



RHODE ISLAND AND PROVIDENCE PLANTATIONS
Executive Department
**GOVERNOR'S COMMISSION ON
DISABILITIES**

John O. Pastore Center, 41 Cherry Dale Court
Cranston, RI 02920-3049

[voice] (401) 462-0102 [tty] via RI Relay 711 [fax] 462-0106
[e-mail] bcooper@gcd.ri.gov [website] www.disabilities.ri.gov

Public Hearing

Monday September 14, 2009 5 – 5:30 PM
John O. Pastore Center, 41 Cherry Dale Court
Cranston, RI 02920-3049

**AMENDMENTS TO THE COMMISSION'S
RULES AND REGULATIONS**

INTRODUCTION These amended rules and regulations are promulgated pursuant to the authority conferred under the General Laws of Rhode Island, as amended, see below for the specific citations. Furthermore, pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, the following issues have been given consideration in arriving at the amended regulations: (a) alternative approaches to the regulations; and (b) duplication or overlap with other state regulations. No alternative approaches or overlap was identified. Consequently, the rules and regulations are adopted in the best interest of the public health, safety and welfare.

These amended rules and regulations shall supersede all previous *Rules and Regulations listed below* promulgated by the Governor's Commission on Disabilities and filed with the Secretary of State.

Copies of these proposed amendments are available: on the Secretary of State's Website or from the Commission by contacting at 401-462-0100 (voice), tty via 711, or email disabilities@gcd.ri.gov or for inspection from 9:30 AM to 4 PM at the Commission's office, John O. Pastore Center, 41 Cherry Dale Court, Cranston, RI 02920-3049.

Concise Summary of Proposed Non-technical Amendments

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, below are concise statement of the purpose of each regulation and summaries of proposed technical amendments.

Chapter G Effective Communications

Authority: 42-51-6(3)

Concise Explanatory Statement – §42-35-2.3

For the purpose of ensuring that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

Concise summary of proposed non-technical amendments:

deleting the procedure for requesting the Commission purchase auxiliary aids in Sections: III.D.

Effective Communications and IV.A. Telephone Service – all funds to purchase auxiliary aids have been exhausted.

Technical Amendments updating the footnotes (phone numbers, email addresses, & text of general laws).

Chapter H Nondiscrimination eligibility criteria for services

Authority: 42-51-6(3)

Concise Explanatory Statement – §42-35-2.3

For the purpose of ensuring nondiscriminatory eligibility criteria for services, for individuals with disabilities.

Concise summary of proposed non-technical amendments:

replacing references to a “Committee created by the Commission” with the Hearing Board created by RIGL 42-51-6.1 in Section IV.B. Commission Review and Approval

Technical Amendments updating the footnotes (phone numbers, email addresses, & text of general laws) and making a grammatical corrections – replacing the word “criteria” with “criterion” in Section IV.B.2. Commission Review and Approval.

Chapter I Reasonable accommodation request

Authority: 42-51-6(3)

Concise Explanatory Statement – §42-35-2.3

For the purpose of ensuring accommodations are made by state agencies and recipients of state funds, for individuals with disabilities.

Concise summary of proposed non-technical amendments:

deleting the procedure for requesting the Commission purchase auxiliary aids in Sections:

VI. Auxiliary Aids – all funds to purchase auxiliary aids have been exhausted.

Technical Amendments updating the footnotes (phone numbers, email addresses, & text of general laws).

Chapter J - Disability Business Enterprises

Authority: 37-2.2

Concise Explanatory Statement

For the purpose of supporting the fullest possible participation of small disadvantaged businesses owned and controlled by persons with disabilities or where sixty percent (60%) of the employees are persons with disabilities, or non-profit rehabilitation facilities in state funded and state directed public construction and projects and in state purchases of goods and services.

Concise summary of proposed non-technical amendments:

1. requiring all entities awarded government contracts, through the Disability Business Enterprise Program, shall submit a report at the end of each quarter listing: the number persons with disabilities working employed on government contracts awarded, through the Disability Business Enterprise Program; the number of government contracts bid on, through the Disability Business Enterprise Program; and the number of government contracts awarded, through the Disability Business Enterprise Program in Section XI Reporting.
2. replacing the words “governmental bodies” with the words “governmental entity” to conform to change in statute

Technical Amendments updating the footnotes (phone numbers, email addresses, & text of general laws).

