



Governor's Commission on Disabilities Business Meeting

Monday March 9, 2009 5 – 7 PM

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Attendees:	R. Timothy Flynn (Vice Chair.); Cristina Amedeo; Jeanne Behie; Sharon Brinkworth; Frederick Burke; Rosemary Carmody; Sanford Lupovitz; Bill Nieranowski; Arthur Plitt; Lorna Ricci; Rev. Gerard Sabourin; & Linda Ward
Absent:	John MacDonald (Chair.); Dr. Judith Drew; Katherine Lowe; Dr. Kate McCarthy-Barnett; Lisa McKay; Ronald McMinn; James Pitassi; Patricia Ryherd; Lou Salerno; Nancy Thomas; & John Treat

----- Minutes -----

Call to Order and Acceptance of the Minutes	John J. MacDonald, Jr. Chairperson	5 min.
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Vice Chair calls the meeting to order at 5:28 PM. The Chairperson is in intensive care at Kent Hospital.

Introductions: of Commissioners, staff and guests

MOTION: To accept the minutes of the previous meeting as presented LW/AP passed unanimously

Action Items:	Discussion Leader:	Time:
1. Disability Business Enterprise Legislation	Bill Nieranowski, Chair, Disability Business Enterprise Committee	15 min.

Discussion: The DBE Committee recommends the Commission support if amended to include disability business enterprises the following bills:

H 5210/S 0116 RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS ENTERPRISE

This act would clarify definitions, broaden administration flexibility, provide accountability and includes women-owned business enterprises (WBE) for 10% of the dollar value of the entire project in state funded and state directed public construction programs and projects and in state purchases of goods and services.

House Finance Committee hearing on Tuesday 3/10/2009 @ 1 PM in rm 35 for H 5210

- 1-2 Chapter 37-14.1 entitled "Minority Business Enterprise" are hereby amended to read as
- 1-3 follows:
- 1-4 **37-14.1-1. Purpose.** -- The purpose of this chapter is to carry out the state's policy of
- 1-5 supporting the fullest possible participation of firms owned and controlled by minorities and
- 1-6 women (MBE's [and WBE's](#)) in state funded and state directed public construction programs and
- 1-7 projects and in state purchases of goods and services. This includes assisting MBE's [and WBE's](#)
- 1-8 throughout the life of contracts in which they participate.

1-9 **37-14.1-3. Definitions.** -- (a) "Affirmative action" means taking specific steps to
1-10 eliminate discrimination and its effects, to ensure nondiscriminatory results and practices in the
1-11 future, and to involve minority business enterprises fully in contracts and programs funded by the
1-12 state.

1-13 (b) "Compliance" means the condition existing when a contractor has met and
1-14 implemented the requirements of this chapter and any federal, state, or municipal laws or
1-15 regulations relevant to the purpose of the contract, including, but not limited to, the federal EEOC
1-16 recruitment and selection guidelines.

1-17 (c) "Contract" means a mutually binding legal relationship or any modification thereof
1-18 obligating the seller to furnish supplies or services, including construction, and the buyer to pay
2-1 for them. For purposes of this chapter, a lease is a contract.

2-2 (d) "Contractor" means one who participates, through a contract or subcontract, in any
2-3 procurement or program covered by this chapter and includes lessees and material suppliers.

2-4 ~~(e) "Minority" means a person who is a citizen or lawful permanent resident of the~~
2-5 ~~United States and who is:~~

2-6 ~~(1) Black (a person having origins in any of the black racial groups of Africa);~~

2-7 ~~(2) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or~~
2-8 ~~other Spanish culture or origin, regardless of race);~~

2-9 ~~(3) Portuguese (a person of Portuguese, Brazilian, or other Portuguese culture or origin,~~
2-10 ~~regardless of race);~~

2-11 ~~(4) Asian American (a person having origins in any of the original peoples of the Far~~
2-12 ~~East, Southeast Asia, the Indian subcontinent, or the Pacific Islands);~~

2-13 ~~(5) American Indian and Alaskan Native (a person having origins in any of the original~~
2-14 ~~peoples of North America); or~~

2-15 (e) "Minority individual" means an individual who is a citizen of the United States or a
2-16 noncitizen who is in full compliance with United States immigration law and who satisfies one or
2-17 more of the following definitions:

2-18 (1) "African American" means a person having origins in any of the original peoples or
2-19 nations of Africa, such as Cape Verde, Liberia and Nigeria;

2-20 (2) "Asian American" means a person having origins in any of the original peoples of the
2-21 Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including, but not limited
2-22 to, Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana, the Philippines, a
2-23 U.S. Territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka;

2-24 (3) "Latino American" means a person having origins in any of the peoples of Mexico,
2-25 South or Central America, the Caribbean Islands, or Brazil;

2-26 (4) "Native American" means a person having origins in any of the original peoples of
2-27 North America or who is recognized by a tribal organization; or

2-28 ~~(6)(5) Members of other groups or other individuals found to be economically and~~
2-29 ~~socially disadvantaged by the Small Business Administration under section 8(a) of the Small~~
2-30 ~~Business Act, as amended, 15 U.S.C. section 637(a).~~

2-31 ~~(f) "Minority business enterprise" or "MBE" means a small business concern, as defined~~
2-32 ~~pursuant to section 3 of the federal Small Business Act, 15 U.S.C. section 632, and implementing~~
2-33 ~~regulations, which is owned and controlled by one or more minorities or women. For the~~
2-34 ~~purposes of this chapter, owned and controlled means a business:~~

3-1 ~~(1) Which is at least fifty one percent (51%) owned by one or more minorities or women~~
3-2 ~~or, in the case of a publicly owned business, at least fifty one percent (51%) of the stock of which~~
3-3 ~~is owned by one or more minorities or women; and~~

3-4 ~~(2) Whose management and daily business operations are controlled by one or more such~~
3-5 ~~individuals.~~

3-6 (f) "Minority business enterprise" or "MBE" means a small business concern that is at
3-7 least fifty-one percent (51%) owned by one or more minority individuals that are found to be
3-8 socially and economically disadvantaged by the Small Business Administration under section
3-9 8(a) of the Small Business Act, as amended, 15 U.S.C. section 637(a), or in the case of any
3-10 corporation, partnership, or limited liability company or other entity, at least fifty-one percent
3-11 (51%) of the equity ownership is owned by one or more socially and economically disadvantaged

3-12 [minority individuals and the management and daily business operations are controlled by one or](#)
3-13 [more of the socially and economically disadvantaged minority individuals who own it.](#)

3-14 [\(g\) "Women-owned business enterprises" or "WBE" means a small business concern that](#)
3-15 [is at least fifty-one percent \(51%\) owned by one or more women that are found to be socially and](#)
3-16 [economically disadvantaged by the Small Business Administration under section 8\(a\) of the](#)
3-17 [Small Business Act, as amended, 15 U.S.C. section 637\(a\), or in the case of any corporation,](#)
3-18 [partnership, or limited liability company or other entity, at least fifty-one percent \(51%\) of the](#)
3-19 [equity ownership is owned by one or more socially and economically disadvantaged women and](#)
3-20 [the management and daily business operations are controlled by one or more of the socially and](#)
3-21 [economically disadvantaged women who own it.](#)

3-22 [\(h\)\(g\) "MBE coordinator" means the official designated to have overall responsibility for](#)
3-23 [promotion of minority business enterprise in his or her departmental element.](#)

3-24 [\(i\)\(h\) "Noncompliance" means the condition existing when a recipient or contractor has](#)
3-25 [failed to implement the requirements of this chapter.](#)

3-26 [\(j\) "Small Business concern" means a business as defined by the Federal Small Business](#)
3-27 [Act, 15 U.S.C.](#)

3-28 [\(k\) "State funded and state directed public construction programs and projects" means](#)
3-29 [any construction project, construction contract or procurement contract for goods and services](#)
3-30 [funded in whole or in part by state funds, or funds which, in accordance with federal grant or](#)
3-31 [otherwise, the state expends or administers or in which the state is a signatory. Quasi-independent](#)
3-32 [state agencies, such as the Rhode Island public buildings authority. The Narragansett Bay](#)
3-33 [commission and the Rhode Island port authority, are subject to the requirements outlined under](#)
3-34 [these provisions.](#)

4-1 **37-14.1-4. Policy.** -- It is the policy of the state of Rhode Island that minority business
4-2 enterprises (MBE's) [and women-owned business enterprises \(WBE's\)](#) shall have the maximum
4-3 opportunity to participate in the performance of procurements and projects outlined in section 37-
4-4 14.1-2.

4-5 **37-14.1-6. Minority business enterprise participation.-- Minority business**
4-6 **enterprise and women-owned business enterprise participation.** -- (a) Minority business
4-7 enterprises shall be included in all procurements and construction projects under this chapter and
4-8 shall be awarded a minimum of ten percent (10%) of the dollar value of the entire procurement or
4-9 project. The director of the department of administration is further authorized to establish by rules
4-10 and regulation formulas for giving minority business enterprises a preference in contract and
4-11 subcontract awards.

4-12 [\(b\) Women-owned business enterprises shall be included in all procurements and](#)
4-13 [construction projects under this chapter and shall be awarded a minimum of ten percent \(10%\) of](#)
4-14 [the dollar value of the entire procurement or project. The director of the department of](#)
4-15 [administration is further authorized to establish by rules and regulation formulas for giving](#)
4-16 [women-owned business enterprises a preference in contract and subcontract awards.](#)

4-17 [\(c\) The MBE coordinator shall report state expended procurement dollars on minority](#)
4-18 [and women-owned businesses. The report shall disclose procurement expenditures by the ethnic](#)
4-19 [category and industry under the "minority definition."](#)

4-20 SECTION 2. Chapter 37-14.1 of the General Laws entitled "Minority Business
4-21 Enterprise" is hereby amended by adding thereto the following sections:

4-22 **37-14.1-7.1. Cooperation.** -- [All departments, boards, and agencies of the state shall](#)
4-23 [cooperate with all state entities charged with equal opportunity, diversity, minority business](#)
4-24 [enterprise, and/or civil rights concerns, such as the human rights commission, the state equal](#)
4-25 [opportunity office, the human resources, outreach and diversity, the minority business enterprise](#)
4-26 [office, the commission on women, the governor's commission on the handicapped, and shall](#)
4-27 [furnish any advice and information, documentary and otherwise, that may be necessary or](#)
4-28 [desirable to facilitate the purposes of this chapter.](#)

4-29 **37-14.1-7.2. Quarterly reports.** -- [The director of the department of administration shall](#)
4-30 [file quarterly reports, hereby known as the state contract roster, with the secretary of state of all](#)
4-31 [state contracts. The office of secretary of state shall post the state contract roster on its website](#)
4-32 [for public disclosure. Included in the report shall be:](#)

- 4-33 [\(1\) The date, dollar amount, date of issuance, contract period, designation of bid or no bid](#)
 4-34 [status of all state contracts issued during the quarter, by state and agency; and](#)
 5-1 [\(2\) The Rhode Island economic development corporation shall make available](#)
 5-2 [electronically its directory of businesses in Rhode Island on its website, and to the secretary of](#)
 5-3 [state for public disclosure on the secretary of state website, as the recorder of public documents.](#)
 5-4 [The directory of businesses shall be all inclusive, annually updated, and shall designate minority](#)
 5-5 [and certified minority status. For purposes of this report, female owned businesses shall be](#)
 5-6 [distinguished from other minority groups. For purposes of this chapter, minority shall be](#)
 5-7 [consistent with the definitions contained within.](#)
 5-8 [37-14.1-7.3. Severability. -- If any provision or part of this chapter, or application of this](#)
 5-9 [chapter to any person or circumstances is held unconstitutional or otherwise invalid, the](#)
 5-10 [remaining provisions of this chapter and the application of those provisions to any other person or](#)
 5-11 [persons or circumstances, other than those to which it is held invalid, shall not be affected by that](#)
 5-12 [invalidity.](#)
 5-13 SECTION 3. This act shall take effect upon passage.

The DBE Committee’s amendment would be to insert on page 5 between lines **12** and **13** the following are:

SECTION 3. Sections 37-2.2-2 and 37-2.2-3.1 of the General Laws in Chapter 37-2.2-3.1 entitled "Disability Business Enterprise" are hereby amended to read as follows:

§ 37-2.2-2 Definitions. – As used in this chapter, the following words and phrases shall have the following meanings unless the context shall indicate another or different meaning or intent:

[\(8\) "State funded and state directed public construction programs and projects" means any construction project, construction contract or procurement contract for goods and services funded in whole or in part by state funds, or funds which, in accordance with federal grant or otherwise, the state expends or administers or in which the state is a signatory. Quasi-independent state agencies, such as the Rhode Island public buildings authority. The Narragansett Bay commission and the Rhode Island port authority, are subject to the requirements outlined under these provisions.](#)

§ 37-2.2-3.1 Policy and applicability. – It is the policy of the state of Rhode Island that small disadvantaged disability businesses shall have the maximum opportunity to participate in the performance of procurements and projects as outlined in this chapter. This chapter shall apply to any and all state purchasing, including, but not limited to, the procurement of goods and services, construction projects, or contracts funded in whole or in part by state funds, or funds which, in accordance with a federal grant or otherwise, the state expends or administers or in which the state is a signatory to the construction contract.

[Small disadvantaged businesses owned and controlled by persons with disabilities shall be included in all procurements and construction projects under this chapter and shall be awarded a minimum of ten percent \(10%\) of the dollar value of the entire procurement or project.](#) The director of administration, in consultation with the governor's commission on disabilities, is authorized and directed to establish rules and regulations [formulas for giving small disadvantaged businesses owned and controlled by persons with disabilities a preference in contract and subcontract awards](#) ~~for awarding contracts to small disadvantaged businesses owned and controlled by persons with disabilities in the procurement of goods, services, construction projects, or contracts funded in whole or in part by state funds, in accordance with § 37-2-9(b)(14).~~

On page 5 line 13 delete the number “3” and insert therein the number “4”.

MOTION: To take support if amended to include disability business enterprises 09 H 5210/S 0116 Relating to Public Property and Works -- Minority Business Enterprise. LW/BN passed unanimously

2. Governor’s Workforce Board’s Strategic

15 min.

Workforce Plan 2009-2014

Discussion: The Governor's Commission on Disabilities' Employment Committee and Rhode to Independence submitted testimony in support of the Governor's Workforce Board's Strategic Workforce Plan 2009 – 2014; specially **Objective 2.1 Increase Employer Investments in Incumbent Workforce Training**. Increase Employer investments in incumbent workforce training. We are especially supportive of Menu # **2.1.2** requirement "that any private company or industry partnership receiving public workforce development grant funds commit to providing job shadowing opportunities and/or teacher externships."

There are four modifications they recommend the Board consider (additions are underlined and deletions are ~~struck through~~):

1. To replace the phrases limiting the types of people with disabilities to be served, with the phrase "people with disabilities, as defined by the Americans with Disabilities Act of 1990 as Amended (42 USC 12101 et. seq.)" by, inserting a footnote in Menu # 1.1.10 and delete the listing of only certain disabilities throughout the document.

Menu # 1.1.10 Deliver a training module for staff of the workforce development system around working with individuals with disabilities¹.

3.1.2 "Work collaboratively with netWORKri and the Office of Rehabilitative Services (ORS) to educate community organizations serving adults with ~~developmental~~ disabilities, ~~mental illness and substance abuse~~ about the employment resources available through the One-Stop System in RI."

3.4.2 "Develop a marketing strategy to include the awareness of RI's employers about the benefits and financial incentives for hiring people with ~~developmental~~ disabilities, ~~mental illness and substance abuse~~ about the employment resources available through the One-Stop System in RI."

3.4.3 Work collaboratively with netWORKri and ORS to educate community organizations serving adults with ~~developmental~~ disabilities, ~~mental illness and substance abuse~~ about the employment resources available through the One-Stop System in RI."

3.6.5 "Develop and implement a recruitment strategy and create instructional guidance for working with adults with ~~considerable learning~~ disabilities."

2. Modify Objective 4.3 – Increase the Capacity of Youth-Serving Organizations to specifically include youth with disabilities:

Objective 4.3 – Increase the Capacity of Youth-Serving Organizations. Increase the capacity of all youth-serving state agencies to support at-risk youth and youth with disabilities in their ability to have a productive work life.

3. Clarify in Menu # 4.3.1 the phrase "special needs youth", does in mean all youth with disabilities, as defined by the Americans with Disabilities Act of 1990 as Amended, if so reword as follows:

4.3.1 Increase the opportunities for ~~special needs~~ youth with disabilities to have access to work preparedness activities prior to graduation from high school.

4. To replace the phrase "Office of Rehabilitative Services" with the actual name "Office of Rehabilitation Services":

Menu # 3.1.2 "Work collaboratively with netWORKri and the Office of ~~Rehabilitative~~ Rehabilitation Services (ORS) ...

¹ as defined by the Americans with Disabilities Act as Amended (42 USC 12101 et. seq.)

3.4.1 Utilize the Vocational ~~Rehabilitative~~ [Rehabilitation](#) (VR) program and its team of professionally trained and qualified counselors to offer evaluation and assessment, vocational counseling and guidance, job development and placement, and support to assist people with disabilities to go to work.

The entire text of the Governor’s Workforce Board’s Strategic Workforce Plan 2009-2014, with the amendments proposed above:

Goal 1 The Public System Grows, Retains and Attracts Talent.

Objective 1.1 - Align Systems - Enhance workforce development, education and economic development public policy to be more efficient, effective and flexible so that all youth, workers and employers can access, opportunities, and to develop their skills and knowledge needed to participate in and contribute to the development of Rhode Island economy.

