



The Rhode Island Governor's Commission on Disabilities

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42-51-1. Establishment of commission

There is established within the executive department a permanent commission to be known as the '*governor's commission on disabilities*,' hereinafter referred to as the commission.

42-51-2. Composition of commission

The commission shall be composed of a minimum of twenty-four (24) members, and any additional members the governor may appoint. Insofar as practicable, the commission shall consist of state leaders of industry, labor, business, veterans, women, and federal, state, and local governments, and representatives of religious, charitable, business, labor, industrial, fraternal, civic, educational, medical, legal, veterans, welfare, and other professional groups and organizations.

42-51-3. Officers

The governor shall designate one member of the commission to serve as its chairperson during the governor's term of office or until he or she appoints another member of the commission to serve in that capacity. The

commission shall elect from its own membership a vice-chairperson, who shall serve until his or her successor is elected, and who is authorized to act as chairperson pro tempore of the commission should there be a vacancy for any cause in the office of the chairperson. The commission shall elect from its own membership other officers it deems necessary. The commission shall appoint an executive secretary to serve as executive officer and secretary of the commission, who shall be a full time employee. The commission may appoint additional personnel as may be necessary for the efficient performance of the duties prescribed by this chapter.

42-51-4. Term of office

Of the number of members appointed originally under this chapter, one-third (1/3) shall be appointed for a term of one year; one-third (1/3) shall be appointed for a term of two (2) years; and one-third (1/3) shall be appointed for a term of three (3) years. Thereafter, vacancies created by the expiration of terms shall be filled with appointments for terms of three (3) years. Members whose terms expire may be reappointed to succeed themselves.

42-51-5. Compensation and expenses

The members of the commission shall receive no compensation for their services, but may, at the discretion of the governor, be reimbursed for traveling and other expenses actually incurred in the performance of their official duties.

42-51-6. Duties

It shall be the duty of the commission to work in cooperation with the national council on disability and other interested federal, state, and local agencies, organizations, and employers 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;**
- (2) Arousing community interest in the concerns of people with disabilities through the utilization of whatever community and state resources the commission may deem necessary to accomplish the maximum in independent living and human development;**
- (3) Coordinating compliance with federal and state laws protecting the rights of individuals with disabilities by state agencies;**

(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; and

(5) From time to time, but not less than once a year, to report to the legislature and the governor, describing the investigations, proceedings, and hearings the commission has conducted and their outcome, the decisions it has rendered, and the other work performed by it, and make recommendations for further legislation concerning abuses and discrimination based on disability that may be desirable.

42-51-6.1. Hearing boards

(1) The commission's chairperson shall appoint five (5) commissioners as the hearing board for the purpose of conducting hearings and rendering decisions on matters relating to the provisions of chapter 87 of title 42 and sections 37-8-15.1 and 42-46-13 within the jurisdiction of the commission.

(2) Three (3) commissioners shall constitute a quorum of a hearing board.

(3) The hearing board is empowered to:

(i) Receive, investigate, and act upon charges of unlawful practices within its jurisdiction; and

(ii) In connection with any investigation or hearing held on any matter within its jurisdiction to hold hearings, administer oaths, take the testimony of any person under oath, and to require the production for examination of any books and papers relating to any matter under investigation or in question before the hearing board.

42-51-6.2. Committees and mediation teams

(1) The commission is authorized to create advisory committees and mediation teams to perform tasks within the jurisdiction of the commission.

(2) The commission may itself, or it may empower these committees and mediation teams to:

(i) Study the concerns of people with disabilities in reaching the maximum in independent living and human development and exercising all of the rights and responsibilities accorded to citizens of this state;

(ii) Arouse community interest in the concerns of people with disabilities;

(iii) Foster through community effort or otherwise good will among the groups and elements of the population of the state towards people with disabilities; and

(iv) Attempt by informal methods of conference, persuasion, and conciliation, to induce compliance with matters within the jurisdiction of the commission.

(3) The committees and teams may make recommendations to the commission for the development of policies and procedures in general.

(4) Advisory committees and mediation teams created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses.

(5) Three (3) members of a committee constitutes a quorum for the purpose of conducting the business of that committee.

42-51-7. Gifts, grants, and donations

The commission is authorized to receive any gifts, grants, or donations made for any of the purposes of its program, and to disburse and administer them in accordance with the terms of its program.

42-51-8. Transfer of personnel

(a) All of the personnel and employees of the 'governor's committee on employment of the handicapped' shall be transferred to the 'governor's commission on the handicapped'. No person in the classified, non-classified, or unclassified service of the state on May 28, 1985 shall be discharged, separated from service, or downgraded in service by reason of the enactment of this chapter as provided by law or in the personnel rules and regulations of the state applicable to affected personnel.

