

A BILL FOR AN ACT

To amend the Kosrae State Code by adding new Chapter 19 and inserting there under Sections 1901, 12.1902, 12.1903, 12.1904, 12.1905, 12.1906, 12.1907, 12.1908, 12.1909, 12.1910, 12.1911 of Part II of Title 12 of the Kosrae State Code to introduce Kosrae Disabilities Act.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1           Section 1. Purpose. The purpose of this Act is to introduce the Kosrae Disabilities  
2 Act of 2020 in recognition of the FSM's ratification of the UN Convention on the Rights  
3 of Persons with Disabilities. The Kosrae State Legislature being aware of its own  
4 obligations within the Kosrae State Government to provide equal opportunities and to  
5 promote genuine respect for all persons with disabilities that it is necessary to formulate  
6 practical measures towards ensuring that accessible/disability friendly parking spaces,  
7 ease of access to building facilities, inclusive educational services, as well as employment  
8 opportunities and expressly created supportive social services are readily available to  
9 accommodate the needs of all persons with disabilities in both public areas and privately  
10 owned or controlled areas that are open to the public.

11           Section 2. Amendment. Title 12, Part II of the Kosrae State Code is hereby  
12 amended by adding thereunder Chapter 19 and thereunder inserting Sections 12.1901 to  
13 12.1911 read respectively as follows:

14           “Chapter 19 Kosrae Disabilities Act of 2020

15           Section 12.1901. This Act shall be known as the Kosrae Disabilities Act of 2020

16           “Section 12.1902. Statement of Policy.

1           The United Nations Convention on the Rights of Persons with Disabilities begins  
2 with a reference to the United Nations Charter that recognizes “the inherent dignity and  
3 worth and the equal and inalienable rights of all members of the human family as the  
4 foundation of freedom, justice and peace in the world.” The U.N. Convention on the  
5 Rights of Persons with Disabilities further declares that the purpose of the Convention is  
6 “to promote, protect, and ensure the full and equal enjoyment of all human rights and  
7 fundamental freedoms by all persons with disabilities, and to promote respect for their  
8 inherent dignity.” On the 7th of October 2016, the Nineteenth Congress of the Federated  
9 States of Micronesia officially ratified the United Nations Convention on the Rights of  
10 Persons with Disabilities, through the adoption of C.R. No. 19- 268, after noting that all  
11 four State Legislatures of the FSM had adopted resolutions in support of the ratification of  
12 the Convention. The Kosrae Legislature, in recognition of the FSM’s ratification of the  
13 U.N. Convention on the Rights of Persons with Disabilities and cognizant of our own  
14 obligations within the Kosrae Government to provide equal opportunities and to promote  
15 genuine respect for all persons with disabilities, hereby declares that it is the policy of the  
16 State of Kosrae, as well as the purpose of this chapter of the Code, to ensure that  
17 accessible/disability friendly parking spaces, ease of access to building facilities, inclusive  
18 educational services, as well as employment opportunities and expressly created  
19 supportive social services are readily available to accommodate the needs of all persons

1 with disabilities in both public areas and privately owned or controlled areas that are open  
2 to the public.

3 Section 12.1903 Definitions-as used in this Chapter, unless the context otherwise  
4 requires:

5 (1) "Persons with disabilities," include those individuals, regardless of age, who have been  
6 evaluated in the past and who are currently evaluated as having a mental health disability;  
7 sensory impairment, including a hearing, speech or language impairment; visual  
8 impairment, including blindness; mobility impairment; orthopedic impairment; autism;  
9 traumatic brain injury; specific learning disability; deaf-blindness; multiple such  
10 impairments or other medically identified health impairment that affects their mobility and  
11 the existence of such disabilities may hinder community integration, in terms of their  
12 effective participation within society on an equal basis.

13 (2) "Areas designated for people with mobility disabilities" means any area that has been  
14 marked or will be marked for the specific purpose of assisting people with mobility  
15 disabilities to accommodate their general needs, which areas should be located in the  
16 closest and most convenient location to the entrance of the establishment of interest and  
17 may include the following:

- 18 (a) Parking spaces;
- 19 (b) Wheelchair ramps; and
- 20 (c) Comfort rooms.

1 (3) "Government public buildings" means buildings owned or controlled by the state  
2 government that are open to public access and/or use.

