

NOTE: The governor signed this measure on 5/8/2015.

An Act

SENATE BILL 15-239

BY SENATOR(S) Lambert, Grantham, Steadman, Aguilar, Donovan, Guzman, Hodge, Jahn, Kefalas, Kerr, Merrifield, Newell, Todd; also REPRESENTATIVE(S) Young, Hamner, Rankin, Fields, Ginal, Kraft-Tharp, Lontine, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Williams, Winter.

CONCERNING THE TRANSFER OF VOCATIONAL REHABILITATION PROGRAMS FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF LABOR AND EMPLOYMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The general assembly is committed to strengthening the programs of rehabilitation of disabled and nondisabled persons to the end that those persons may attain their maximum potential in employment, self-care, and independent living;

(b) While the current vocational rehabilitation programs administered within the department of human services have made progress

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

in getting more persons with disabilities into individualized, integrated employment, there is an opportunity to do even more by placing these vocational rehabilitation programs within the department of labor and employment, where employment, training, and skill development and connecting available workers and employers are primary areas of focus for the entire department;

(c) With passage of the federal "Workforce Innovation and Opportunity Act" of 2014 (WIOA), the United States Congress called for improvements across core programs to better focus on and improve employment service delivery to special populations, including specifically identifying vocational rehabilitation as a required workforce partner for states' employment and training efforts;

(d) Transferring the vocational rehabilitation programs currently administered by the department of human services, including the business enterprise program, to the department of labor and employment will provide a more comprehensive and integrated approach to getting unemployed individuals with disabilities trained in skills for today's jobs and into the workforce;

(e) It is in the public interest to help Coloradans with disabilities achieve and maintain meaningful employment while simultaneously providing employers with dependable, dedicated, and talented employees; and

(f) The purpose of this act is to:

(I) Transfer vocational rehabilitation programs and functions, including the business enterprise program, from the department of human services to the department of labor and employment, effective on July 1, 2016; and

(II) Ensure that between passage of this act and July 1, 2016, the department of labor and employment, in coordination with the department of human services, engages, involves, and seeks the advice of the division of vocational rehabilitation's many interested stakeholders, including the state rehabilitation council, in developing detailed programmatic and budget recommendations and plans for a smooth and effective transfer of vocational rehabilitation programs and functions to the department of labor

and employment.

SECTION 2. In Colorado Revised Statutes, **add with amended and relocated provisions** article 84 to title 8 as follows:

ARTICLE 84
Vocational Rehabilitation

PART 1
VOCATIONAL REHABILITATION PROGRAMS

8-84-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT CREATED IN SECTION 24-1-121, C.R.S.

(2) **[Formerly 26-8-105 (2) as amended by H.B. 15-1188]** ~~For the purposes of this article,~~ "Person with a disability" means a person who has a physical or mental impairment that constitutes or results in a substantial impediment to employment, and who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(3) "VOCATIONAL REHABILITATION SERVICES" MEANS THOSE SERVICES DESCRIBED IN SECTION 103 OF THE FEDERAL "REHABILITATION ACT OF 1973", PUBLIC LAW 93-112, AS AMENDED.

8-84-102. [Formerly 26-8-101 as amended by H.B. 15-1188] Rehabilitation programs. In carrying out the provisions of this article, the state department is ~~charged with coordinating and strengthening~~ SHALL COORDINATE AND STRENGTHEN the programs of rehabilitation for persons with disabilities to the end that they may attain or maintain their maximum potential in employment, self-sufficiency, and independent living. Nothing in this article is to be construed as an eligibility-based entitlement to a vocational rehabilitation service provided by the state.

8-84-103. [Formerly 26-8-102 (1)] Personnel. Subject to the availability of duly appropriated funds, the executive director OF THE DEPARTMENT may appoint necessary personnel to administer rehabilitation

programs in accordance with ~~the provisions of~~ this article.

8-84-104. [Formerly 26-8-103] Functions of the department.