Strategy Menu²

- 1.1.1 Align and strengthen industry partnerships around targeted, high-wage sectors. Create guidelines and expectations for industry partnership outcomes that involve secondary, postsecondary, workforce development, union, economic development, and industry representatives. Outcomes will include documentable resolution of skill gaps and shortages.
- 1.1.2 Institutionalize the interagency relationship between the Economic Development Corporation and the workforce development system through more formal arrangements.
- 1.1.3 Identify common goals and desired outcomes that are reflected in both the Governor’s PK-16 Council and the Dept. of Labor and Training plans.
- 1.1.4 Identify common goals and desired outcomes that are reflected in both the CCRI 21st century workforce commission and the Dept. of Labor and Training plans.
- 1.1.5 Incorporate, when applicable, the RI Science and Technology Advisory Council’s (STAC)’s blueprint for educating & training state residents in all federal and state-funded workforce training.
- 1.1.6 Increase outreach to unions and employers in industry partnerships to increase alignment of programming and enhance gainful employment or advancement options.
- 1.1.7 Establish a standing interagency and possibly interstate work group (Workforce Cabinet subcommittee) that monitors emerging funding opportunities and can mobilize rapidly to develop regional comprehensive, strategic joint responses (such as WIRED).
- 1.1.8 Create standards for “work-plus-learn” models for newly employed low-skilled individuals and monitor the workforce system against the criteria.
- 1.1.9 Improve rehabilitation programs/services in a manner that increases employment outcomes through greater alignment with the workforce development system and better understanding of business needs and matching consumer interests, abilities and skills.
- 1.1.10 Deliver a training module for staff of the workforce development system around working with individuals with disabilities³.
- 1.1.11 Appoint an interagency taskforce to evaluate and revise incentives that encourage business to hire ex-offenders.
- 1.1.12 Establish a work group of the Workforce Cabinet and others as needed to review best practices regarding entrepreneurship and business management training.
- 1.1.13 Ensure mutual representation, participation and communication across all workforce, education and economic development related boards, commissions and councils.
- 1.1.14 Assign the Adult Education Committee to identify best practices in working with newly-arrived immigrant populations in workforce development and adult education.
Include community leaders from host communities on the taskforce.

² Note: all strategies throughout the plan represent a menu of possibilities from which state leadership may select, based on available resources and changing economic conditions.

³ [as defined by the Americans with Disabilities Act as Amended \(42 USC 12101 et. seq.\)](#)

Objective 1.2 - Eliminate Barriers - Establish and implement a systematic approach to the elimination of policy, administrative, and programmatic barriers in order to facilitate more efficient and effective interaction among private industry, individuals and the public workforce development system to more efficiently and effectively collaborate.

Strategy Menu

1.2.1 Create an interagency taskforce to establish an on-going process for identifying policy barriers by 2010. We want to identify policies that inhibit people from obtaining work, retaining work, moving up in the workplace, and accessing higher skills. We want to identify public policy that discourages employers from upskilling their workforce. Our success in eliminating barriers will be demonstrated by improved customer satisfaction (both employers and job seekers) and a better return on investment.

1.2.2 Establish an interagency taskforce to review potential federal waivers for WIA, TANF, and other programs that allow waivers to better align federally-funded workforce development programs with the Rhode Island Industry Skills Development Initiative and other non-WIA programs.

1.2.3 Appoint a taskforce comprised of representatives of state and local career and technical education from the secondary and postsecondary levels and from Industry Partnerships to establish guidelines for utilizing business advisory councils.

Objective 1.3 - Create a Value-Added Public System - Create a workforce intelligence system that has the capability to inform the development of relevant, agile, and timely skill training for growth industries in a rapidly-changing economy.

Strategy Menu

1.3.1 Develop and implement methods to identify and resolve workforce supply issues.

1.3.2 Engage Industry Partnerships with One-Stop Career Centers to conduct on-site activities including recruitment, assessment, interviewing of training applicants and the provision of training.

1.3.3 Connect regional Community Based Organizations (Community Based Organizations & Faith-Based Organizations) to One-Stop Career Centers to increase referrals and access to services.

Objective 1.4 – Increase Effectiveness. Create an evaluation agenda and system to assess effectiveness, performance and customer satisfaction for the entire workforce development system to ensure improved outcomes on measures of interest and greater customer satisfaction results.

Strategy Menu

1.4.1 Establish an interagency work group (Workforce Cabinet subcommittee) charged with developing a set of measures and minimum goals where possible, across all agencies involved in workforce development and creating an implementation plan that includes the evaluation and alignment of agency information systems.

Objective 1.5 – Increase Efficiency. Redesign the workforce development system architecture in a manner that increases access and yields higher levels of cost efficiency as demonstrated by cost efficiency and return on investment studies.

Strategy Menu

1.5.1 Use the procurement process for the next 3-year funding cycle to streamline the number of providers and networks serving Adult Education, youth and netWORKri.

1.5.2 Conduct net impact studies of the workforce development system and return of investment studies every two years.

Objective 1.6 – Increase Capacity. Create access to well-trained and adequately compensated workforce development professionals to ensure quality of services throughout the workforce development system.

Strategy Menu

1.6.1 Each state agency that provides workforce and economic development-related programs will provide access and incentives for frontline professionals throughout the entire system to complete competency-based training that leads to high-standard, widely-recognized and Governor’s Workforce Board and/or Board of Regents-approved certification.

1.6.2 The Rhode Island Department of Adult and Secondary Education, Office of Adult and Career and Technical Education, will develop for Governor’s Workforce Board and Board of Regents-endorsement or approval work-based preparation, development, credentialing, and compensation systems for adult education professionals.

Objective 1.7 –Support a Culture of Lifelong Learning. Establish a systematic approach towards the development of a culture of lifelong learning as demonstrated by increased rates of participation in adult education programs and increased enrollment of working adults in postsecondary education and industry training.

Strategy Menu

1.7.1 Develop and implement a lifelong learning marketing campaign.

1.7.2. Distribute public information to youth, workers and employers to make them aware of all programs, including non-traditional methods of receiving training such as e-learning, and information available to them as well as to encourage their use.

1.7.3 Promote and integrate family support and asset building skills throughout the workforce system.

Goal 2 Employers Attract and Retain a Highly Skilled Workforce.

Objective 2.1 – Increase Employer Investments in Incumbent Workforce Training. Increase Employer investments in incumbent workforce training.

Strategy Menu

2.1.1 Increase awareness, access and use by employers and streamline approval process of the various state and federal job training tax credits, such as the RI Investment Tax Credit, RI Job Training Tax Credit and the Federal Work Opportunity Tax Credit (i.e. allowing GWB approval of the tax credits after the training is accomplished). Evaluate workforce tax credits for effectiveness and change as needed.

2.1.2 Require that any private company or industry partnership receiving public workforce development grant funds commit to providing job shadowing opportunities and/or teacher externships with local high school(s) or career and technical school(s) that expose youth and educators to industry and career opportunities and pathways.

2.1.3 Require that Industry Partnerships receiving workforce development grants through the GWB and LWIBs match grant funds by a minimum of 25% with private investment.

2.1.4. Identify, expand, and grow employer-based training.

Objective 2.2 – Increase the Number of Self-Sustaining Jobs. Increase the number of employers offering opportunities for upward mobility through career pathway development.

Strategy Menu

2.2.1 Increase training resources annually that focus on high wage sectors that provide workers with good opportunities to move from lower paying entry level positions to higher-wage positions. Strategically invest limited resources in the six industry sectors that pay above the national average wage.

Objective 2.3 – Increase Employer Involvement in Apprenticeships.

Increase employer involvement, including those from high-demand and high-wage industries, with the state’s Apprenticeship Council and apprenticeship program as demonstrated by an increased number of apprenticeship opportunities.

Strategy Menu

2.3.1. Complete a comprehensive evaluation of the RI Apprenticeship Program.

2.3.2. Identify the range of apprenticeable occupations. Identify employers in the state who employ individuals in those occupations.

Direct the workforce system's business and industry representatives to call upon those employers individually to discuss the value of apprenticeships and identify any barriers to using the apprenticeship model that could be removed.

Objective 2.4 – Expand Skill Partnerships. Expand the reach, influence and coordination of regional and industry skills partnerships that engage employers in addressing both worker supply and employer issues which impact our economic prosperity as demonstrated by a greater number of formal partnerships and a greater number of employers engaged in each partnership.

Strategy Menu

2.4.1 Establish industry partnerships for emerging sectors.

2.4.2 Establish a task group to develop incentives for employers to increase the number of employers offering student internships and educator externships.

2.4.3 Evaluate, promote and incentivize the provision of worker retention services by RI employers.

2.4.4. Support industry partnership through quarterly Governor's Workforce Board-facilitated information sharing and technical assistance re: effective practices.

Objective 2.5. – Increase Credentials. Increase the number of employer-certified, transportable training programs and credentials as documented by a statewide inventory of training programs leading to industry-recognized credentials.

Strategy Menu

2.5.1 Conduct and maintain a statewide inventory of existing training programs and credentials to determine where gaps might exist and what overlap or duplication might be corrected.

2.5.2 Convene quarterly industry sector forums, led by Industry Partners that develop industry specific training programs and credentials that are transportable; map employers' worker supply and workforce issues, resulting in actionable plans; and assist companies in the development of career ladder pathways for their prospective workforce.

Objective 2.6 – Increase Fill Rate of High Wage Jobs. Increase the rate at which vacant, high-wage jobs get filled as documented by the number and length of time high wage, high skill job postings remain unfilled in the state's job matching system.

Strategy Menu

2.6.1 Link workforce development job matching system to all postsecondary institutions to capture graduates in the system.

2.6.2 Increase the percentage of employer postings for high-skilled, high-wage job postings.

2.6.3 Increase the accuracy and relevancy of employer job postings.

2.6.4 Enhance the service delivery model of the One-Stop Career Center system by upgrading and implementing draft technologies and other organizational methods to increase accessibility (including for the incarcerated), build system capacity, and engage jobseekers and employers through a virtual One-Stop system that includes online applications through self-service portals, skill assessment tools, educational assessment tools.

Goal 3 The Adult Workforce is Skilled and Agile.

Objective 3.1. – Increase Employment Rates of Special Populations.

Beginning with 2010 as the baseline year, increase every year the employment rate of Rhode Islanders who face significant barriers to employment, such as those with disabilities, ex-offenders, and other special populations.

Strategy Menu

3.1.1 Incorporate the knowledge, expertise and experience of the Rhode Island State Vocational Rehabilitation (VR) program to the workforce investment system.

3.1.2 Work collaboratively with netWORKri and Office of [Rehabilitative Rehabilitation](#) Services (ORS) to educate community organizations serving adults with [developmental](#) disabilities [mental illness and substance abuse](#) about the employment resources available through the One Stop System in RI.

Objective 3.2 – Increase Workforce Attachment. Increase workforce attachment (staying power to a job) for minimum-skilled, low-wage individuals.

Strategy Menu

3.2.1 Establish a systematic approach to eliminate the barriers and provide supports for minimum-skilled, low-wage individuals, including those with limited abilities to maintain attachment to the workforce.

Objective 3.3 – Increase Workforce Mobility. Increase the number of workers that transition from no jobs, to entry-level jobs, to middle-skill jobs, to high-skill jobs as demonstrated by increased employment rates based on UI wage records.

Strategy Menu

3.3.1 Adopt a career pathway model that is transferable across industry sectors upon approval of this plan.

3.3.2 Implement Ramp and Bridge Programs that Integrate basic and occupational skills. Higher education is inaccessible to individuals who lack the foundation skills to succeed. Bridge programs have long been used to help low-skilled individuals transition from adult education to postsecondary education and careers, but there are many who lack even the ability to participate in bridge programs. “Ramp” programs serve to help the lowest skilled adults to get on the educational road to ultimate success.

Because adults have themselves and often others to support, we must accelerate their travel on this road.

Objective 3.4 – Increase Skill Attainment Rate. Increase the number of adults with significant barriers to employment (including those with disabilities, the incarcerated, welfare recipients and adults with limited English proficiency) that are able to obtain the knowledge and skills necessary to meet the changing economic demands of our state and to assure the opportunity of their participation in the workforce, for their own benefit and the prosperity of the state.

Strategy Menu

3.4.1 Utilize the Vocational [Rehabilitative Rehabilitation](#) (VR) program and its team of professionally trained and qualified counselors to offer evaluation and assessment, vocational counseling and guidance, job development and placement, and support to assist people with disabilities to go to work.

3.4.2 Develop a marketing strategy to increase the awareness of RI’s employers about the benefits and financial incentives for hiring people with [developmental](#) disabilities [mental illness](#) and other special populations.

3.4.3 Work collaboratively with netWORKri and ORS to educate community organizations serving adults with [developmental](#) disabilities [mental illness](#) about the employment resources available through the One Stop System in RI.

Objective 3.5 – Increase Credential Rates. Increase the number of postsecondary and industry credentials.

Strategy Menu

3.5.1 Conduct an inventory of existing credentials to determine where gaps might exist and what draft credentials could be created.

3.5.2 Increase the number of options, including credentialed, virtual training, available on the Eligible Training Provider List.

3.5.3 Increase the number of adult learners who establish a goal to continue their education at the postsecondary level and who entered postsecondary education or training after program exit.

3.5.4 Develop jointly with post secondary institutions an institutional model for improving access to financial and academic supports for adult learners.

3.5.5 Increase the accessibility of postsecondary education for working adults.

Objective 3.6 – Increase Participation in Adult Education.

Increase the number of participants in adult education.

Strategy Menu

3.6.1 Align the workforce development system with the adult education system (cross-referral/capacity).

3.6.2 Expand and diversify funding for adult education services to reach a total investment of \$25 million.

3.6.3 Expand Welcome Back Center service capacity to other sectors and double service levels and outcomes.

3.6.4 Refine student leadership and engagement model to engage at least 100 students or alumni on an ongoing basis in adult education system improvement efforts.

3.6.5 Develop and implement a recruitment strategy and create instructional guidance for working with adults with **considerable learning** disabilities.

3.6.7 Alter system's funding mix to ensure that at least 50% of all adult education resources go toward programs that integrate adult education, training, and wraparound support services in support of career pathways in critical sectors.

3.6.8 Increase recruitment strategy for referring Veterans incorporating Government Issue (G.I.) benefits and other programs.

Objective 3.7 – Integrate Basic Skills Training with Occupational Skills Training. Build capacity for contextualized learning for ABE, GED and ESL integrated with occupational skills training.

Strategy Menu

3.7.1 Create and support innovative programs that allow for credit work experience, dual enrollment in ASE and post secondary/training.

3.7.2 Develop and support at minimum one pilot dual enrollment program in each adult education network.

Goal 4 Youth Are Ready for Work and Lifelong Learning.

Objective 4.1 – Increase Access to Work-Preparedness Activities.

Increase the number of youth who have access to and participate in work-preparedness activities.

Strategy Menu

4.1.1 Expand the number of youth connected to the youth workforce development system by allowing organizations, such as Community Based Organizations, Faith-Based Organizations and local education agencies to link to the system through the provision of their core competencies.

4.1.2 Ensure that 50% of the youth connected to the youth workforce development system engage in work experiences, internships or parttime job opportunities and that 30% of those served will move into post-secondary opportunities such as short-term certified training, apprenticeships or post-secondary schooling.

Objective 4.2 – Decrease Postsecondary Remediation Rates.

Increase the number of youth, who upon high school graduation, can immediately enter postsecondary courses, institutions, and programs without remediation and/or can enter the workforce (already possessing the necessary work-readiness skills).

Strategy Menu

4.2.1 Increase the number of youth engaged in work-based learning.

4.2.2 Embed and regulate workforce development standards in the RIDE high school content standards and provide a framework to help schools succeed.

4.2.3 Expose all K-12 students to the world of work through career awareness programs provided at each grade level.

4.2.4 Increase the number, diversity and quality of high school-level academic, technical and career-focused programs of study in order to serve the substantial majority of students who could benefit from such options.

4.2.5 Increase the percentage of youth who can immediately enter for-credit postsecondary courses without remediation.

4.2.6 Expand bridge programming that promotes more students going on to postsecondary education, such as dual enrollment activity and apprenticeship.

4.2.7 Allow students engaged in approved out of school work-based learning programs to count this activity toward their high proficiency based graduation requirements.

4.2.8 Require that all CTE students must meet all high school graduation and college-ready requirements in order to be awarded their CTE skill certificate.

4.2.9 Ensure that workforce training programs provided to incarcerated youth are consistent with the statewide educational standards.

Objective 4.3 – Increase the Capacity of Youth-Serving Organizations. Increase the capacity of all youth-serving state agencies to support at-risk youth [and youth with disabilities](#) in their ability to have a productive work life.

Strategy Menu

4.3.1 Increase the opportunities for ~~special-needs~~ youth [with disabilities](#) to have access to work preparedness activities prior to graduation from high school.

4.3.2 Increase the number of Department of Children, Youth, and Families (DCYF) involved youth and youthful offenders who are served by each Youth Center.

4.3.3 Establish a Youth Center at the Rhode Island Training School and at the Department of Corrections (DOC).

4.3.4 Establish a baseline as to the percentage of DCYF involved youth and youthful offenders who are attending school full time and/or are engaged in meaningful full time employment.

4.3.5 Improve rehabilitation services in a manner that increases employment outcomes for youth through better understanding of business needs and matching consumer interests, abilities and skills.

4.3.6 Link the youth workforce development system with proven mentoring programs that connect at-risk youth with caring adults.

4.3.7 Identify and re-engage at-risk youth in education and workbased learning.

Objective 4.4 – Increase Youth Participation in Apprenticeships.

Increase the number of youth enrolled in labor-sponsored and other apprenticeship programs.

Strategy Menu

4.4.1 Embed an apprenticeship track in the high schools allowing for programs of study to begin in the 9th grade so that students graduate high school having completed all course work and labor hours allowing for the transition into full-time employment post graduation.

4.4.2 Support outreach and demonstration projects that foster the increase of youth enrollment in apprenticeship programs.

Objective 4.5 – Increase Youth with Credentials. Increase the number of youth with a high school credential or diploma.

Strategy Menu

4.5.1 Partner with the RI Department of Education to leverage funding and ensure all RI Youth Centers offer GED courses.

4.5.2 Increase the number of youth remaining in and graduating from high school by creating alternative and innovative pathways for youth to obtain traditional credits (e.g. virtual learning).

4.5.3 Increase the number of alternative learning programs that address non-traditional learners and provide for more experiential learning.

4.5.4 Increase the number, diversity, and quality of CTE programs in order to serve the substantial majority of high school students who would benefit from such programs.

4.5.5 Institute Industry-Recognized Certificates for all Career and Technical Education Programs.

Objective 4.6 – Increase Educator Understanding of the Labor Market.

Increase the number of educators in externships and expand their knowledge of resources available to support their understanding of workforce development and the contemporary labor market.