(b) All of the personnel and employees of the state building commission who enforce § 42-87-5 on the effective date of this act [August 1, 2002] shall be transferred to the *governor's commission on disabilities*. No person in the classified, non-classified, or unclassified service of the state on the effective date of this act [August 1, 2002] shall be discharged, separated from service, or downgraded in service by reason of the enactment of this act as provided by law or in applicable personnel rules and regulations.

42-51-9. Definitions

The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(1) 'People with disabilities' or 'individuals with disabilities' means any person who:

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

(ii) Has a record of that impairment; or

(iii) Is regarded as having that impairment.

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

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

(4) 'Coordinating compliance' means the authority to:

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

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

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

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

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

(6) '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' means the authority to act and appear on behalf of the people with disabilities to present evidence and make arguments before any federal, state or local agency or public body regarding matters pending before that agency or public body that may have an adverse effect on persons with disabilities.

42-51-10. State coordinating committee on disability rights

The commission shall establish a state coordinating committee on disability rights to advise and assist the commission to implement self evaluation and compliance plans as required by federal and state laws protecting the rights of individuals with disabilities. The committee shall be composed of thirteen (13) members who shall be as follows: one representative of each of the general officers of the state, appointed by that general officer; one representative of the house of representatives, appointed by the speaker of house; one representative of the senate, appointed by the president of the senate; one representative of the judiciary, appointed by the chief justice of the supreme court; one representative of each of the boards of education, appointed by the chairperson of that board; one representative of the public transit authority, appointed by the chairperson of the authority, and those additional representatives the chairperson of the *governor's commission on disabilities* may appoint from the executive branch and the general public. Those persons acting as committee members on July 21, 1992 shall continue to so act until their successors are appointed. Each member shall serve at the pleasure of the appointing authority. The chairperson of the *governor's commission on disabilities* shall preside at meetings of the committee. The executive secretary of the *governor's commission on disabilities* shall serve as vice chairperson of the committee.

42-51-11. Mary Brennan fellowship fund

(a) There is established the Mary Brennan fellowship fund ('the fellowship fund'), which shall be utilized to create a fellowship program for college students with disabilities.

(b) These fellowships shall provide a semester-long, part-time placement with the commission in RI, working on disability policy and research. Each fellow will be assigned to a specific placement, providing assistance to the commission in disability policy. Mentor experiences will introduce the fellows to disability policy issues and actions at the local, state and federal levels. The fellowships will offer students an opportunity to:

- (1) Gain perspective on the role and responsibility of the commission;
- (2) Knowledge of national/state disability programs;
- (3) Policy issues and research;

(4) Meet with decision makers, experts and critics in disability and related policy fields; and

(5) Develop networks with local, regional, and national based experts, and researchers who can assist in career development and future endeavors.

(c)The commission will provide each fellow with a stipend of at least one thousand five hundred dollars (\$1,500) and reimbursement for authorized travel.

(d)This fellowship program is designed for individuals with demonstrated leadership and expertise in policy and research affecting people with disabilities. Applicants must have:

(1) Completed at least three (3) semesters of college-level study

(2) Be enrolled as a full or part-time student in an accredited college or university in Rhode Island

(3) Leadership ability

(4) The endorsement of a current/former supervisor

(5) Approval on the part of the college/university to receive credit for the fellowship if selected; and

(6) The ability to participate in the semester-long program in Providence for at least two hundred and forty (240) hours during the spring and fall semesters or in the summer.

(e)The commission shall give preference in its selection of fellows to Rhode Island residents who are:

(1) College students with disabilities, and then to

(2) College students enrolled in a course of study in education and/or human services for persons with disabilities.

(f)The general assembly shall appropriate ten thousand dollars (\$10,000) for the fiscal year ending June 30, 1998 and annually the sums it deems necessary to implement the purposes of this section.

(g)The commission is authorized and empowered to receive donations and grants from sources including, but not limited to, the federal government, governmental and private foundations, and corporate and individual donors; these donations and grants to be deposited in the fellowship fund. The commission may create additional fellowships from available funds.

Constitution of the State of Rhode Island and Providence Plantations

Article I. Declaration of Certain Constitutional Rights and Principles

Section 2. Laws for good of whole - Burdens to be equally distributed - Due process - Equal protection - Discrimination - No right to abortion granted.

All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws. No otherwise qualified person shall, solely by reason of race, gender or handicap be subject to discrimination by the state, its agents or any person or entity doing business with the state. Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof.

