

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Joint Committee for  
Review of  
Administrative Rules  
(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

➤ Appointments ... Appt

➤

➤ Clearinghouse Rules ... CRule

➤

➤ Committee Hearings ... CH

➤

➤ Committee Reports ... CR

➤

➤ Executive Sessions ... ES

➤ 97hr\_JCR-AR\_ES\_pt13c

➤ Hearing Records ... HR

➤

➤ Miscellaneous ... Misc

➤

➤ Record of Comm. Proceedings ... RCP

➤

JCRAR March 31, 1998

APR 09 1998

# Easter Seal Society of Wisconsin, Inc.

101 Nob Hill Road, Suite 301 • Madison, Wisconsin 53713

608.277.8288 Voice • 608.277.8031 TTY • 608.277.8333 Fax • www.wi-easterseals.org Website



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Wisconsin

DATE: April 8, 1998

MEMO TO: Members of the Joint Committee on Review of Administrative Rules

Senators:

R. Grobschmidt

G. George

C. Potter

D. Schultz

R. Welch

Representatives:

G. Grothman

S. Gunderson

J. Kreuser

L. Seratti

R. Young

I am writing as a follow-up to my comments presented at the March 31, 1998 hearing on COMM 69.18 (2) (a) 1.b., Wis. Adm. Code. After listening to other presenters as well as comments from the JCRAR members, I would like to offer the following specific suggestions for your consideration.

As I stated at the hearing, I fully support having Wisconsin adopt the same elevator exemption as is included in the recently promulgated Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities; State and Local Government Facilities; Final Rule, published on January 13, 1998. In addition, I recommend that your committee direct the staff of Safety and Buildings Division to develop a tiered progression of requirements for access such as wheelchair platform lifts, inclined lifts and Limited Use, Limited Application (LULA) units before full-scale passenger elevators would be required in sports facility press boxes. I am confident that most individuals with disabilities are not interested in having either public or private entities held to such unreasonable accessibility requirements that the resulting financial burdens cause a negative view and rejection of the law's basic intent by the general public. I am hesitant to make specific suggestions on the wording of these requirements because of how they might impact upon (or be impacted upon) by other Wisconsin building code requirements. I believe that those recommended changes are best left to Safety and Buildings Division staff who are familiar with all related applicable codes.

Thank you again for your willingness to take time and thoughtfully make indicated changes without suspending the rule. To suspend the rule would leave public entities vulnerable to violation of Federal requirements and would prohibit many people with disabilities from future enjoyment of this aspect of sports activities.

Sincerely,

Cleo Ann Eliason, Vice President  
Client Assistance and Technical Services

cc: M. Corry, Admin., Safety and Buildings Division

*John  
also let her  
know committee  
memberships changing*

APR 30 1998

**Senator Robert Welch**  
CO-CHAIRMAN

Room 201, 1 East Main Street  
MADISON, WI 53707  
(608) 266-0751



**REPRESENTATIVE GLENN GROTHMAN**  
CO-CHAIRMAN

ROOM 125 WEST • STATE CAPITOL  
MADISON, WI 53702  
(608) 264-8486

## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

April 28, 1998

The Honorable Michael Ellis  
Senate Majority Leader  
Room 101, 119 Martin Luther King, Jr. Blvd.  
P.O. Box 7882  
Madison, WI 53708-7882

The Honorable Scott Jensen  
Assembly Speaker  
Room 211 West, State Capitol  
Madison, WI 53702

The Honorable Tim Weeden  
Senate Co-Chair, Joint Committee on Finance  
Room 203, 1 East Main Street  
P.O. Box 7882  
Madison, WI 53708-7882

The Honorable John Gard  
Assembly Co-Chair, Joint Committee on Finance  
Room 315 North, State Capitol  
Madison, WI 53702

Dear Majority Leader Ellis, Speaker Jensen, Co-Chair Weeden and Co-Chair Gard:

As you may be aware, the Department of Agriculture, Trade, and Consumer Protection promulgated a set of rules a few months ago which increased dramatically the fees for the licensure and re-inspection of retail grocery stores, their food processing, storage and shipping warehouses. In many cases, the fees jumped in excess of 100 percent.