3 (4) "Person with a mobility disability" means a person who, for medical reasons, is  
4 confined to a wheelchair or uses crutches, a cane or walker.

5 Section 12.1904 Plan for Kosrae Disabilities Program

6 (1) Not later than forty-five days after the enactment of this Act, the Director of the  
7 Department of Health Services shall submit to the Governor and to the Kosrae  
8 Legislature a plan to implement a specifically tailored state government program  
9 for all persons with disabilities, to be known as the "Kosrae Disabilities Program".  
10 The plan shall incorporate the recommended statutory and administrative means to  
11 provide to the people with disabilities:

12 (a) Accessible/disability friendly parking places;

13 (b) Accessible/disability friendly accommodations for access to the facilities of  
14 government public buildings;

15 ~~(c) Accessible/disability friendly accommodations for the obtainment and use of~~  
16 the services of state government agencies and instrumentalities;

17 (d) Inclusive educational services, at every level, in order to promote community  
18 integration for all persons with disabilities and enable them to realize their full  
19 potential;



1 (e) Inclusive employment opportunities, in order to promote community  
2 integration for all persons with disabilities, including quota considerations, so that  
3 they are afforded the opportunity to provide for themselves, as well as their loved  
4 ones; and

5 (f) Social services programs designed to support all persons with disabilities, in  
6 order to promote community integration.

7 (2) The plan for the Kosrae Disabilities Program shall ensure that state government  
8 public buildings built after the enactment of the Kosrae Disabilities Program are  
9 constructed with doorways wide enough to accommodate wheelchairs, wheelchairs  
10 ramps to enable persons in wheelchairs to enter the first floor of each such  
11 building, and at least one male and one female toilet facility with oversized  
12 doorways and safety rails to accommodate wheelchair users.

13 (3) The Director of the Department of Health Services shall simultaneously submit  
14 to the Governor and the Kosrae Legislature draft legislation pertaining to the  
15 administration, financing and other aspects of the plan and program.

16 (4) Not later than 180 days following the submission of the initial plan as set forth  
17 in this section, the Director of the Department of Health Services shall submit to  
18 the Governor and the Kosrae Legislature an enlargement of the plan to incorporate  
19 provisions related to enforceable physical adjustments and accommodations in

1 privately owned or controlled areas that are open to the public to accommodate the  
2 needs of all persons with disabilities within this state.

3 Section 12.1905 Support for the development of the plan

4 (1) The Director of the Office of Transportation and Infrastructure shall promptly  
5 submit to the Director of the Department of Health Services, for incorporation into the  
6 plan required by this chapter of the Code, a detailed estimate of the cost of installing  
7 wheelchair ramps, widening of entrance ways to allow persons in wheelchairs to enter  
8 the first floor of each government public building that is already in operation, and  
9 ensuring the presence of at least one male and one female oversized toilet facility,  
10 including safety rails, therein.

11 (2) The Director of the Department of Education shall promptly submit to the Director  
12 of the Department of Health Services, for incorporation in the plan required by this  
13 chapter of the Code, aspects of the Education Department's inclusive educational  
14 programs, at every level, for all persons with disabilities.

15 ~~(2) The manager of the Division of Personnel and Employment of the Department of~~  
16 Administration and Finance shall promptly submit to the Director of the Department of  
17 Health Services, for incorporation in the plan required by this chapter of the Code,  
18 aspects of the Division's program in promoting inclusive employment opportunities  
19 for all persons with disabilities.

1 (4) Other agencies and entities of the state government shall likewise promptly  
2 provide input and support to the Director of the Department of Health Services in  
3 developing the plan for the Kosrae Disabilities Program and in fulfilling the purposes  
4 of this chapter of the Code.

5 (5) The Director of the Department of Health Services shall, in consultation with  
6 relevant stakeholders including Kosrae Special Parents Network, the Chief of Police,  
7 the departments and agencies of the state government and relevant agencies of the  
8 national government, incorporate into the plan his or her estimated budgetary  
9 requirements for the effective implementation of the Kosrae Disabilities Program and,  
10 in so doing, the Director shall identify possible sources of Compact grants and  
11 international, U.S. federal and FSM national grant funding which may be available for  
12 the implementation of the Kosrae Disabilities Program.

13 Section 12.1906 Action on the plan

14 (1) Upon submission of the plan and draft legislation called for in this chapter of the  
15 Code, the Governor and the Members of the Kosrae Legislature are encouraged to act  
16 swiftly in the enactment of the Kosrae Disabilities Program as a matter of priority that  
17 is consistent with an objective and strategy of ceremoniously announcing its official  
18 opening and implementation as soon as practicable.

19 (2) The plan called for in this chapter of the Code shall, upon its enactment into state  
20 law, become the official Kosrae Disabilities Program, incorporating the set of guiding

1 principles and the action directives of the state of Kosrae with regard to public and  
2 private efforts that should and can be carried out in the state of Kosrae to assist all  
3 persons with disabilities.

4 Section. 12.1907 Administration

5 (1) The Kosrae Disabilities Program, to be established pursuant to this chapter of the  
6 Code, shall be headed by the Director of the Department of Health Services, or his or  
7 her designee, who shall take responsibilities for and give direction to the establishment  
8 of the program and other necessary and related services associated with the program.

9 (2) The Director of the Department of Health Services shall establish and make such  
10 studies, surveys, evaluations, policies, rules and regulations as are necessary to carry  
11 out the intent of this chapter and the Kosrae Disabilities Program enacted hereunder;

12 PROVIDED that the Chief of Police who is the Manager of Public Safety is  
13 responsible for rules and regulations respecting the marking and use of mobility  
14 accessible/disabled parking spaces, as initially set forth in Section 12-1908 and

15 thereafter, in the enactment of the Kosrae Disabilities Program; PROVIDED

16 FURTHER that the Director of Transportation and Infrastructure is responsible for  
17 ensuring that when the Kosrae Building Code, is prepared and drafted it is to include  
18 the infrastructure requirements of the Kosrae Disabilities Program.

19 (3) The Director of the Department of Health Services, the Chief of Police as Manager  
20 of Public Safety and the Director of Transportation and Infrastructure are each



1 authorized to issue regulations for the effective implementation of this chapter of the  
2 Code and the Kosrae Disabilities Program enacted pursuant hereto in their respective  
3 categories of responsibility. The regulations so issued shall be adopted in accordance  
4 with the procedural requirements of Chapter 4 of Title 2 of this Code.

5 (4) The Director of the Department of Health Services, as the administrative head of  
6 the Kosrae Disabilities Program, shall have the continuing prerogative to analyze and  
7 comment on the Kosrae Disabled Persons Program, both on its practical importance  
8 and its legal implications, and recommend necessary program changes to the Governor  
9 and to the Kosrae Legislature for administrative action and/or enactment into law.

10 (5) The administrative heads of other agencies and entities of the state government are  
11 encouraged to contact the Director of the Department of Health Services and cooperate  
12 with said Director in refining the parts of the Kosrae Disabilities Program that affect  
13 the operations of their agencies and entities with respect to the accommodations they  
14 should be making and the services they should be providing to all persons with

15 disabilities

16 Section 12.1908 Initial access to government public buildings

17 (1) Until the Kosrae Disabilities Program is officially enacted into law, the Manager of  
18 Public Safety shall designate at least one parking space closest to the main entrance  
19 of each state government public building as a mobility accessible/disabled parking  
20 space. These mobility accessible/disabled parking spaces shall be clearly

1 designated on signs and pavement markings with the use of words or symbols  
2 indicating that the designated parking space is available for use only by persons  
3 with mobility disabilities in motor vehicles displaying the necessary emblem as  
4 required by this chapter of the Code and that unlawful use thereof is subject to a  
5 criminal fine and other penalties as set forth in this chapter of the Code.

6 Section 12.1909 Certificate, permits and emblems for the transport of persons with  
7 mobility disabilities.

8 (1) The owner of any motor vehicle that is used regularly by the owner who has a  
9 mobility disability or who regularly uses the motor vehicle to transport a spouse or  
10 family dependent who has a mobility disability may apply to the Director of the  
11 Department of Health Services for a transport certificate of mobility disability. The  
12 Director, upon verification that such mobility disability exists, shall issue the transport  
13 certificate of mobility to the owner of the subject vehicle. The submission of an  
14 application for a transport certificate of mobility disability and the issuance of the  
15 certificate shall be made without charge to the owner of the vehicle. Unless a shorter  
16 time is set forth in the transport certificate of mobility disability for a temporary  
17 disability, the certificate shall be valid for five years from the date of the issuance  
18 thereof.

