



D-NONE

jd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT <sup>gen</sup>...; relating to: membership of the council on developmental disabilities  
2 (suggested as remedial legislation by the department of health and family  
3 services).

*Analysis by the Legislative Reference Bureau*

Under current state law, for the council on developmentally disabilities, which is attached to the department of health and family services, the governor must appoint members who meet certain requirements. Certain members must be appointed to represent public and private nonprofit agencies of the state's political subdivisions that provide direct services to the developmentally disabled. Other members must be representative of nongovernmental agencies and groups concerned with these services. Further, at least one-half of the membership must consist of persons with developmental disabilities or their parents or guardians or of immediate relatives or guardians of persons with mentally impairing developmental disabilities; these members may not manage, own, or have a controlling interest in an entity that receives federal developmental disabilities funds or provides services using those funds and may not be employees of any state agency that receives the funds or provides the services.

Under current federal law, the membership of a state council on developmental disabilities must be geographically representative of the state and reflect the state's diversity with respect to race and ethnicity. At least 60% of the membership of the council must consist of individuals with developmental disabilities; parents or guardians of children with developmental disabilities; or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot

advocate for themselves. These persons may not be employees of a state agency that receives federal developmental disabilities funds or provides services using those funds and may not be managing employees of an entity that receives the funds or provides the services using those funds. Further, of that 60% of the membership, one-third must be individuals with developmental disabilities; <sup>be</sup> one-third must be ~~parents or guardians or immediate relatives of individuals with developmental disabilities~~; and one-third must be individuals who meet either of these requirements. Membership also must include representatives of state entities that administer federal funds for the developmentally disabled. In addition, membership must include representatives of the state centers for the developmentally disabled, the state protection and advocacy system, and local and nongovernmental agencies and private nonprofit groups concerned with services for individuals with developmental disabilities; these members must recuse themselves from council discussion of grants or contracts for which the entity represented by the member is a grantee, contractor, or applicant and are precluded from voting on matters that constitute or give the appearance of a conflict of interest. Lastly, federal law requires that the council notify the governor regarding membership requirements of the council and if vacancies on the council remain unfilled for a significant period of time and, if requested by the governor, coordinate recommendations of the council and the public to the governor regarding council membership.

This bill changes the requirements for membership of the council on developmental disabilities to conform to the federal requirements for the council. Under the bill, these changed requirements first apply to appointments made on the ~~effective date of the bill as an act.~~ <sup>date on which this bill becomes law</sup>

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of health and family services and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

- 1           SECTION 1. 15.197 (11n) (intro.) <sup>✓</sup> of the statutes is renumbered 15.197 (11n) (ag)
- 2           and amended to read:
- 3           15.197 (11n) ~~COUNCIL ON DEVELOPMENTAL DISABILITIES~~ <sup>✓</sup> (ag) There is created a
- 4           council on developmental disabilities, attached to the department of health and

1 family services under s. 15.03. ~~Members shall be state residents and shall be~~  
2 ~~appointed in the following manner for staggered 4-year terms:~~ ✓

History: 1971 c. 125, 219, 255, 322, 332; 1973 c. 198, 321, 322; 1975 c. 39 ss. 46 to 52, 732 (2); 1975 c. 115, 168, 199, 200; 1977 c. 29 ss. 36, 40, 41, 42, 42c, 42g, 42k, 42p, 42t, 42x, 43, 1650m (2), (4), 1657 (18) (c); 1977 c. 160, 213, 428; 1979 c. 34, 111, 221, 320, 355; 1981 c. 20, 24; 1983 a. 27, 113, 188, 204, 435, 439, 538; 1985 a. 29; 1987 a. 27, 413; 1989 a. 31, 202; 1991 a. 32, 39, 189, 250; 1993 a. 16, 27, 98, 213, 399; 1995 a. 27 ss. 139m to 143, 9126 (19), 9130 (4); 1995 a. 225, 303, 352; 1997 a. 3, 27, 154; 1999 a. 9, 114.