At the request of the Wisconsin Grocers Association, the Joint Committee for Review of Administrative Rules held a public hearing on the fee increases on March 31, 1998. One of the recurring complaints from witnesses that day was that many of them faced duplicative inspections – because many food stores also have service delicatessens which are regulated as restaurants, the facilities are inspected by agents of both DATCP and the Department of Health and Family Services. While the Joint Committee was not scheduled to take executive action on the issue at that hearing, several members of the Joint Committee expressed a desire to suspend the new fee structure or to take other steps to provide some relief to the affected businesses.

Subsequent to that hearing, meetings have ensued between Senate JCRAR co-chairmen Welch and Grothman, DATCP Secretary Ben Brancel, and representatives of the Wisconsin Grocers Association. In the most recent meeting, a tentative agreement was reached. The Department of Agriculture agreed to forestall the billings for the increased fees by one month, and we agreed to pursue a statutory change in the budget adjustment bill which would direct the DATCP and the DHFS to share the inspection duties of combination businesses such as food stores with service delicatessens. What we propose is statutory language which gives the Department of Agriculture inspection authority over businesses which derive at least 51% of their revenue from retail grocery sales, while giving to the DHFS oversight of businesses which derive at least 51% of their business from the sale of prepared foods. This allows each Department to reduce its workload somewhat – the DATCP needs not to inspect businesses which are primarily restaurants but which engage in some grocery sales, and the DHFS is relieved of the responsibility of inspecting food stores with small restaurant-style operations. Not only does this permit each department to operate safe and effective inspection programs without huge fee increases, it also relieves retailers of the burdens of multiple inspections and multiple fees.

In order to implement this agreement in a timely fashion, it is imperative that we accomplish the statutory change described above before the Legislature adjourns for the biennium early next month. Any assistance you can provide in this matter would be greatly appreciated not just by us, but by the grocers and other regulated businesses in Wisconsin.

Thank you for your consideration and your time. Please feel free to contact us with any questions you may have.

Sincerely,

Glenn Grothman  
Assembly Co-Chairman

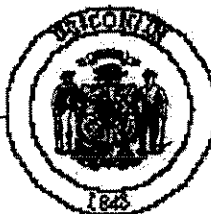
Robert Welch  
Senate Co-Chairman

GG:BW:swk

APR 30 1998

Senator Robert Welch  
CO-CHAIRMAN

Room 201, 1 East Main Street  
MADISON, WI 53707  
(608) 266-0751



REPRESENTATIVE GLENN GROTHMAN  
CO-CHAIRMAN

ROOM 125 WEST • STATE CAPITOL  
MADISON, WI 53702  
(608) 264-8486

## JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

April 27, 1998

Secretary Ben Brancel  
Department of Agriculture, Trade, and Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911

Dear Ben:

Thank you for meeting with us this morning to discuss the ongoing controversy over the increases recently promulgated by the Department for the licensure and re-inspection of grocery retail and grocery warehouse facilities.

Pursuant to that meeting, we are formally requesting that the Department delay for thirty days, from May 15 to June 15, the billing of regulated grocers for fees related to the re-inspection of their businesses. This delay will alleviate any need for the Joint Committee to consider alternative action with regard to the fee structure at the present time, and will grant all the parties in the discussions the time necessary to implement a solution which is agreeable to everyone and is workable for the Department.

Thank you for your consideration. As always, please feel free to contact us with any questions or concerns you may have.

Sincerely,

Glenn Grothman  
Assembly Co-Chairman

Robert T. Welch  
Senate Co-Chairman

cc: Secretary Joe Leann, DHFS  
Members, JCRAR  
Wisconsin Grocers Association

GG:BW:swk

7-4117-1000 2511 (Project)

# Site Info

SUBDIVISION \_\_\_\_\_ BLOCK NO. \_\_\_\_\_  
 LOT NO. \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_  
 \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, SEC. \_\_\_\_\_, T. \_\_\_\_\_ N. \_\_\_\_\_ R. \_\_\_\_\_ E or W  
 PARCEL NO. \_\_\_\_\_  
 SETBACKS:  
 FRONT YARD \_\_\_\_\_ feet  
 REAR YARD \_\_\_\_\_ feet  
 LEFT YARD \_\_\_\_\_ feet  
 RIGHT YARD \_\_\_\_\_ feet