19 (2) Upon the presentation of the transport certificate of disability, set forth in  
20 Subsection (1) of this section, to the Manager of Public Safety, said Manager shall

1 cause to be issued a mobility disability parking permit and accompanying mobility  
2 disability parking space emblem to the person to whom the certificate has been issued.

3 (3) In addition to the motor vehicle owners identified in Subsection (1) of this section,  
4 public entities, non-governmental organizations and private businesses regularly  
5 engaged in the transport of persons with mobility disabilities for public good or for  
6 profit may request and receive directly from the Manager of Public Safety, a mobility  
7 disabled parking permit and emblem for the transport motor vehicles operated by said  
8 entities that are regularly used for the transport of mobility disabled persons. Such  
9 mobility disabled parking permits and emblems shall be issued under this subsection  
10 of the Code without the necessity of a certificate from the Department of Health  
11 Services, but only upon verification by the Manager of Public Safety or his or her  
12 designee that the motor vehicle of the requesting entity is or will be regularly used to  
13 transport passengers with mobility disabilities.

14 (4) The permit and emblem set forth in this section of the Code shall identify the  
15 person or entity to whom it is issued and the date of the expiration thereof, which in  
16 the case of a private person issued under the authority of Subsection (1) of this section  
17 shall be the same as the date of expiration of the transport certificate of mobility  
18 disability issued by the Department of Health Services or in the case of a permit and  
19 emblem issued under the authority of Subsection (3) of this section shall be five years

1 from the date of issuance by the Manager of Public Safety or such shorter time as the  
2 Manager, for cause, shall so prescribe.

3 (5) The submission of an application and granting of a mobility disability parking  
4 permit and accompanying mobility disability parking space emblem shall be made  
5 without charge to the owner of the motor vehicle or the entity engaged in the transport  
6 of persons with mobility disabilities.

7 (6) The emblem as described in this section of the Code shall be in the form of a  
8 brightly colored tag and shall utilize internationally accepted icons directly related to  
9 the permitted uses of the emblem. The emblem shall be designed in such a way that it  
10 can be readily hung on the windshield centered rear view mirror of the host motor  
11 vehicle or prominently displayed and clearly visible through the front windshield of  
12 the vehicle and readily removed from said locations when not in active use as  
13 prescribed by this chapter of the Code.

14 Section 12.19110 Display of emblem: The driver of the vehicle transporting one or  
15 more mobility disabled persons shall, as described in Section 12.1909, hang the  
16 emblem from the windshield centered rear-view mirror of said motor vehicle or  
17 prominently display the emblem so that it is clearly visible through the front  
18 windshield of the vehicle whenever the driver lawfully parks the vehicle in a mobility  
19 accessible disabled parking space that has been designated as such pursuant to the  
20 provisions of this chapter of the Code and the regulations issued pursuant hereto.



1 Section. 12.1911 Criminal offenses; black listing.

2 (1) No person may park a motor vehicle in a space reserved for persons with mobility  
3 disabilities unless a properly issued and valid mobility disability parking space  
4 emblem is displayed on the motor vehicle in the manner described in Section 12.1910  
5 and one of the occupants of the vehicle is a person with a mobility disability.

6 (2) Any person who willingly violates Subsection (1) of this section of the Code shall  
7 be fined \$100 for each violation.

8 (3) No person may utilize a mobility disability parking space emblem when parking a  
9 motor vehicle or when picking up a passenger in that motor vehicle in a mobility  
10 accessible/disabled parking space when there is no such mobility disabled person  
11 within the motor vehicle when the vehicle is parked or when it departs from the  
12 reserved space for mobility disabled persons.

13 (4) Any person who willingly violates Subsection (3) of section of the Code shall be  
14 fined \$500 for each violation. (5) In the event that the violator of Subsection (3) of this  
15 section is found to be the person to whom the mobility disabled parking permit and  
16 mobility disability-parking space emblem has been issued for the motor vehicle found  
17 to be unlawfully parking or picking up a passenger, said mobility disabled parking  
18 permit shall be immediately revoked and the respective emblem confiscated. The  
19 person so convicted under Subsection (3) of this section is disqualified from obtaining

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1 another mobility disabled parking permit in his own name for a period of one year  
2 from the date of the conviction under Subsection (3) of this section..”

3 Section 3.Effective Date. This Act takes effect upon the approval of the Governor  
4 or upon its becoming law without such approval.

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Date:

10/06/20

Introduced by:



Andy J. Andrew