3 **SECTION 2.** 15.197 (11n) (a) (intro.) ✓ of the statutes is renumbered 15.197 (11n)  
4 (am) 1. (intro.) and amended to read:

5 15.197 (11n) (am) 1. (intro.) ✓ Agencies A representative of each of the relevant  
6 agencies of the state ✓ <sup>plain</sup> ~~providing direct services to the developmentally disabled shall~~  
7 ~~be represented by members of the council that administer federal funds related to~~  
8 individuals with disabilities, to be designated by:

History: 1971 c. 125, 219, 255, 322, 332; 1973 c. 198, 321, 322; 1975 c. 39 ss. 46 to 52, 732 (2); 1975 c. 115, 168, 199, 200; 1977 c. 29 ss. 36, 40, 41, 42, 42c, 42g, 42k, 42p, 42t, 42x, 43, 1650m (2), (4), 1657 (18) (c); 1977 c. 160, 213, 428; 1979 c. 34, 111, 221, 320, 355; 1981 c. 20, 24; 1983 a. 27, 113, 188, 204, 435, 439, 538; 1985 a. 29; 1987 a. 27, 413; 1989 a. 31, 202; 1991 a. 32, 39, 189, 250; 1993 a. 16, 27, 98, 213, 399; 1995 a. 27 ss. 139m to 143, 9126 (19), 9130 (4); 1995 a. 225, 303, 352; 1997 a. 3, 27, 154; 1999 a. 9, 114.

9 **SECTION 3.** 15.197 (11n) (a) 1. to 3. ✓ of the statutes are renumbered 15.197 (11n)  
10 (am) 1. a. to c. ✓

11 **SECTION 4.** 15.197 (11n) (a) 4. ✓ of the statutes is renumbered 15.197 (11n) (am)  
12 1. d. and amended to read:

13 15.197 (11n) (am) 1. d. ✓ The president of the University of Wisconsin ✓ System.

History: 1971 c. 125, 219, 255, 322, 332; 1973 c. 198, 321, 322; 1975 c. 39 ss. 46 to 52, 732 (2); 1975 c. 115, 168, 199, 200; 1977 c. 29 ss. 36, 40, 41, 42, 42c, 42g, 42k, 42p, 42t, 42x, 43, 1650m (2), (4), 1657 (18) (c); 1977 c. 160, 213, 428; 1979 c. 34, 111, 221, 320, 355; 1981 c. 20, 24; 1983 a. 27, 113, 188, 204, 435, 439, 538; 1985 a. 29; 1987 a. 27, 413; 1989 a. 31, 202; 1991 a. 32, 39, 189, 250; 1993 a. 16, 27, 98, 213, 399; 1995 a. 27 ss. 139m to 143, 9126 (19), 9130 (4); 1995 a. 225, 303, 352; 1997 a. 3, 27, 154; 1999 a. 9, 114.

14 **SECTION 5.** 15.197 (11) (am) (intro.) ✓ of the statutes is created to read:

15 15.197 (11) (am) (intro.) Subject to par. (cm), ✓ the council shall consist of the  
16 following state residents, appointed for staggered ✓ 4-year terms, who shall be  
17 representative of all geographic areas of the state and reflect the state's diversity  
18 with respect to race and ethnicity:

19 **SECTION 6.** 15.197 (11n) (am) 2. ✓ of the statutes is created to read:

20 15.197 (11n) (am) 2. Representatives of individuals with developmental  
21 disabilities, who are any of the following: ✓

1 a. Individuals with developmental disabilities.

2 b. Parents or guardians of children with developmental disabilities.

3 c. Immediate relatives or guardians of adults with mentally impairing  
4 developmental disabilities who cannot advocate for themselves.

5 SECTION 7. 15.197 (11) (am) 3. ✓ of the statutes is created to read:

6 15.197 (11) (am) 3. A representative of each of the following who has sufficient  
7 authority to engage in policy planning and implementation for the entity  
8 represented:

9 a. Each of the state centers for the developmentally disabled, designated by the  
10 director of each state center for the developmentally disabled.

11 b. The state protection and advocacy system under s. 51.62, ✓ designated by the  
12 director of the state protection and advocacy agency under s. 51.62 (2). ✓

13 c. Each of local governmental agencies, nongovernmental agencies, and private  
14 nonprofit ✓ groups that are concerned with services for individuals with  
15 developmental disabilities.

16 SECTION 8. 15.197 (11n) (b) ✓ of the statutes is repealed.

17 SECTION 9. 15.197 (1) (bm) ✓ of the statutes is created to read:

18 15.197 (1) (bm) A member specified in par. (am) 3. ✓ shall recuse himself or  
19 herself from any discussion by the council of grants or contracts for which the  
20 member's department, agency, program, or group is a grantee, contractor, or  
21 applicant and may not vote on a matter that would provide direct financial benefit  
22 to the member or otherwise give the appearance of a conflict of interest.