# Inspection

PHASE	RGH	FNL
FOOTING		
FOUNDATION		
CONSTRUCTION		
INSULATION		
PLUMBING		
HEAT/VENT/AC		
ELECTRICAL		
OCCUPANCY		

**NOTICE OF NONCOMPLIANCE**  
 This issuing jurisdiction shall notify the applicant in writing of any violations to be corrected. All cited violations shall be corrected within 30 days after notification, unless extension of time is granted.

Keep this card posted until final inspection has been made. Inspections shall be arranged 48 hrs. in advance. Work shall not proceed until the inspector has approved the various stages of construction or the 48 hr. period since notification has elapsed. This permit will expire 24 months after the date of issuance if construction has not commenced.

# WISCONSIN UNIFORM

# BUILDING

# PERMIT #

116-97-8B

const;  hvac;  elec;  plumb;

Project: Press Box

Issued to: CAMB. School Dist.  
403 CHURCH ST.  
CAMBRIDGE, WI.

Issued by: W. LOEDER CERT # 70434  
 DATE ISSUED: 8.13.97 TELEPHONE: 608-422-5220

COMMENTS: Rough & Final (NSP)  
Required!

affix uniform permit seal here (when applicable) Seal No

WIS STATS 101



# ADA HIGHLIGHTS

## Title II State and Local Government Services

- I. Who is Covered by Title II of the ADA
- II. Overview of Requirements
- III. "Qualified Individual with a Disability"
- IV. Program Access
- V. Integrated Programs
- VI. Communications
- VII. New Construction and Alterations
- VIII. Enforcement.
- IX. Complaints.
- X. Designated Agencies.
- XI. Technical Assistance.



## **I. Who is Covered by title II of the ADA**

- The title II regulation covers "public entities."
- "Public entities" include any State or local government and any of its departments, agencies, or other instrumentalities.
- All activities, services, and programs of public entities are covered, including activities of State legislatures and courts, town meetings, police and fire departments, motor vehicle licensing, and employment.
  - Unlike section 504 of the Rehabilitation Act of 1973, which only covers programs receiving Federal financial assistance, title II extends to all the activities of State and local governments whether or not they receive Federal funds.
- Private entities that operate public accommodations, such as hotels, restaurants, theaters, retail stores, dry cleaners, doctors' offices, amusement parks, and bowling alleys, are not covered by title II but are covered by title III of the ADA and the Department's regulation implementing title III.
- Public transportation services operated by State and local governments are covered by regulations of the Department of Transportation.
  - DOT's regulations establish specific requirements for transportation vehicles and facilities, including a requirement that all new busses must be equipped to provide services to people who use wheelchairs.

## **II. Overview of Requirements**

- State and local governments --
  - May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability.
    - For example, a city may not refuse to allow a person with epilepsy to use parks and recreational facilities.
  - Must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.
  - Must eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs or activities unless "necessary" for the provisions of the service, program or activity.
    - Requirements that tend to screen out individuals with disabilities, such as requiring a driver's license as the only acceptable means of identification, are also prohibited.

- Safety requirements that are necessary for the safe operation of the program in question, such as requirements for eligibility for drivers' licenses, may be imposed if they are based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.
- Are required to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration in the program would result.
  - For example, a city office building would be required to make an exception to a rule prohibiting animals in public areas in order to admit guide dogs and other service animals assisting individuals with disabilities.
- Must furnish auxiliary aids and services when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.
- May provide special benefits, beyond those required by the regulation, to individuals with disabilities.
- May not place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters.
- Shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.

### **III. "Qualified Individuals with Disabilities"**

- Title II of the Americans with Disabilities Act provides comprehensive civil rights protections for "qualified individuals with disabilities."
- An "individual with a disability" is a person who --
  - Has a physical or mental impairment that substantially limits a "major life activity," or
  - Has a record of such an impairment, or
  - Is regarded as having such an impairment.
- Examples of physical or mental impairments include, but are not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. Homosexuality and bisexuality are not physical or mental impairments under the ADA.

- “Major life activities” include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- Individuals who currently engage in the illegal use of drugs are not protected by the ADA when an action is taken on the basis of their current illegal use of drugs.
- “Qualified” individuals.
  - A “qualified” individual with a disability is one who meets the essential eligibility requirements for the program or activity offered by a public entity.
  - The “essential eligibility requirements” will depend on the type of service or activity involved.
    - For some activities, such as State licensing programs, the ability to meet specific skill and performance requirements may be “essential.”
    - For other activities, such as where the public entity provides information to anyone who requests it, the “essential eligibility requirements” would be minimal.

#### IV. Program Access

- State and local governments--
  - Must ensure that individuals with disabilities are not excluded from services, programs, and activities because buildings are inaccessible.
  - Need not remove physical barriers, such as stairs, in all existing buildings, as long as they make their programs accessible to individuals who are unable to use an inaccessible existing facility.
  - Can provide the services, programs, and activities offered in the facility to individuals with disabilities through alternative methods, if physical barriers are not removed, such as --
    - Relocating a service to an accessible facility, e.g., moving a public information office from the third floor to the first floor of a building.
    - Providing an aide or personal assistant to enable an individual with a disability to obtain the service.
    - Providing benefits or services at an individual’s home, or at an alternative accessible site.
  - May not carry an individual with a disability as a method of providing program access, except in “manifestly exceptional” circumstances.

- Are not required to take any action that would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens. However, public entities must take any other action, if available, that would not result in a fundamental alteration or undue burdens but would ensure that individuals with disabilities receive the benefits or services.

## V. Integrated Programs

- Integration of individuals with disabilities into the mainstream of society is fundamental to the purposes of the Americans with Disabilities Act.
- Public entities may not provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective.
- Even when separate programs are permitted, an individual with a disability still has the right to choose to participate in the regular program.
  - For example, it would not be a violation for a city to offer recreational programs specially designed for children with mobility impairments, but it would be a violation if the city refused to allow children with disabilities to participate in its other recreational programs.
- State and local governments may not require an individual with a disability to accept a special accommodation or benefit if the individual chooses not to accept it.

## VI. Communications

- State and local governments must ensure effective communication with individuals with disabilities.
- Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, the public entity must provide appropriate auxiliary aids.
  - "Auxiliary aids" include such services or devices as qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD's), videotext displays, readers, taped texts, Brailled materials, and large print materials.
  - A public entity may not charge an individual with a disability for the use of an auxiliary aid.
- Telephone emergency services, including 911 services, must provide direct access to individuals with speech or hearing impairments.
- Public entities are not required to provide auxiliary aids that would result in a fundamental

alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. However, public entities must still furnish another auxiliary aid, if available, that does not result in a fundamental alteration or undue burdens.

## **VII. New Construction and Alterations**

- Public entities must ensure that newly constructed buildings and facilities are free of architectural and communication barriers that restrict access or use by individuals with disabilities.
- When a public entity undertakes alterations to an existing building, it must also ensure that the altered portions are accessible.
- The ADA does not require retrofitting of existing buildings to eliminate barriers, but does establish a high standard of accessibility for new buildings.
  - Public entities may choose between two technical standards for accessible design: The Uniform Federal Accessibility Standard (UFAS), established under the Architectural Barriers Act, or the Americans with Disability Act Accessibility Guidelines, adopted by the Department of Justice for places of public accommodation and commercial facilities covered by title III of the ADA.
  - The elevator exemption for small buildings under ADA Accessibility Guidelines would not apply to public entities covered by title II.

## **VIII. Enforcement**

- Private parties may bring lawsuits to enforce their rights under title II of the ADA. The remedies available are the same as those provided under section 504 of the Rehabilitation Act of 1973. A reasonable attorney's fee may be awarded to the prevailing party.
- Individuals may also file complaints with appropriate administrative agencies.
  - The regulation designates eight Federal agencies to handle complaints filed under title II.
  - Complaints may also be filed with any Federal agency that provides financial assistance to the program in question, or with the Department of Justice, which will refer the complaint to the appropriate agency.