(1) The ~~state~~ department shall manage, control, and supervise all rehabilitation programs provided in this article, including: ~~but not limited to:~~

(a) All duties and functions previously assigned to the vocational rehabilitation division of the state board of vocational education;

(b) All duties and functions previously assigned to the division of rehabilitation for the blind;

(c) ALL DUTIES AND FUNCTIONS REGARDING VOCATIONAL REHABILITATION PROGRAMS PREVIOUSLY ASSIGNED TO THE DIVISION OF VOCATIONAL REHABILITATION IN THE DEPARTMENT OF HUMAN SERVICES OR ANY OTHER DUTIES AND FUNCTIONS RELATING TO VOCATIONAL REHABILITATION PREVIOUSLY ASSIGNED TO THE DEPARTMENT OF HUMAN SERVICES;

~~(c)~~ (d) All duties and functions relating to home teaching of and teachers for the adult blind vested in, exercised by, or imposed upon the ~~state~~ department OF HUMAN SERVICES or its predecessors prior to July 1, 1973, whether by law, rule, or regulation; AND

~~(d)~~ (e) Other duties and functions assigned by this article.

8-84-105. [Formerly 26-8-104] Administration. (1) The state department shall: ~~in accordance with section 26-1-108:~~

(a) ~~Make~~ ADOPT rules ~~and regulations~~ governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, the investigation and determination of eligibility for vocational rehabilitation services, procedures for fair hearings, the establishment and operation of rehabilitation facilities and workshops, and ~~such other rules and regulations~~ as ~~may be~~ necessary to carry out the purposes of this article;

(b) ~~Make certification for disbursement, in accordance with rules and regulations;~~ CERTIFY, IN ACCORDANCE WITH RULES, DISBURSEMENTS

of funds available for carrying out the purposes of this article;

(c) Accept and use gifts, GRANTS, OR DONATIONS made unconditionally, by will or otherwise, for carrying out the purposes of this article. THE DEPARTMENT MAY ACCEPT AND EXPEND gifts, GRANTS, OR DONATIONS made under ~~such conditions as in the judgment of~~ THAT the executive director DETERMINES are proper and consistent with ~~the provisions of this article may be accepted and shall be held, invested, reinvested, and used~~ HOLD, INVEST, REINVEST, AND USE THE GIFTS, GRANTS, OR DONATIONS in accordance with the conditions. ~~of the gift.~~

8-84-106. Rehabilitation of persons with disabilities.

(1) [**Formerly 26-8-105 (1)**] Except as otherwise provided by law, the ~~state~~ department shall provide rehabilitation services to persons with disabilities ~~determined to be eligible therefor~~ WHO THE DEPARTMENT DETERMINES ARE ELIGIBLE FOR THE SERVICES.

(2) [**Formerly 26-8-105 IP (3)**] The ~~state~~ department shall:

(a) [**Formerly 26-8-105 (3) (a) as amended by H.B. 15-1188**] Cooperate with other departments, agencies, and institutions, both public and private, in:

(I) Providing the services authorized by this article to persons with disabilities; ~~in~~

(II) Studying the problems involved ~~therein~~ IN PROVIDING THE SERVICES; and ~~in~~

(III) Establishing, developing, and providing, in conformity with the purposes of this article, ~~such~~ programs, facilities, and services ~~as may be~~ THAT ARE necessary;

(b) [**Formerly 26-8-105 (3) (b)**] Enter into reciprocal agreements with other states to provide for the services authorized by this article to residents of the states concerned;

(c) [**Formerly 26-8-105 (3) (c)**] Establish and operate rehabilitation facilities and workshops and make grants to public and other nonprofit organizations for ~~such~~ THOSE purposes;

(d) **[Formerly 26-8-105 (3) (d)]** Operate through contract and supervise the operation of vending stands and other small businesses, established pursuant to this article and in accordance with the requirements of the federal government for the receipt of federal funds, to be conducted by individuals with severe disabilities, particularly the blind;

(e) **[Formerly 26-8-105 (3) (e)]** Provide training and instruction, including the establishment and maintenance of ~~such~~ research fellowships and traineeships with ~~such~~ stipends and allowances as ~~may be deemed~~ necessary, in matters relating to vocational rehabilitation;

(f) **[Formerly 26-8-105 (3) (f)]** Provide home teaching of and teachers for the adult blind; AND

(g) **[Formerly 26-8-105 (3) (g)]** Provide ~~such~~ medical, diagnostic, physical restoration, training, and other rehabilitation services as ~~may be~~ needed to enable ~~disabled individuals~~ PERSONS WITH DISABILITIES to attain the maximum degree of self-care.

