

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: Governor's Commission on Disabilities

RULE IDENTIFIER: 525-RICR-10-00-1

RULE TITLE: Access To Open Meeting

REASON FOR RULEMAKING: To streamline the process for members of public bodies with disabilities that prevent them from attending as members of their public bodies in-person, to request a waiver of the ban on the use of telecommunication devices at Open Meetings.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: No

TESTIMONY AND COMMENTS: One public comment received from the ACLU and the final rule incorporated all requested revisions.

CHANGE TO TEXT OF THE RULE: Changes from the proposed rule:

1. One sentence in Section 1.4.B.4, was reworded for clarity "~~Describe why the party cannot attend~~ how the party's disability prevents the member from attending meetings of that public body in person."

Deleting in its entirety Section 1.4.1.E. "COVID-19 Pandemic, Expedited Waivers:

1. The Commission's Executive Secretary may grant an Open Meeting Telecommunications Accommodation Waiver upon receipt of the request form if the requesting party
 - a. Has a medical condition identified by the Centers for Disease Control (CDC) as one that might make the party vulnerable to becoming severely ill if they were to contract COVID-19, or
 - b. Is taking a medication indicated as having potential to weaken the immune system.

REGULATORY ANALYSIS:

Amendments to:

Subpart 1.4 REQUESTING AN OPEN MEETING TELECOMMUNICATIONS ACCOMMODATION WAIVER - Section B subsections 1 - 4 deleting the requirement that medical documentation of the need and inserting in place a signed certificate attesting that the party 1) has a disability as defined in RI Gen. Laws 42-87-1; 2) cannot attend meetings of that public body in person solely by reason of his or her disability; 3) may participate by use of electronic communication or telephone communication; and 4) describe why the party cannot attend meetings of that public body in person.

Subpart 1.4.1 Granting or Rejecting a Telecommunications Accommodation Waiver - Section B deleting a requirement for the hearing board to consult with rehabilitation/disability service experts.

Subpart 1.4.1 Granting or Rejecting a Telecommunications Accommodation Waiver - adding Section E COVID-19 Pandemic, Expedited Waivers process.

The amendments impose no additional cost, since public bodies are already required by state and federal disability rights laws and the Open Meeting Act to provide as a reasonable accommodation the use of telecommunication devices by members of a public body, due solely because of an underlining health condition that places them a risk of severe COVID illness.