23 SECTION 10. 15.197 (11n) (c) ✓ of the statutes is repealed.

24 SECTION 11. 15.197 (11n) (cm) ✓ of the statutes is created to read:

1           15.197 (11n) (cm) 1. At least 60% of the membership of the council shall be  
2 individuals specified under par. (am) 2. who are not managing employees, as defined  
3 under 42 USC 1320a-5 (b), of an entity, or employees of a state agency, that receives  
4 federal funds for the developmentally disabled or uses the funds to provide services  
5 to persons with developmental disabilities. Of those individuals, one-third shall be  
6 individuals specified under par. (am) 2. a., one-third shall be individuals specified  
7 under par. (am) 2. b. or c., and one-third shall be individuals specified under par. (am)  
8 2. a., b. ~~and~~ c. <sup>or</sup>

9           2. At least one of the individuals described under subd. 1. shall be an individual  
10 with a developmental disability who resides in or previously resided in an institution  
11 or the immediate relative or guardian of such an individual. The requirement under  
12 this subdivision does not apply if such an individual does not reside in this state.

13           **SECTION 12.** 15.197 (11n) (d) of the statutes is repealed.

14           **SECTION 13.** 51.437 (14r) (a) 7. of the statutes is created to read:

15           51.437 (14r) (a) 7. Notify the governor regarding membership requirements of  
16 the council and if vacancies on the council remain unfilled for a significant period of  
17 time.

18           **SECTION 14.** 51.437 (14r) (c) of the statutes is created to read:

19           51.437 (14r) (c) The council on developmental disabilities may or, if requested  
20 by the governor, shall coordinate recommendations of the council and the public to  
21 the governor regarding council membership.

22           **SECTION 15. Initial applicability.**



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

PI  
LRB-12817dn

DAK.....:....  
Jld

To Nick Zavos:

Please review this <sup>bill</sup> draft very carefully; it is complex, and in order to sufficiently capture the detail of federal requirements, it has been necessary to reword much of current law under s. 15.197 (11n), stats. ( , stats. )

Please note that I repealed s. 15.197 (11n) (d) 1. to 4., stats., because these requirements are not specified in federal law and are, in part, somewhat redundant to other requirements (e.g., geographic representation) that occur elsewhere in the ~~draft~~ <sup>bill</sup>. Does this meet your intent? ( , stats. )

Please note that I drafted under s. 51.437 (14r) <sup>✓</sup> two requirements of the council that are included in the federal provisions about council membership, under P. L. 106-402, sec. 125 (b). There are other requirements for the council (most notably, a requirement that the council provide a report to the federal secretary of health and human services, beginning in federal fiscal year 2002 and annually thereafter) (see P. L. 106-402, sec. 125 (c) (7)) that should probably also be specified in s. 51.437 (14r); I have not, however, drafted that material for this bill. If you wish to have the bill expanded to include this information, please let me know.

Lastly, please note I retained the word "staggered" in s. 15.197 (11n) (am) (intro.). Our drafting convention no longer is to use the term "staggered" in describing appointments of members, because it's unclear what that term encompasses; instead, in creating a new council, board, or commission, we specify the lengths of terms of ~~initially appointed~~ <sup>initially appointed</sup> members, and the replacements for those initial members follow the staggering pattern established. Here, however, because the council has been in existence since the 1970's and has an established "staggering" pattern that, I understand, is not intended to be disrupted, I have retained the term "staggered" and have provided an initial applicability provision that would apply the new federal requirements to membership as the terms of current members cease. Please review.

Debora A. Kennedy  
Managing Attorney  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1281/P1dn  
DAK:jld:pg

February 21, 2001

To Nick Zavos:

Please review this bill very carefully; it is complex, and in order to sufficiently capture the detail of federal requirements, it has been necessary to reword much of current law under s. 15.197 (11n), stats.

Please note that I repealed s. 15.197 (11n) (d) 1. to 4., stats., because these requirements are not specified in federal law and are, in part, somewhat redundant to other requirements (e.g., geographic representation) that occur elsewhere in the bill. Does this meet your intent?