~~(h) [Formerly 26-8-105 (3) (h) as repealed by H.B. 15-1188]~~
Repealed:

(3) **[Formerly 26-8-105 (4) as amended by H.B. 15-1188]** (a) THE DEPARTMENT SHALL PROVIDE vocational rehabilitation services ~~as defined by the federal "Vocational Rehabilitation Act", must be provided~~ directly or through public or private instrumentalities to or for the benefit of an eligible person with a disability who:

(I) Is residing in the state at the time of filing an application FOR THE SERVICES; and ~~whose rehabilitation~~

(II) (A) The ~~state~~ department determines, after full investigation, ~~can be satisfactorily achieved~~ ACHIEVE REHABILITATION; or ~~who~~

(B) Is eligible FOR VOCATIONAL REHABILITATION SERVICES under the terms of an agreement with another state or the federal government.

(b) The state department shall:

(I) Complete a comprehensive assessment and work with the person

with a disability to develop an employment outcome or goal based on the person's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

(II) Authorize those services that are appropriate and necessary to address the rehabilitation needs of the person with a disability, based on his or her documented disabilities and impairments, so that he or she might achieve his or her employment outcome or goal;

(III) Give preference to cost-effective services provided in the state of Colorado, but the state department may authorize payment for out-of-state services on a case-by-case basis. The state department shall not pay for any services provided outside the United States.

(IV) Establish a fee schedule for goods and services that is designed to ensure reasonable cost to the program;

(V) Limit payment for services to Colorado in-state tuition or the equivalent for all education and vocational schooling; except that, if the state department finds, through its comprehensive assessment, that the person with a disability needs specialized education outside of Colorado to address his or her barriers to employment, the state department may authorize payment for out-of-state tuition on a case-by-case basis;

(VI) Establish reasonable time frames within each employment plan for individuals to attain the established employment outcomes or goals;

(VII) Close the record of services in a timely manner and in accordance with federal guidelines for a person with a disability who has achieved his or her employment outcomes or goals; and

(VIII) Establish a review process to allow for exceptions to the requirements of subparagraphs (I) to (VII) of this paragraph (a) in unique cases, in accordance with federal regulations.

~~(b)~~ (c) (I) ~~Any~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), THE DEPARTMENT SHALL PROVIDE goods or services ~~excluding~~ TO A PERSON WITH A DISABILITY ONLY TO THE EXTENT THE DEPARTMENT DETERMINES, IN ACCORDANCE WITH PARAGRAPH (d) OF THIS SUBSECTION (3) AND DEPARTMENT RULES, THAT THE PERSON WITH A

DISABILITY REQUIRES FINANCIAL ASSISTANCE.

(II) THE DEPARTMENT SHALL PROVIDE THE FOLLOWING SERVICES AT PUBLIC COST WITHOUT CONSIDERATION OF FINANCIAL NEED:

(A) Diagnostic and related ~~assessment services (including transportation)~~, ASSESSMENTS, INCLUDING TRANSPORTATION NECESSARY TO OBTAIN THE ASSESSMENT, THAT ARE ~~required for the determination of~~ TO DETERMINE eligibility for ~~service and of~~ SERVICES AND the nature and scope of the services to be provided;

(B) Vocational rehabilitation guidance;

(C) Referral;

(D) Personal assistance training;

(E) Interpreter services; ~~and~~

(F) Job placement; and

(G) JOB retention. ~~must be provided at the public cost only to the extent that the person with a disability is found to require financial assistance in accordance with the rules and regulations of the state department.~~

~~(c)~~ (d) (I) The state department shall determine a person with a disability's need for financial assistance based on the person's need and income, or the income of the person's legally and financially responsible relative. The state department shall determine the need for financial assistance for a person with a disability, or for the person's legally and financially responsible relative, prior to providing vocational rehabilitation services, except for diagnostic, guidance, job placement, and related services. The person with a disability, or the person's legally and financially responsible relative, shall contribute toward the cost of his or her vocational rehabilitation services to the extent that the state department determines that he or she is financially able; except that, if the person with a disability has been determined eligible for social security benefits under Title II or XVI of the federal "Social Security Act", 42 U.S.C. 301 ET SEQ., as amended, he or she is not required to further contribute to the costs of

any services provided.