Strategy Menu

4.6.1 Increase the utilization rate of labor market and workforce development resources available for teachers and guidance counselors.

(Examples: industry tours, netWORKri One-Stop Career Centers, placement agencies, youth centers, post-secondary career centers)

4.6.2 Establish incentives (such as the use of continuing education credits) that increase teacher participation in externships.

MOTION: To support and express our appreciation to the Employment Committee’s Amendments to the Governor’s Workforce Board’s Strategic Workforce Plan 2009-14. LW/JB passed unanimously

3. Recommendations from the Legislation Committee on additions to the Legislative Package	Tim Flynn, Chair, Legislation Committee	60 min.
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Discussion: Following a presentation on the ADA Amendments Act of 2008 at the Feb. 17th State Coordinating Committee on Disability Rights meeting, the Committee voted to submit legislation to amend the state's disability rights laws to incorporate the changes in definitions to the Americans with Disabilities Act made by Congress, last fall. The Committee members felt it could be very confusing to have two different definitions of "disability", "regarded as having such an impairment", "major life activities", "qualified individual", "substantially limits", "auxiliary aids and services", "readily achievable", "reasonable accommodation", "reasonable modifications", and "undue hardship". They also felt that these terms should appear in one of the civil rights laws and be cross referenced in all the others, rather than either have all the definitions added or have the laws just reference the federal act, which would require business persons, etc. to hunt through a federal law for the definitions.

The final version (below) was reviewed and slightly revised by the Commission for Human Rights legal counsel.

Three bills were introduced; one by Rep. Naughton was the earliest draft without the Commission for Human Rights revisions 09 H 5935 Relating to State Affairs and Government - Civil Rights of People With Disabilities. The other two contain the final version and were introduced by the Chairpersons of the House and Senate Judiciary Committees, Rep. Lally and Sen. McCaffrey, 09 H 5949 & 09 S 0783 Relating to Criminal Offenses - Persons With Disabilities. Below is the text of the Lally/McCaffrey bills:

- 1-1 SECTION 1. Section 11-24-2.1 of the General Laws in Chapter 11-24 entitled "Hotels
- 1-2 And Public Places" is hereby amended to read as follows:
- 1-3 **11-24-2.1. Discrimination based on disability, age, or sex prohibited.** -- (a) Whenever
- 1-4 in this chapter there shall appear the words "ancestral origin" there shall be inserted immediately
- 1-5 thereafter the words "disability, age, or sex".
- 1-6 (b) "Disability" means a disability as defined in section 42-87-1. ~~any person who: (1) has~~
- 1-7 ~~a physical or mental impairment which substantially limits one or more major life activities; (2)~~
- 1-8 ~~has a record of such an impairment; or (3) is regarded as having such an impairment; and (4) is~~
- 1-9 ~~otherwise qualified; provided, that whether a person has a disability shall be determined without~~
- 1-10 ~~regard to the availability or use of mitigating measures, such as reasonable accommodations,~~
- 1-11 ~~prosthetic devices, medications or auxiliary aids.~~

1-12 (c) The terms, as used regarding persons with disabilities, "auxiliary aids and services"
1-13 and "reasonable accommodation" have the same meaning as those terms are defined in section
1-14 42-87-1.1. "Physical or mental impairment" means any physiological disorder or condition,
1-15 cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:
1-16 neurological; musculoskeletal; special sense organs; respiratory, including speech organs;
1-17 cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and
1-18 endocrine; or any mental psychological disorder, such as mental retardation, organic brain
1-19 syndrome, emotional, or mental illness; and specific learning disabilities.

2-1 (d) ~~"Major life activities" means functions such as caring for one's self, performing~~
2-2 ~~manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.~~

2-3 (e) ~~"Has a record of an impairment" means has a history of, or has been misclassified as~~
2-4 ~~having, a mental or physical impairment that substantially limits one or more major life activities.~~

2-5 (f) ~~"Regarded as having an impairment" means has a physical or mental impairment that~~
2-6 ~~does not substantially limit major life activities but that is treated as constituting a limitation, has~~
2-7 ~~a physical or mental impairment that substantially limits major life activities only as a result of~~
2-8 ~~the attitudes of those toward the impairment, or has none of the impairments but is treated as~~
2-9 ~~having an impairment.~~

2-10 (g) "Otherwise qualified" means a **disabled** person with a disability who meets the
2-11 essential eligibility requirements for participation in or receipt of benefits from the program or
2-12 activity.

2-13 (h) Any ~~disabled persons~~ person with a disability shall be entitled to full and equal
2-14 access, as other members of the general public to all public accommodations, subject to the
2-15 conditions and limitations established by law and applicable alike to all persons.

2-16 (i) Every **disabled** person with a disability who has a personal assistive animal or who
2-17 obtains a personal assistive animal, shall be entitled to full and equal access to all public
2-18 accommodations provided for in this chapter, and shall not be required to pay extra compensation
2-19 for a personal assistive animal, but shall be liable for any damage done to the premises by a
2-20 personal assistive animal.

2-21 (j) Nothing in this section shall require any person providing a place of public
2-22 accommodation to, in any way, incur any greater liability or obligation, or provide a higher
2-23 degree of care for a **disabled** person with a disability than for a person who is not disabled.

2-24 (k) "Sexual orientation" means having or being perceived as having an orientation for
2-25 heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of
2-26 persons and does not render lawful any conduct prohibited by the criminal laws of this state nor
2-27 impose any duty on a religious organization. This definition does not confer legislative approval
2-28 of that status, but is intended to assure the basic human rights of persons to partake of public
2-29 accommodations, regardless of that status.

2-30 (l) "Gender identity or expression" includes a person's actual or perceived gender, as
2-31 well as a person's gender identity, gender-related self image, gender-related appearance, or
2-32 gender-related expression, whether or not that gender identity, gender-related self image, gender-
2-33 related appearance, or gender-related expression is different from that traditionally associated
2-34 with the person's sex at birth.

3-1 SECTION 2. Section 23-27.3-100.1.4 of the General Laws in Chapter 23-27.3 entitled
3-2 "State Building Code" is hereby amended to read as follows:
3-3 **23-27.3-100.1.4. Appointment and qualifications of the committee.** -- (a) The building
3-4 code standards committee shall be composed of twenty-three (23) members, residents of the state

3-5 who shall be appointed by the governor with the advice and consent of the senate. Eight (8)
3-6 members are to be appointed for terms of one year each, seven (7) for a term of two (2) years
3-7 each, and eight (8) for terms of three (3) years each. Annually, thereafter, the governor, with the
3-8 advice and consent of the senate, shall appoint members to the committee to succeed those whose
3-9 terms expired; the members to serve for terms of three (3) years each and until their successors
3-10 are appointed and qualified. Two (2) members shall be architects registered in the state; three (3)
3-11 shall be professional engineers registered in the state, one specializing in mechanical, one
3-12 specializing in structural, and one specializing in electrical engineering; one landscape architect,
3-13 registered in the state, one full-time certified electrical inspector; two (2) shall be builders or
3-14 superintendents of building construction; one shall be a public health official; one shall be a
3-15 qualified fire code official; two (2) shall be from the Rhode Island building trades council; one
3-16 shall be a holder of Class "A" electrician's license; one shall be a master plumber; two (2) shall be
3-17 from the general public; three (3) shall be building officials in office, one from a municipality
3-18 with a population of sixty thousand (60,000) persons or more, one from a municipality with a
3-19 population of over twenty thousand (20,000) persons but less than sixty thousand (60,000), and
3-20 one from a municipality with a population of less than twenty thousand (20,000) persons; one
3-21 shall be a minimum housing official in office from one of the local municipalities; and two (2)
3-22 residents of the state who shall be persons with disabilities as defined in section ~~28-5-6(4)~~ 42-87-
3-23 1.

3-24 (b) All members shall have no less than five (5) years practical experience in his or her
3-25 profession or business. The committee shall elect its own chairperson and may elect from among
3-26 its members such other officers as it deems necessary. Twelve (12) members of the board shall
3-27 constitute a quorum and the vote of a majority vote of those present shall be required for action.
3-28 The committee shall adopt rules and regulations for procedure. The state building commissioner
3-29 shall serve as the executive secretary to the committee. The committee shall have the power,
3-30 within the limits of appropriations provided therefor, to employ such assistance as may be
3-31 necessary to conduct business.

3-32 (c) Members of the commission shall be removable by the governor pursuant to section
3-33 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons
3-34 unrelated to capacity or fitness for the office shall be unlawful.

4-1 (d) The state housing and property maintenance code subcommittee shall be composed
4-2 of nine (9) members, residents of the state. Five (5) of these members are to be current members
4-3 of the state building code standards committee and are to be appointed by that committee. The
4-4 four (4) remaining members are to be appointed by the governor, with the advice and consent of
4-5 the senate. The four (4) appointed by the governor, with the advice and consent of the senate,
4-6 shall initially be appointed on a staggered term basis, one for one year, one for two (2) years, and
4-7 two (2) for three (3) years. Annually thereafter, the building code standards committee, and the
4-8 governor, with the advice and consent of the senate, shall appoint the subcommittee members, for
4-9 which they are respectively responsible, to succeed those whose terms have expired; the members
4-10 to serve for terms of three (3) years each and until their successors are appointed and qualified. Of
4-11 the members appointed by the committee one shall be a full-time certified electrical inspector;
4-12 one shall be a master plumber and mechanical equipment expert, one shall be a builder or
4-13 superintendent of building construction, one member shall be a qualified state fire code official,
4-14 one shall be a property manager, and one shall be a current minimum housing official from a
4-15 local municipality. The four (4) members to be appointed by the governor, with the advice and
4-16 consent of the senate, shall all be current minimum housing officials from local municipalities.

4-17 One shall be from a municipality with a population of sixty thousand (60,000) persons or more,
4-18 two (2) from municipalities with a population of over twenty thousand (20,000) persons but less
4-19 than sixty thousand (60,000), and one from a municipality with a population of less than twenty
4-20 thousand (20,000) persons.

4-21 SECTION 3. Section 28-5-6 of the General Laws in Chapter 28-5 entitled "Fair
4-22 Employment Practices" is hereby amended to read as follows:

4-23 **28-5-6. Definitions.** -- When used in this chapter:

4-24 (1) "Age" means anyone who is at least forty (40) years of age.

4-25 (2) "Because of sex" or "on the basis of sex" include, but are not limited to, because of or
4-26 on the basis of pregnancy, childbirth, or related medical conditions, and women affected by
4-27 pregnancy, childbirth, or related medical conditions shall be treated the same for all employment
4-28 related purposes, including receipt of benefits under fringe benefit programs, as other persons not
4-29 so affected but similar in their ability or inability to work, and nothing in this chapter shall be
4-30 interpreted to permit otherwise.

4-31 (3) "Commission" means the Rhode Island commission against discrimination created by
4-32 this chapter.

4-33 (4) "Disability" means ~~a disability as defined in section 42-87-1, any physical or mental~~
4-34 ~~impairment which substantially limits one or more major life activities, has a record of an~~
5-1 ~~impairment, or is regarded as having an impairment by any person, employer, labor organization~~
5-2 ~~or employment agency subject to this chapter, and includes any disability which is provided~~
5-3 ~~protection under the Americans with Disabilities Act, 42 U.S.C. section 12101 et seq. and federal~~
5-4 ~~regulations pertaining to the act, 28 CFR 35 and 29 CFR 1630; provided, that whether a person~~
5-5 ~~has a disability shall be determined without regard to the availability or use of mitigating~~
5-6 ~~measures, such as reasonable accommodations, prosthetic devices, medications or auxiliary aids.~~
5-7 ~~As used in this subdivision, the phrase:~~

5-8 (i) ~~"Has a record of an impairment" means has a history of, or has been misclassified as~~
5-9 ~~having, a mental or physical impairment that substantially limits one or more major life activities.~~

5-10 (ii) ~~"Major life activities" means functions such as caring for one's self, performing~~
5-11 ~~manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.~~

5-12 (iii) ~~"Physical or mental impairment" means any physiological disorder or condition,~~
5-13 ~~cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:~~
5-14 ~~neurological; musculoskeletal; special sense organs; respiratory, including speech organs;~~
5-15 ~~cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and~~
5-16 ~~endocrine; or any mental or psychological disorder, such as mental retardation, organic brain~~
5-17 ~~syndrome, emotional or mental illness, and specific learning disabilities.~~

5-18 (iv) ~~"Regarded as having an impairment" means has a physical or mental impairment~~
5-19 ~~that does not substantially limit major life activities but that is treated as constituting a limitation;~~
5-20 ~~has a physical or mental impairment that substantially limits major life activities only as a result~~
5-21 ~~of the attitudes of others toward the impairment; or has none of the impairments but is treated as~~
5-22 ~~having such an impairment.~~

5-23 (5) "Discriminate" includes segregate or separate.

5-24 (6) "Employee" does not include any individual employed by his or her parents, spouse,
5-25 or child, or in the domestic service of any person.

5-26 (7) (i) "Employer" includes the state and all political subdivisions of the state and any
5-27 person in this state employing four (4) or more individuals, and any person acting in the interest
5-28 of an employer directly or indirectly.

5-29 (ii) Nothing in this subdivision shall be construed to apply to a religious corporation,
5-30 association, educational institution, or society with respect to the employment of individuals of its
5-31 religion to perform work connected with the carrying on of its activities.

5-32 (8) "Employment agency" includes any person undertaking with or without
5-33 compensation to procure opportunities to work, or to procure, recruit, refer, or place employees.

5-34 (9) "Firefighter" means an employee the duties of whose position includes work
6-1 connected with the control and extinguishment of fires or the maintenance and use of firefighting
6-2 apparatus and equipment, including an employee engaged in this activity who is transferred or
6-3 promoted to a supervisory or administrative position.

6-4 (10) "Gender identity or expression" includes a person's actual or perceived gender, as
6-5 well as a person's gender identity, gender-related self image, gender-related appearance, or
6-6 gender-related expression; whether or not that gender identity, gender-related self image, gender-
6-7 related appearance, or gender-related expression is different from that traditionally associated
6-8 with the person's sex at birth.

6-9 (11) "Labor organization" includes any organization which exists for the purpose, in
6-10 whole or in part, of collective bargaining or of dealing with employers concerning grievances,
6-11 terms or conditions of employment, or of other mutual aid or protection in relation to
6-12 employment.

6-13 (12) "Law enforcement officer" means an employee the duties of whose position include
6-14 investigation, apprehension, or detention of individuals suspected or convicted of offenses against
6-15 the criminal laws of the state, including an employee engaged in such activity who is transferred
6-16 or promoted to a supervisory or administrative position. For the purpose of this subdivision,
6-17 "detention" includes the duties of employees assigned to guard individuals incarcerated in any
6-18 penal institution.

6-19 (13) "Person" includes one or more individuals, partnerships, associations, organizations,
6-20 corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

6-21 (14) "Religion" includes all aspects of religious observance and practice, as well as
6-22 belief, unless an employer, union or employment agency demonstrates that it is unable to
6-23 reasonably accommodate to an employee's or prospective employee's or union member's religious
6-24 observance or practice without undue hardship on the conduct of its business.

6-25 (15) "Sexual orientation" means having or being perceived as having an orientation for
6-26 heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of
6-27 persons and does not render lawful any conduct prohibited by the criminal laws of this state nor
6-28 impose any duty on a religious organization. This definition does not confer legislative approval
6-29 of that status, but is intended to assure the basic human rights of persons to obtain and hold
6-30 employment, regardless of that status.

6-31 (16) The terms, as used regarding persons with disabilities:

6-32 (i) "Auxiliary aids and services" and "reasonable accommodation" shall have the same
6-33 meaning as those items are defined in section 42-87-1.1; and

6-34 (ii) "Hardship" means an "undue hardship" as defined in section 42-87-1.1.

7-1 SECTION 4. Section 34-37-3 of the General Laws in Chapter 34-37 entitled "Rhode
7-2 Island Fair Housing Practices Act" is hereby amended to read as follows:

7-3 **34-37-3. Definitions.** -- When used in this chapter:

7-4 (1) "Age" means anyone over the age of eighteen (18).

7-5 (2) "Commission" means the Rhode Island commission for human rights created by
7-6 section 28-5-8.

7-7 (3) "Discriminate" includes segregate, separate, or otherwise differentiate between or
7-8 among individuals because of race, color, religion, sex, sexual orientation, gender identity or
7-9 expression, marital status, country of ancestral origin, disability, age, or familial status or because
7-10 of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
7-11 country of ancestral origin, disability, age or familial status of any person with whom they are or
7-12 may wish to be associated.

7-13 (4) (i) "Familial status" means one or more individuals who have not attained the age of
7-14 eighteen (18) years being domiciled with:

7-15 (A) A parent or another person having legal custody of the individual or individuals; or
7-16 (B) The designee of the parent or other person having the custody, with the written
7-17 permission of the parent or other person provided that if the individual is not a relative or legal
7-18 dependent of the designee, that the individual shall have been domiciled with the designee for at
7-19 least six (6) months.

7-20 (ii) The protections afforded against discrimination on the basis of familial status shall
7-21 apply to any person who is pregnant or is in the process of securing legal custody of any
7-22 individual who has not attained the age of eighteen (18) years.

7-23 (5) ~~(i) "Disability" means a disability as defined in section 42-87-1. any person who:~~
7-24 ~~(A) Has a physical or mental impairment which substantially limits one or more major~~
7-25 ~~life activities;~~
7-26 ~~(B) Has a record of such an impairment, or~~
7-27 ~~(C) Is regarded as having such an impairment, and~~
7-28 ~~(D) Is otherwise qualified;~~

7-29 ~~(ii) Provided, however, that whether a person has a disability shall be determined without~~
7-30 ~~regard to the availability or use of mitigating measures, such as reasonable accommodations,~~
7-31 ~~prosthetic devices, medications or auxiliary aids;~~

7-32 ~~(iii) Provided further that the term "disability" does not include current, illegal use of or~~
7-33 ~~addiction to a controlled substance, as defined in 21 U.S.C. section 802.~~

7-34 (6) ~~"Has a record of an impairment" means has a history of, or has been misclassified as~~
8-1 ~~having, a mental or physical impairment that substantially limits one or more major life activities.~~
8-2 The terms, as used regarding persons with disabilities, "auxiliary aids and services," "reasonable
8-3 accommodation," and "reasonable modifications" have the same meaning as those terms are
8-4 defined in section 42-87-1.1.