Please note that I drafted under s. 51.437 (14r), stats., two requirements of the council that are included in the federal provisions about council membership, under P. L. 106-402, sec. 125 (b). There are other requirements for the council (most notably, a requirement that the council provide a report to the federal secretary of health and human services, beginning in federal fiscal year 2002 and annually thereafter) (see P. L. 106-402, sec. 125 (c) (7)) that should probably also be specified in s. 51.437 (14r), stats.; I have not, however, drafted that material for this bill. If you wish to have the bill expanded to include this information, please let me know.

Lastly, please note I retained the word "staggered" in s. 15.197 (11n) (am) (intro.). Our drafting convention no longer is to use the term "staggered" in describing appointments of members, because it's unclear what that term encompasses; instead, in creating a new council, board, or commission, we specify the lengths of terms of initially appointed members and the replacements for those initial members follow the staggering pattern established. Here, however, because the council has been in existence since the 1970's and has an established "staggering" pattern that, I understand, is not intended to be disrupted, I have retained the term "staggered" and have provided an initial applicability provision that would apply the new federal requirements to membership as the terms of current members cease. Please review.

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reflect the diversity of the State with respect to race and ethnicity.

(2) MEMBERSHIP ROTATION.—The Governor shall make appropriate provisions to rotate the membership of the Council. Such provisions shall allow members to continue to serve on the Council until such members' successors are appointed. The Council shall notify the Governor regarding membership requirements of the Council, and shall notify the Governor when vacancies on the Council remain unfilled for a significant period of time.

(3) REPRESENTATION OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.—Not less than 60 percent of the membership of each Council shall consist of individuals who are—

(A)(i) individuals with developmental disabilities;

(ii) parents or guardians of children with developmental disabilities; or

(iii) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves; and

(B) not employees of a State agency that receives funds or provides services under this subtitle, and who are not managing employees (as defined in section 1126(b) of the Social Security Act (42 U.S.C. 1320a-5(b)) of any other entity that receives funds or provides services under this subtitle.

(4) REPRESENTATION OF AGENCIES AND ORGANIZATIONS.—

(A) IN GENERAL.—Each Council shall include—

(i) representatives of relevant State entities, including—

(I) State entities that administer funds provided under Federal laws related to individuals with disabilities, including the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and titles V and XIX of the Social Security Act (42 U.S.C. 701 et seq. and 1396 et seq.);

(II) Centers in the State; and

(III) the State protection and advocacy system; and

(ii) representatives, at all times, of local and nongovernmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located.

(B) AUTHORITY AND LIMITATIONS.—The representatives described in subparagraph (A) shall—

(i) have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program such representatives represent; and

(ii) recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies, or programs are grantees, contractors, or applicants and comply with the conflict

respect to race and ethnicity. The Governor shall make appropriate provisions. Such provisions shall allow members' successors are appointed. regarding membership requirements of the vacancies on the Council remain unfilled

INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.—Of the membership of each Council shall

mental disabilities; individuals with developmental disabilities; or guardians of adults with mentally impairing advocate for themselves; and agency that receives funds or provides services managing employees (as defined in section J.S.C. 1320a-5(b)) of any other entity that for this subtitle.

ENTITIES AND ORGANIZATIONS.— shall include— State entities, including— State funds provided under Federal laws activities, including the Rehabilitation Act of Individuals with Disabilities Education Older Americans Act of 1965 (42 U.S.C. of the Social Security Act (42 U.S.C. 701

advocacy system; and of local and nongovernmental agencies, need with services for individuals with in which such agencies and groups are

PERSONS.—The representatives described in age in policy planning and implementation, or program such representatives

discussion of grants or contracts for which agencies, or programs are grantees, contractual conflict

of interest assurance requirement under section 124(c)(5)(D). (5) COMPOSITION OF MEMBERSHIP WITH DEVELOPMENTAL DISABILITIES.—Of the members of the Council described in paragraph (3)—

(A) 1/3 shall be individuals with developmental disabilities described in paragraph (3)(A)(i);

(B) 1/3 shall be parents or guardians of children with developmental disabilities described in paragraph (3)(A)(ii), or immediate relatives or guardians of adults with developmental disabilities described in paragraph (3)(A)(iii); and

(C) 1/3 shall be a combination of individuals described in paragraph (3)(A).

(6) INSTITUTIONALIZED INDIVIDUALS.—

(A) IN GENERAL.—Of the members of the Council described in paragraph (5), at least 1 shall be an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution.