(II) As used in this paragraph (c) (d), a "person's legally and financially responsible relative" means the relative who identifies the person as a dependant for federal income tax purposes.

(4) [Formerly 26-8-105 (5) as added by H.B. 15-1188] To the extent that the state department determines that any goods or services received by the person with a disability were acquired through misrepresentation, fraud, collusion, or criminal conduct, payment for those goods and services may be recovered by the state department from the person with a disability.

8-84-107. [Formerly 26-8-106] Cooperation with federal government. The state department shall cooperate with the federal government in carrying out the purposes of any federal statutes pertaining to the purposes of this article, including the licensing of blind persons to operate vending stands on federal property. ~~and is hereby authorized to~~ THE DEPARTMENT MAY adopt by rule ~~and regulation such~~ methods of administration as THAT are reasonably required by the federal government for the proper and efficient operation of ~~such~~ THE agreements WITH THE FEDERAL GOVERNMENT and to comply with ~~such~~ THE conditions ~~as may be~~ necessary to secure the full benefits of ~~such~~ THE federal statutes.

8-84-108. Transfer of functions - transition plan - report.

(1) (a) ON AND AFTER JULY 1, 2016, THE RIGHTS, POWERS, DUTIES, AND FUNCTIONS REGARDING VOCATIONAL REHABILITATION PROGRAMS, INCLUDING THE BUSINESS ENTERPRISE PROGRAM, VESTED IN THE DEPARTMENT OF HUMAN SERVICES PRIOR TO THAT DATE ARE TRANSFERRED FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF LABOR AND EMPLOYMENT BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(b) BY JULY 1, 2016, THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS REGARDING VOCATIONAL REHABILITATION PROGRAMS, INCLUDING THE BUSINESS ENTERPRISE PROGRAM, THAT ARE TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS ARTICLE.

(c) BY JULY 1, 2016, THE OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF HUMAN SERVICES PRIOR TO THAT DATE WHOSE DUTIES AND FUNCTIONS CONCERNED THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS ARTICLE AND WHOSE EMPLOYMENT IN THE DEPARTMENT IS DEEMED NECESSARY BY THE EXECUTIVE DIRECTOR TO CARRY OUT THE PURPOSES OF THIS ARTICLE ARE TRANSFERRED TO THE DEPARTMENT AND BECOME EMPLOYEES OF THE DEPARTMENT. THE EMPLOYEES RETAIN ALL RIGHTS TO THE PERSONNEL SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS STATE, AND THEIR SERVICES ARE DEEMED TO BE CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND REGULATIONS.

(d) BY JULY 1, 2016, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF THE DEPARTMENT OF HUMAN SERVICES PRIOR TO THAT DATE PERTAINING TO THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS ARTICLE ARE TRANSFERRED TO THE DEPARTMENT AND BECOME THE PROPERTY OF THE DEPARTMENT.

(e) (I) ON AND AFTER JULY 1, 2016, WHENEVER THE FUNCTIONS OF THE DEPARTMENT OF HUMAN SERVICES OR THE DIVISION OF VOCATIONAL REHABILITATION IN THE DEPARTMENT OF HUMAN SERVICES RELATING TO VOCATIONAL REHABILITATION PROGRAMS OR SERVICES, INCLUDING THE BUSINESS ENTERPRISE PROGRAM, ARE REFERRED TO OR DESIGNATED BY A CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS ARTICLE, THE REFERENCE OR DESIGNATION IS DEEMED TO APPLY TO THE DEPARTMENT.

(II) ALL CONTRACTS ENTERED INTO BY THE DEPARTMENT OF HUMAN SERVICES PRIOR TO JULY 1, 2016, IN CONNECTION WITH THE DUTIES AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS ARTICLE ARE HEREBY VALIDATED, WITH THE DEPARTMENT SUCCEEDING TO ALL THE RIGHTS AND OBLIGATIONS OF THE CONTRACTS. ANY APPROPRIATIONS OF FUNDS FROM PRIOR FISCAL YEARS OPEN TO SATISFY OBLIGATIONS INCURRED PURSUANT TO THOSE CONTRACTS ARE TRANSFERRED AND APPROPRIATED TO THE DEPARTMENT FOR THE PAYMENT OF THOSE OBLIGATIONS.