Title 17 Elections

Chapter 9.1 Registration Of Voters

17-9.1-31. Voter registration advisory board

(a) The state board of elections shall establish a voter registration advisory board, subsequently referred to as the advisory board, to assist in the drafting of regulations and the monitoring of implementation of the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg et seq., and to help recruit and train the volunteer registrars. The advisory board shall issue an annual report to the state board, governor, and general assembly on its activities.

(b) The advisory board shall consist of eighteen (18) members. The governor shall appoint one member from the League of Women Voters, one member of the Urban League, one member of Common Cause, one member of Ocean State Action, one member of the National Association for the Advancement of Colored People, one member of the R.I. Black Caucus of State Legislators, and one representative of a state employees' union. The speaker of the house shall appoint two (2) members, not more than one from the majority party. The president of the senate shall appoint two (2) members, not more than one from the majority party. In addition, the following shall be members: the secretary of state or his or her designee; the directors or their designees of the division of motor vehicles, the department of human services, the department of health, and the department of mental health, retardation, and hospitals; and the chairpersons or their designees of the *governor's commission on disabilities* and the governor's commission on hispanic affairs. The members shall annually elect a chairperson and other officers as are necessary.

(c) Of the number of members originally appointed under this section, one-third (1/3) shall be appointed for a term of one year to be chosen by lot; one-third (1/3) shall be appointed for a term of two (2) years, to be chosen by lot; and one-third (1/3) shall be appointed for a term of three (3) years, to be chosen by lot. Thereafter, vacancies created by expiration of terms shall be filled with appointments for terms of three (3) years. Members whose terms expire may be reappointed to succeed themselves. The members of the advisory board shall receive no compensation for their services, but may, at the discretion of the governor, be reimbursed for traveling and other expenses actually incurred in the performance of their official duties.

Title 23 Health and Safety

Chapter 6 Prevention and Suppression of Contagious Diseases

23-6-11. Definitions

As used in 23-6-10- 23-6-24:

(1) "AIDS" means the medical condition known as acquired immune deficiency syndrome, caused by infection of an individual by the human immunodeficiency virus (HIV).

(2) "HIV" means the human immunodeficiency virus, the pathogenic organism responsible for the acquired immunodeficiency syndrome (AIDS).

(3) "Informed consent form" means a standardized form provided by the Rhode Island department of health to those individuals offered HIV testing. The form shall be developed by the department and shall contain the following information:

(i) The public health rationale for HIV testing and information describing the nature of the HIV disease;

(ii) The availability and cost of HIV testing and counseling;

(iii) That test results are confidential with certain exceptions;

(iv) A list of exceptions to confidentiality of test results;

(v) That the test is voluntary and that an informed consent form must be signed before testing;

(vi) That by signing this form the person is only acknowledging that the HIV test and counseling have been offered and/or that he or she has declined (opted-out) the offer to be tested; and

(vii) Notwithstanding the provisions of subsections (v) and (vi) above, in the event an individual consents to anonymous testing, the HIV testing counselor and/or attending practitioner ordering the test shall receive only verbal confirmation from the client that the client understands all applicable information contained within the informed consent form.

(4) "HIV test" means any currently medically accepted diagnostic test for determining infection of an individual by HIV.

(5) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, state or political subdivision or instrumentality of a state.

(6) "Physician" means a person licensed to practice allopathic or osteopathic medicine pursuant to the provisions of chapter 37 of title 5.

(7) "Services" means health care and social support services.

(8) "Occupational health representative" is an individual, within a health care facility, trained to respond to occupational, particularly blood borne, exposures.

23-6-22. Discrimination prohibited

No person, agency, organization, or corporate body may discriminate against a person on the basis of a positive HIV test result, or perception of a positive test, in housing, employment, the granting of credit, public accommodation, or delivery of services, nor shall an HIV test be required as a condition of employment, except where nondiscrimination can be shown, on the testimony of competent medical authorities, to constitute a clear and present danger of HIV transmission to others.

Title 28 Labor and Labor Relations

Chapter 5.1 Equal Opportunity and Affirmative Action

28-5.1-9. State employment services

All state agencies, including educational institutions, which provide employment referral or placement services to public or private employees, shall accept job orders, refer for employment, test, classify, counsel and train only on a nondiscriminatory basis. They shall refuse to fill any job order which has the effect of excluding any persons because of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. The agencies shall advise the commission for human rights promptly of any employers, employment agencies, or unions suspected of practicing unlawful discrimination. They shall assist employers and unions seeking to broaden their recruitment programs to include

qualified applicants from minority groups. In addition, the department of labor and training, the *governor's commission on disabilities*, the advisory commission on women, and the Rhode Island economic development corporation shall fully utilize their knowledge of the labor market and economic conditions of the state, and their contacts with job applicants, employers, and unions to promote equal employment opportunities, and shall require and assist all persons within their jurisdictions to initiate actions which will remedy any situations or programs which have a negative impact on protected classes within the state.

Title 30 Military Affairs and Defense

Chapter 15 Emergency Management

30-15-6. Advisory council

(a) There is hereby created the Rhode Island emergency management advisory council (hereinafter in this chapter called the "council"). The council will consist of thirty-four (34) members as follows:

(1) Nineteen (19) ex officio members as follows:

(i) The lieutenant governor;

(ii) The adjutant general;

(iii) The director of administration/statewide planning;

(iv) The director of health;

(v) The director of transportation;

(vi) The director of human services;

(vii) The superintendent of state police;

(viii) The public utilities administrator;

(ix) The director of the department of environmental management;

(x) The director of mental health, retardation, and hospitals;

(xi) The director of elderly affairs;

(xii) The chairperson of the state water resources board;

(xiii) The chairperson of the *governor's commission on disabilities*;

- (xiv) The chairperson of the Rhode Island public transit authority;**
 - (xv) The executive director of the coastal resources management council or his or her designee;**
 - (xvi) The executive director of the American Red Cross, Rhode Island chapter;**
 - (xvii) The executive director of the Rhode Island emergency management agency;**
 - (xviii) The state court administrator**
 - (xix) The executive director of the commission on the deaf and hard of hearing; and**
- 2) Fifteen (15) members appointed by and serving at the pleasure of the governor, as follows:**
- (i) Two (2) members of the senate, recommended by the president of the senate, not more than one of whom shall be from the same political party;**
 - (ii) Two (2) members of the house of representatives, recommended by the speaker of the house, not more than one of whom shall be from the same political party;**
 - (iii) One representative of the electric industry;**
 - (iv) One representative of the gas industry;**
 - (v) One representative of the telephone industry;**
 - (vi) The executive director of the Rhode Island petroleum association or other similarly situated person;**
 - (vii) Two (2) representatives of the general public, one who shall have expertise in disaster preparedness;**
 - (viii) One representative of the Rhode Island league of cities and towns;**
 - (ix) One representative of E-911, the uniform emergency telephone authority;**
 - (x) One representative of the media;**
 - (xi) One representative of the water supply industry;**
 - (xii) One representative of the health care industry; and**

(xiii) One representative of the Rhode Island firefighters association.

(b) It shall be the duty of the council to advise the governor and the adjutant general on all matters pertaining to disaster preparedness. The lieutenant governor shall serve as chairperson of the council and the adjutant general shall serve as vice-chairperson. In providing advice to the governor and the adjutant general, the council shall, among other matters reasonably related to their authority, do the following:

(1) Establish a regular meeting schedule and form subcommittees as may be appropriate;

(2) Review emergency management plans and other matters as may be acted upon or otherwise provided for in this chapter;

(3) Establish priorities and goals on emergency management matters on an annual basis;

(4) Study emergency management plans in conjunction with the adjutant general, and otherwise conduct such other studies as may be deemed appropriate;

(5) Review the coordination of the state's emergency management programs with appropriate authorized agencies and conduct studies on the programs as may be necessary;

(6) Review the plans and operations of the various cities and towns in disaster preparedness in conjunction with the director and his or her office as required or necessary; and

(7) [Deleted by P.L. 2000, ch. 170, section 2];

(8) Provide an annual report on its activities in conjunction with the adjutant general.

Title 31 Motor and Other Vehicles

Chapter 28 Parking Facilities and Privileges

31-28-7.3. Disability parking enforcement program

(a) The state police, department of environmental management, airport corporation, capitol police, department of mental health, retardation and hospitals, and the state operated colleges shall establish a disability parking enforcement enhancement programs no later than January 1, 2000. The program will be designed to improve enforcement of disability parking laws on state-owned property and in parking facilities serving space leased or owned by the state, including state departments, agencies, boards,

commissions, and quasi-governmental corporations. Citations issued in conjunction with this program shall be submitted to the traffic tribunal or its successor entity for collection pursuant to §§ 31-28-7 and 31-28-7.1 and the fines collected through shall be paid over to the state agency or college that issued the citation.

(b) The several cities and towns shall establish disability parking enforcement enhancement programs. Citations issued in conjunction with local enforcement programs shall be submitted to the municipal court, where established, or to the traffic tribunal or its successor entity. Fines collected through citations issued in accordance with local enforcement program specifications shall be paid over to the city or town or pursuant to §§ 31-28-7 and 31-28-7.1.

(c) Disability parking enforcement enhancement plans.

(1) The state police, department of environmental management, airport corporation, capitol police, department of mental health, retardation and hospitals, and the state operated colleges shall submit a disability parking enforcement enhancement plan to the *governor's commission on disabilities*.

(2) Cities and towns shall submit a disability parking enforcement enhancement plan to the governor's commission on the disability.

(3) The disability parking enforcement enhancement plans shall describe the enforcement program which the state police, department of environmental management, airport corporation, capitol police, department of mental health, retardation and hospitals, the state operated colleges or the municipality intends to establish.

(4) The disability parking enforcement enhancement plan shall be reviewed by *governor's commission on disabilities* within sixty (60) days of receipt and suggest improvements to the disability parking enforcement enhancement plans, that shall not be construed as required amendments.

(d) Beginning January 1, 2001 and on each January 1 thereafter, cities and towns and the state police, department of environmental management, airport corporations, capitol police, department of mental health, retardation and hospitals, and the state operated colleges shall be required to submit to the *governor's commission on disabilities* an annual progress report chronicling the collections of fines, procedures used, convictions, and any problems or successes which result from the disability parking enforcement enhancement program. Following receipt of an annual program report, the *governor's commission on disabilities* may suggest improvements to a disability parking enforcement enhancement program.

(e) The types of disability parking enforcement enhancement programs which may be put in place in each municipality, and by the state police, department of environmental management, airport corporation, capitol police, department of mental health, retardation and hospitals, and the state operated colleges, may include, but shall not be limited to:

(1) Enforcement programs which utilize persons deputized for the purpose of the disability parking enforcement enhancement program. The disability parking enforcement deputies shall be required to complete a minimum of four (4) hours training in parking enforcement before being assigned to the program. Each municipality and the state police, department of environmental management, airport corporation, capitol police, department of mental health, retardation and hospitals, and the state operated colleges shall provide adequate training and shall assume all liability associated with disability parking enforcement.

(2) Enforcement programs which specifically designate paid and trained personnel as staff for the disability parking enforcement enhancement program. These personnel are not limited to on-duty police officers, but may also include officers to be paid overtime, auxiliary personnel, special forces, retired personnel, and other paid employee deemed by the responsible authority to be competent and qualified.

Title 37 Public Property and Works

Chapter 2.2 Disability Business Enterprises

37-2.2-1. Short title and purpose

This chapter shall be known as the "Disability Business Enterprises Act." The purpose of this chapter is to carry out the state's policy of supporting the fullest possible participation of small disadvantaged businesses owned and controlled by persons with disabilities or where sixty percent (60%) of the work hours or direct labor is performed by employees who are persons with disabilities, or non-profit rehabilitation facilities in state funded and state directed public construction, public projects, and in state purchases of goods and services. This includes assisting disadvantaged disability businesses and non-profit rehabilitation facilities throughout the life of contracts in which they participate.

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:

(1) "Persons with disabilities" or "person with a disability" shall mean any individual who has a physical or mental impairment which constitutes a

substantial barrier to employment as certified by the department of human services or the department of mental health, retardation, and hospitals.

(2) "Products" shall mean any goods or merchandise provided by persons with disabilities if not less than sixty percent (60%) of the work hours or direct labor required for the products are performed by persons with disabilities.

(3) "Rehabilitation facility" or "rehabilitation facilities" shall mean a facility which is operated for the primary purpose of providing vocational rehabilitation services to and gainful employment for persons with disabilities. The rehabilitation services, listed below, may be provided directly or by the facility's parent corporation. The facility must provide singly or in combination one or more of the following services for persons with disabilities:

(i) Comprehensive rehabilitation services which shall include under one management: medical, psychological, social, and vocational services;

(ii) Testing, fitting, or training in the use of prosthetic and orthotic services;

(iii) Pre-vocational evaluation or recreational therapy;

(iv) Physical and occupational therapy;

(v) Speech and hearing services;

(vi) Psychological and social services;

(vii) Evaluation;

(viii) Personal and work adjustment;

(ix) Vocational training in combination with other rehabilitation services;

(x) Evaluation or control of special disabilities; and

(xi) Transitional or long-term employment for persons who have severe disabilities and cannot be readily absorbed into the competitive labor market.

(4) "Services" shall mean any services provided by persons with disabilities if not less than sixty percent (60%) of the work hours or direct labor required for the services are performed by persons with disabilities.

(5) "Small disadvantaged businesses owned and controlled by persons with disabilities " shall mean small business concern, which is at least fifty-one percent (51%) owned by one or more person(s) with disabilities or, in the

case of a publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by one or more disabled person, whose management and daily business operations are controlled by one or more person(s) with disabilities, and have fifty or fewer employees.

(6) "A physical or mental impairment" shall mean any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(7) "Vocational rehabilitation services" shall mean any goods and services including diagnostic and related services necessary to render a person with a disability fit to engage in a gainful occupation and services to the families of persons with disabilities when those services will contribute substantially to the rehabilitation of those individuals.

37-2.2-3. Preference for products and services produced by persons with disabilities

(a) Whenever any products made, manufactured by, or services provided by nonprofit rehabilitation facilities, or in profit making facilities where sixty percent (60%) of the work hours or direct labor is performed by employees who are disabled, meet the requirements of any department, institution, or agency supported, in whole or in part, by the state as to quantity, quality, and price, those products shall have preference over products or services from other providers.

(b) All departments, institutions, and agencies supported, in whole or in part, by the state shall purchase articles made or manufactured and services provided by persons with disabilities. Any political subdivision of the state may purchase those articles and services directly from those agencies.

(c) A list describing the styles, designs, sizes, and varieties of articles made by persons with disabilities and describing all available services and subcontract work which can be provided by those persons shall be prepared by the *governor's commission on disabilities*, disability business enterprise committee in cooperation with the state office of rehabilitation services. The *governor's commission on disabilities* shall cooperate with various facilities for persons with disabilities by submitting necessary information concerning the products and services to the state purchasing agent.

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.

The director of administration, in consultation with the *governor's commission on disabilities*, is authorized and directed to establish rules and regulations 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).

37-2.2-4. Disability business enterprise committee - Membership - Duties

(a) There is hereby established within the *governor's commission on disabilities* a committee, consisting of nine (9) persons, to be known as the disability business enterprise committee.

(b) The committee, shall consist of the director of the department of human services or his or her designee; the director of the department of mental health, retardation, and hospitals or his or her designee; the director of the economic development corporation or his or her designee; the state purchasing agent or his or her designee; and two (2) persons with disabilities and three (3) representatives of rehabilitation facilities in the state of Rhode Island appointed by the chairperson of the *governor's commission on disabilities*. All members of the committee shall serve without compensation. Of the number appointed originally under this chapter, one-third (1/3) shall be appointed for a term of one year; one-third (1/3) shall be appointed for a term of two (2) years; and one-third (1/3) shall be appointed for a term of three (3) years. Thereafter, vacancies created by expiration of terms shall be filled with appointments for terms of three (3) years. Members whose terms expire may be reappointed to succeed themselves. The chairperson of the *governor's commission on disabilities* or his or her designee shall serve as chairperson of the committee. The members of the committee shall elect a vice chairperson and other officers as are necessary from amongst themselves annually.

(c) The *governor's commission on disabilities* shall promulgate such rules and regulations, in accordance with the Administrative Procedures Act, chapter 35 of title 42, as are necessary and proper to ensure responsible management, operation, oversight of the committee, and ensure that all

facilities, both nonprofit and profit-making, referred to in 37-2.2-3 and 37-2.2-3.1 meet all applicable government regulations and standards, including those of the United States department of labor, the state department of human services, and the chief purchasing officer with regard to developing a program which involves small disadvantaged businesses as contractors, 37-2-9(b)(14).

(d)The 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. The chief purchasing officer shall utilize that list in the program which involves small disadvantaged businesses as contractors established by 37-2-9(b)(14).

37-2.2-5. Nonapplicability to road and highway construction businesses.

Notwithstanding anything to the contrary, the provisions of this chapter shall not apply to any business whose primary business is road or highway construction.

Chapter 8 Public Buildings

37-8-15. Access for people with disabilities

The design of all public buildings to be constructed, leased, or rented by the state or any municipality of the state must be in compliance with all the standards promulgated by the Rhode Island State Building Code, chapter 27.3 of title 23, which make buildings and facilities accessible to and usable by people with disabilities.

37-8-15.1. Accessibility of leased or rented facilities for people with disabilities

(a) No governmental body or public agency, as defined in 37-2-7, acting as lessee, shall lease or rent facilities that are not accessible to and usable by individuals with disabilities. The lessee governmental body or public agency shall provide the state building commissioner with a list of prospective facilities to be leased and shall ensure that accessibility certifications in subdivision (a)(1), (a)(2), or (a)(3) and (a)(4) of this section are completed prior to submission of the lease or renewal of the lease for final approval by the state properties commission or other authorized body. Prior to a governmental body or public agency leasing or renting any facility, or renewing a lease:

(1) The state building commissioner shall certify that the new facility to be leased or rented conforms to the accessibility for people with disabilities

provisions of the state building code; or that the existing facility to be leased or rented meets the accessibility requirements of the state building code in effect at the time of first occupancy after January 1, 1978; or if constructed prior to January 1, 1978, meets the requirements of the current state building code; or

(2) The state building commissioner shall certify that construction documents for the proposed facility to be leased or rented conform to the accessibility requirements of the state building code, and the accessibility renovations shall be completed within six (6) months of the signing of the lease; or

(3) The state building code board of appeals grants a waiver from some provisions of the state building code's accessibility requirements for people with disabilities provisions with respect to state agency leasing the facility; and

(4) The *governors commission on disabilities* shall certify that the lessee agency's program accessibility plan ensures access to, and use of the facility to be leased or rented for people with disabilities.

(b) The *governors commission on disabilities* shall only certify an accessibility plan that:

(1) Would not operationally serve to deny any individual with a disability access to a service or program operated by the governmental body or public agency;

(2) Would not operationally serve to deny an employee with a disability or job applicant with a disability employment or advancement in that governmental body or public agency;

(c) The state building code board of appeals shall only grant waivers when total compliance with the disability accessibility provisions of the state building code was structurally infeasible.

(d) The state building commissioner shall re inspect all facilities leased or rented under subdivision (a)(2) or (a)(3) prior to the date(s) established in the certification or waiver for completion of any renovations required. If the state building commissioner is unable to issue a certification of compliance with the accessibility for people with disabilities provisions of the building code or the variance, then the commissioner shall inform the director of the department of administration that the facility is in noncompliance. The *governors commission on disabilities* shall have the right to periodically review the implementation of the accessibility plan, and inform the director of the department of administration of any noncompliance. Upon submission of said notification of noncompliance, the director of the department of

administration shall take steps to ensure compliance or forward a report to the attorney general for legal action to terminate the lease.

Title 40 Human Services

Chapter 14 Equipment Loan Fund for People with Disabilities

40-14-3. Purpose of fund

The fund shall provide loans to finance the purchase or replacement of essential equipment used by persons with disabilities for daily living or vocational functioning, including, but not limited to, prostheses, ramps, wheelchairs, wheelchair van lifts, and devices enabling persons with vision impairment to utilize printed materials.

40-14-8. Rules and regulations

The director shall, with the advice of the *governor's commission on disabilities*, promulgate rules and regulations concerning eligibility, interest rates, repayment terms, and such other matters as are necessary and proper to carry out the purpose of this chapter.

Title 42 State Affairs and Government

Chapter 46 Open Meetings

42-46-5. Purposes for which meeting may be closed -- Use of electronic communications -- Judicial proceedings -- Disruptive conduct

(a) A public body may hold a meeting closed to the public pursuant to section 42-46-4 for one or more of the following purposes:

(1) Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.

Failure to provide such notification shall render any action taken against the person or persons affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.

(3) Discussion regarding the matter of security including but not limited to the deployment of security personnel or devices.

(4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal.

(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

(6) Any discussions related to or concerning a prospective business or industry locating in the state of Rhode Island when an open meeting would have a detrimental effect on the interest of the public.

(7) A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including but not limited to state lottery plans for new promotions.

(8) Any executive sessions of a local school committee exclusively for the purposes (a) of conducting student disciplinary hearings or (b) of reviewing other matters which relate to the privacy of students and their records, including all hearings of the various juvenile hearing boards of any municipality; provided, however, that any affected student shall have been notified in advance in writing and advised that he or she may require that the discussion be held in an open meeting.

Failure to provide such notification shall render any action taken against the student or students affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any students to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement.

(10) Any discussion of the personal finances of a prospective donor to a library.

(b) No meeting of members of a public body or use of electronic communication, including telephonic communication and telephone conferencing, shall be used to circumvent the spirit or requirements of this chapter; provided, however, these meetings and discussions are not prohibited.

(1) Provided, further however, that discussions of a public body via electronic communication, including telephonic communication and telephone conferencing, shall be permitted only to schedule a meeting.

(2) Provided, further however, that a member of a public body may participate by use of electronic communication or telephone communication while on active duty in the armed services of the United States.

(3) Provided, further however, that a member of that public body, who has a disability as defined in chapter 87 of title 42 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 in accordance with the process below.

(4) The *governor's commission on disabilities* is authorized and directed to:

(i) establish rules and regulations for determining whether a member of a public body is not otherwise able to participate in meetings of that public body without the use of electronic communication or telephone communication as a reasonable accommodation due to that member's disability;

(ii) grant a waiver that allows a member to participate by electronic communication or telephone communication only if the member's disability would prevent him/her from being physically present at the meeting location, and the use of such communication is the only reasonable accommodation; and

(iii) any waiver decisions shall be a matter of public record.

(c) This chapter shall not apply to proceedings of the judicial branch of state government or probate court or municipal court proceedings in any city or town.

(d) This chapter shall not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

42-46-13. Accessibility for persons with disabilities

(a) All public bodies, to comply with the nondiscrimination on the basis of disability requirements of R.I. Const., Art. I, and applicable federal and state nondiscrimination laws (29 U.S.C. 794, chapter 87 of this title, and chapter 24 of title 11), shall develop a transition plan setting forth the steps necessary to ensure that all open meetings of said public bodies are accessible to persons with disabilities.

(b) The state building code standards committee shall, by September 1, 1989 adopt an accessibility of meetings for persons with disabilities standard that includes provisions ensuring that the meeting location is accessible to and usable by all persons with disabilities.

(c) This section does not require the public body to make each of its existing facilities accessible to and usable by persons with disabilities so long as all meetings required to be open to the public pursuant to chapter 46 of this title are held in accessible facilities by the dates specified in subsection (e).

(d) The public body may comply with the requirements of this section through such means as reassignment of meetings to accessible facilities, alteration of existing facilities, or construction of new facilities. The public body is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(e) The public body shall comply with the obligations established under this section by July 1, 1990, except that where structural changes in facilities are necessary in order to comply with this section, such changes shall be made by December 30, 1991, but in any event as expeditiously as possible unless an extension is granted by the state building commissioner for good cause.

(f) Each municipal government and school district shall, with the assistance of the state building commission, complete a transition plan covering the location of meetings for all public bodies under their jurisdiction. Each chief executive of each city or town and the superintendent of schools will submit their transition plan to the *governor's commission on disabilities* for review and approval. The *governor's commission on disabilities* with assistance from the state building commission shall approve or modify, with the concurrence of the municipal government or school district, the transition plans.

Chapter 47.1 State Government Internship Program

42-47.1-5. Summer internships for students with disabilities

The program in consultation with the *governor's commission on disabilities* and other agencies servicing people with disabilities shall establish a summer internship program for students with disabilities. The student interns shall be placed in state agencies for the purposes of enabling these individuals in establishing an awareness of the governmental process, and also develop academic skills and career goal awareness through experiential education.

Chapter 87 Civil Rights of People with Disabilities

42-87-5. Enforcement of anti-discrimination provisions

(a) Except as specifically set forth in subsections (b) and (c), the Rhode Island commission for human rights is empowered and directed to prevent any person from violating any of the provisions of 42-87-1-42-87-4, provided that before instituting a formal hearing it shall attempt by informal methods of conference, persuasion, and conciliation, to induce compliance with those sections. Upon the commission's own initiative or whenever an aggrieved individual or an organization chartered for the purpose of combating discrimination or of safeguarding civil liberties or rights of persons with disabilities, the individual or organization being hereinafter referred to as the "complainant", makes a charge to the commission that any person, agency, bureau, corporation or association, hereinafter referred to as the "respondent", has violated or is violating any of the provisions of 42-87-1-42-87-4, the commission may proceed in the same manner and with the same powers as provided in 28-5-16-28-5-26, and the provisions of 28-5-13 and 28-5-16-28-5-36, as to the powers, duties and rights of the commission, its members, hearing examiners, the complainant, respondent, interviewer, and the court shall apply in any proceedings under this section.

(1)The *governor's commission on disabilities* is empowered and directed to investigate and hear all complaints relating to alleged violations of this chapter relating to the physical inaccessibility of buildings and structures.

(2) The *governor's commission on disabilities* shall have the power and duties to adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions of this section.

(i) Prior to instituting a formal hearing, the *governor's commission on disabilities* shall attempt by informal methods of conference, persuasion and conciliation, to induce compliance with this chapter. If the complaint or any portion of the complaint cannot be resolved by these informal methods, the *governor's commission on disabilities* shall conduct a hearing as provided by this section.

(ii) If the *governor's commission on disabilities* shall upon all the evidence find that the respondent has not engaged in violations of the civil rights of individuals with disabilities caused by the physical inaccessibility of buildings and structures, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to the respondent.

(iii) If upon all the testimony taken, the commission shall determine that the respondent has engaged in violations of the civil rights of individuals with disabilities caused by the physical inaccessibility of buildings and structures, then the commission shall state its findings of fact and shall issue and cause to be served upon the respondent an order requiring the respondent to cease and desist from such practices, and to take any further action that will effectuate the purposes of this chapter.

(iv) Any complainant or respondent claiming to be aggrieved by a final order of the commission may obtain judicial review of the final order; any party may obtain an order of court for enforcement of a final order of the commission. These proceedings shall be brought in the superior court within any county where the unlawful practices, which are the subject of the commission's order, were committed or where any respondent, required in the order to cease and desist from unlawful practices or to take other affirmative action resides or transacts business.

(b) The Rhode Island department of elementary and secondary education is empowered and directed to hear all complaints relating to violations of this chapter in the area of elementary and secondary education. Those complaints shall be heard in accordance with the process set forth in chapter 39 of title 16.



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