



2013 SENATE BILL 661

March 10, 2014 - Introduced by Senators SCHULTZ, LEHMAN, HARRIS, ELLIS, T. CULLEN, MILLER, VINEHOUT and JAUCH, cosponsored by Representatives WILLIAMS, OHNSTAD, SARGENT, NERISON, BROOKS and TRANEL. Referred to Committee on Health and Human Services.

1 **AN ACT** *to amend* 106.52 (1) (fm); and *to create* 106.50 (1m) (be) of the statutes;
2 **relating to:** reports to the legislature regarding accessibility for persons who
3 are blind or visually impaired and compliance with federal law regarding
4 service animals.

Analysis by the Legislative Reference Bureau

Under current law, for purposes of the statute that deals with access to public places of accommodation or amusement, “service animal” is defined as a guide dog, signal dog, or other animal that is individually trained to do work or perform tasks for the benefit of a person with a disability. Under this bill, the definition is limited to include only a dog or miniature horse that is so trained.

Under the current open housing law, it is generally considered to be unlawful discrimination for a person to refuse to rent or sell housing to an individual who is vision, hearing, or mobility impaired, to evict such an individual from housing, to require extra compensation from such an individual for the continued ability to occupy housing, or to harass such an individual, if in any of these cases the individual keeps an animal that is specially trained to lead or assist him or her. An exception to this general rule applies to owner-occupied housing if the owner or a member of the owner’s family can demonstrate that he or she is allergic to such an animal.

Under the current open housing law, “animal” is not defined. Under the bill, “animal” is defined as a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of a person who is vision, hearing, or mobility impaired.

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This bill directs the Department of Administration to recommend to the legislature methods to increase the number of businesses owned by people who are blind or visually impaired that participate in the state contracting process.

This bill requires the Department of Health Services (DHS) to submit to the legislature a report on the Office of the Blind and Visually Impaired within DHS, which assists blind persons in adapting and adjusting to vision loss and in living independently.

This bill directs the Department of Public Instruction, in consultation with the Department of Health Services, to prepare a report recommending ways to improve the program that assists in the adjustment of adults who have recently become blind or visually impaired and submit it to the legislature.

This bill requires the Department of Safety and Professional Services and the Department of Transportation (DOT) to prepare a report relating to public signage and audible traffic signals to assist the blind.

This bill requires DOT to submit to the legislature a report that includes all of the following: 1) an evaluation of the effectiveness, in improving pedestrian safety, of the requirement that motorists yield a ten-foot safety distance to pedestrians using service animals or walking sticks associated with the visually impaired; 2) an evaluation of the effectiveness of DOT's promotion, education, and enforcement efforts related to this requirement and of the adequacy of the penalty for a violation of this requirement; and 3) DOT's recommendations to improve effectiveness under items 1 and 2.

This bill requests the Joint Legislative Council to study the Supervised Business Enterprise Program administered by the Department of Workforce Development (DWD) under which DWD's ultimate objective is to enable blind persons to operate their own businesses.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 106.50 (1m) (be) of the statutes is created to read:
2 106.50 (1m) (be) "Animal" means a dog or miniature horse that is individually
3 trained or is being trained to do work or perform tasks for the benefit of a person who
4 is vision, hearing, or mobility impaired, including the work or task of guiding a
5 person with impaired vision, alerting a person with impaired hearing to intruders
6 or sound, providing minimal protection or rescue work, pulling a wheelchair, or
7 fetching dropped items.

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1 **SECTION 2.** 106.52 (1) (fm) of the statutes is amended to read:

2 106.52 (1) (fm) “Service animal” means a ~~guide dog, signal dog, or other animal~~
3 miniature horse that is individually trained or is being trained to do work or perform
4 tasks for the benefit of a person with a disability, including the work or task of
5 guiding a person with impaired vision, alerting a person with impaired hearing to
6 intruders or sound, providing minimal protection or rescue work, pulling a
7 wheelchair, or fetching dropped items.