(2) (a) STARTING ON THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL BEGIN WORKING WITH PARTNERS, STAKEHOLDERS, AND RESPECTIVE STAFF FROM BOTH DEPARTMENTS TO TRANSITION VOCATIONAL REHABILITATION PROGRAMS, INCLUDING THE BUSINESS ENTERPRISE PROGRAM, FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF LABOR AND EMPLOYMENT. IN ADDITION TO PREPARING AND PRESENTING A DETAILED TRANSITION PLAN AS REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (2), STARTING IN SEPTEMBER 2015, THE DEPARTMENT SHALL PRESENT QUARTERLY REPORTS TO THE JOINT BUDGET COMMITTEE ON THE STATUS OF THE TRANSITION OF VOCATIONAL REHABILITATION PROGRAMS, INCLUDING THE BUSINESS ENTERPRISE PROGRAM, FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(b) BY DECEMBER 1, 2015, THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL PREPARE A DETAILED TRANSITION PLAN, INCLUDING STATUTORY AND BUDGETARY RECOMMENDATIONS, TO BE PRESENTED TO THE JOINT BUDGET COMMITTEE AND THE OVERSIGHT STANDING COMMITTEES FOR EACH DEPARTMENT ON ANY ADDITIONAL STATUTORY CHANGES THAT MAY BE NECESSARY TO EFFECTUATE THE TRANSFER OF VOCATIONAL REHABILITATION PROGRAMS, INCLUDING THE BUSINESS ENTERPRISE PROGRAM, TO THE DEPARTMENT OF LABOR AND EMPLOYMENT AND ENSURE THE PROTECTION OF VOCATIONAL REHABILITATION CLIENTS. IN DEVELOPING THE TRANSITION PLAN, THE DEPARTMENTS SHALL INCLUDE INPUT AND RECOMMENDATIONS FROM INTERESTED STAKEHOLDERS, INCLUDING THE STATE REHABILITATION COUNCIL.

PART 2
VENDING FACILITIES IN STATE BUILDINGS -
BUSINESS ENTERPRISE PROGRAM

8-84-201. [Formerly 26-8.5-100.1] Short title. This article PART 2 shall be known and may be cited as the "Business Enterprise Program Act".

8-84-202. [Formerly 26-8.5-101] Definitions. As used in this article PART 2, unless the context otherwise requires:

(1) "~~Blind person~~ "PERSON WHO IS BLIND" means a person ~~having~~

WHO HAS not more than 20/200 central visual acuity in the better eye with correcting lenses or an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty degrees.

(2) "SATISFACTORY SITE" MEANS AN AREA DETERMINED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT TO HAVE SUFFICIENT SPACE, ELECTRICAL AND PLUMBING OUTLETS, AND OTHER FACILITIES AS PRESCRIBED BY DEPARTMENT RULE FOR THE LOCATION AND OPERATION OF A VENDING FACILITY.

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

(3) (4) "Vending facility" means automatic vending machines, a café, a cafeteria, a restaurant, a snack bar, a concession stand, or any other facility at which food, drinks, drugs, novelties, souvenirs, tobacco products, notions, or related items are regularly sold.

8-84-203. [Formerly 26-8.5-102] Priority for persons who are blind - licensing. The state department OF LABOR AND EMPLOYMENT shall issue licenses to ~~blind~~ persons WHO ARE BLIND AND who are qualified to operate vending facilities, in accordance with the criteria used for the licensing of operators of vending facilities on federal property pursuant to section ~~26-8-106~~ 8-84-107 and the federal "Randolph-Sheppard Vending Stand Act", as ~~from time to time~~ amended. In authorizing vending facilities on state property, THE DEPARTMENT SHALL GIVE priority ~~shall be given to blind~~ TO persons WHO ARE BLIND AND who are licensed by the state department ~~The purpose of this priority is~~ IN ORDER to enlarge the economic opportunities of ~~blind~~ persons WHO ARE BLIND by providing remunerative employment and to stimulate ~~blind~~ persons WHO ARE BLIND to greater efforts in striving to make themselves self-supporting.