8-5 (7) "Housing accommodation" includes any building or structure or portion of any
8-6 building or structure, or any parcel of land, developed or undeveloped, which is occupied or is
8-7 intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or
8-8 residence of one or more persons.

8-9 (8) [Deleted by P.L. 1997, ch. 150, section 8.]

8-10 (9) ~~"Major life activities" means functions such as caring for one's self, performing~~
8-11 ~~manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.~~

8-12 (10) "Otherwise qualified" includes any person with a disability who with respect to the
8-13 rental of property, personally or with assistance arranged by the person with a disability, is
8-14 capable of performing all the responsibilities of a tenant as contained in section 34-18-24.

8-15 (11) "Owner" includes any person having the right to sell, rent, lease, or manage a
8-16 housing accommodation.

8-17 (12) "Person" includes one or more individuals, partnerships, associations, organizations,
8-18 corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers,

8-19 legal representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons
8-20 as defined in chapter 20.5 of title 5.

8-21 ~~(13) "Physical or mental impairment" means any physiological disorder or condition,~~
8-22 ~~cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:~~
8-23 ~~neurological; musculoskeletal; special sense organs; respiratory, including speech organs;~~
8-24 ~~cardiovascular; reproductive, digestive; genito-urinary; hemic and lymphatic; skin; and~~
8-25 ~~endocrine; or any mental or psychological disorder, such as mental retardation, organic brain~~
8-26 ~~syndrome, emotional or mental illness, and specific learning disabilities.~~

8-27 ~~(14) "Regarded as having an impairment" means has a physical or mental impairment~~
8-28 ~~that does not substantially limit major life activities but that is treated as constituting a limitation;~~
8-29 ~~has a physical or mental impairment that substantially limits major life activities only as a result~~
8-30 ~~of the attitudes of those toward the impairment; or has none of the impairments but is treated as~~
8-31 ~~having an impairment.~~

8-32 (15) "Senior citizen" means a person sixty-two (62) years of age or older.

8-33 (16) The term "sexual orientation" means having or being perceived as having an
8-34 orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to
9-1 describe the status of persons and does not render lawful any conduct prohibited by the criminal
9-2 laws of this state nor impose any duty on a religious organization. This definition does not confer
9-3 legislative approval of said status, but is intended to assure the basic human rights of persons to
9-4 hold and convey property and to give and obtain credit, regardless of such status.

9-5 (17) The term "gender identity or expression" includes a person's actual or perceived
9-6 gender, as well as a person's gender identity, gender-related self image, gender-related
9-7 appearance, or gender-related expression; whether or not that gender identity, gender-related self
9-8 image, gender-related appearance, or gender-related expression is different from that traditionally
9-9 associated with the person's sex at birth.

9-10 (18) The term "domestic abuse" for the purposes of this chapter shall have the same
9-11 meaning as that set forth in section 15-15-1, and include all forms of domestic violence as set
9-12 forth in section 12-29-2, except that the domestic abuse need not involve a minor or parties with
9-13 minor children.

9-14 (19) The term "victim" means a family or household member and all other persons
9-15 contained within the definition of those terms as defined in section 12-29-2.

9-16 SECTION 5. Section 40-9.1-1.1 of the General Laws in Chapter 40-9.1 entitled "Equal
9-17 Rights of Blind and Deaf Persons to Public Facilities" is hereby amended to read as follows:

9-18 **40-9.1-1.1. Definitions.** -- (a) "Guide dog" means a dog that has been or is being
9-19 specially trained to aid a particular blind or visually impaired person.

9-20 (b) "Hearing dog" means a dog that has been or is being specially trained to aid a
9-21 particular deaf or hard-of-hearing person.

9-22 (c) "Housing accommodations" means any real property or portion thereof that is used or
9-23 occupied, or intended, arranged or designed to be used or occupied, as the home, residence or
9-24 sleeping place of one or more human beings, but does not include any single-family residence the
9-25 occupants of which rent, lease or furnish for compensation to more than one room therein.

9-26 (d) "Personal assistance animal" means a dog that has been or is being trained as a guide
9-27 dog, hearing dog or service dog.

9-28 (e) "Service dog" means a dog that has been or is being specially trained to aid a
9-29 particular disabled person with a disability other than sight or hearing.

9-30 (f) "Disabled" means a disability as defined in section 42-87-1.

9-31 SECTION 6. Section 42-51-9 of the General Laws in Chapter 42-51 entitled "Governor's
9-32 Commission on Disabilities" is hereby amended to read as follows:

9-33 **42-51-9. Definitions.** -- The following words and terms, unless the context clearly
9-34 indicates a different meaning, shall have the following meanings:

10-1 (1) "Disability" means a disability as defined in section 42-87-1. ~~"People with~~
10-2 ~~disabilities" or "individuals with disabilities" means any person who:~~

10-3 ~~(i) Has a physical or mental impairment that substantially limits one or more of the~~
10-4 ~~person's major life activities;~~

10-5 ~~(ii) Has a record of that impairment; or~~

10-6 ~~(iii) Is regarded as having that impairment.~~

10-7 (2) "Federal and state laws protecting the rights of individuals with disabilities" means,
10-8 but is not limited to, the Americans with Disabilities Act of 1990, 42 U.S.C. section 12101 et
10-9 seq.; Title V of the Rehabilitation Act of 1973, 29 U.S.C. section 794; R.I. Const., art. I, section
10-10 2; the provisions of chapter 87 of title 42 and sections 23-6-22, 37-8-15, 37-8-15.1 and 42-46-13.

10-11 (3) "State agency" means any department, division, agency, commission, board, office,
10-12 bureau, council, or authority, either branch of the Rhode Island general assembly or any agency
10-13 or any committee thereof, or any other agency that is in any branch of Rhode Island state
10-14 government and which exercises governmental functions.

10-15 (4) "Coordinating compliance" means the authority to:

10-16 (i) Issue guidelines, directives, or instructions that are necessary to effectuate compliance
10-17 with federal and state laws protecting the rights of individuals with disabilities;

10-18 (ii) Establish a grievance procedure to promptly and equitably resolve complaints of
10-19 noncompliance with federal and state laws protecting the rights of individuals with disabilities
10-20 involving state agencies, including the power to investigate possible discrimination and eliminate
10-21 unlawful practices by informal methods of conference, conciliation, and persuasion;

10-22 (iii) Initiate complaints against any state agency that willfully fails to comply with
10-23 federal and state laws protecting the rights of individuals with disabilities to the appropriate state
10-24 or federal agency; and

10-25 (iv) Develop, make periodic revisions to, and oversee the implementation of a transition
10-26 plan for the removal of environmental and communication barriers in state-owned facilities.

10-27 (5) "Providing technical assistance to public and private agencies, businesses, and
10-28 citizens on complying with federal and state laws protecting the rights of individuals with
10-29 disabilities" means information dissemination and training designed to encourage the voluntary
10-30 compliance with laws protecting the rights of individuals with disabilities; conducting disability
10-31 accessibility surveys and providing advice on how to overcome any barriers to accessibility; and a
10-32 mediation service to assist parties who voluntarily chose to utilize that service to resolve
10-33 allegations of discrimination on the basis of disability.

10-34 (6) "Promoting on behalf of the people with disabilities and assuring, on behalf of the
11-1 state, that people with disabilities are afforded the opportunities to exercise all of the rights and
11-2 responsibilities accorded to citizens of this state" means the authority to act and appear on behalf
11-3 of the people with disabilities to present evidence and make arguments before any federal, state or
11-4 local agency or public body regarding matters pending before that agency or public body that
11-5 may have an adverse effect on persons with disabilities.

11-6 SECTION 7. Section 42-87-1 of the General Laws in Chapter 42-87 entitled "Civil
11-7 Rights of People with Disabilities" is hereby amended to read as follows:

11-8 **42-87-1. Definitions.— Definitions of disability.** -- As used in this chapter:

11-9 (1) "Disability" means, with respect to an individual:

11-10 (i) A physical or mental impairment that substantially limits one or more of the major life

11-11 activities of such individual;

11-12 (ii) A record of such impairment; or

11-13 (iii) Being regarded as having such an impairment (as described in paragraph (4));

11-14 (iv) Nothing in this chapter alters the standards for determining eligibility for benefits

11-15 under workers' compensation laws or under state disability benefit programs.

11-16 ~~any impairment as defined in subdivision (8); provided, however, that whether a person~~

11-17 ~~has a disability shall be determined without regard to the availability or use of mitigating~~

11-18 ~~measures, such as reasonable accommodations, prosthetic devices, medications or auxiliary aids.~~

11-19 (2) ~~"Discrimination" includes those acts prohibited on the basis of race by 42 U.S.C.~~

11-20 ~~sections 1981, 1983 and those on the basis of disability by 29 U.S.C. section 794, and those on~~

11-21 ~~the basis of disability by 42 U.S.C. section 12101 et seq., and those on the basis of disability by~~

11-22 ~~chapter 5 of title 28.~~

11-23 (3) ~~"Has a record of an impairment" means has a history of or has been misclassified as~~

11-24 ~~having a physical or mental impairment that substantially limits one or more major life activities.~~

11-25 (4) ~~Is regarded~~ "Regarded as having such an impairment" for purposes of paragraph

11-26 (1)(iii) means:

11-27 (i) ~~Has a physical or mental impairment that does not substantially limit major life~~

11-28 ~~activities but that is treated as constituting a limitation; or~~ An individual meets the requirement of

11-29 "being regarded as having such an impairment" if the individual establishes that he or she has

11-30 been subjected to an action prohibited under this chapter because of an actual or perceived

11-31 physical or mental impairment, whether or not the impairment limits or is perceived to limit a

11-32 major life activity.

11-33 (ii) ~~Has a physical or mental impairment that substantially limits major life activities~~

11-34 ~~only as a result of the attitudes of others toward the impairment; or~~ Paragraph (1)(iii) shall not

12-1 apply to impairments that are transitory and minor. A transitory impairment is an impairment

12-2 with an actual or expected duration of six (6) months or less.

12-3 (iii) ~~Has none of the impairments defined in subdivision (8) of this section but is treated~~

12-4 ~~as having an impairment.~~

12-5 (5) "Major life activities" ~~means functions such as~~ include, but are not limited to, caring

12-6 for one's self oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping,

12-7 walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating,

12-8 thinking, communicating and working. A major life activity also includes the operation of a major

12-9 bodily function, including, but not limited to, functions of the immune system, normal cell

12-10 growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and

12-11 reproductive functions.

12-12 (6) ~~Otherwise qualified~~ "Qualified individual" means:

12-13 (i) With respect to employment, a person ~~with a disability~~ who, with or without

12-14 reasonable accommodations, can perform the essential functions of the ~~job in question~~

12-15 employment position that such individual holds or desires. For the purposes of this chapter, due

12-16 consideration shall be given to the employer's judgment as to what functions of a job are

12-17 essential, and if an employer has prepared a written description before advertising or interviewing

12-18 applicants for the job, this description shall be considered evidence of the essential functions of

12-19 the job;

12-20 (ii) With respect to the rental of property, a person with a disability who, personally or

12-21 with assistance arranged by the person with a disability, is capable of performing all of the
12-22 responsibilities of a tenant as contained in section 34-18-24;

12-23 (iii) With respect to any other program or activity, a person with a disability who, with or
12-24 without reasonable modifications to rules, policies, or practices, the removal of architectural,
12-25 communication, or transportation barriers, or the provision of auxiliary aids and services, meets
12-26 the essential eligibility requirements for ~~participation in, or~~ the receipt of, services or benefits
12-27 ~~from, or the participation in~~ the program or activity; and

12-28 (iv) The fact that an individual has applied for, received or continues to receive private
12-29 insurance or government assistance based upon his or her disability shall not be determinative as
12-30 to whether the individual is ~~otherwise~~ qualified as defined herein, nor shall it constitute an
12-31 estoppel or otherwise serve as a basis to deny the individual the protections of this chapter; and

12-32 (v) A qualified individual with a disability shall not include any employee or applicant
12-33 who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of
12-34 such use.

13-1 (A) In general. --The term "illegal use of drugs" means the use of drugs, the possession or
13-2 distribution of which is unlawful under the controlled substances act (21 U.S.C. 812). Such term
13-3 does not include the use of a drug taken under supervision by a licensed health care professional,
13-4 or other uses authorized by the controlled substances act or other provisions of federal law.

13-5 (B) Drugs.--The term "drug" means a controlled substance, as defined in schedules I
13-6 through V of section 202 of the controlled substances act.

13-7 ~~(7) "Person with a disability" means any person who:~~

13-8 ~~(i) Has a physical or mental impairment which substantially limits one or more major life~~
13-9 ~~activities; or~~

13-10 ~~(ii) Has a record of an impairment; or~~

13-11 ~~(iii) Is regarded as having an impairment.~~

13-12 ~~(8) "Physical or mental impairment" means any physiological disorder or condition,~~
13-13 ~~cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:~~
13-14 ~~neurological; musculoskeletal; special sense organs; respiratory, including speech organs;~~
13-15 ~~cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and~~
13-16 ~~endocrine; or any mental or psychological disorder such as mental retardation, organic brain~~
13-17 ~~syndrome, emotional or mental illness, and specific learning disabilities.~~

13-18 (7) "Substantially limits" includes:

13-19 (i) An impairment that substantially limits one major life activity but need not limit other
13-20 major life activities in order to be considered a disability.

13-21 (ii) An impairment that is episodic or in remission is a disability if it would substantially
13-22 limit a major life activity when active.

13-23 (iii)(A) The determination of whether an impairment substantially limits a major life
13-24 activity shall be made without regard to the ameliorative effects of mitigating measures such as:

13-25 (I) Medication, medical supplies, equipment, or appliance, low-vision devices (which do
13-26 not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices,
13-27 hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or
13-28 oxygen therapy equipment and supplies;

13-29 (II) Use of assistive technology;

13-30 (III) Reasonable accommodations or auxiliary aids or services; or

13-31 (IV) Learned behavioral or adaptive neurological modifications.

13-32 (B) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact

13-33 lenses shall be considered in determining whether an impairment substantially limits a major life
13-34 activity.

14-1 (8) As used in subparagraph (7)(iii)(A)(I):

14-2 (i) The term "ordinary eyeglasses or contact lenses" means lenses that are intended to
14-3 fully correct visual acuity or eliminate refractive error; and

14-4 (ii) The term "low-vision devices" means devices that magnify, enhance, or otherwise
14-5 augment a visual image.

14-6 SECTION 8. Chapter 42-87 of the General Laws entitled "Civil Rights of People with
14-7 Disabilities" is hereby amended by adding thereto the following sections:

14-8 **42-87-1.1. Other definitions. -- As used in this chapter:**

14-9 (1) "Auxiliary aids and services" includes:

14-10 (i) Qualified interpreters or other effective methods of making aurally delivered materials
14-11 available to individuals with hearing impairments;

14-12 (ii) Qualified readers, taped texts, or other effective methods of making visually delivered
14-13 materials available to individuals with visual impairments;

14-14 (iii) Acquisition or modification of equipment or devices; and

14-15 (iv) Other similar services and actions.

14-16 (2) "Discrimination":

14-17 (i) Includes those acts prohibited on the basis of race by 42 U.S.C. sections 1981, 1983
14-18 and those on the basis of disability by 29 U.S.C. section 794, and those on the basis of disability
14-19 by 42 U.S.C. section 12101 et seq., and those on the basis of disability by chapter 5 of title 28.

14-20 (ii) Nothing in this chapter shall provide the basis for a claim by an individual without a
14-21 disability that the individual was subject to discrimination because of the individual's lack of
14-22 disability.

14-23 (3) "Readily achievable" means easily accomplishable and able to be carried out without
14-24 much difficulty or expense. In determining whether an action is readily achievable, factors to be
14-25 considered include:

14-26 (i) The nature and cost of the action needed under this chapter;

14-27 (ii) The overall financial resources of the facility or facilities involved in the action; the
14-28 number of persons employed at such facility; the effect on expenses and resources, or the impact
14-29 otherwise of such action upon the operation of the facility;

14-30 (iii) The overall financial resources of the covered entity; the overall size of the business
14-31 of a covered entity with respect to the number of its employees; the number, type, and location of
14-32 its facilities; and

14-33 (iv) The type of operation or operations of the covered entity, including the composition,
14-34 structure, and functions of the workforce of such entity; the geographic separateness,
15-1 administrative or fiscal relationship of the facility or facilities in question to the covered entity.

15-2 (4) "Reasonable accommodation" may include:

15-3 (i) Making existing facilities used by employees readily accessible to and usable by
15-4 individuals with disabilities; and

15-5 (ii) Job restructuring, part-time or modified work schedules, reassignment to a vacant
15-6 position, acquisition or modification of equipment or devices, appropriate adjustment or
15-7 modifications of examinations, training materials or policies, the provision of qualified readers or
15-8 interpreters, and other similar accommodations for individuals with disabilities.

15-9 (iii) Nothing in this chapter shall be construed to require an individual with a disability to
15-10 accept an accommodation, aid, service, opportunity, or benefit which such individual chooses not

15-11 to accept.

15-12 (iv) An employer, state or local government agency and any person who owns, leases (or

15-13 leases to), or operates a place of public accommodation, need not provide a reasonable

15-14 accommodation or a reasonable modification to policies, practices, or procedures to an individual

15-15 who meets the definition of disability in subsection 42-87-1(1) solely under subparagraph (4) (iii).

15-16 (5) "Reasonable modifications": (i) include modifications in policies, practices, or

15-17 procedures when the modifications are necessary to avoid discrimination on the basis of

15-18 disability, unless the covered entity can demonstrate that making the modifications would

15-19 fundamentally alter the nature of the service, program, or activity.

15-20 (ii) Nothing in this chapter shall be construed to require an individual with a disability to

15-21 accept an accommodation, aid, service, opportunity, or benefit which such individual chooses not

15-22 to accept.

15-23 (iii) Any person or entity covered by section 42-87-2, need not provide a reasonable

15-24 modification to policies, practices, or procedures to an individual who meets the definition of

15-25 disability in subsection 42-87-1(1) solely under subparagraph (iii).

