

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
10.13.15

BILL 2

LLS NO. 16-0301.01 Christy Chase x2008

INTERIM COMMITTEE BILL

Interim Committee to Study Vocational Rehabilitative
Services for the Blind

BILL TOPIC: "Expand Scope Business Enterprise Program"

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE BUSINESS ENTERPRISE PROGRAM**
102 **ADMINISTERED BY THE DIVISION OF VOCATIONAL**
103 **REHABILITATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Interim Committee to Study Vocational Rehabilitative Services for the Blind. The business enterprise program administered by the division of vocational rehabilitation provides training, assistance, and priority to persons who are blind and who wish to operate vending

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

facilities on state property. Under the current program, state property includes any building, land, or other real property owned, leased, or occupied by a department or agency of the state except property owned, leased, or occupied by a higher education institution or the board of commissioners of the Colorado state fair authority.

The bill removes the exception for property owned, leased, or occupied by higher education institutions or the state fair authority, thereby granting priority to persons who are blind and are licensed vendors to operate vending facilities on higher education and state fair authority properties.

Additionally, the bill expands the program to allow persons who are blind and determined qualified to operate other types of businesses on state property.

The bill also changes the criteria for determining when a vending facility or other business cannot be operated by a blind vendor to more closely follow the standard under federal law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 8-84-202, **amend** (2)
3 and (3) as follows:

4 **8-84-202. Definitions.** As used in this part 2, unless the context
5 otherwise requires:

6 (2) "Satisfactory site" means an area determined by the
7 department of labor and employment to have sufficient space, electrical
8 and plumbing outlets, and other facilities as prescribed by department rule
9 for the location and operation of a vending facility OR OTHER BUSINESS
10 OPERATED BY A PERSON WHO IS BLIND.

11 (3) "State property" means any building, land, or other real
12 property owned, leased, or occupied by any department or agency of the
13 state of Colorado. ~~"State property" does not include any property owned,~~
14 ~~leased, or occupied by any institution of higher education, the Auraria~~
15 ~~higher education center established in article 70 of title 23, C.R.S., or the~~
16 ~~board of commissioners of the Colorado state fair authority.~~

1 **SECTION 2.** In Colorado Revised Statutes, **amend** 8-84-203 as
2 follows:

3 **8-84-203. Priority for persons who are blind - licensing.** The
4 department of labor and employment shall issue licenses to persons who
5 are blind and who are qualified to operate vending facilities, in
6 accordance with the criteria used for the licensing of operators of vending
7 facilities on federal property pursuant to section 8-84-107 and the federal
8 "Randolph-Sheppard Vending Stand Act", as amended. IN ADDITION, THE
9 DEPARTMENT MAY ISSUE LICENSES TO PERSONS WHO ARE BLIND AND WHO
10 ARE QUALIFIED TO OWN, OPERATE, OR OWN AND OPERATE A BUSINESS
11 OTHER THAN A VENDING FACILITY. In authorizing vending facilities OR
12 OTHER BUSINESSES on state property, the department shall give priority to
13 persons who are blind and who are licensed by the department in order to
14 enlarge the economic opportunities of persons who are blind by providing
15 remunerative employment and to stimulate persons who are blind to
16 greater efforts in striving to make themselves self-supporting.

17 **SECTION 3.** In Colorado Revised Statutes, **amend** 8-84-204 as
18 follows:

19 **8-84-204. Satisfactory sites for vending facilities - other**
20 **businesses operated by persons who are blind.** (1) (a) A department
21 or agency of the state of Colorado shall not construct, acquire by
22 ownership, rent, lease, or other means, or undertake to substantially alter
23 or renovate, in whole or in part, a building unless, after consultation with
24 the department of labor and employment, it is determined that the
25 building will include a satisfactory site or sites for the location and
26 operation of a vending facility by a person who is blind.

27 (b) BEFORE A STATE DEPARTMENT OR AGENCY CONSTRUCTS,

1 ACQUIRES, RENTS, LEASES, OR OTHERWISE UNDERTAKES TO ALTER OR
2 RENOVATE A STATE PROPERTY, THE STATE DEPARTMENT OR AGENCY
3 SHALL CONSULT WITH THE DEPARTMENT OF LABOR AND EMPLOYMENT TO
4 DETERMINE IF THE STATE PROPERTY CAN INCLUDE A SATISFACTORY SITE
5 FOR THE LOCATION AND OPERATION OF A BUSINESS, OTHER THAN A
6 VENDING FACILITY, THAT IS OWNED, OPERATED, OR OWNED AND OPERATED
7 BY A PERSON WHO IS BLIND.