8-84-204. [Formerly 26-8.5-103] Satisfactory sites for vending facilities required. (1) ~~Effective July 1, 1977, no~~ A department or agency

of the state of Colorado shall NOT construct, ~~shall~~ acquire by ownership, rent, lease, or ~~otherwise~~ OTHER MEANS, or ~~shall~~ undertake to substantially alter or renovate, in whole or in part, ~~any~~ A building unless, after consultation with the ~~state~~ department OF LABOR AND EMPLOYMENT, it is determined that ~~such~~ THE building will include a satisfactory site or sites for the location and operation of a vending facility by a ~~blind~~ person WHO IS BLIND.

(2) Each ~~such~~ department or agency shall provide notice to the ~~state~~ department OF LABOR AND EMPLOYMENT of its plans for the occupation, acquisition, construction, alteration, or renovation of a building adequate to permit the ~~state~~ department OF LABOR AND EMPLOYMENT to determine whether ~~such~~ THE building includes a satisfactory site ~~or sites~~ for a vending facility.

(3) ~~The provisions of~~ This section ~~shall~~ DOES not apply when the ~~state~~ department OF LABOR AND EMPLOYMENT determines that the number of people using the building will be insufficient to support a vending facility.

(4) ~~For the purpose of this section, "satisfactory site" means an area determined by the state department to have sufficient space, electrical and plumbing outlets, and such other facilities as are prescribed by rule of the state department for the location and operation of a vending facility.~~

(5) (4) ~~No charge shall be made to~~ The state department OF LABOR AND EMPLOYMENT SHALL NOT BE CHARGED for:

- (a) The use of state-furnished space; ~~for~~
- (b) Maintenance or janitorial services; ~~for~~
- (c) Repair of the building structure in and adjacent to the vending facility area, including any necessary initial and periodical painting and decorating; ~~for~~
- (d) Utilities required to operate vending facilities and vending machines; ~~or for~~
- (e) Repairing and replacing floor coverings, cleaning windows, or

providing other related building services in accordance with the normal level of building service applicable to the state building on IN which the vending facility is located.

8-84-205. [Formerly 26-8.5-104] Vending machines - income.
~~Effective July 1, 1977,~~ One hundred percent of all commission income from vending machines on state property ~~shall accrue~~ ACCRUES to the state department OF LABOR AND EMPLOYMENT, which shall disburse ~~such~~ THE income in accordance with the rules ~~and regulations~~ of the state department. The office of state planning and budgeting shall notify the state department of the location of all vending machines on state property, and the state department shall ~~be responsible for the collection and~~ COLLECT AND PROVIDE AN accounting ~~for~~ OF income from these vending machines.

8-84-206. [Formerly 26-8.5-105] Cooperation - locations - rules.
(1) ~~It is the duty of~~ The heads of all state departments and agencies ~~to~~ SHALL negotiate and ~~to~~ cooperate in good faith to accomplish the purposes of this article relating to vending facilities. ~~including vending machines and other coin-operated devices in operation on or before July 1, 1977.~~

(2) If the ~~state~~ department OF LABOR AND EMPLOYMENT determines that the operation of a vending facility IN A STATE BUILDING by a ~~blind~~ person ~~in a state building~~ WHO IS BLIND is not feasible, ~~the location may be operated by another person, in the discretion of~~ the office of state planning and budgeting MAY AUTHORIZE ANOTHER PERSON TO OPERATE THE VENDING FACILITY.

(3) When no person is immediately available on the premises for the management of vending machines, the commission income from ~~such~~ THE machines shall be given to the ~~state~~ department OF LABOR AND EMPLOYMENT in accordance with section ~~26-8.5-104~~ 8-84-205.

(4) The ~~state~~ department OF LABOR AND EMPLOYMENT shall ~~be responsible for the operation of~~ OPERATE a vending facility program in accordance with its rules ~~and regulations~~ and in accordance with federal guidelines under the federal "Randolph-Sheppard Vending Stand Act", as ~~from time to time~~ amended.

8-84-207. [Formerly 26-8.5-106] Status of existing contracts.
~~The provisions of this article shall~~ THIS PART 2 DOES not extend to existing

contracts until the expiration of those contracts.