15-26 (iv) Nothing in this chapter alters the provision, specifying that reasonable modifications

15-27 in policies, practices, or procedures shall be required, unless an entity can demonstrate that

15-28 making such modifications in policies, practices, or procedures, including academic requirements

15-29 in postsecondary education, would fundamentally alter the nature of the goods, services, facilities,

15-30 privileges, advantages, or accommodations involved.

15-31 (6) "Undue hardship" means:

15-32 (i) An action requiring significant difficulty or expense, when considered in light of the

15-33 factors set forth in subparagraph (ii) herein.

15-34 (ii) In determining whether an accommodation would impose an undue hardship on a

16-1 covered entity, factors to be considered include:

16-2 (A) The nature and cost of the accommodation needed under this chapter;

16-3 (B) The overall financial resources of the facility or facilities involved in the provision of

16-4 the reasonable accommodation; the number of persons employed at such facility; the effect on

16-5 expenses and resources, or the impact otherwise of such accommodation upon the operation of

16-6 the facility;

16-7 (C) The overall financial resources of the covered entity; the overall size of the business

16-8 of a covered entity with respect to the number of its employees; the number, type, and location of

16-9 its facilities; and

16-10 (D) The type of operation or operations of the covered entity, including the composition,

16-11 structure, and functions of the workforce of such entity; the geographic separateness,

16-12 administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

16-13 **42-87-1.2. Qualification standards. -- A covered entity shall not use qualification**

16-14 **standards, employment tests, or other selection criteria based on an individual's uncorrected**

16-15 **vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown**

16-16 **to be job-related for the position in question and consistent with business necessity.**

16-17 SECTION 9. Section 42-112-1 of the General Laws in Chapter 42-112 entitled "The

16-18 Civil Rights Act of 1990" is hereby amended to read as follows:

16-19 **42-112-1. Discrimination prohibited. --** (a) All persons within the state, regardless of

16-20 race, color, religion, sex, disability, age, or country of ancestral origin, have, except as is

16-21 otherwise provided or permitted by law, the same rights to make and enforce contracts, to inherit,

16-22 purchase, to lease, sell, hold, and convey real and personal property, to sue, be parties, give

16-23 evidence, and to the full and equal benefit of all laws and proceedings for the security of persons
16-24 and property, and are subject to like punishment, pains, penalties, taxes, licenses, and exactions of
16-25 every kind, and to no other.

16-26 (b) For the purposes of this section, the right to "make and enforce contracts, to inherit,
16-27 purchase, to lease, sell, hold, and convey real and personal property" includes the making,
16-28 performance, modification and termination of contracts and rights concerning real or personal
16-29 property, and the enjoyment of all benefits, terms, and conditions of the contractual and other
16-30 relationships.

16-31 (c) Nothing contained in this chapter shall be construed to affect chapter 14.1 of title 37,
16-32 chapter 5.1 of title 28 or any other remedial programs designed to address past societal
16-33 discrimination.

16-34 (d) For the purposes of this section, the terms "sex", "~~disability~~" and "age" have the same
17-1 meaning as those terms are defined in section 28-5-6, the state fair employment practices act. The
17-2 term "disability" has the same meaning as that term is defined in section 42-87-1, and the terms,
17-3 as used regarding persons with disabilities, "auxiliary aids and services," "readily achievable,"
17-4 "reasonable accommodation," "reasonable modification," and "undue hardship" shall have the
17-5 same meaning as those terms are defined in section 42-87-1.1.

17-6 SECTION 10. This act shall take effect upon passage.

MOTION: To support on 09 H 5949 & 09 S 0783 Relating to Criminal Offenses -
Persons With Disabilities, and to support if amended to match those bills 09 H 5935
Relating to State Affairs and Government - Civil Rights of People With Disabilities.
LW/AP passed unanimously

*The sponsor of the Commission's bill to mandate taxicab companies authorized for 25 or more
vehicles for hire that purchases or leases a new vehicle shall ensure at least one new vehicle is a
wheelchair accessible taxicab, has introduced another bill to require all taxicab operators to provide
evidence that their taxicabs are handicap accessible, 09 H 5946 Relating to Public Utilities and
Carriers - Taxicabs and Limited Public Motor Vehicles. Below is the text of that bill.*

1-1 SECTION 1. Chapter 39-14 of the General Laws entitled "Taxicabs and Limited Public
1-2 Motor Vehicles" is hereby amended by adding thereto the following section:

1-3 **39-14-20.1. Handicap accessible.** -- No certificate or registration shall be issued or
1-4 renewed by the administrator pursuant to this chapter unless prior to such issuance the common
1-5 carrier, person, association or corporation operating or seeking to operate, a taxicab presents
1-6 evidence to the administrator, in a form satisfactory to the administrator, that its taxicab(s) are
1-7 wheelchair accessible (as defined in subsection 39-14-1(9)), or otherwise accessible to individuals
1-8 with disabilities.

1-9 SECTION 2. This act shall take effect upon passage.

MOTION: To support 09 H 5946 Relating to Public Utilities and Carriers - Taxicabs
and Limited Public Motor Vehicles LW/CA passed unanimously

*09 H 5641 Relating to State Affairs and Government -- Office of Health and Human Services would
eliminate the five (5) health and human services departments and consolidate the functions of the
departments within the executive office of health and human services. The act would create a new
function based organizational structure within the executive office of health and human services that
would include the following divisions: children and family services, behavioral health,
developmental disabilities, public health, veterans' affairs, and elderly and long-term care. The act*

does not indicate where or if the Office of Rehabilitation Services or Services for the Blind and visually impaired would exist after enactment.

House Finance Committee Hearing on Tuesday 3/10/09 @ 1 PM in rm 35

1-1 SECTION 1. Sections 42-7.2-1, 42-7.2-2, 42-7.2-4, 42-7.2-5, 42-7.2-6.1, 42-7.2-7, 42-
1-2 7.2-8 and 42-7.2-9 of the General Laws in Chapter 42-7.2 entitled "Office of Health and Human
1-3 Services" are hereby amended to read as follows:

1-4 **42-7.2-1. Statement of intent.** – (a) The purpose of this Chapter is to develop a
1-5 consumer-centered system of publicly-financed state administered health and human services that
1-6 supports access to high quality services, protects the safety of the state's most vulnerable citizens,
1-7 and ensures the efficient use of all available resources by consolidating the health and human
1-8 services functions and eliminating the five (5) departments responsible for the health and human
1-9 services programs serving all Rhode Islanders and providing direct assistance and support
1-10 services to more than 250,000 individuals and families: the department of children, youth, and
1-11 families; the department of elderly affairs; the department of health; the department of human
1-12 services; and the department of mental health, retardation and hospitals, collectively referred to
1-13 within as "departments". It is recognized that the executive office of health and human services
1-14 and the departments have undertaken a variety of initiatives to further this goal and that they
1-15 share a commitment to continue to work in concert to preserve and promote each other's unique
1-16 missions while striving to attain better outcomes for all the people and communities they serve.
1-17 However, recent and expected changes in federal and state policies and funding priorities that
1-18 affect the financing, organization, and delivery of health and human services programs pose new
2-1 challenges and opportunities that have created an even greater need for ~~structured and formal~~
2-2 ~~interdepartmental cooperation and collaboration~~ consolidation. To meet this need while
2-3 continuing to build on the achievements that have already been made, the interests of all Rhode
2-4 Islanders will best be served by codifying in the state's general laws the purposes and
2-5 responsibilities of the executive office of health and human services and the position of secretary
2-6 of health and human services.

2-7 (b) The purposes and responsibilities of the executive office of health and human services
2-8 shall include the assumption of all the duties of the departments, consolidation of the functions of
2-9 the departments, and the creation of a new function based organizational structure within the
2-10 executive office of health and human services that shall include the following divisions: children
2-11 and family services, behavioral health, developmental disabilities, public health, veterans affairs,
2-12 and elderly and long-term care.

2-13 **42-7.2-2. Executive office of health and human services.** -- There is hereby established
2-14 within the executive branch of state government an executive office of health and human services
2-15 to serve as the ~~principal~~ consolidated health and human services agency of the executive branch
2-16 of state government ~~for managing~~ that shall assume all of the duties of the departments of
2-17 children, youth and families, elderly affairs, health, human services, and mental health,
2-18 retardation and hospitals. In this capacity, the office shall:

2-19 (a) ~~Lead the state's five health and human services departments in order to:~~ Provide the
2-20 state's health and human services through the following divisions: children and family services;
2-21 behavioral health; developmental disabilities; public health; veterans affairs; and elderly and
2-22 long-term care.

2-23 ~~(1)~~ (b) Improve the economy, efficiency, coordination, and quality of health and human
2-24 services policy and planning, budgeting and financing.

2-25 ~~(2)~~ (c) Design strategies and implement best practices that foster service access,

2-26 consumer safety and positive outcomes.

2-27 ~~(3)~~ (d) Maximize and leverage funds from all available public and private sources,

2-28 including federal financial participation, grants and awards.

2-29 ~~(4)~~ (e) Increase public confidence by conducting independent reviews of health and

2-30 human services issues in order to promote accountability and coordination across departments.

2-31 ~~(5)~~ (f) Ensure that state health and human services policies and programs are responsive

2-32 to changing consumer needs and to the network of community providers that deliver assistive

2-33 services and supports on their behalf.

2-34 ~~(b)~~ (g) Supervise the administrations of federal and state medical assistance programs by

3-1 acting as the single state agency authorized under title XIX of the U.S. Social Security act, 42

3-2 U.S.C. section 1396a et seq., notwithstanding any general or public law or regulation to the

3-3 contrary, and exercising such single state agency authority for such other federal and state

3-4 programs as may be designated by the governor. ~~Nothing in this chapter shall be construed as~~

3-5 ~~transferring to the secretary: (1) The powers, duties or functions conferred upon the departments~~

3-6 ~~by Rhode Island general laws for the administration of the foregoing federal and state programs;~~

3-7 ~~or (2) The administrative responsibility for the preparation and submission of any state plans,~~

3-8 ~~state plan amendments, or federal waiver applications, as may be approved from time to time by~~

3-9 ~~the secretary with respect to the foregoing federal and state programs.~~

3-10 **42-7.2-4. Responsibilities of the secretary.** -- (a) The secretary shall be responsible to

3-11 the governor for supervising the executive office of health and human services and for ~~managing~~

3-12 ~~and providing strategic leadership and direction to~~ assuming all the duties of the five (5)

3-13 departments.

3-14 ~~(b) Notwithstanding the provisions set forth in this chapter, the governor shall appoint~~

3-15 ~~the directors of the departments within the executive office of health and human services.~~

3-16 ~~Directors appointed to those departments shall continue to be subject to the advice and consent of~~

3-17 ~~the senate and shall continue to hold office as set forth in sections 42-6-1 et seq. and 42-72-1(e).~~

3-18 **42-7.2-5. Duties of the secretary.** -- The secretary shall be subject to the direction and

3-19 supervision of the governor for the oversight, coordination and cohesive direction of state

3-20 administered health and human services and in ensuring the laws are faithfully executed, not

3-21 withstanding any law to the contrary. In this capacity, the Secretary of Health and Human

3-22 Services shall be authorized to:

3-23 (1) Coordinate the administration and financing of health care benefits, human services

3-24 and programs including those authorized by the Medicaid State Plan under Title XIX of the US

3-25 Social Security Act. ~~However, nothing in this section shall be construed as transferring to the~~

3-26 ~~secretary the powers, duties or functions conferred upon the departments by Rhode Island public~~

3-27 ~~and general laws for the administration of federal/state programs financed in whole or in part with~~

3-28 ~~Medicaid funds or the administrative responsibility for the preparation and submission of any~~

3-29 ~~state plans, state plan amendments, or authorized federal waiver applications.~~

3-30 (2) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid

3-31 reform issues as well as the principal point of contact in the state on any such related matters.

3-32 (3) Review and ensure the coordination of any new ~~departmental~~ waiver requests and

3-33 renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan

3-34 with the potential to affect the scope, amount or duration of publicly-funded health care services,

4-1 provider payments or reimbursements, or access to or the availability of benefits and services as

4-2 provided by Rhode Island general and public laws. The secretary shall consider whether any such

4-3 waivers or amendments are legally and fiscally sound and consistent with the state's policy and

4-4 budget priorities. The secretary shall also assess whether a proposed waiver or amendment is
4-5 capable of obtaining the necessary approvals from federal officials and achieving the expected
4-6 positive consumer outcomes. ~~Department directors shall, within the timelines specified, provide~~
4-7 ~~any information and resources the secretary deems necessary in order to perform the reviews~~
4-8 ~~authorized in this section;~~

4-9 (4) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house
4-10 and senate finance committees, the caseload estimating conference, and to the joint legislative
4-11 committee for health care oversight, by no later than February 1 of each year, a comprehensive
4-12 overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall
4-13 include, but not be limited to, the following information:

4-14 (i) Expenditures under Titles XIX and XXI of the Social Security Act, as amended;

4-15 (ii) Expenditures, outcomes and utilization rates by population and sub-population
4-16 served (e.g. families with children, children with disabilities, children in foster care, children
4-17 receiving adoption assistance, adults with disabilities, and the elderly);

4-18 (iii) Expenditures, outcomes and utilization rates by each state department or other
4-19 municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the
4-20 Social Security Act, as amended; and

4-21 (iv) Expenditures, outcomes and utilization rates by type of service and/or service
4-22 provider.

4-23 ~~The directors of the departments, as well as local~~ Local governments and school
4-24 departments, shall assist and cooperate with the secretary in fulfilling this responsibility by
4-25 providing whatever resources, information and support shall be necessary.

4-26 (5) Resolve administrative, jurisdictional, operational, program, or policy conflicts
4-27 ~~among departments and their executive staffs~~ and make necessary recommendations to the
4-28 governor.

4-29 (6) Assure continued progress toward improving the quality, the economy, the
4-30 accountability and the efficiency of state-administered health and human services. In this
4-31 capacity, the secretary shall:

4-32 (i) Direct implementation of reforms in the human resources practices of the departments
4-33 that streamline and upgrade services, achieve greater economies of scale and establish the
4-34 coordinated system of the staff education, cross- training, and career development services
5-1 necessary to recruit and retain a highly-skilled, responsive, and engaged health and human
5-2 services workforce;

5-3 (ii) Encourage ~~the departments to utilize~~ consumer-centered approaches to service design
5-4 and delivery that expand their capacity to respond efficiently and responsibly to the diverse and
5-5 changing needs of the people and communities they serve;

5-6 (iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
5-7 power, centralizing all health and human services functions including fiscal service functions
5-8 related to budget, finance, and procurement, centralizing communication, policy analysis and
5-9 planning, and information systems and data management, pursuing alternative funding sources
5-10 through grants, awards and partnerships and securing all available federal financial participation
5-11 for programs and services ~~provided through the departments~~; and

5-12 (iv) Improve the coordination and efficiency of health and human services legal
5-13 functions by centralizing adjudicative and legal services and overseeing their timely and judicious
5-14 administration.

5-15 (7) Prepare ~~and integrate~~ a comprehensive budgets budget for the office of health and

5-16 human services departments and any other functions and duties assigned to the office. The
5-17 ~~budgets~~ budget shall be submitted to the state budget office by the secretary, for consideration by
5-18 the governor, on behalf of the state's health and human services in accordance with the provisions
5-19 set forth in section 35-3-4 of the Rhode Island general laws.

5-20 (8) Utilize objective data to evaluate health and human services policy goals, resource
5-21 use and outcome evaluation and to perform short and long-term policy planning and
5-22 development.

5-23 (9) Establishment of an integrated approach to ~~interdepartmental~~ information and data
5-24 management that will facilitate the transition to consumer-centered system of state administered
5-25 health and human services.

5-26 (10) At the direction of the governor or the general assembly, conduct independent
5-27 reviews of state-administered health and human services programs, policies and related ~~agency~~
5-28 actions and activities and ~~assist the department directors in identifying~~ identify strategies to
5-29 address any issues or areas of concern that may emerge thereof. ~~The department directors shall~~
5-30 ~~provide any information and assistance deemed necessary by the secretary when undertaking such~~
5-31 ~~independent reviews.~~

5-32 (11) Provide regular and timely reports to the governor and make recommendations with
5-33 respect to the state's health and human services agenda.

5-34 (12) Employ such personnel and contract for such consulting services as may be required
6-1 to perform the powers and duties lawfully conferred upon the secretary.

6-2 (13) Implement the provisions of any general or public law or regulation related to the
6-3 disclosure, confidentiality and privacy of any information or records, in the possession or under
6-4 the control of the executive office ~~or the departments assigned to the executive office~~, that may be
6-5 developed or acquired for purposes directly connected with the secretary's duties set forth herein.

6-6 (14) ~~Hold the director of each health and human services department accountable for~~
6-7 ~~their administrative, fiscal and program actions in the conduct of the respective powers and duties~~
6-8 ~~of their agencies.~~ Nominate chiefs of the various divisions for appointment by the governor and
6-9 subject to the advice and consent of the senate.

6-10 **42-7.2-6.1. Transfer of powers and functions.** -- (a) There are hereby transferred to the
6-11 executive office of health and human services all the powers and functions of the departments,
6-12 ~~with respect to the following:~~

6-13 (1) ~~By July 1, 2007, fiscal services including budget preparation and review, financial~~
6-14 ~~management, purchasing and accounting and any related functions and duties deemed necessary~~
6-15 ~~by the secretary;~~

6-16 (2) ~~By July 1, 2007, legal services including applying and interpreting the law, oversight~~
6-17 ~~to the rule making process, and administrative adjudication duties and any related functions and~~
6-18 ~~duties deemed necessary by the secretary;~~

6-19 (3) ~~By September 1, 2007, communications including those functions and services~~
6-20 ~~related to government relations, public education and outreach and media relations and any~~
6-21 ~~related functions and duties deemed necessary by the secretary;~~

6-22 (4) ~~By March 1, 2008, policy analysis and planning including those functions and~~
6-23 ~~services related to the policy development, planning and evaluation and any related functions and~~
6-24 ~~duties deemed necessary by the secretary; and~~

6-25 (5) ~~By June 30, 2008, information systems and data management including the~~
6-26 ~~financing, development and maintenance of all data bases and information systems and platforms~~
6-27 ~~as well as any related operations deemed necessary by the secretary;~~

6-28 ~~(b) The secretary shall determine in collaboration with the department directors whether~~
6-29 ~~the officers, employees, agencies, advisory councils, committees, commissions, and task forces of~~
6-30 ~~the departments who were performing such functions shall be transferred to the office. Duties that~~
6-31 ~~are incidental to the performance of the functions transferred to the office in subpart (a) shall~~
6-32 ~~remain with the departments providing that the employees responsible thereof are performing~~
6-33 ~~functions that have not been transferred.~~

6-34 ~~(e)~~ (b) In the transference of such functions, the secretary shall be responsible for
7-1 ensuring:

- 7-2 (1) Minimal disruption of services to consumers;
- 7-3 (2) Elimination of duplication of functions and operations;
- 7-4 (3) Services are coordinated and functions are consolidated where appropriate;
- 7-5 (4) Clear lines of authority are delineated and followed;
- 7-6 (5) Cost-savings are achieved whenever feasible;
- 7-7 (6) Program application and eligibility determination processes are coordinated and,
7-8 where feasible, integrated; and
- 7-9 (7) State and federal funds available to the office and the entities therein are allocated
7-10 and utilized for service delivery to the fullest extent possible.

7-11 ~~Except as provided herein, no provision of this chapter or application thereof shall be~~
7-12 ~~construed to limit or otherwise restrict the departments of children, youth and families, human~~
7-13 ~~services, elderly affairs, health, and mental health, retardation, and hospitals from fulfilling any~~
7-14 ~~statutory requirement or complying with any regulation deemed otherwise valid.~~

7-15 **42-7.2-7. Independent advisory council -- Purposes.** -- (a) The secretary shall establish
7-16 an independent advisory council, hereafter referred to as "advisory council" composed of
7-17 representatives of the network of health and human services providers, the communities the
7-18 ~~departments serve~~ office serves, state and local policy makers and any other stakeholders or
7-19 consumers interested in improving access to high quality health and human services.

7-20 (b) The advisory council shall assist the secretary in identifying: issues of concern and
7-21 priorities in the organization and/or delivery of services; areas where there is need for
7-22 ~~interdepartmental~~ collaboration and cooperation; and opportunities for building sustainable and
7-23 effective public-private partnerships that support the missions of the ~~departments~~ office. The
7-24 advisory council shall also provide guidance to the secretary in developing a plan to further the
7-25 purposes of the executive office ~~and assist the departments in meeting their unique missions and~~
7-26 ~~shared responsibilities.~~

7-27 (c) ~~With the assistance of the department directors, the~~ The secretary shall hold health
7-28 and human services forums and open meetings that encourage community, consumer and
7-29 stakeholder input on health and human services issues, proposals and activities and actions of the
7-30 executive office that have been identified by the advisory council as areas of concern or important
7-31 policy priorities or opportunities for the state.

7-32 **42-7.2-8. Assignment and reassignment of advisory bodies.** -- ~~The governor may, by~~
7-33 ~~executive order, reassign any~~ Any advisory bodies, boards, or commissions associated or
7-34 affiliated with the departments or any such agencies that may be created shall be assigned to the
8-1 secretary of health and human services ~~or assign any such entities that may be created.~~

8-2 **42-7.2-9. Appointment of employees.** -- The secretary, subject to the provisions of
8-3 applicable state law, shall be the appointing authority for all employees of the executive office of
8-4 health and human services; provided, however, the chiefs of the various divisions shall be
8-5 nominated by the secretary, appointed by the governor, and subject to the advice and consent of

8-6 the senate. The secretary may assign this function to such subordinate officers and employees of
8-7 the executive office as may to him or her seem feasible or desirable. ~~The appointing authority of~~
8-8 ~~the secretary provided for herein shall not affect, interfere with, limit, or otherwise restrict the~~
8-9 ~~appointing authority vested in the directors for the employees of the departments under applicable~~
8-10 ~~general and public laws.~~

8-11 SECTION 2. Section 42-7.2-6 of the General Laws in Chapter 42-7.2 entitled "Office of
8-12 Health and Human Services" is hereby repealed.

8-13 ~~**42-7.2-6. Departments assigned to the executive office -- Powers and duties.** --(a)~~

8-14 ~~The departments assigned to the secretary shall:~~

8-15 ~~(1) Exercise their respective powers and duties in accordance with their statutory~~
8-16 ~~authority and the general policy established by the governor or by the secretary acting on behalf~~
8-17 ~~of the governor or in accordance with the powers and authorities conferred upon the secretary by~~
8-18 ~~this chapter;~~

8-19 ~~(2) Provide such assistance or resources as may be requested or required by the governor~~
8-20 ~~and/or the secretary; and~~

8-21 ~~(3) Provide such records and information as may be requested or required by the~~
8-22 ~~governor and/or the secretary to the extent allowed under the provisions of any applicable general~~
8-23 ~~or public law, regulation, or agreement relating to the confidentiality, privacy or disclosure of~~
8-24 ~~such records or information.~~

8-25 ~~(4) Forward to the secretary copies of all reports to the governor.~~

8-26 ~~(b) Except as provided herein, no provision of this chapter or application thereof shall be~~
8-27 ~~construed to limit or otherwise restrict the department of children, youth and families, the~~
8-28 ~~department of elderly affairs, the department of health, the department of human services, and the~~
8-29 ~~department of mental health, retardation and hospitals from fulfilling any statutory requirement or~~
8-30 ~~complying with any valid rule or regulation.~~

8-31 SECTION 3. Sections 42-6-1, 42-6-2 and 42-6-3 of the General Laws in Chapter 42-6
8-32 entitled "Departments of State Government" are hereby amended to read as follows:

8-33 ~~**42-6-1. Enumeration of departments.** -- All the administrative powers and duties~~

8-34 heretofore vested by law in the several state departments, boards, divisions, bureaus,
9-1 commissions, and other agencies shall be vested in the following departments and other agencies
9-2 which are specified in this title:

9-3 (a) Executive department (chapter 7 of this title);

9-4 (b) Department of state (chapter 8 of this title);

9-5 (c) Department of the attorney general (chapter 9 of this title);

9-6 (d) Treasury department (chapter 10 of this title);

9-7 (e) Department of administration (chapter 11 of this title);

9-8 (f) Department of business regulation (chapter 14 of this title);

9-9 (g) ~~Department of children, youth, and families (chapter 72 of this title);~~

9-10 (h) Department of corrections (chapter 56 of this title);

9-11 (i) ~~Department of elderly affairs (chapter 66 of this title);~~

9-12 (j) Department of elementary and secondary education (chapter 60 of title 16);

9-13 (k) Department of environmental management (chapter 17.1 of this title);

9-14 (l) ~~Department of health (chapter 18 of this title);~~

9-15 (m) Board of governors for higher education (chapter 59 of title 16);

9-16 (n) Department of labor and training (chapter 16.1 of this title);

9-17 (o) ~~Department of mental health, retardation, and hospitals (chapter 12.1 of this title);~~

- 9-18 (p) ~~Department of human services (chapter 12 of this title);~~
9-19 (q) Department of transportation (chapter 13 of this title);
9-20 (r) Public utilities commission (chapter 14.3 of this title);
9-21 (s) Department of revenue (chapter 143 of title 44);
9-22 (t) Department of public safety (chapter 7.3 of this title).

9-23 **42-6-2. Heads of departments.** -- The governor, secretary of state, attorney general, and
9-24 general treasurer, hereinafter called general officers, shall each be in charge of a department.
9-25 There shall also be a director of administration, a director of revenue, a director of public safety, ~~a~~
9-26 ~~director of human services, a director of mental health, retardation, and hospitals,~~ a director of
9-27 transportation, a director of business regulation, a director of labor and training, a director of
9-28 environmental management, ~~a director for children, youth, and families, a director of elderly~~
9-29 ~~affairs,~~ and a director of corrections. Each director shall hold office at the pleasure of the
9-30 governor and he or she shall serve until his or her successor is duly appointed and qualified unless
9-31 the director is removed from office by special order of the governor.

9-32 **42-6-3. Appointment of directors.** -- (a) At the January session following his or her
9-33 election to office, the governor shall appoint a director of administration, a director of revenue, a
9-34 director of public safety, ~~a director of human services, a director of mental health, retardation, and~~
10-1 ~~hospitals,~~ a director of transportation, a director of business regulation, a director of labor and
10-2 training, a director of environmental management, ~~a director for children, youth, and families, a~~
10-3 ~~director of elderly affairs,~~ and a director of corrections. The governor shall, in all cases of
10-4 appointment of a director while the senate is in session, notify the senate of his or her
10-5 appointment and the senate shall, within sixty (60) legislative days after receipt of the notice, act
10-6 upon the appointment. If the senate shall, within sixty (60) legislative days, vote to disapprove the
10-7 appointment it shall so notify the governor, who shall forthwith appoint and notify the senate of
10-8 the appointment of a different person as director and so on in like manner until the senate shall
10-9 fail to so vote disapproval of the governor's appointment. If the senate shall fail, for sixty (60)
10-10 legislative days next after notice, to act upon any appointment of which it has been notified by the
10-11 governor, the person so appointed shall be the director. The governor may withdraw any
10-12 appointment of which he or she has given notice to the senate, at any time within sixty (60)
10-13 legislative days thereafter and before action has been taken thereon by the senate.

10-14 (b) Except as expressly provided in section 42-6-9, no director of any department shall
10-15 be appointed or employed pursuant to any contract of employment for a period of time greater
10-16 than the remainder of the governor's current term of office. Any contract entered into in violation
10-17 of this section after July 1, 1994 is hereby declared null and void.

10-18 SECTION 4. Section 42-6-9 of the General Laws in Chapter 42-6 entitled "Departments
10-19 of State Government" is hereby repealed.

10-20 ~~**42-6-9. Director of health.** -- There shall be a director of health who shall hold office for~~
10-21 ~~the term of five (5) years from the time of his or her appointment and until his or her successor is~~
10-22 ~~duly appointed and qualified. The director shall be eligible for reappointment, and shall not~~
10-23 ~~engage in any other occupation.~~

10-24 SECTION 5. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human
10-25 Services" is hereby amended by adding thereto the following section:

10-26 **42-7.2-7.1. Oversight.** -- The permanent joint committee of the global waiver compact
10-27 established pursuant to section 42-12.4-5 shall be granted the authority to oversee all aspects of
10-28 the consolidation of health and human service functions within the executive office of health and
10-29 human services.

MOTION: To oppose on 09 H 5641 Relating to State Affairs and Government -- Office of Health and Human Services, because of the failure to address where Office of RS, children with special needs, Services Blind & Visually Impaired, Adult Health, Traumatologically brain injury, community based chronic care, homeless, shelters, food stamps, general public assistance are ending up should consider such as creating a division for people with disabilities, and the Commission is willing to work on redrafting the bill. LW/RC passed unanimously

4. The American Recovery and Reinvestment Act of 2009 (Federal Stimulus) and People with Disabilities	Bob Cooper	15 min.
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Discussion: The information below is from the US Senate Democratic Policy Committee, February 19, 2009 (revised) and Federal Funds Information for States February 23, 2009.

Medicaid	Federal Medicaid Assistance Percentages (FMAP)⁴		Disproportionate Share (uncompensated care) Hospitals	Foster Care/Adoption	Immunization
	2009	2010/11			
CFDA #	93.778	93.778	93.778	93.658 / 93.659	93.268
Purpose:	Each state is eligible for a 6.2 percentage-point across-the-board increase beginning October 1, 2008 through December 31, 2010, after application of the hold-harmless provision. ⁵		There is a separate increase of 2.5% for DSH.	Application of FMAP hold-harmless and 6.2 across-the-board percentage point increase. Reductions in the state share due to unemployment do not apply.	Section 317 discretionary funding.
RI Funding est.	\$197,294,643	\$254,229,902	\$3,223,486	\$3,191,884	\$2,200,593

The FMAP increases apply only if:

⁴ The Federal Medicaid Assistance Percentage (FMAP) is the federal cost share of Medicaid and some related state programs. It changes every year based on a three-year average of state per capita personal income relative to the national average, except that no state receives less than 50%.

⁵ A "hold harmless" provision eliminates any scheduled FY 2009 FMAP decreases. It also eliminates decreases in FY 2010 and the first quarter of FY 2011 from the higher of the state's current-law level or its hold-harmless level. State programs also will receive a bonus based on a state's quarterly unemployment rate relative to its base rate. The base rate is the lowest three-month average rate the state experienced since January 2006. States with increases above that rate of 1.5-2.5 percentage points receive a 5.5% multiplier. Those with increases of 2.5-3.5 percentage points receive an 8.5% multiplier and those with more than a 3.5 percentage-point increase receive an 11.5% multiplier. That multiplier is then applied against an artificial state share calculated by applying the hold-harmless and half the across-the-board increase to determine the number of percentage points to add to the FMAP. This bonus rate is recalculated each quarter, except that the recalculation can not cause the FMAP to decline before July 2010.

- States may not have eligibility standards, methodologies or procedures in place in the Medicaid state plan or a Section 1115 waiver program that are more restrictive than those in effect as of July 1, 2008. Any state that implemented more restrictive policies since July 1, 2008, has until July 1, 2009 to reverse such policies. The state would then be fully eligible for the enhanced match, retroactive to October 1, 2008. Any state that implemented more restrictive policies after July 1, 2008 and reverses such policies after July 1, 2009, will be eligible for the enhanced FMAP beginning with the first calendar quarter in which it restored the eligibility policies.
- The FMAP increases do not apply to payments for individuals enrolled in Medicaid as a result of an expansion in state income eligibility implemented on or after July 1, 2008. States would still receive their regular FMAP for such individuals.
- The state must report on compliance with provider prompt payment requirements beginning with the date of enactment, and prompt-pay requirements are extended to nursing facilities and hospitals beginning June 1, 2009. The secretary is permitted to waive this requirement in certain situations.
- The state may not increase the percentage of the non-federal share it requires from local governments, above that in place as of September 30, 2008. This requirement is not applicable for the hold-harmless provision.
- States may not deposit funding from the increased FMAP rate into any state reserve or rainy day fund. This does not apply to increases due to the hold-harmless provision.

Regulations Moratoria. The bill extends the current moratoria (P.L. 110-252) on three Medicaid regulations through June 30, 2009: optional targeted case management services (TCM), school administration and transportation services, and provider taxes. It applies a new moratorium through June 30, 2009, to the final regulation regarding Medicaid outpatient hospital facility services (73 Federal Register 66817). Finally, it includes a “Sense of Congress” that the Secretary of the Department of Health and Human Services (HHS) should not issue final regulations for pending rules on cost limits on public providers, graduate medical education (GME) payments and rehabilitative services.

Transitional Medical Assistance (TMA) Extension and

Reporting Requirement. The Medicaid TMA option is extended for 18 months through December 31, 2010. ARRA gives states the option to extend the initial period of eligibility for TMA to 12 rather than the current six months and to waive certain enrollment requirements, beginning July 1, 2009. Beginning July 1, 2009, states would be required to report monthly enrollment and participation rates for adult and child enrollees and the number of these who become eligible under another Medicaid category or SCHIP.

Qualifying Individual (QI) Program Extension. The QI program is extended through December 31, 2010, with additional FYs 2009-2010 funding of \$412.5 million and \$150 million.

Other Health Care Funding

COBRA Healthcare for the Unemployed. Under current law, individuals losing employment may be eligible to continue their employer-based health care coverage under a program known as COBRA. This entitles individuals to continued access to the same health plan they were receiving, but the individual is generally responsible for 102% of the total cost of the monthly premium.

The new COBRA subsidy is available to individuals involuntarily separated from their employer on or after September 1, 2008 and before January 1, 2010. The federal subsidy is 65% of the monthly COBRA premium. There is an income threshold on eligibility of \$145,000 for individuals and \$290,000 for couples, with a phase-out for individuals with incomes of \$125,000-\$145,000 and for couples with incomes of \$250,000-\$290,000.

Health Information Technology (HIT). The legislation includes approximately \$2 billion to invest in health information technology infrastructure and \$17 billion in incentives for Medicare and Medicaid providers.

The Office of the National Coordinator for Health Information Technology (ONC) is made a statutory office of HHS. Duties include developing standards, coordinating HIT policy across agencies and programs within HHS and across other executive branch agencies, and updating specific aspects of the federal HIT strategic plan. The bill requires that this plan address utilization of electronic health records by 2014. It also would create HIT policy and standards committees, though state representation is not specifically required.

This office will offer a state grant to promote HIT. For grants awarded prior to FY 2011, the secretary may determine if a state match is appropriate. Beginning in FY 2011, there is a state match requirement starting at 10% and increasing to one-third by FY 2013.

Competitive grants would also be available for states to create loan programs for providers toward establishing a certified electronic health record (EHR) technology loan fund beginning January 1, 2010. A 20% state match would be required for such grants.

Medicaid HIT-related funding. States may reimburse eligible Medicaid providers for the cost of qualified EHR purchases, implementation and certain operation costs. Limits are placed on reimbursement to each provider. The federal share is 100% for Medicaid providers' purchase of certified EHR, including training and maintenance, and 90% for certain administrative expenses.

The reimbursement payment for non-hospital based Medicaid providers with a 30% Medicaid caseload is 85% of the net allowable costs incurred for the purchase, implementation and use of certified EHR technology. A separate reimbursement is applied for children's' and acute care hospitals, and other hospitals are to be reimbursed according to the Medicare incentive policy.

The higher federal match is contingent upon states' meeting several requirements, including: 1) a determination that providers are demonstrating "meaningful use" of the EHR technology, as determined by the state and HHS secretary, 2) direct reimbursement of providers, without a deduction or rebate and 3) tracking the use of EHRs, conducting oversight, encouraging adoption of certified EHRs and exchanging health care information.

Prevention and Wellness Fund. HHS receives \$1 billion for this purpose, and must provide Congress with operating plans prior to obligating any monies in FYs 2009 and 2010. Funds are to be used according to the public health priorities of the secretary and the director of the Centers for Disease Control and Prevention (CDC).

