - a. Self-care.
 - b. Performance of manual tasks unrelated to gainful employment.
 - c. Walking.
 - d. Receptive and expressive language.
 - e. Breathing.
 - f. Working.
 - g. Participating in educational programs.
 - h. Mobility, other than walking.
 - i. Capacity for independent living.
2. "Physical disability" means a physical condition, including an anatomical loss or musculoskeletal, neurological, respiratory or cardiovascular impairment, which results from injury, disease or congenital disorder

SECTION 3. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

der and which significantly interferes with or significantly limits at least one major life activity of a person.

3. "Physically disabled person" means an individual having a physical disability.

(b) *Creation and membership.* There is created in the department of health and social services a council on physical disabilities. Section 15.03 applies to the council's attachment to the department of health and social services. The council shall consist of all of the following:

1. The governor, or his or her designee.

~~2. Two members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses.~~

**Vetoed
in Part**

3. Thirteen members, appointed for 3-year terms, under the following criteria:

a. The members shall be appointed from residents of this state who have a demonstrated professional or personal interest in problems of physical disability and shall be selected so as to include a reasonably equitable representation of those communities located in the state's urban and rural areas and with regard to sex and race.

b. At least 6 members shall be physically disabled persons. Two members may be parents, guardians or relatives of physically disabled persons.

c. At least one member shall be a provider of services to physically disabled persons.

(c) The council has the functions specified in s. 46.29.

1989-90

1990-91

**20.435 Health and social services,
department of**

(6) COMMUNITY SERVICES;
STATE OPERATIONS

(d) Council on
physical disabilities

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**Vetoed
in Part**

SECTION 4. 20.435 (6) (d) of the statutes is created to read:

20.435 (6) (d) *Council on physical disabilities.* The amounts in the schedule for operation of the council on physical disabilities under s. 46.29.

SECTION 5. 46.29 of the statutes is created to read:

46.29 Council on physical disabilities. (1) From the appropriation under s. 20.435 (6) (d), the department shall allocate up to \$12,000 in each of state fiscal years 1989-90 and 1990-91 for operation of the council on physical disabilities. The council on physical disabilities shall do all of the following:

(a) Develop, approve and continue modification of a state plan, for services to physically disabled persons, that encompasses services from the entities specified under sub. (3).

(b) Request reports or other information from the entities specified under sub. (3) concerning programs, funding, clients or services as they relate to physically disabled persons.

(c) Advise the secretary of the department and make recommendations, including recommendations for legislation, to the entities specified under sub. (3) concerning funding, programs, policies and operations of those entities and other matters with respect to physically disabled persons.

(d) Encourage public understanding of the needs of and issues concerning physically disabled persons.

(e) Consider all questions and matters concerning physically disabled persons arising within the council or brought to the council for review.

(f) Submit annually to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report concerning the council's recommendations under par. (c).

(g) Meet at least 4 times annually.

(2) The council on physical disabilities may do all of the following:

(a) Report to the public concerning needs of physically disabled persons and issues that affect those persons.

(b) Promote programs related to the prevention of physical disability.

(c) Form committees for consideration of policies or programs for physically disabled persons.

(3) All of the following shall maintain liaison with and periodically report to the council on physical disabilities concerning progress in achieving objectives in the state plan developed under sub. (1) (a):

(a) The state superintendent of public instruction.

(b) The secretary of transportation.

(c) The secretary of industry, labor and human relations.

(d) The secretary of employment relations.

(e) The secretary of development.

(f) The commissioner of insurance.

(g) The president of the university of Wisconsin system.

(h) The president of the state board of vocational, technical and adult education.

(i) The executive director of the board on aging and long-term care.

(j) The chairperson of the health policy council.

SECTION 6. Nonstatutory provisions; council on physical disabilities. (1) Notwithstanding the length of terms specified under section 15.197 (4) (b) 3 of the statutes, as created by this act, of the initial members of the council on physical disabilities under section 15.197 (4) (b) 3 of the statutes, the following shall be appointed by the first day of the 4th month after the effective date of this subsection for the following terms:

(a) Two members who are physically disabled persons or who are parents, guardians or relatives of physically disabled persons, one provider of services to physically disabled persons and one other member, for terms expiring on July 1, 1990.

(b) Two members who are physically disabled persons or who are parents, guardians or relatives of physically disabled persons and one other member, for terms expiring on July 1, 1991.

(c) Four members who are physically disabled persons or who are parents, guardians or relatives of physically disabled persons and 2 other members, for terms expiring on July 1, 1992.

SECTION 7. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 46.29 of the statutes takes effect on the first day of the 4th month beginning after publication.

**Vetoed
in Part** 1989-90 and 1990-91