8-84-208. [Formerly 26-8.5-107] Business enterprise program cash fund - creation. There is hereby created in the state treasury the business enterprise program cash fund, referred to in this article as the "fund", ~~that shall consist~~ WHICH CONSISTS of moneys accruing to the state department from assessments against the net proceeds of each vending facility operator consistent with ~~the provisions of this article~~ THIS PART 2, any income from vending machines on federal or state property that accrues to the state department, and any federal moneys that may become available. Any moneys currently attributed to the business enterprise program and any reserves shall be transferred to this fund for future use consistent with this ~~article~~ PART 2. The moneys in the fund ~~shall be~~ ARE subject to annual appropriation by the general assembly for the direct and indirect costs associated with the administration of this ~~article~~ PART 2. THE STATE TREASURER MAY INVEST any moneys in the fund not expended for the purposes of this ~~article may be invested by the state treasurer~~ PART 2 as provided in sections 24-36-109, 24-36-112, and 24-36-113, C.R.S. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of any fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or any other fund.

SECTION 3. Repeal of relocated and nonrelocated provisions in this act. In Colorado Revised Statutes, **repeal** 26-8-101, 26-8-102, 26-8-103, 26-8-104, 26-8-105, 26-8-106, 26-8.5-100.1, 26-8.5-101, 26-8.5-102, 26-8.5-103, 26-8.5-104, 26-8.5-105, 26-8.5-106, and 26-8.5-107; except that 26-8-102 (2) is not relocated.

SECTION 4. In Colorado Revised Statutes, 24-1-120, **repeal** (4) (b) as follows:

24-1-120. Department of human services - creation. (4) Unless otherwise transferred to the department of health care policy and financing or the department of public health and environment, the department of human services shall exercise the following powers and perform the following duties:

(b) ~~Powers, duties, and functions relating to vocational~~

~~rehabilitation, which are transferred by a type 2 transfer to the department of human services.~~

SECTION 5. In Colorado Revised Statutes, 24-1-121, **amend** (3) introductory portion; and **add** (3) (h) as follows:

24-1-121. Department of labor and employment - creation.

(3) The department of labor and employment consists of the following divisions AND PROGRAMS:

(h) THE POWERS, DUTIES, AND FUNCTIONS RELATING TO VOCATIONAL REHABILITATION PROGRAMS, INCLUDING THE BUSINESS ENTERPRISE PROGRAM, WHICH ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF LABOR AND EMPLOYMENT.

SECTION 6. In Colorado Revised Statutes, 26-1-201, **repeal** (1) (l) and (1) (p) as follows:

26-1-201. Programs administered - services provided - department of human services. (1) This section specifies the programs to be administered and the services to be provided by the department of human services. These programs and services include the following:

~~(l) The vocational rehabilitation programs, as specified in article 8 of this title;~~

~~(p) The vending facilities in state buildings program, as specified in article 8.5 of this title;~~

SECTION 7. In Colorado Revised Statutes, **repeal** 27-10.5-801.

SECTION 8. In Colorado Revised Statutes, 27-90-111, **repeal** (3) (c) as follows:

27-90-111. Employment of personnel - screening of applicants - disqualifications from employment. (3) The employment screening and disqualification requirements in this section apply to the following facilities or programs operated by the department:

~~(c) Vocational rehabilitation services provided pursuant to article~~

~~8 of title 26, C.R.S.;~~

SECTION 9. In Colorado Revised Statutes, 17-24-126, **amend** (4) as follows:

17-24-126. Canteen, vending machine, and library account created - receipts - disbursements. (4) ~~Article 8.5 of title 26, C.R.S.~~ PART 2 OF ARTICLE 84 OF TITLE 8, C.R.S., regarding vending facilities in state buildings, ~~shall~~ DOES not apply to vending machines operated in visiting areas of any department facility.