8 **SECTION 3. Nonstatutory provisions.**

9 (1) **REPORT BY THE DEPARTMENT OF ADMINISTRATION ON ACCESS TO STATE CONTRACTS.**

10 (a) In this subsection, “business owned by people who are blind or visually
11 impaired” means a business that meets all of the following criteria:

12 1. The business has its principal place of business in this state.

13 2. One or more people who are blind or visually impaired own not less than 51
14 percent of the business, or, in the case of any publicly owned business, one or more
15 people who are blind or visually impaired own not less than 51 percent of the stock
16 of the business.

17 (b) The department of administration shall review the extent to which
18 businesses owned by people who are blind or visually impaired participate in
19 purchasing by this state and its agencies under subchapter IV of chapter 16 of the
20 statutes. The department of administration shall recommend methods of increasing
21 such participation and methods of simplifying or easing compliance with the forms
22 and procedures used in obtaining contracts with the state for providing materials,
23 supplies, equipment, and contractual services. The department of administration
24 shall, no later than the first day of the 13th month beginning after the effective date
25 of this paragraph, submit a report containing any recommendations regarding the

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1 matters described in this paragraph to the legislature in the manner provided under
2 section 13.172 (2) of the statutes.

3 (2) OFFICE OF THE BLIND AND VISUALLY IMPAIRED; STUDY. No later than March 1,
4 2014, the department of health services shall submit to the legislature in the manner
5 provided under section 13.172 (2) of the statutes a report that describes the
6 rehabilitation teaching services for persons who are blind or visually impaired and
7 any other activities conducted under section 46.293 of the statutes. In the report, the
8 department of health services shall evaluate the effectiveness of those activities in
9 achieving the objectives under section 46.293 (1) and (2) of the statutes and shall
10 offer recommendations on how to better achieve those objectives.

11 (3) PUBLIC INSTRUCTION REPORT. In consultation with the department of health
12 services, the department of public instruction shall prepare a report recommending
13 ways to improve the program under section 115.525 (3) (c) 4. of the statutes that
14 assists in the adjustment of adults who have recently become blind or visually
15 impaired. The department of public instruction shall submit the report to the
16 legislature in the manner provided under section 13.172 (2) of the statutes by the
17 first day of the 13th month beginning after the effective date of this subsection.

18 (4) DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES REPORT. The department
19 of safety and professional services, in consultation with the department of
20 transportation, shall prepare a report that relates to the use of large print and Braille
21 signage in public buildings, as defined in section 101.01 (12) of the statutes, and in
22 places of employment, as defined in section 101.01 (11) of the statutes, and to the use
23 of audible traffic signals for the purpose of determining how such signage and signals
24 improve the ability of persons who are blind and visually impaired to travel and
25 otherwise find their way. The department of safety and professional services shall

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1 submit the report in the manner provided in section 13.172 (3) of the statutes no later
2 than one year after the effective date of this subsection.

3 (5) DEPARTMENT OF TRANSPORTATION REPORT ON THE SAFETY OF VISUALLY IMPAIRED
4 PEDESTRIANS ON HIGHWAYS. No later than June 30, 2015, the department of
5 transportation shall submit a report to the legislature in the manner provided under
6 section 13.172 (2) of the statutes that includes all of the following:

7 (a) An evaluation of the effectiveness of the 10-foot safety distance specified
8 in section 346.26 (1) of the statutes in improving pedestrian safety.

9 (b) An evaluation of the effectiveness of the department's promotion, education,
10 and enforcement efforts related to the traffic restriction specified in section 346.26
11 (1) of the statutes and of the adequacy of the penalty under section 346.30 (3) of the
12 statutes for a violation of section 346.26 (1) of the statutes.

13 (c) The department's recommendations to improve effectiveness under
14 paragraphs (a) and (b).

15 (6) SUPERVISED BUSINESS ENTERPRISE PROGRAM; STUDY. The joint legislative
16 council is requested to conduct a study to review the supervised business enterprise
17 program under section 47.03 (4) of the statutes. If the joint legislative council
18 conducts the study, the joint legislative council shall report its findings, conclusions,
19 and recommendations, including recommendations for the continuation and
20 enhancement of the program, to the legislature in the manner provided under section
21 13.172 (2) of the statutes by January 1, 2015.

22 (END)