

# HOUSE BILL NO. 1052

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE UNSICKER.

2079H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 209, RSMo, by adding thereto one new section relating to the Missouri employment first act.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 209, RSMo, is amended by adding thereto one new section, to be known as section 209.700, to read as follows:

**209.700. 1. This section shall be known and may be cited as the "Missouri Employment First Act".**

**2. As used in this section, unless the context clearly requires otherwise, the following terms mean:**

**(1) "Competitive employment", work in the competitive labor market, or self-employment, that is performed on a full-time or part-time basis in an integrated setting and for which a person with a disability is compensated at or above the minimum wage but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by persons without disabilities;**

**(2) "Disability", a physical or mental impairment that substantially limits one or more major life activities of a person, as defined in the Americans with Disabilities Act of 1990, as amended. The term "disability" does not include brief periods of intoxication caused by alcohol or drugs or dependence upon or addiction to any alcohol or drug;**

**(3) "Integrated setting", a setting typically found in the community in which persons with disabilities interact with persons without disabilities, other than disability service providers, to a comparable extent that persons without disabilities in comparable positions interact with other persons;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           **(4) "State agency", an authority, board, branch, commission, committee,**  
19 **department, division, or other instrumentality of the executive branch of state government;**

20           **(5) "Working age", sixteen years of age or older.**

21           **3. All state agencies that provide employment-related services or that provide**  
22 **services or support to persons with disabilities shall consider competitive employment in**  
23 **an integrated setting as the first and priority option when planning or providing services**  
24 **or supports to persons with disabilities who are of working age.**

25           **4. Each state agency shall use available resources to ensure that it complies with**  
26 **subsection 3 of this section in its programs and services.**

27           **5. Nothing in this section shall require a state agency to perform any action that**  
28 **would interfere with the state agency's ability to fulfill duties and requirements mandated**  
29 **by federal law.**

30           **6. Nothing in this section shall be construed to limit or disallow any disability**  
31 **benefits to which a person with a disability who is unable to engage in competitive**  
32 **employment would otherwise be entitled.**

33           **7. (1) Nothing in this section shall be construed to require any state agency or other**  
34 **employer to give a preference in hiring to persons with disabilities or to prohibit any**  
35 **employment relationship or program that is otherwise permitted under applicable law.**

36           **(2) Any person who is employed by a state agency shall meet the minimum**  
37 **qualifications and requirements for the position in which the person is employed.**

38           **8. All state agencies that provide employment-related services or that provide**  
39 **services or support to persons with disabilities shall coordinate efforts and collaborate**  
40 **within and among each other to ensure that state programs, policies, procedures, and**  
41 **funding support competitive employment in integrated settings for persons with disabilities**  
42 **who are of working age. All such state agencies, whenever feasible, shall share data and**  
43 **information across systems in order to track progress toward full implementation of this**  
44 **section. All such state agencies are encouraged to adopt measurable goals and objectives**  
45 **to promote assessment of progress in implementing this section.**

46           **9. State agencies may promulgate rules to implement the provisions of this section.**  
47 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**  
48 **under the authority delegated in this section shall become effective only if it complies with**  
49 **and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**  
50 **This section and chapter 536 are nonseverable, and if any of the powers vested with the**  
51 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**  
52 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
53 **rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be**  
54 **invalid and void.**