Specific funding allocations include \$300 million for the CDC 317 immunization program, \$650 million for evidence-based clinical and community-based prevention and wellness strategies aimed at addressing chronic disease rates and \$50 million to states to implement health care-associated infection-prevention strategies.

Healthcare Effectiveness Research. HHS receives \$1.1 billion to speed development and dissemination of research assessing the comparative effectiveness of health care treatments and strategies.

The bill establishes a Federal Coordinating Council for Comparative Effectiveness Research which is tasked with coordinating comparative effectiveness and related health-services research conducted or supported by federal departments and agencies in order to reduce duplication and leverage resources.

Community Health Centers (CHCs). HHS receives \$2 billion for federally qualify health centers (FQHCs), primarily CHCs, including \$1.5 billion for construction, modernization and health information technology improvements and \$500 million for FQHC grant funding for services and operations.

Training Primary Care Providers. New funding includes \$300 million for the Nation Health Service Corps recruitment and field activities and \$200 million for primary care medicine, dentistry, public health and preventive medicine programs, scholarship and loan repayment programs.

Special Education	<i>Part B</i>	<i>Part B-Preschool</i>	<i>Part C</i>
CFDA #	84.027	84.173	84.181

Purpose:	To help improve educational outcomes for individuals with disabilities, raising the federal contribution to nearly 40 percent, the level established when the law was authorized more than 30 years ago. Funds are to be used for school years 2009-2010 and 2010-2011.		
RI Funding est.	\$43,734,211	\$1,734,233	\$2,139,843

Independent Living	<i>State grants</i>	<i>Independent living centers</i>	<i>Older blind individuals</i>
CFDA #	93.674		
Purpose:	For independent living program	Nationally \$87.5 m.	Nationally \$34.3 m.
RI Funding est.	\$242,913	NA	NA

Employment & Training	<i>Vocational Rehabilitation</i>	<i>Workforce Investment Act</i>	
		<i>Adult</i>	<i>Youth</i>
CFDA #	84.048	17.258	17.259
Purpose:	To help individuals with disabilities prepare for and sustain gainful employment (formula state grants).	For adult job readiness and training. Formula grants. Priority for training and intensive services to low-income individuals. Available through June 30, 2010.	For youth readiness and training. Formula grants, includes summer jobs. Extends age limit to 24. Available through June 30, 2010
RI Funding est.	\$1,734,860	\$2,127,821	\$5,667,775

Infrastructure

The Commission's project design plan (accessibility) review process may be impacted due to many plans needing to be reviewed in a short term period, regarding the following:

Education & Training:	<i>Fiscal Stabilization Fund⁶</i>		<i>Educational Technology</i>
	<i>Education</i>	<i>General Purpose</i>	
CFDA #	NA	84.318	NA
Purpose:	To local school districts ⁷ (distributed through existing formulas) and public colleges	For other high-priority needs such as public safety and other	To purchase up-to-date computers and software and provide professional

⁶ A state must maintain state support for K-12 education at least at the level of FY 2006 in FYs 2009, 2010 and 2011. A state must also maintain state spending on higher education at least at the level of FY 2006 in FYs 2009, 2010 and 2011 (excluding capital projects, research and development, and tuition and fees paid by students).

⁷ Local Education Agencies must use the funds in accordance with ESEA, IDEA, Perkins, or for modernization, renovation or repair of school facilities, including recognized green building rating systems. K-12 school repair, modernization or renovation must be consistent with state law.

	and universities in Rhode Island ⁸	critical services, which may include education ⁹	development to ensure the technology is used effectively in the classroom
RI Funding est.	\$134,912,142	\$3,209,375	\$30,017,127

Transportation ¹⁰	<i>Highways & Bridges</i>	<i>Transit Capital Grants</i>		<i>Rail Modernization Fixed Guideway & New Transit Starts</i>
		<i>Urban</i>	<i>Rural</i>	
CFDA #	20.205	20.500	20.500	20.500
Purpose:	To be used on activities eligible under the Federal-aid Highway Program's Surface Transportation Program. Combined formula distribution; 30% to local governments. Subject to redistribution.	For investments in mass transit. Combined formula distribution; 30% to local governments. Subject to redistribution.		Funds not to be commingled with prior-year funds.
RI Funding est.	\$137,096,000	\$28,623,375	\$864,972	\$63,943

Housing & Community Development ¹¹ :	<i>Public Housing Capital Fund</i>	<i>Community Development Block Grants¹²</i>		<i>HOME Investment Partnerships¹³</i>	<i>Prevention Homelessness</i>
		<i>Entitlement</i>	<i>Non-Entitlement</i>		
CFDA #	14.850	14.218	14.228	14.239	14.231
Purpose:	To enable local public housing agencies – especially those	Formula grants to states and local entitlement communities that received funding in FY 2008. Available until September 30, 2010.		To enable state and local government, in partnership with	To be used for prevention activities, which include: short

⁸ Public higher education institutions shall use funds to mitigate the need to raise tuition and fees for in-state students, or for modernization, renovation or repair of higher education facilities that are primarily used for instruction, research or student housing, including recognized green building rating systems.

⁹ Of its allocation under the SFSF, a governor must use the remaining 18.2% for public safety and other government services, which may include K-12 and higher education modernization, renovation or repair, including recognized green building rating systems. Funds may be used for any institution of higher education. K-12 school repair, modernization or renovation must be consistent with state law.

¹⁰ Within 30 days of enactment, the governor must certify that the state will maintain its effort with regard to state funding for the types of projects funded in the stimulus legislation. If a state is unable to maintain this level, it becomes ineligible for redistribution funds, with no waiver permissible.

¹¹ Allocations to states and local governments are distributed according to the FY 2008 formula. Recipients shall give priority to capital projects that can award contracts based on bids within 120 days from when funds become available to them. The Department of Housing and Urban Development (HUD) may waive most statutory or regulatory provisions necessary to move the funds quickly except those for fair housing, non-discrimination, labor standards and the environment.

¹² The bill provides \$2 billion for neighborhood stabilization grants authorized by the Housing and Economic Recovery Act of 2008. These grants are awarded competitively to states, local governments, non-profit entities or consortia to purchase and rehabilitate abandoned and foreclosed properties and help create affordable housing and stabilize neighborhoods. Grantees must expend 50% of funds within two years of receipt, and 100% within three years.

¹³ Funds are to be allocated to state housing credit agencies only, using the FY 2008 HOME formula grant distributions, inclusive of participating local jurisdictions. These funds are to be distributed competitively by state housing credit agencies to owners of projects that receive or have received an award of low-income housing tax credits.

Housing & Community Development ¹¹ :	Public Housing Capital Fund	Community Development Block Grants ¹²		HOME Investment Partnerships ¹³	Prevention Homelessness
		Entitlement	Non-Entitlement		
	improving energy efficiency in aging developments, allocated to PHAs by formula. Priority to capital projects that can award contracts based on bids within 120 days from when funds are made available to the PHAs. All funds must be expended within three years.			community-based organizations, to acquire, construct, and rehabilitate affordable housing and provide rental assistance to poor families. Formula grants to state housing credit agencies for competitive distribution to project owners for capital investments to help fill financing gaps in low-income housing tax credit projects. Recipients must spend all funds within three years.	or medium-term rental assistance, first and last month's rental payment, or utility payments, for short-term rental assistance, housing relocation and stabilization. Funds must be expended within 3 years of award.
RI Funding est.	\$18,952,000	\$3,244,825	\$1,428,364	\$11,922,064	\$7,013,000

	Community Services Block Grant	Violence Against Women
CFDA #	93.569	16.588
Purpose:	To local community action agencies for services to the growing numbers of low-income families hurt by the economic crisis, such as housing and mortgage counseling, jobs skills training, food pantry assistance, as well as benefits outreach and enrollment. Available upon	Grants for victim services programs to improve the criminal justice system's response to violent crimes against women and to assist victims of domestic violence, dating violence, sexual assault and stalking who are in need of transitional housing, short-term housing assistance, and related support services

	enactment; 1% set-aside for enrollment; during FYs 2009 and 2010, states may increase income eligibility ceiling from 125% to 200% of FPL. ¹⁴	
RI Funding est.	\$5,528,000	\$1,143,032

MOTION: To direct the Commission to assist service providers to ensure maximum participation for people with disabilities in the American Recovery and Reinvestment Act of 2009. BN/AP passed unanimously

Financial assistance increase

\$250 to every Social Security beneficiary, SSI recipient, and disabled veteran

Questions on Reports		15 min.		
Commission's FY 2009 Budget				
Category Summary	Enacted	Commission Request	Governor's Recommends	% Change Recommends / Enacted
Commission Operations				
Salary/Wages and Benefits	\$352,624	\$322,786	\$325,992	92%
Contracted Professional Services	\$6,511	\$4,698	\$4,698	72%
Operating Supplies and Expenses	\$9,992	\$12,648	\$12,648	127%
Capital Purchases and Equipment	\$1,881	\$1,881	\$1,881	100%
Subtotal	\$371,007	\$342,013	\$345,219	93%
Mary Brennan Fellowship Fund				
Assistance and Grants	\$10,350	\$10,350	\$10,350	100%
Subtotal	\$10,350	\$10,350	\$10,350	100%
Disability Business Enterprise*				
Contracted Professional Services	\$30,621	\$30,621	\$30,621	100%
Operating Supplies and Expenses	\$1,672	\$1,672	\$1,672	100%
Subtotal	\$32,294	\$32,294	\$32,293	100%
Total General Revenues	\$413,651	\$384,657	\$387,862	94%
ADA Grant				
Salary/Wages and Benefits	\$57,159	\$11,090	\$12,981	23%
Contracted Professional Services	\$18,092	\$600	\$600	3%
Operating Supplies and Expenses	\$5,221	\$6,465	\$6,466	124%
Assistance and Grants	\$2,588	\$3,450	\$3,450	133%
Subtotal	\$83,060	\$21,605	\$23,497	28%

¹⁴ States are required to reserve 1% for benefit coordination services and are permitted to increase the income eligibility ceiling from 125% to 200% of the federal poverty level during FYs 2009 and 2010.

Category Summary	Enacted	Commission Request	Governor's Recommends	% Change Recommends / Enacted
HAVA Grant				
Salary/Wages and Benefits	\$0	\$10,646	\$12,462	
Contracted Professional Services	\$15,887	\$900	\$900	6%
Operating Supplies and Expenses	\$822	\$5,542	\$5,542	674%
Assistance and Grants	\$90,000	\$93,450	\$93,450	104%
Subtotal	\$106,709	\$110,538	\$112,354	105%
Total Federal Grants	\$189,769	\$132,143	\$135,851	
Technical Assistance				
Contracted Professional Services	\$2,354	\$2,054	\$2,054	87%
Operating Supplies and Expenses	\$6,211	\$7,611	\$7,611	123%
Assistance and Grants	\$0	\$1,462	\$1,462	
Total Restricted Receipts	\$8,565	\$11,127	\$11,127	130%
RICAP Renovation Fund				
Capital Purchases and Equipment	\$300,000	\$436,551	\$411,551	137%
Subtotal	\$300,000	\$436,551	\$411,551	137%
GO Renovation Bond Fund				
Capital Purchases and Equipment	\$104,220	\$104,220	\$104,220	100%
Subtotal	\$104,220	\$104,220	\$104,220	100%
Total Renovation Funds	\$404,220	\$540,771	\$515,771	128%
Grand Total	\$1,016,205	\$1,068,699	\$1,050,611	103%

* Commission requested a new account be created for the Disability Business Enterprise program, and Budget Office concurred in the FY 2009 Supplemental Request. The FY 2009 Enacted and FY 2010 Current Level Funding have broken out the DBE program costs from the Commission Operations account for comparison.

Activity/Performance Measures	PY 05	PY 06	PY 07	PY 08	PY 09 to date	Average	PY 09 / Average
<u>Accessibility</u>							
Certification / Enforcement							
§ 37-8-15 Public Property and Works – Access for people with disabilities. Approve all state and state funded construction and renovation design plans to ensure compliance with state/federal accessibility codes							
# of design plans submitted	12	20	31	17	14	20	70.0%
# of design plans reviewed	12	20	31	15	14	20	71.8%
# of barriers identified				6	10	6	166.7%
# of solutions proposed & accepted				5	9	5	180.0%
# of school design plans reviewed			1	1	-	1	0.0%
# of school design plans with barriers identified			1	1	-	1	0.0%
# of school design plans with barrier solutions proposed & accepted			1	1	-	1	0.0%

Activity/Performance Measures	PY 05	PY 06	PY 07	PY 08	PY 09 to date	Average	PY 09 / Average
§ 37-8-15.1 Public Property and Works – Accessibility of leased or rented facilities for people with disabilities. Approve leased facility program and employment transition plans to ensure compliance with state/federal accessibility codes							
# of facilities leased by the state - with barriers				2	-	2	0.0%
# of facilities leased by the state - with barrier solutions proposed and accepted				2	-	2	0.0%
§ 42-46-13 Open Meetings - Accessibility for persons with disabilities. Ensure access to and the opportunity to participate in state and local government "public bodies" i.e. open meetings by inspecting meeting locations							
# of Open Meeting sites surveyed	5	5	-	-	12	3	480.0%
# of Accessible Open Meeting sites	4	5	-	-	7	2	311.1%
# sites with public address & assistive listening systems	5	5	-	-	7	3	280.0%
# of open meeting notices containing accommodation request information	5	5	-	-	9	3	360.0%
# of open meeting locations - with accessibility barriers	1	-	-	-	-	0	0.0%
# of open meeting locations with barrier solutions proposed and accepted	-	-	-	-	-	-	
# municipalities surveys completed	-	-	-	-	2	-	
# of cities & towns	39	39	39	39	39	39	39
Actual % cities & towns Open Meeting sites resurveyed	0%	0%	0%	0	5%	0%	
§ 42-51-6(3) Duties. It shall be the duty of the commission to work in... (3) Coordinating compliance with federal and state laws protecting the rights of individuals with disabilities by state agencies.							
Manage renovation projects for the removal of physical barriers at state owned facilities							
# of state owned facilities with barriers to accessibility	104	98	94	93	-	97	0.0%
# of state owned facilities made programmatically accessible		6	4	1	-	4	0.0%
\$ Expended removing barriers at state owned facilities	\$510,099	\$227,090	\$236,815	\$202,366	196,638	\$294,093	66.9%
Advocacy / Technical Assistance							
§ 31-28-7.3 Disability parking enforcement program. Monitor disability parking enforcement							
# disability parking enforcement plans reviewed	41	45	40	38	-	41	0.0%
Total # agencies required to submit disability parking enforcement plans	48	48	48	48	192	48	
<u>Assistive Technology</u>							
Certification / Enforcement							
§ 42-46-5(b) Open Meetings - Use of electronic communications. Approve Open Meeting Telecommunications Accommodations Waivers; allowing the use of telephone for members of boards who due to a disability can not be physically present at meetings.							
# of Open Meeting Telecommunication Waivers Requested				-	-	-	

Activity/Performance Measures	PY 05	PY 06	PY 07	PY 08	PY 09 to date	Average	PY 09 / Average
# of Open Meeting Telecommunication Waivers Granted				-	-	-	
§ 42-51-6(3) Duties. It shall be the duty of the commission to work in... (3) Coordinating compliance with federal and state laws protecting the rights of individuals with disabilities by state agencies. Provide assistive technology accommodations in state government facilities to ensure equal opportunity for employment and the benefit of services, programs, or activities							
# equipment requested	5	5	4	3	-	4	0.0%
# equipment distributed	5	4	2	2	-	3	0.0%
\$ of purchases of assistive technology		\$10,400	\$5,000	\$2,366	\$-	5,922	0.0%
<u>Disability Business Enterprise</u>							
Certification / Enforcement							
§ 37-2.2-4(d) Disability Business Enterprises. Disability Business Enterprise Committee shall establish a procedure to certify small disadvantaged disability businesses and rehabilitation facilities that qualify under their regulation for a preference under § 37-2.2-3 or 37-2.2-3.1 and submit a list of the certified small disadvantaged disability businesses and rehabilitation facilities and the products and services provided by them to the chief purchasing officer at least once a year.							
#certified disability business enterprises	7	9	9	10	10	9	114.3%
#certified rehabilitation facilities	11	11	11	11	12	11	109.1%
Published list describing the styles, designs, sizes, and varieties of articles					-		
Advocacy / Technical Assistance							
§ 37-2.2-3.1 Disability Business Enterprises - Policy and applicability. Assist disability business enterprises and rehabilitation facilities successfully bid on government contracts and encourage entrepreneurship							
# of contracts and or master price awarded to Disability Business Enterprises and Rehabilitation Facilities				7	-	7	0.0%
# of disability business enterprises - assisted preparing bids	4	7	7	9	1	7	14.8%
# of disability business enterprises - awarded purchase orders	2	4	8	7	-	5	0.0%
# of rehabilitation facilities - assisted preparing bids	8	8	6	10	5	8	62.5%
# of rehabilitation facilities - awarded purchase orders	2	4	4	7	2	4	47.1%
<u>Disability Rights</u>							
Certification / Enforcement							
§ 42-87-5(b) Civil Rights of People with Disabilities – Enforcement of anti-discrimination provisions. Resolve disability discrimination complaints relating to physical barriers in government, public accommodations and commercial facilities							
# of accessibility complaints (informal & formal)	NA	63	65	65	-	64	0.0%
# of accessibility complaints successfully resolved prior to formal complaint	78	62	58	61	23	65	35.5%
# of formal written complaints				4	17	4	425.0%
# of formal complaints resolved informally				3	15	3	500.0%