Chapter K Enhanced enforcement of disability parking

Authority: 37-28-7.3

Concise Explanatory Statement

For the purpose of improving enforcement of disability parking.

Concise summary of proposed non-technical amendments:

Replacing references to the Assistive Technology Committee with the Accessibility Committee in Sections IV. Submission of Disability Parking Enforcement Enhancement Plans; VI. Annual Reporting and VII. Review of Disability Parking Enforcement Enhancement Plans and Annual Reports. Technical Amendments updating the footnotes (phone numbers, email addresses, & text of general laws).

Chapter N General Operating Rules

Authority: 42-51

Concise Explanatory Statement

For the purpose of describing the Commission's organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests.

Concise summary of proposed non-technical amendments:

Revise to conform to amended statutes:

- a. Section I. Description of Organization 42-51-9. Definitions. (1) "Disability"
- b. Section II. Other Statutory Responsibilities RIGL 37-2.2 Public Property and Works – Disability Business Enterprises Act
- c. Insert into Section II. Other Statutory Responsibilities – RIGL 42-46-5. State Affairs and Government – Open Meetings – Purposes for which meeting may be closed – Use of electronic communications – Judicial proceedings – Disruptive conduct
- d. Delete in Section III. Statutory Representation on Other State Boards and Commissions:
 - i. 23-29.1-3. Health and Safety – Rehabilitation Building and Fire Code for Existing Buildings and Structures – Content, adoption, and administration of the rehabilitation building code for existing buildings and structures.
 - ii. 31-28-7.10. Motor and Other Vehicles – Parking Facilities and Privileges – Special legislative commission to study the disability parking placard system.
 - iii. 42-102. State Affairs and Government – Rhode Island Human Resource Investment Council.
- e. Add in Section III. Statutory Representation on Other State Boards and Commissions – RIGL 42-66.3-8. Home and community care advisory committee
- f. Delete in Section IV. Statutory Advisory Role to Other Governmental Entities – 31-28-7.3. Motor and Other Vehicles – Parking Facilities and Privileges – Disability Parking Enforcement Program.
- g. Revise in Section IV. Statutory Advisory Role to Other Governmental Entities – RIGL 42-47.1-5. State Affairs and Government – Commission on state government internships – Summer internships for students with disabilities
2. In Section V. Method of Operation
 - a. Subsection A. Officers' Responsibilities – 2. The vice-chairperson – insert "In the event that the chairperson's position is vacant and the Vice Chairperson becomes Acting Chairperson, the Executive Committee shall appoint a Vice Chairperson Pro Tempore to serve until the Governor has appointed a new Chairperson."
 - b. Subsection D. Quorum and Majority Rule – revise the definition of quorum to conform to RIGL 42-46-2.
 - c. Subsection F. Establishment of Committees and mediation teams – revise to conform to RIGL 42-51-6.2

Technical Amendments updating the footnotes (phone numbers, email addresses, & text of general laws)

Chapter P Open Meeting Telecommunication Accommodation Waiver Requests

Authority: 42-46-5(b)(3 & 4)

Concise Explanatory Statement – §42-35-2.3

For the purpose of ensuring that a member of a public body, who has a disability: and (i) cannot attend meetings of that public body solely by reason of his or her disability; and (ii) cannot otherwise participate in the meeting without the use of electronic communication or telephone communication as reasonable accommodation, may participate by use of electronic communication or telephone communication.

Concise summary of proposed non-technical amendments:

replacing references to the Assistive Technology Committee with the Hearing Board in Sections III. Definitions; IV. Requesting an Open Meeting Telecommunications Accommodation Waiver; and V. Granting or Rejecting a Telecommunications Accommodation Waiver. Technical Amendments updating the footnotes (phone numbers, email addresses, & text of general laws)

Amendments proposed on August 11, 2009

Posted on the Secretary of State's Website on August 13, 2009

Public Hearing scheduled for September 14, 2009 5 – 5:30 PM

Special notes:

We ask that you use unscented personal care products - that you not wear perfumes or scents to an environmental illness accessible event. Please realize that what may seem to you to be a mild fragrance can constitute a toxic exposure for a person with environmental illness.

The public is welcome to any meeting of the Commission or its committees. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please contact the Commission at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting it.