## **IX. Complaints**

- Any individual who believes that he or she is a victim of discrimination prohibited by the regulation may file a complaint. Complaints on behalf of classes of individuals are also permitted.
- Complaints should be in writing, signed by the complainant or an authorized representative, and should contain the complainant's name and address and describe the public entity's alleged discriminatory action.

- Complaints may be sent to --

Coordination and Review Section  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 66118  
Washington, D.C. 20035-6118.

- Complaints may also be sent to agencies designated to process complaints under the regulation, or to agencies that provide Federal financial assistance to the program in question.

## X. Designated Agencies

The following agencies are designated for enforcement of title II for components of State and local governments that exercise responsibilities, regulate, or administer services, programs, or activities in the following functional areas --

- (1) Department of Agriculture: Farming and the raising of livestock, including extension services.
- (2) Department of Education: Education systems and institutions (other than health-related schools), and libraries.
- (3) Department of Health and Human Services: Schools of medicine, dentistry, nursing, and other health-related schools; health care and social service providers and institutions, including "grass-roots" and community services organizations and programs; and preschool and daycare programs.
- (4) Department of Housing and Urban Development: State and local public housing, and housing assistance and referral.
- (5) Department of Interior: Lands and natural resources, including parks and recreation, water and waste management, environmental protection, energy, historic and cultural preservation, and museums.
- (6) Department of Justice: Public safety, law enforcement, and the administration of justice, including courts and correctional institutions; commerce and industry, including banking and finance, consumer protection, and insurance; planning, development, and regulation (unless otherwise assigned); State and local government support services; and all other government functions not assigned to other designated agencies.
- (7) Department of Labor: Labor and the work force.
- (8) Department of Transportation: Transportation, including highways, public transportation, traffic management (non-law enforcement), automobile licensing and inspection, and driver licensing.

## XI. Technical Assistance

- The ADA requires that the Federal agencies responsible for issuing ADA regulations provide "technical assistance."

- Technical assistance is the dissemination of information (either directly by the Department or through grants and contracts) to assist the public, including individuals protected by the ADA and entities covered by the ADA, in understanding the new law.
- Methods of providing information include, for example, audio-visual materials, pamphlets, manuals, electronic bulletin boards, checklists, and training.
- The Department issued for public comment on December 5, 1990, a government-wide plan for the provision of technical assistance.

The Department's efforts focus on raising public awareness of the ADA by providing--

- Fact sheets and pamphlets in accessible formats,
  - Speakers for workshops, seminars, classes, and conferences,
  - An ADA telephone information line, and
  - Access to ADA documents through an electronic bulletin board for users of personal computers.
- The Department has established a comprehensive program of technical assistance relating to public accommodations and State and local governments.
    - Grants will be awarded for projects to inform individuals with disabilities and covered entities about their rights and responsibilities under the ADA and to facilitate voluntary compliance.
    - The Department will issue a technical assistance manual by January 26, 1992, for individuals or entities with rights or duties under the ADA.

For additional information, contact:

Office on the Americans with Disabilities Act  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 66118  
Washington, D.C 20035-6118  
(202) 514-0301 (Voice)  
(202) 514-0383 (TDD)  
(202) 514-6193 (Electronic Bulletin Board).