Activity/Performance Measures	PY 05	PY 06	PY 07	PY 08	PY 09 to date	Average	PY 09 / Average
# of formal complaints heard	0	0	1	0	1	0	400.0%
# of complaints hearing board issues corrective orders	0	0	1	0	-	0	0.0%
Actual % of Disability Discrimination Complaints resolved informally		98%	89%	94%	-	94%	
§ 42-51-6(4) Duties. It shall be the duty of the commission to work in... (4) Providing technical assistance to public and private agencies, businesses, and citizens in complying with federal and state laws protecting the rights of individuals with disabilities.							
Training: # of people trained	275	303	394	231	132	301	43.9%
Technical Assistance: # provided	3,760	520	1,674	397	213	1,588	13.4%
Material Distribution: # distributed	1,272	276	690	1,917	56	1,039	5.4%
Public Awareness: # of activities/events	43	106	27	15	8	48	16.8%
Access Surveys: # on-site	255	143	260	126	56	196	28.6%
# of barriers identified				129	60	129	46.5%
# of solutions proposed & accepted				113	53	113	46.9%
# of building plans reviewed	5	25	31	100	19	40	47.2%
# of barriers identified				61	15	61	24.6%
# of solutions proposed & accepted				79	13	79	16.5%
<u>Elections</u>							
Certification / Enforcement							
Make polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with the full range of disabilities, through access surveys and grants to local boards of canvassers							
# of polling places - opened		589	-	440	-	343	0.0%
# of polling places surveyed	28	437	-	38	90	126	71.6%
# of barriers identified	20	11	-	12	8	11	74.4%
# of solutions proposed & accepted	20	11	-	159	5	47	10.5%
% of Polling Places Accessible on Election Day	100%	100%	NA	~60%	100%	90%	111.1%
\$ of polling places renovation grants awarded to local boards of canvassers	\$-	\$-	\$17,355	\$11,504	\$-	\$7,215	0.0%
Advocacy / Technical Assistance							
§ 17-19-3.2 Polling place accessibility for voters who are disabled or elderly. Provide individuals with the full range of disabilities with information about the accessibility of polling places							
# of distributions to the Advocates List serve				16	-	16	0.0%
# of Advocates List serve Subscribers				155	350	155	226.2%
# of newly registered voters with disabilities	NA	NA	NA	NA	-	NA	
<u>Employment</u>							
Certification / Enforcement							
Resolve disability discrimination state government employment complaints							
# of disability employment discrimination	2	-	2	2	-	2	0.0%

Activity/Performance Measures	PY 05	PY 06	PY 07	PY 08	PY 09 to date	Average	PY 09 / Average
complaints relating to state government							
# of disability employment discrimination complaints relating to state government mediated	1	-	1	-	-	1	0.0%
# of disability employment discrimination complaints relating to state government resolved	2	-	1	2	-	1	0.0%
Resolve non-state agency disability discrimination employment complaints							
# of non-state employment discrimination complaints				18	2	18	11.1%
# of employment discrimination complaints successfully resolved				18	2	18	11.1%
Advocacy / Technical Assistance							
§ 28-5.1-9 Equal Opportunity and Affirmative Action – State employment services. Promote a culture of work and the full use of work incentives by people with disabilities							
Assist in development of employment reasonable accommodations plans							
# of reasonable accommodation plans developed				4	1	4	25.0%
# of accommodation plans proposed & accepted				2	3	2	150.0%
Advocate for full employment of people with disabilities							
# Workforce Partnership of Greater RI Board and Strategic Development Committee Meetings participated in				26	7	26	26.9%
# of Policy Issues Raised				4	-	4	0.0%
# of Policy Issues Successfully Adopted				1	-	1	0.0%
# of Other Workforce Related Meetings Attended				7	3	7	42.9%
# of Policy Issues Raised				3	-	3	0.0%
# of Policy Issues Successfully Adopted				2	-	1	0.0%
ABLE TOO... programs	2	12	-	1	-	4	0.0%
promotional events	4	12	-	2	-	5	0.0%
# of work and work incentive - workshops	4	4	-	-	-	2	0.0%
exhibited at conferences & workshops	4	12	-	2	-	5	0.0%
§ 42-51-11 Mary Brennan fellowship fund. Provide college students with disabilities work experience through the Mary Brennan Fellowship program							
# of applicants	4	2	8	18	2	8	25.0%
# of fellowships awarded and completed	4	2	4.5	3	1	3	28.8%
Advocacy / Technical Assistance							
§ 42-51-6(1) Duties. It shall be the duty of the commission to work in...(1) Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state.							
Health Care							
Advocate for full access to affordable and accessible health care for people with disabilities							
# of Aging and Disability Resource Center				10	2	10	20.0%

Activity/Performance Measures	PY 05	PY 06	PY 07	PY 08	PY 09 to date	Average	PY 09 / Average
Advisory Committee Meetings attended							
# of Medicaid Meetings attended					1	2	
# of Policy Issues Successfully Adopted				-	-	4	-
<u>Housing</u>							
Advocate for full access to affordable and accessible Housing for people with disabilities							
# of Housing Related Meetings Attended				8	-	8	0.0%
# of Policy Issues Successfully Adopted				8	-	8	0.0%
<u>Transportation</u>							
Advocate for full access to affordable and accessible transportations options for people with disabilities							
# of Paratransit Task Force Meetings attended				12	-	12	0.0%
# of Policy Issues Successfully Adopted				-	-	-	-
<u>Legislation</u>							
Advocate through legislative lobbying/education of legislative to promote inclusion in all aspects of society of people with disabilities							
# of all bills the Commission/Legislation Committee took a position on	150	90	80	49	2	92	2.2%
# of all bills the Commission/Legislation Committee was successful	88	60	40	32	-	55	0.0%
Actual % of Total bills successfully disposed	59%	67%	50%	65%		60%	
Provide general information & referral to appropriate service providers							
# of telephone				213	32	213	15.0%
# of walk-in				0	-	-	
# materials disseminated by mail or email				20	-	20	0.0%
# Emails to Advocates Listserve				79	45	79	57.0%
# of listserv subscribers				155	350	155	0.0%
<u>Status of Commission Legislation</u>							
Commission Supports as amended							
<u>Category Health Care Services</u> Status: Scheduled for hearing and/or consideration <i>Senate Finance Committee hearing on 3/10/2009 @ 3 PM in rm 211</i> 09 H 5112 Sub A as Amended RELATING TO CENTERS FOR MEDICARE AND MEDICAID SERVICES WAIVER AND EXPENDITURE AUTHORITY Similar to S 0053 Commission Reasons The Commission is pleased to support 2009 H 5112 An Act Relating to Centers for Medicare and Medicaid Services Waiver and Expenditure Authority. We believe the General Assembly must be a full partner in rebalancing long term care services. Consumers and their families also must be a partner in the development, design and implementation of the wavier, the assessment and coordination system and redesign of benefits. Utilizing the existing network of consumers, family members and providers represented on these state boards will ensure consumer input and greater coordination of Medicaid and other human services for seniors and people							

with disabilities.

Sent Senate Letter 3/2/2009 House Testimony 1/20/2009

Status: Passed and Transferred

House Finance Committee

09 S 0053 Sub A as Amended STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND MEDICAID REFORM ACT Similar to H 5112

Commission Reasons

The Commission is pleased to support 2009 H 5112 Sub A as Amended. We believe the General Assembly must be a full partner in rebalancing long term care services. Consumers and their families also must be a partner in the development, design and implementation of the waiver, the assessment and coordination system and redesign of benefits. Utilizing the existing network of consumers, family members and providers represented on these state boards will ensure consumer input and greater coordination of Medicaid and other human services for seniors and people with disabilities.

Sent House Letter 3/2/2009 Senate Testimony 1/21/2009

Committee recommends Commission Support if Amended to include Disability Business Enterprises

Category government operations

Status: Scheduled for hearing and/or consideration

House Finance Committee hearing on Tuesday 3/10/2009 @ 1 PM in rm 35

09 H 5210 RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS ENTERPRISE Identical to S 116

Status: Referred to Committee

Senate Finance Committee

09 S 0116 RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS ENTERPRISE Identical to H 5210

Legislation Committee finds these bills Beneficial

Category Civil Rights

Status: Referred to House Judiciary Committee

09 H 5135 RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990

Commission Reasons

People who are subject of discrimination do not always realize they were for many months or years after the event. This bill would also allow for the timely gathering of information and potentially the resolution of the issue, without forcing the complainant to file a suit within 365 days of the alleged event.

The statute of limitation should be expanded to 7 years, rather than just 3.

Sent House Letter 2/10/2009

Status: *Scheduled for Senate Judiciary Committee hearing 3/10/2009 @ Rise in rm 313*

09 S 0162 RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990 Identical to H 5135

Commission Reasons

People who are subject of discrimination do not always realize they were for many months or years after the event. This bill would also allow for the timely gathering of information and potentially the resolution of the issue, without forcing the complainant to file a suit within 365 days of the alleged event.

The statute of limitation should be expanded to 7 years, rather than just 3.

Sent Senate Letter 2/10/2009

Category Disability Prevention

Status: Referred to Senate Health and Human Services Committee

09 S 0126 RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND WORKPLACE SAFETY ACT

Commission Reasons

Second hand smoke, affects employees who do not smoke. Although current law allows employees to "opt out" of working in the smoking section, without any adverse impact on their working conditions, in reality employees, especially in tough economic times are very reluctant to opt out of any opportunity to work.

Sent Senate Letter 2/10/2009

Status: Held for Further Study or Continued

House Health, Education, & Welfare Committee

09 H 5132 RELATING TO HEALTH AND SAFETY - BANNING HARMFUL TOXINS - BISPHENOL A (BPA) FROM CONTAINERS THAT CONTACT BABY FOOD

Commission Reasons

Exposure of very young children to hazards products, similar to exposure to lead, may cause disabilities which require expensive

Sent House Letter 2/10/2009

Senate Finance Committee

09 S 0036 RELATING TO EDUCATION - SCHOOL AND MUNICIPAL PLAYGROUND SAFETY

Commission Reasons

Current school housing aid does not reimburse school districts for playground safety expenses. As of Spring 2000, 49% of the elementary school playgrounds did not meet the state safety standards for recreational facilities. Smaller children could become disabled if safety hazards are not removed from school and municipal playgrounds.

Sent Senate Letter 2/10/2009

Status: Postponed by sponsor

House Health, Education, & Welfare Committee Joseph McNamara

09 H 5038 AN ACT RELATING TO HEALTH AND SAFETY - CHILDREN'S PRODUCT SAFETY ACT Similar to H 5132

Commission Reasons

Exposure of very young children to hazards products, similar to exposure to lead, may cause disabilities which require expensive

Sent House Letter 2/10/2009

Category Health Care Services

Status: Held for Further Study or Continued

House Finance Committee

09 H 5019 Article 23 RELATING TO HEALTH AND SAFETY OF PUPILS - SCHOOL NURSES

Commission Reasons

Often, especially in elementary schools, parents are required to come to school daily to administer medicine to their own children who require medication during the school day for diabetes, seizer disorders, mood disorders, etc. Since school nurses are required to also be certified teachers, most service 2, 3 or more elementary schools, and are often not available to administer medicines at the

appropriate

Sent House Letter 1/14/2009

Category Special Education

Status: Referred to Committee

House Health, Education, & Welfare Committee

09 H 5266 RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND AUTISM SPECTRUM DISORDER EVALUATION AND TREATMENT ACT

Commission Reasons

The state needs to ensure all children with autism spectrum disorders are identified early so they can benefit from the most up-to-date strategies and ensure each child reaches their maximum potential and becomes a productive member of society.

Sent House Letter 2/10/2009

Senate Constitutional and Regulatory Issues Committee

09 S 0170 RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND AUTISM SPECTRUM

DISORDER EVALUATION AND TREATMENT ACT Identical to H 5691

Commission Reasons

The state needs to ensure it is utilizing the most up-to-date strategies to address the range of needs of children with autism spectrum disorders, to ensure each child reaches their maximum potential and becomes a productive member of society.

Sent Senate Letter 2/10/2009

Status: Held for Further Study or Continued

House Finance Committee

09 H 5019 Article 22 RELATING TO TRANSPORTATION OF PUPILS

Commission Reasons

Consolidation of special education related out-of-district transportation would allow more of the IDEA funding to be spent on education, rather than school buses.

Sent House Letter 1/14/2009

Status: Passed and Transferred

Senate Constitutional and Regulatory Issues Committee

09 H 5691 JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY THE EDUCATION OF CHILDREN WITH AUTISM IN THE STATE OF RHODE ISLAND Identical to S 0170

Commission Reasons

The state needs to ensure it is utilizing the most up-to-date strategies to address the range of needs of children with autism spectrum disorders, to ensure each child reaches their maximum potential and becomes a productive member of society.

Sent Senate Letter 3/5/2009

Category taxes

Status: Referred to Committee

House Finance Committee

09 H 5158 RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION Identical to S 32

Commission Reasons

The cost for a veteran with severe "service connected" disabilities of remaining in the community, rather than moving into the veterans' home can be very high. The bill would encourage veterans and

their families to remain in their own home.

Sent House Letter 2/10/2009

Status: Held for Further Study or Continued

Senate Finance Committee

09 S 0032 RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION Identical to H 5158

Commission Reasons

The cost for a veteran with severe "service connected" disabilities of remaining in the community, rather than moving into the veterans' home can be very high. The bill would encourage veterans and their families to remain in their own home.

Sent Senate Letter 2/10/2009

Category Transportation

Status: Referred to Committee

House Finance Committee

09 H 5152 RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX Identical to S 75

Commission Reasons

Many people with disabilities rely on RIPTA and the RIdE (paratransit vans) to get to work, medical appointments, shopping, etc. Every time RIPTA decreases its service area, it also automatically decreases the RIdE service area and transit dependent riders can no longer go to work, get to their doctor, etc.

Sent House Letter 2/10/2009

Senate Finance Committee

09 S 0075 RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX Identical H 5152

Commission Reasons

Many people with disabilities rely on RIPTA and the RIdE (paratransit vans) to get to work, medical appointments, shopping, etc. Every time RIPTA decreases its service area, it also automatically decreases the RIdE service area and transit dependent riders can no longer go to work, get to their doctor, etc.

Senate Letter 2/10/2009

Committee finds these bills Beneficial if amended

Category health care rules

Status: Referred to Committee

Senate Health and Human Services Committee

09 S 0056 RELATING TO HEALTH AND SAFETY -- RIGHTS OF NURSING HOME PATIENTS Identical to H 5287

Commission Reasons

Nursing home administrators should be required to report criminal behavior that occurs in their nursing homes.

The bill should be amended on page 1 line 19, by inserting after the word "neglect," the words "financial exploitation".

Sent Senate Letter 2/10/2009

Category Health Care Services

Status: Held for Further Study or Continued

House Health, Education, & Welfare Committee

09 H 5287 RELATING TO HEALTH AND SAFETY Identical to S 56

Commission Reasons

Nursing home administrators, should be required to report criminal behavior that occurs in their nursing homes.

The bill should be amended on page 1 line 19, by inserting after the word "neglect," the words "financial exploitation".

Sent House Letter 2/10/2009

Committee finds this bill Harmful unless amended

Category Transportation

Status: Referred to Senate Finance Committee

09 S 0030 RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION FEES

Commission Reasons

The 17% increase of the registration fee for specially adapted vehicles (which can cost over \$30,000) just adds to the burden and expense of keeping a family member with a disability at home rather than in an institution (often at state expense).

The bill should be amended, on page 6 line 21 retaining the word "thirty" and removing the inserted words "thirty-five" and on page 6 line 22 retaining "\$30.00" and removing "\$35.00).

The Legislation Committee supports increasing the funding source for RIPTA and its paratransit service RIde.

Sent Senate Letter 2/10/2009

Committee finds these bills Harmful

Category Health Care Services

Status: Held for Further Study or Continued

House Finance Committee

09 H 5019 Article 02

RELATING TO GUBERNATORIAL AUTHORITY On Identical to H 5840

Commission Reasons

The Committee is concerned about the unintended consequences when regulations are changed or program funding is withdrawn without prior public input. Citizens who utilize government services need to be consulted before potentially life or health threatening policy changes are made.

Sent House Letter 1/14/2009 Sent Senate Letter 1/28/2009

Status: Withdrawn by sponsor

House Finance Committee

09 H 5019 Article 36 RELATING TO MEDICAL ASSISTANCE FOR DISABLED CHILDREN

Commission Reasons

Families of children who have severe disabilities, have the option of institutionalizing the child at state expense or caring for their child, in their home with support services, through the Katie Beckett program. They also must pay for many special services, not available through that program and not covered by private insurance. Adding greater co-payments onto these families would create a disincentive to keeping their child at home.

Sent House Letter 1/14/2009

Category Special Education

Status: Referred to Committee

Senate Education Committee

09 S 0060 RELATING TO EDUCATION - - MANDATES Identical to H 5217

Commission Reasons

Rhode Island has been in the forefront of services to children and adults with disabilities. Cutting special education expenses, when our prison population is made of largely of adults whose disabilities (cognitive, behavioral, or learning) were undiagnosed or ignored) just shifts to a much more expensive lifetime government expense. The US Department of Education's studies of Temporary Aid to Needy Families (TANF) have shown that between 60% & 80% of the beneficiaries (of what used to be called welfare) are women with undiagnosed learning disabilities.

It's much more economic to provide appropriate education early that makes that child with a disability a working adult than to skimp on education and end up with an adult who is unemployable and/or an inmate.

In addition, starting in 1995 the General Assembly merged the state special education, vocational education, and general education aid into one fund, so there is no way to determine which educational mandates are funded or not funded by the state any longer.

Sent Senate Letter 2/10/2009

Status: Held for Further Study or Continued

House Health, Education, & Welfare Committee

09 H 5217 RELATING TO EDUCATION - - MANDATES Identical to S 60

Commission Reasons

Rhode Island has been in the forefront of services to children and adults with disabilities. Cutting special education expenses, when our prison population is made of largely of adults whose disabilities (cognitive, behavioral, or learning) were undiagnosed or ignored) just shifts to a much more expensive lifetime government expense. The US Department of Education's studies of Temporary Aid to Needy Families (TANF) have shown that between 60% & 80% of the beneficiaries (of what used to be called welfare) are women with undiagnosed learning disabilities.

It's much more economic to provide appropriate education early that makes that child with a disability a working adult than to skimp on education and end up with an adult who is unemployable and/or an inmate.

In addition, starting in 1995 the General Assembly merged the state special education, vocational education, and general education aid into one fund, so there is no way to determine which educational mandates are funded or not funded by the state any longer.

Sent House Letter 2/10/2009

Announcements and Scheduling of Meetings		Tim Flynn	5 min.
Next meeting will be on:	April 27, 2009	Starting at: 3 PM	
Adjournment:	Chairperson adjourned the meeting at 6:30 PM		
Resource persons:	Bob Cooper, Secretary		