

By: Representatives Crawford, Boyd, Miles,
Dixon, DeBar

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 836

1 AN ACT TO REQUIRE STATE AGENCIES THAT PROVIDE SERVICES AND
2 SUPPORT TO PERSONS WITH DISABILITIES TO CONSIDER, AS THEIR FIRST
3 OPTION, COMPETITIVE EMPLOYMENT IN AN INTEGRATED SETTING FOR
4 PERSONS WITH DISABILITIES; TO REQUIRE ALL STATE AGENCIES TO FOLLOW
5 THIS POLICY FOR EMPLOYMENT BY COORDINATING ALL COLLABORATING
6 EFFORTS AMONG AGENCIES; TO AUTHORIZE STATE AGENCIES TO ADOPT RULES
7 AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS ACT; TO
8 REQUIRE THE DISABILITY RESOURCE COMMISSION TO REVIEW MEASURABLE
9 GOALS AND OBJECTIVES AS SUBMITTED TO IT BY EACH RELEVANT STATE
10 AGENCY TO ENSURE IMPLEMENTATION OF THIS ACT; TO PROVIDE REPORTING
11 REQUIREMENTS FOR STATE AGENCIES; TO AMEND SECTION 43-30-1,
12 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
13 PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** The Mississippi Legislature finds that the
16 benefits of meaningful work have significance and importance to
17 all working age individuals, including persons with disabilities.
18 In order to achieve meaningful and competitive employment for
19 persons with disabilities, employment opportunities in fully
20 integrated work settings shall be, to the extent practicable, the
21 first and priority option explored in planning and providing
22 services and supports for working age persons with disabilities.



23 **SECTION 2.** As used in this act, the following words shall
24 have the following meaning, unless the context otherwise requires:

25 (a) "Competitive employment" means work in the
26 competitive labor market that is performed on a full-time or
27 part-time basis in an integrated setting and for which a person
28 with a disability is compensated in a manner consistent with
29 applicable wage-and-hour laws. Pay shall be comparable to the
30 customary wage and level of benefits paid by the employer for the
31 same or similar work performed by persons without disabilities.

32 (b) "Disability" means, with respect to an individual,
33 a physical or mental impairment that substantially limits one or
34 more major life activities of such individual as defined in the
35 Americans with Disabilities Act of 1990, as amended. A
36 "disability" does not include brief periods of intoxication caused
37 by alcohol or drugs or dependence upon or addiction to any alcohol
38 or drugs.

39 (c) "Integrated setting" means a setting typically
40 found in the community in which persons with disabilities interact
41 with persons without disabilities (other than disability service
42 providers) to a comparable extent that persons without
43 disabilities in comparable positions interact with other persons.

44 (d) "Working age" means fourteen (14) years of age or
45 older in accordance with Section 71-1-17.

46 **SECTION 3.** It is declared to be the policy of this state
47 that competitive employment in an integrated setting shall be, to



48 the extent practicable, considered the first and priority option
49 when planning or providing services and supports to persons with
50 disabilities who are of working age. All state agencies that
51 provide services and support to persons with disabilities, and/or
52 employment related services, shall, using available resources,
53 follow this policy and ensure that it is effectively implemented
54 in their programs and services; however, nothing in this act shall
55 supersede any agency's ability to fulfill the agency's duties and
56 requirements mandated by federal statutes. Nothing in this act
57 shall be construed to limit or disallow any disability benefits to
58 which a person with a disability who is unable to be employed as
59 contemplated by this act would otherwise be entitled. Nothing in
60 this act shall be construed to require any state agency or other
61 employer to give preference to hiring persons with disabilities or
62 to prohibit any employment relationship or program that is
63 otherwise permitted under applicable law. Any person with a
64 disability who is employed by a state agency must meet the minimum
65 qualifications and requirements for the position in which the
66 person is employed.

67 **SECTION 4.** (1) All state agencies that provide services to
68 individuals with disabilities and/or employment services shall
69 coordinate efforts and shall collaborate within and among such
70 agencies to ensure that state programs, policies, procedures and
71 funding support competitive employment in integrated settings for
72 persons with disabilities who are of working age. All such state



73 agencies shall, whenever feasible, share data and information
74 across systems in order to track progress toward full
75 implementation of this act. All such state agencies are
76 encouraged to adopt measurable goals and objectives to promote
77 assessment of progress in implementing this act.

78 (2) State agencies are authorized to adopt rules and
79 regulations to implement this act.

80 **SECTION 5.** The Disability Resource Commission as described
81 in Section 43-30-1 is directed to provide the monitoring and
82 oversight of the implementation of Sections 1 through 4 of this
83 act by state agencies.

84 **SECTION 6.** Section 43-30-1, Mississippi Code of 1972, is
85 amended as follows:

86 43-30-1. (1) There is established the Mississippi
87 Disability Resource Commission. The function of the commission is
88 to:

89 (a) Assimilate and provide current information to
90 persons who need health, special education or disability
91 information or services;

92 (b) Refer those persons to the appropriate agencies to
93 receive needed information or services;

94 (c) Facilitate coordination of services provided by
95 agencies for the maximum benefit of persons who need health,
96 special education or disability services;



97 (d) Be a comprehensive clearinghouse of information and
98 single point of contact for people with disabilities related to
99 potential service programs; * * *

100 (e) Otherwise assist persons who need health, special
101 education or disability services in obtaining information and
102 services; and

103 (f) Monitor and provide oversight of the implementation
104 of Sections 1 through 4 of this act by state agencies.

105 (2) The powers and duties of the Mississippi Disability
106 Resource Commission shall include, but are not limited to, or
107 provided in any priority order, the following:

108 (a) To collect and analyze health, special education
109 and disability-related data for use by state agencies,
110 universities and colleges, organizations and private citizens;

111 (b) To advise the Governor, the Legislature, the
112 Mississippi congressional delegation, state agencies, the business
113 community, other public and private groups and the general public
114 on health, special education and disability issues and concerns,
115 and to make recommendations to address those identified matters,
116 with emphasis on increasing opportunities for independence and
117 employment;

118 (c) To coordinate and conduct public relations
119 activities, including establishment of a permanent, statewide
120 toll-free phone line for people with disabilities seeking access
121 to services and programs, to promote the skills and capabilities



122 of persons needing health, special education or disability
123 services; * * *

124 (d) To submit an annual report to the Governor and to
125 the Legislature with recommendations to address the needs of
126 persons in Mississippi needing health, special education or
127 disability services, and other pertinent data regarding health,
128 special education or disability issues;

129 (e) Build on the work of the Mississippi Partnerships
130 in Employment Project, identify state agency policies and
131 procedures that create barriers and disincentives for employment
132 of people with disabilities, and develop recommendations to reduce
133 or eliminate those barriers and disincentives to better meet the
134 needs of individuals who desire employment;

135 (f) Identify best practices, effective partnerships,
136 sources of available state and federal funds, and opportunities
137 for shared services among existing state agencies to increase
138 integrated and competitive employment opportunities for
139 Mississippians with disabilities;

140 (g) Review and comment on proposed legislation that may
141 affect the employment of individuals with disabilities and
142 consider recommendations of federal agencies and other
143 organizations that promote the employment of individuals with
144 disabilities;

145 (h) Request that measurable goals and objectives be
146 submitted to it by each relevant state agency to ensure



147 implementation of this act. The commission shall establish the
148 time frames for submissions by state agencies and track their
149 measurable progress in implementing this act. All state agencies
150 shall fully cooperate with and provide data and information to
151 assist the commission in carrying out its duties; and

152 (i) Prepare an annual report to the Governor and
153 members of the Legislature. The report shall detail progress
154 toward the goals and objectives and full implementation of this
155 act. All state agencies shall cooperate with the commission on
156 the creation and dissemination of the report. The report also
157 shall identify barriers for achieving the outcomes along with the
158 effective strategies and policies that can help realize the goals
159 of this act.

160 (3) The membership of the commission shall consist of
161 thirteen (13) members as follows:

162 (a) The Executive Director of the State Department of
163 Rehabilitation Services, or his or her designee;

164 (b) The Executive Director of the State Department of
165 Mental Health, or his or her designee;

166 (c) The Executive Officer of the State Department of
167 Health, or his or her designee;

168 (d) The State Superintendent of Public Education, or
169 his or her designee;

170 (e) The Executive Director of the Division of Medicaid,
171 or his or her designee;



172 (f) The Executive Director of the Department of * * *
173 Employment Security, or his or her designee; and

174 (g) Three (3) appointments by the Governor and two (2)
175 appointments each by the Lieutenant Governor and Speaker of the
176 House of Representatives.

177 Each of the appointments referenced in paragraph (g) of this
178 subsection shall be a person with a disability, a representative
179 of a disability advocacy group, or the parent of a person with a
180 disability. Of these appointments, there shall be no more than
181 one (1) appointment from the same consumer organization or
182 advocacy group during the same term of appointment.

183 (4) Members appointed by the Governor, Lieutenant Governor
184 and Speaker of the House shall serve for terms that run
185 concurrently with the terms of office of the appointing officials.
186 An appointment to fill a vacancy, other than by expiration of a
187 term of office, shall be made for the balance of the unexpired
188 term. All appointments required by this section shall be made no
189 later than August 1, 2015.

190 (5) The members of the commission shall elect from their
191 membership the chairperson and vice chairperson of the commission.
192 The chairperson and vice chairperson shall be a member appointed
193 under subsection (3)(g) of this section and a member from a state
194 agency referenced in subsection (3)(a) through (f) of this
195 section. The chairperson and vice chairperson shall serve for
196 terms of one (1) year beginning on July 1 of each year, except



197 that the terms of the first chairperson and vice chairperson shall
198 begin on the date of their election to those positions. Each
199 year at the expiration of the terms of the chairperson and vice
200 chairperson, the vice chairperson during the preceding year shall
201 serve as chairperson for the next year, and a new vice chairperson
202 shall be elected according to the terms set forth in this
203 subsection.

204 (6) The commission shall meet at least quarterly and hold
205 other meetings as are necessary for the purpose of conducting
206 required business, not exceeding six (6) meetings in any one (1)
207 fiscal year. If funds are available for that purpose, the
208 appointed members of the commission may be paid per diem and
209 travel expenses in accordance with the provisions of Sections
210 25-3-69 and 25-3-41. The commission shall convene to begin work
211 no later than September 1, 2015.

212 (7) The Mississippi Disability Resource Commission may
213 receive and expend any monies appropriated by the Legislature,
214 apply for and utilize grants, and receive gifts or any other
215 appropriate source of funds to carry out the duties of office.

216 **SECTION 7.** (1) Nothing in this act shall be interpreted to
217 prohibit the appropriate use of programs known as center-based
218 employment, employment centers, skill development centers,
219 vocational rehabilitation centers, and/or other employment
220 options.



221 (2) Nothing in this act shall be interpreted to require the
222 expenditure of funds on any particular program or at any
223 particular level or to grant any individual or organization a
224 judicially enforceable right or cause of action.

225 **SECTION 8.** This act shall take effect and be in force from
226 and after July 1, 2015.