(B) LIMITATION.—Subparagraph (A) shall not apply with respect to a State if such an individual does not reside in that State.

(c) COUNCIL RESPONSIBILITIES.—

(1) IN GENERAL.—A Council, through Council members, staff, consultants, contractors, or subgrantees, shall have the responsibilities described in paragraphs (2) through (10).

(2) ADVOCACY, CAPACITY BUILDING, AND SYSTEMIC CHANGE ACTIVITIES.—The Council shall serve as an advocate for individuals with developmental disabilities and conduct or support programs, projects, and activities that carry out the purpose of this subtitle.

(3) EXAMINATION OF GOALS.—At the end of each grant year, each Council shall—

(A) determine the extent to which each goal of the Council was achieved for that year;

(B) determine to the extent that each goal was not achieved, the factors that impeded the achievement;

(C) determine needs that require amendment of the 5-year strategic State plan required under section 124;

(D) separately determine the information on the self-advocacy goal described in section 124(c)(4)(A)(ii); and

(E) determine customer satisfaction with Council supported or conducted activities.

(4) STATE PLAN DEVELOPMENT.—The Council shall develop the State plan and submit the State plan to the Secretary after consultation with the designated State agency under the State plan. Such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with State law.

(5) STATE PLAN IMPLEMENTATION.—

(A) IN GENERAL.—The Council shall implement the State plan by conducting and supporting advocacy, capacity building, and systemic change activities such as those described in subparagraphs (B) through (L).

**Kennedy, Debora**

**From:** Pederson, Russell  
**Sent:** Friday, April 06, 2001 1:47 PM  
**To:** Zavos, Nicholas  
**Cc:** Kennedy, Debora; Letzing, Rachel  
**Subject:** Remedial legislation

Below are DHFS' comments on LRB 1281/P1, relating to the Wisconsin Council on Developmental Disabilities. Please contact Linda Huffer, 266-5451 if you have questions regarding the comments. Thank you for you help.

- 1) In the analysis, the sentence at the end of the first par ("Further, at least one-half . . . provides the services.") should be deleted. The correct sentence is in the next paragraph.
- 2) Further, the second paragraph of the analysis states "In addition, membership must include representatives of the state centers for the developmentally disabled." This should read, "the University Center of Excellence, as established by Part D of the federal DD Act." In Wisconsin, the UCE is the Waisman Center.
- 3) Page 4, lines 9-10 should be eliminated. Again, the requirement is for the University Center of Excellence, not state DD Centers.
- 5) Lines 18-22, DHFS questions if the conflict of interest provision only refers to par. 3, members who are from the UCE, PA & and agencies i.e. not for profits. In federal law, the provision also refers to the required state agency staff, {par,(am) 1a. and b}.

→ Wrong; the sentence at the end of the first paragraph is almost a word-for-word quote of 15.197 (11n) (d) (intro.)  
Unclear!  
Instructions referred to "Each Center in the State established under Part D of the federal DD Act"  
P.L. 106-402, Sec. 125 (b) (4) (A) (i) (II) refers to "Centers in the State"; former federal law referred to "each university affiliated program in the State established under part D [42 USC §§ 6061 et seq.]"

→ ok, but what about par. (am) 1. c. + d. (St. supt. of public instruction + pres. of UW) ?

## Kennedy, Debora

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To: Kennedy, Debora  
Subject: RE: LRB 1281/P1, relating to the Wisconsin Council on Developmental Disabilities

Debora A. Kennedy  
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debora.kennedy@legis.state.wi.us

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

From: Kennedy, Debora  
Sent: Wednesday, April 11, 2001 5:35 PM  
To: Huffer, Linda  
Cc: Pederson, Russell; Zavos, Nicholas; Letzing, Rachel  
Subject: LRB 1281/P1, relating to the Wisconsin Council on Developmental Disabilities

I have received DHFS' comments on the referenced draft, via a cc sent to me of an e-mail from Russell Pederson to Nicholas Zavos. Since you are the person who is referenced to contact for questions regarding the comments and since your voice mail indicates that you are out of the office until April 17, I am sending this e-mail directly to you. Also, since it is unclear from Russell Pederson's e-mail that you have received a copy of the comments, I am repeating them for your benefit, with my answers:

1. In the analysis, the sentence at the end of the first par ("Further, at least one-half . . . provides the services.") should be deleted. The correct sentence is in the next paragraph.