# LIST OF FEDERAL AND WISCONSIN LEGISLATION ON ARCHITECTURAL BARRIERS TO DISABLED

- 1968 THE ARCHITECTURAL BARRIERS ACT passed.
- 1971 *WISCONSIN STATE STATUE SECTION 101.13 created.*
- 1973 REHABILITATION ACT OF 1973 passed.
- 1974 *SAFETY AND BUILDINGS ADMINSTRATED RULES ON ACCESSIBILITY published.*
- 1978 REHABILITATION ACT OF 1973 amended.
- 1981 ATBCB "MINIMUM FEDERAL GUIDELINES & REQUIREMENTS FOR ACCESSIBLE DESIGN" published.
- 1984 UNIFORM FEDERAL ACCESSIBILITY STANDARDS (UFAS) published.
- 1990 AMERICAS WITH DISABILITIES ACT OF 1990 (ADA) passed.
- TITLE I EMPLOYMENT
- TITLE II PUBLIC SERVICE
- TITLE III PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES
- TITLE IV TELECOMMUNICATIONS RELAY SERVICES
- TITLE V MISCELLANEOUS PROVISIONS
- 1991 DEPARTMENT OF JUSTICE (DOJ) REGULATIONS IMPLEMENTING ADA published.
- PART III NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS AND IN COMMERCIAL FACILITIES .
- PART IV NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES.
- ATBCB AMERICAN WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) for PUBLIC ACCOMMODATIONS AND IN COMMERCIAL FACILITIES published.
- 1992 ATBCB proposed rulemaking for ADAAG for STATE AND LOCAL GOVERNMENT FACILITIES published.
- 1994 *SAFETY AND BUILDINGS ADMINSTRATED RULES ON ACCESSIBILITY revised.*
- 1998 ATBCB final rules for ADAAG for STATE AND LOCAL GOVERNMENT FACILITIES published.



# SUMMARY OF FEDERAL and WISCONSIN LEGISLATION ON ARCHITECTURAL BARRIERS TO DISABLED

## **1968 THE ARCHITECTURAL BARRIERS ACT** passed.

This is an ACT to insure that certain buildings financed with Federal funds are so designed, constructed or altered as to be accessible to the physically disabled.

Any building for which the intended use either will require that such building or facility be accessible to the public, or may result in employment or residence therein of physically disabled persons falls under this ACT.

## **1971 WISCONSIN STATE STATUE SECTION 101.13** created.

*Required Safety and Buildings Division to develop by rule minimum requirements to facilitate the use of public buildings and places of employment by physically disabled persons where traffic might reasonably be expected by such persons.*

## **1973 REHABILITATION ACT OF 1973** passed.

Architecture and Transportation Barriers Compliance Board (ATBCB) created. This board was to insure compliance with the Architectural Barriers Act of 1968.

## **1974 SAFETY AND BUILDINGS ADMINSTRATED RULES ON ACCESSIBILITY** published.

*Requirements were added to the Wisconsin Building Code establishing the standards that must be met in order to insure that all public buildings and places of employment are accessible and usable by all citizens, including those with functional limitations. The standards establish when access to; primary floors, toilet facilities and interior circulation between floor levels, is required, and how spaces must be designed to assure usability.*

## **1978 REHABILITATION ACT OF 1973** amended.

Architecture and Transportation Barriers Compliance Board (ATBCB) was given responsibility to establish minimum guidelines and requirements for standards

## **1981 ATBCB "MINIMUM FEDERAL GUIDELINES & REQUIREMENTS FOR ACCESSIBLE DESIGN"** published.

The ATBCB does not have the authority to write rules for other federal agencies. These guidelines were used by the Federal agencies that must establish rules to assure that the Architectural Barriers Act of 1968 are met.

These guidelines in general tend to reflect the commercially acceptable standards such as American National Standard Institute (ANSI) standard ANSI A117 Technical Accessibility Standard.

**1984 UNIFORM FEDERAL ACCESSIBILITY STANDARDS (UFAS) published.**

The UFAS standard is the standard that the Federal agencies adopted to insure that the requirements of the Architectural Barriers Act of 1968 or met. UFAS is based on the ATBCB guidelines.

**1990 AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) passed.**

**TITLE I EMPLOYMENT:**

No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, condition, and privileges of employment.

**TITLE II PUBLIC SERVICE**

Most programs and activities of State and local governments are recipients of Federal financial assistance from one or more Federal funding agencies and, therefore, are already covered by the Rehabilitation Act of 1973. Title II of the ADA essentially extends the nondiscrimination mandate to those State and local governments that do not receive Federal financial assistance.

The standards adopted to assure accessibility must be consistent with the ATBCB guidelines developed under Title V.

**TITLE III PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES**

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation or commercial facility.

The standards adopted to assure accessibility must be consistent with the ATBCB guidelines developed under Title V.

**TITLE IV TELECOMMUNICATIONS RELAY SERVICES**

To make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation, by ensuring that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing impaired and speech impaired individuals in the United States.