SECTION 10. In Colorado Revised Statutes, 22-54-115, **amend** (1.5), (2), and (3) (b) as follows:

22-54-115. Distribution from state public school fund. (1.5) Any school district may give written instructions to the state board directing that a specified portion of a monthly payment or monthly payments that the district is otherwise entitled to receive pursuant to this section shall be transferred to the ~~division of vocational rehabilitation in the~~ department of ~~human services~~ LABOR AND EMPLOYMENT for the district's cost of participating in ~~school-to-work~~ SCHOOL-TO-WORK alliance programs. ~~Such~~ THESE written instructions shall specify the amount to be transferred to the ~~division of vocational rehabilitation~~ DEPARTMENT OF LABOR AND EMPLOYMENT from the district's payment for a specified month or months. ~~Such~~ THE written instructions shall be given to the state board no later than the fifth day of the first month in which such amount is to be transferred to the ~~division of vocational rehabilitation~~ DEPARTMENT OF LABOR AND EMPLOYMENT.

(2) No later than the fifteenth day of each month, the state board shall certify to the state treasurer the amount payable to each district and to the state charter school institute in accordance with subsection (1.3) of this section during said month and the amount, if any, to be transferred to the ~~division of vocational rehabilitation~~ DEPARTMENT OF LABOR AND EMPLOYMENT during said month in accordance with subsection (1.5) of this section.

(3) No later than the twenty-fifth day of each month, the state treasurer shall:

(b) Transfer the amount certified, if any, to the ~~division of vocational rehabilitation~~ DEPARTMENT OF LABOR AND EMPLOYMENT; and

SECTION 11. In Colorado Revised Statutes, 22-54.5-408, **amend** (1) (b), (4), and (5) (b) as follows:

22-54.5-408. Distribution from state public school fund.

(1) (b) A district may give written instructions to the state board directing the department to transfer a specified portion of a monthly payment or monthly payments that the district is otherwise entitled to receive pursuant to this section to the ~~division of vocational rehabilitation in the~~ department of ~~human services~~ LABOR AND EMPLOYMENT for the district's cost of participating in school-to-work alliance programs. The written instructions must specify the amount that the department must transfer to the ~~division of vocational rehabilitation~~ DEPARTMENT OF LABOR AND EMPLOYMENT from the district's payment for a specified month or months. The district shall submit the written instructions to the state board no later than the fifth day of the first month in which the amount is transferred to the ~~division of vocational rehabilitation~~ DEPARTMENT OF LABOR AND EMPLOYMENT.

(4) No later than the fifteenth day of each month, the state board shall certify to the state treasurer the amount payable to each district and to the state charter school institute for institute charter schools in accordance with this section during the month and the amount, if any, to be transferred to the ~~division of vocational rehabilitation~~ DEPARTMENT OF LABOR AND EMPLOYMENT during the month in accordance with paragraph (b) of subsection (1) of this section.

(5) No later than the twenty-fifth day of each month, the state treasurer shall:

(b) Transfer the amount certified, if any, to the ~~division of vocational rehabilitation~~ DEPARTMENT OF LABOR AND EMPLOYMENT; and

SECTION 12. In Colorado Revised Statutes, 43-1-1202, **amend** (3) (b) as follows:

43-1-1202. Department powers. (3) Retail goods and services shall not be authorized under this part 12. This subsection (3) shall not prohibit:

(b) Any vending facilities, AS defined in section ~~26-8.5-101~~ 8-84-202 (4), C.R.S.;

SECTION 13. Appropriation. (1) For the 2015-16 state fiscal year, \$665,330 is appropriated to the department of labor and employment. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$379,620 for use by the executive director's office for personal services;

(b) \$190,000 for use by the executive director's office for operating expenses;

(c) \$17,528 for leased space;

(d) \$18,902 for the purchase of legal services; and

(e) \$59,280 for the purchase of information technology services.

(2) For the 2015-16 state fiscal year, \$18,902 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of labor and employment under paragraph (d) of subsection (1) of this section and is based on an assumption that the department of law will require an additional 0.1 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of labor and employment.

(3) For the 2015-16 state fiscal year, \$59,280 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of labor and employment under paragraph (e) of subsection (1) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of labor and employment.

SECTION 14. Effective date. (1) Except as provided in subsection (2) of this section, this act takes effect July 1, 2016.

(2) Sections 1, 13, 14, and 15 of the act and section 8-84-108,

Colorado Revised Statutes, as enacted in section 2 of the act, take effect upon passage.

SECTION 15. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO