

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 836: Persons with disabilities; require state agencies to enhance employment opportunities for.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

15 **SECTION 1.** The Mississippi Legislature finds that the
16 benefits of meaningful work have significance and importance to
17 all working-age persons, including persons with disabilities. In
18 order to achieve meaningful and competitive employment for persons
19 with disabilities, employment opportunities in fully integrated
20 work settings shall be, to the extent practicable, the first and
21 priority option explored in planning and providing services and
22 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 a person, a
33 physical or mental impairment that substantially limits one or
34 more major life activities of such person 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 persons 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 persons with disabilities, and develop recommendations to
133 reduce or eliminate those barriers and disincentives to better
134 meet the needs of persons 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 persons with disabilities and consider
142 recommendations of federal agencies and other organizations that
143 promote the employment of persons with disabilities;

144 (h) Request that measurable goals and objectives be
145 submitted to it by each relevant state agency to ensure
146 implementation of this act. The commission shall establish the
147 time frames for submissions by state agencies and track their
148 measurable progress in implementing this act. All state agencies
149 shall fully cooperate with and provide data and information to
150 assist the commission in carrying out its duties; and



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

159 (3) The membership of the commission shall consist of * * *
160 fourteen (14) members as follows:

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

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

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

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

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

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

173 (g) The Executive Director of the Mississippi
174 Industries for the Blind; and



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

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

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

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



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

206 (6) The commission shall meet at least quarterly and hold
207 other meetings as are necessary for the purpose of conducting
208 required business, not exceeding six (6) meetings in any one (1)
209 fiscal year. If funds are available for that purpose, the
210 appointed members of the commission may be paid per diem and
211 travel expenses in accordance with the provisions of Sections
212 25-3-69 and 25-3-41. The commission shall convene to begin work
213 no later than September 1, 2015.

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

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

223 (2) Nothing in this act shall be interpreted to require the
224 expenditure of funds on any particular program or at any



225 particular level or to grant any person or organization a
226 judicially enforceable right or cause of action.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)
Frierson

X (SIGNED)
Kirby

X (SIGNED)
Huddleston (15th)

X (SIGNED)
Burton

X (SIGNED)
Crawford

X (SIGNED)
Bryan