**TITLE V MISCELLANEOUS PROVISIONS**

Requires that the ATBCB supplement the existing Minimum Guidelines and Requirements for Accessible Design for purposes of titles II and III of the ADA.

**1991 ATBCB AMERICAN WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) for PUBLIC ACCOMMODATIONS AND IN COMMERCIAL FACILITIES published.**

The ATBCB issued guidelines to assist the Department of Justice to establish accessibility standards for new construction and alterations in places of public accommodation and commercial facilities, as required by title III the ADA. The guidelines will ensure that newly constructed and altered portions of buildings and facilities covered by title III of the ADA are readily accessible to and usable by individuals with disabilities in terms of architecture and design, and communication.

The ADAAG allows certain buildings be constructed without elevators

**1991 DEPARTMENT OF JUSTICE (DOJ) REGULATIONS IMPLEMENTING ADA published.**

**PART III NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS AND IN COMMERCIAL FACILITIES .**

This rule establishes standards and procedures for the implementation of title III of the ADA, which addresses discrimination by private entities in places of public accommodations and commercial facilities.

The standards adopted for design and construction are the ATBCB's ADAAG accessibility guidelines.

**PART IV NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES.**

This rule establishes standards and procedures for the implementation of title II of the ADA, which addresses discrimination by State and local government services.

The standards adopted for design and construction gives the public entity a choice between the UFAS or the ATBCB's ADAAG accessibility guidelines. The ADAAG exemption to allow certain buildings be constructed without elevators would not apply to State and local government facilities.

**1992 ATBCB proposed guidelines for ADAAG for STATE AND LOCAL GOVERNMENT FACILITIES published.**

The ATBCB issued proposed guidelines to assist the Department of Justice to establish accessibility standards for new construction and of State and local government facilities covered by title II of the ADA. The guidelines will ensure that newly constructed and altered State and local government facilities covered by title III of the ADA are readily accessible to and usable by individuals with disabilities in terms of architecture and design, and communication.

The proposed guidelines require that ADAAG standards must be met. The option to use UFAS would not be available. The ADAAG exemption to allow certain buildings be constructed without elevators would not apply to State and local government facilities.

**1994 SAFETY AND BUILDINGS ADMINSTRATED RULES ON ACCESSIBILITY** revised.

*The Barrier Free Design Code chapter COMM. 69 was published. This chapter incorporated the accessibility requirements previously found in the Wisconsin Building Code. The new set of standards adopts the requirements of ADAAG and require all buildings in Wisconsin to meet these standard. The adoption of ADAAG establish a single standard to be met. Previously a designer of owner of a building had to meet the most stringent requirements between the state and federal standards.*

**1998 ATBCB final guidelines for ADAAG for STATE AND LOCAL GOVERNMENT FACILITIES** published.

The ATBCB issued final guidelines to assist the Department of Justice to establish accessibility standards for new construction and of State and local government facilities covered by title II of the ADA. The guidelines will ensure that newly constructed and altered State and local government facilities covered by title II of the ADA are readily accessible to and usable by individuals with disabilities in terms of architecture and design, and communication.

The proposed guidelines require that ADAAG standards must be met. The option to use UFAS would not be available. The ADAAG will include an exemption to allow certain facilities to be constructed without elevators in state and local government facilities.

The elevator exemption applies in limited situations. It is not the same exemption as is in place for public accommodations and commercial facilities. The ADAAG rule is:

ADAAG 4.1.3(5) One passenger elevator complying with 4.10 shall serve each level, including mezzanines, in all multi-story buildings and facilities unless exempted below. If more than one elevator is provided, each passenger elevator shall comply with 4.10.

EXCEPTION 1: Elevators are not required in:

(a) private facilities that are less than three stories or that have less than 3000 square feet per story unless the building is a shopping center, a shopping mall, or the professional office of a health care provider, or another type of facility as determined by the Attorney General; or

(b) public facilities that are less than three stories and that are not open to the general public if the story above or below the accessible ground floor houses no more than five persons and is less than 500 square feet. Examples may include, but are not limited to, drawbridge towers and boat traffic towers, lock and dam control stations, and train dispatching towers.

These guidelines have not been incorporated in the Department of Justice accessibility standards and are, therefore, not enforceable at this time.