8 (2) Each department or agency shall provide notice to the
9 department of labor and employment of its plans for the occupation,
10 acquisition, construction, alteration, or renovation of a building adequate
11 to permit the department of labor and employment to determine whether
12 the building includes a satisfactory site for a vending facility OR OTHER
13 BUSINESS THAT CAN BE OPERATED BY A PERSON WHO IS BLIND AND IS
14 LICENSED PURSUANT TO SECTION 8-84-203.

15 (3) This section does not apply when the department of labor and
16 employment determines that the number of people using the building will
17 be insufficient to support a vending facility OR OTHER BUSINESS.

18 (4) The department of labor and employment shall not be charged
19 for:

20 (a) The use of state-furnished space;

21 (b) Maintenance or janitorial services;

22 (c) Repair of the building structure in and adjacent to the vending
23 facility OR OTHER BUSINESS area, including any necessary initial and
24 periodical painting and decorating;

25 (d) Utilities required to operate vending facilities and vending
26 machines OR EQUIPMENT REQUIRED FOR OTHER BUSINESSES OPERATED BY
27 PERSONS WHO ARE BLIND; or

1 (e) Repairing and replacing floor coverings, cleaning windows, or
2 providing other related building services in accordance with the normal
3 level of building service applicable to the state building in which the
4 vending facility OR OTHER BUSINESS is located.

5 **SECTION 4.** In Colorado Revised Statutes, **amend 8-84-205** as
6 follows:

7 **8-84-205. Income from vending machines or other businesses.**

8 One hundred percent of all commission income from vending machines
9 OR OTHER BUSINESSES OPERATED ON STATE PROPERTY accrues to the
10 department, ~~of labor and employment~~, which shall disburse the income in
11 accordance with the rules of the department. The office of state planning
12 and budgeting shall notify the department of the location of all vending
13 machines OR OTHER BUSINESSES OPERATED ON STATE PROPERTY, and the
14 department shall collect and provide an accounting of income from these
15 vending machines OR OTHER BUSINESSES.

16 **SECTION 5.** In Colorado Revised Statutes, **amend 8-84-206** as
17 follows:

18 **8-84-206. Cooperation - locations - rules.** (1) The heads of all

19 state departments and agencies shall negotiate and cooperate in good faith
20 to accomplish the purposes of this article relating to vending facilities
21 AND OTHER BUSINESSES OPERATED BY PERSONS WHO ARE BLIND.

22 (2) If the department of ~~labor and employment~~ determines that the
23 operation of a vending facility ~~in a~~ OR OTHER BUSINESS ON state ~~building~~
24 PROPERTY by a person who is blind ~~is not feasible~~ WOULD ADVERSELY
25 AFFECT THE OPERATIONS OR FUNCTIONS OF THE STATE PROPERTY, the
26 office of state planning and budgeting may authorize another person to
27 operate the vending facility OR OTHER BUSINESS.

1 (3) When no person is immediately available on the premises for
2 the management of vending machines OR OTHER BUSINESSES, the
3 commission income from the machines shall be given to the department
4 of labor and employment in accordance with section 8-84-205.

5 (4) The department of labor and employment shall operate a
6 vending facility THE program AUTHORIZED BY THIS PART 2 in accordance
7 with its rules and in accordance with federal guidelines under the federal
8 "Randolph-Sheppard Vending Stand Act", as amended.

9 **SECTION 6.** In Colorado Revised Statutes, 8-84-208, amend (1)
10 as follows:

11 **8-84-208. Business enterprise program cash fund - creation.**

12 (1) There is hereby created in the state treasury the business enterprise
13 program cash fund, referred to in this article as the "fund", which consists
14 of moneys accruing to the department from assessments against the net
15 proceeds of each vending facility OR OTHER BUSINESS operator consistent
16 with this part 2, any income from vending machines on federal or state
17 property that accrues to the department, ANY INCOME FROM VENDING
18 MACHINES OR OTHER BUSINESSES ON STATE PROPERTY THAT ACCRUES TO
19 THE DEPARTMENT, and any federal moneys that may become available.
20 Any moneys currently attributed to the business enterprise program and
21 any reserves shall be transferred to this fund for future use consistent with
22 this part 2.

23 **SECTION 7. Effective date.** This act takes effect July 1, 2016.

24 **SECTION 8. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.