Answer: The comment is inapt. The first paragraph of the analysis summarizes current state law, the second paragraph summarizes current federal law, and the third paragraph summarizes the changes effected by the bill. The sentence to which the comment refers is almost a word-for-word quote of s. 15.197 (11n) (d) (intro.), stats., i.e., current state law. It therefore is correct as part of the summary of current state law; whether it is congruent with federal law is, for purposes of that part of the analysis, irrelevant.

2. Further, the second paragraph of the analysis states "In addition, membership must include representatives of the state centers for the developmentally disabled." This should read, "the University Center of Excellence, as established by Part D of the federal DD Act." In Wisconsin, the UCE is the Waisman Center.

Answer: I would like to receive some evidence from you that under current federal law the Waisman Center, rather than the state centers for the developmentally disabled, is the proper source for representatives for membership. The DHFS instructions referred to "Each Center in the State established under Part D of the federal DD Act". Although former federal law, in 42 USC section 6024 (b) (3) referred to "each university affiliated program in the State established under part D [42 USC sections 6061 et seq.]", and 42 USC section 6061 referred to "university affiliated programs that are interdisciplinary programs operated by universities, or by public or nonprofit entities associated with a college or university", this language was changed. Under P. L. 106-402, SEC. 125 (b) (4) (A) (i) (II), the language now reads "Centers in the State"; no reference to other federal law now occurs. Is there a definition or other reference in federal law that you are aware of that clarifies what federal law is now referring to?

3. Page 4, lines 9-10 should be eliminated. Again, the requirement is for the University Center of Excellence, not state DD Centers.

Answer: Please see the Answer to No. 2; also, lines 9-10 on page 4 should not be eliminated if indeed they are incorrect, but should instead be changed.

4. Lines 18-22, DHFS questions if the conflict of interest provision only refers to par. 3, members who are from the UCE, PA & and [sic] agencies i.e. not for agency staff, (par. (am) 1a. and b).

Answer: DHFS is correct, as far as the comment goes; the conflict of interest provision should be expanded. Actually, federal law (in P. L. 106-402, SEC. 125 (b) (4) (B)) refers to "The representatives described in subparagraph (A)", which

would sweep in "State entities that administer funds provided under Federal laws related to individuals with disabilities, including the Rehabilitation Act of 1973 (29 USC 701 et seq.), the Individuals with Disabilities Education Act (20 USC 1400 et seq.) the Older Americans Act of 1966 (42 USC 3001 et seq) and titles V and XIX of the Social Security Act (42 uSC 701 et seq. and 1396 et seq.). This certainly would include the state superintendent of public instruction, as well as your suggested inclusions of the secretaries of DWD and DHFS--would it also include the president of the UW?

I look forward to your response.

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## Kennedy, Debora

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**From:** Huffer, Linda  
**Sent:** Tuesday, May 22, 2001 9:23 AM  
**To:** Kennedy, Debora  
**Subject:** RE: LRB 1281/P1, relating to the Wisconsin Council on Developmental Disabilities

Hi Debora: Thank you for being so patient with me. Here are the responses to your questions:

Regarding #1, I have no comment.

Regarding #2, I checked with the Federal Administration on Developmental Disabilities and the our Executive Director with our State DD Council. They referred me to PL 106-402, SEC 102 (5). In that section, the DD act defines "CENTER" as follows: "The term "Center" means a University Center for Excellence in Developmental Disabilities Education, Research and Service established under subtitle D of the DD Act. Please note that the DD Act establishes three sister organizations in each state: The DD Council, the Protection and Advocacy agency, and the University Center. Both the P&A and the Center are to be represented on the Council to ensure collaboration among the three organizations. (The Federal Administration faxed me a letter stating the requirement for a representative of the University Center--not a State DD Center. ) If you would like that letter, please let me know.

Regarding #3 - Depends on how you handle #2

Regarding #4 - It is our understanding that PL 106-402 no longer requires representation from the State system of higher education.

I hope this information is helpful. If you need anything further let me know. I am coordinating my responses with the Executive Director for the DD Council, Jennifer Ondrejka and Russ Pederson our Department Liaison.

>>> Kennedy, Debora 05/14/01 12:54PM >>>

Linda, on April 11 I sent you an e-mail concerning the referenced draft. I had a few questions on it for you. Have you been able to take a look at it?