

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 15-0735.01 Christy Chase x2008

SENATE BILL 15-239

SENATE SPONSORSHIP

Lambert, Grantham, Steadman

HOUSE SPONSORSHIP

Young, Hamner, Rankin

Senate Committees
Appropriations

House Committees
Appropriations

HOUSE
3rd Reading Unamended
April 9, 2015

A BILL FOR AN ACT

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

HOUSE
2nd Reading Unamended
April 8, 2015

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>.)

SENATE
3rd Reading Unamended
April 2, 2015

Joint Budget Committee. Currently, the department of human services, through the division of vocational rehabilitation, administers vocational rehabilitation programs for persons with disabilities. The bill

SENATE
Amended 2nd Reading
April 1, 2015

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

transfers the program and the powers and duties of the division of vocational rehabilitation related to vocational rehabilitation programs to the department of labor and employment (department) as of July 1, 2016.

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

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

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

8 (b) While the current vocational rehabilitation programs
9 administered within the department of human services have made
10 progress in getting more persons with disabilities into individualized,
11 integrated employment, there is an opportunity to do even more by
12 placing these vocational rehabilitation programs within the department of
13 labor and employment, where employment, training, and skill
14 development and connecting available workers and employers are
15 primary areas of focus for the entire department;

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

22 (d) Transferring the vocational rehabilitation programs currently
23 administered by the department of human services, including the business
24 enterprise program, to the department of labor and employment will

1 provide a more comprehensive and integrated approach to getting
2 unemployed individuals with disabilities trained in skills for today's jobs
3 and into the workforce;

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

8 (f) The purpose of this act is to:

9 (I) Transfer vocational rehabilitation programs and functions,
10 including the business enterprise program, from the department of human
11 services to the department of labor and employment, effective on July 1,
12 2016; and

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

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

23 **ARTICLE 84**

24 **Vocational Rehabilitation**

25 PART 1

26 VOCATIONAL REHABILITATION PROGRAMS

27 **8-84-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

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

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

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

13 **8-84-102. [Formerly 26-8-101 as amended by H.B. 15-1188]**
14 **Rehabilitation programs.** In carrying out the provisions of this article,
15 the state department is ~~charged with coordinating and strengthening~~
16 SHALL COORDINATE AND STRENGTHEN the programs of rehabilitation for
17 persons with disabilities to the end that they may attain or maintain their
18 maximum potential in employment, self-sufficiency, and independent
19 living. Nothing in this article is to be construed as an eligibility-based
20 entitlement to a vocational rehabilitation service provided by the state.

21 **8-84-103. [Formerly 26-8-102 (1)] Personnel.** Subject to the
22 availability of duly appropriated funds, the executive director OF THE
23 DEPARTMENT may appoint necessary personnel to administer
24 rehabilitation programs in accordance with ~~the provisions of~~ this article.

25 **8-84-104. [Formerly 26-8-103] Functions of the department.**
26 (1) The ~~state~~ department shall manage, control, and supervise all
27 rehabilitation programs provided in this article, including: ~~but not limited~~

1 to:

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

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

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

12 (d) All duties and functions relating to home teaching of and
13 teachers for the adult blind vested in, exercised by, or imposed upon the
14 state department OF HUMAN SERVICES or its predecessors prior to July 1,
15 1973, whether by law, rule, or regulation; AND

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

17 **8-84-105. [Formerly 26-8-104] Administration.** (1) The state
18 department shall: ~~in accordance with section 26-1-108:~~

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

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

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

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

10 **8-84-106. Rehabilitation of persons with disabilities.**

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

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

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

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

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

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

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

1 residents of the states concerned;

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

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

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

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

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

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

23 (3) **[Formerly 26-8-105 (4) as amended by H.B. 15-1188]**

24 (a) THE DEPARTMENT SHALL PROVIDE vocational rehabilitation services
25 ~~as defined by the federal "Vocational Rehabilitation Act", must be~~
26 ~~provided~~ directly or through public or private instrumentalities to or for
27 the benefit of an eligible person with a disability who:

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

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

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

7 (b) The state department shall:

8 (I) Complete a comprehensive assessment and work with the
9 person with a disability to develop an employment outcome or goal based
10 on the person's strengths, resources, priorities, concerns, abilities,
11 capabilities, interests, and informed choice;

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

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

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

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

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

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

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

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

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

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

23 (B) Vocational rehabilitation guidance;

24 (C) Referral;

25 (D) Personal assistance training;

26 (E) Interpreter services; ~~and~~

27 (F) Job placement; and

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

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

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

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

1 the person with a disability.

2 **8-84-107. [Formerly 26-8-106] Cooperation with federal**
3 **government.** The ~~state~~ department shall cooperate with the federal
4 government in carrying out the purposes of any federal statutes pertaining
5 to the purposes of this article, including the licensing of blind persons to
6 operate vending stands on federal property. ~~and is hereby authorized to~~
7 THE DEPARTMENT MAY adopt by rule ~~and regulation~~ such methods of
8 administration ~~as~~ THAT are reasonably required by the federal government
9 for the proper and efficient operation of ~~such~~ THE agreements WITH THE
10 FEDERAL GOVERNMENT and to comply with ~~such~~ THE conditions ~~as may~~
11 ~~be~~ necessary to secure the full benefits of ~~such~~ THE federal statutes.

12 **8-84-108. Transfer of functions - transition plan - report.**

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

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

27 (c) BY JULY 1, 2016, THE OFFICERS AND EMPLOYEES OF THE

1 DEPARTMENT OF HUMAN SERVICES PRIOR TO THAT DATE WHOSE DUTIES
2 AND FUNCTIONS CONCERNED THE DUTIES AND FUNCTIONS TRANSFERRED
3 TO THE DEPARTMENT PURSUANT TO THIS ARTICLE AND WHOSE
4 EMPLOYMENT IN THE DEPARTMENT IS DEEMED NECESSARY BY THE
5 EXECUTIVE DIRECTOR TO CARRY OUT THE PURPOSES OF THIS ARTICLE ARE
6 TRANSFERRED TO THE DEPARTMENT AND BECOME EMPLOYEES OF THE
7 DEPARTMENT. THE EMPLOYEES RETAIN ALL RIGHTS TO THE PERSONNEL
8 SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS
9 STATE, AND THEIR SERVICES ARE DEEMED TO BE CONTINUOUS. ALL
10 TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE
11 PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE
12 WITH STATE PERSONNEL SYSTEM LAWS AND REGULATIONS.

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

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

1 DEPARTMENT.

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

11 (2) (a) STARTING ON THE EFFECTIVE DATE OF THIS SECTION, THE
12 DEPARTMENT SHALL BEGIN WORKING WITH PARTNERS, STAKEHOLDERS,
13 AND RESPECTIVE STAFF FROM BOTH DEPARTMENTS TO TRANSITION
14 VOCATIONAL REHABILITATION PROGRAMS, INCLUDING THE BUSINESS
15 ENTERPRISE PROGRAM, FROM THE DEPARTMENT OF HUMAN SERVICES TO
16 THE DEPARTMENT OF LABOR AND EMPLOYMENT. IN ADDITION TO
17 PREPARING AND PRESENTING A DETAILED TRANSITION PLAN AS REQUIRED
18 BY PARAGRAPH (b) OF THIS SUBSECTION (2), STARTING IN SEPTEMBER
19 2015, THE DEPARTMENT SHALL PRESENT QUARTERLY REPORTS TO THE
20 JOINT BUDGET COMMITTEE ON THE STATUS OF THE TRANSITION OF
21 VOCATIONAL REHABILITATION PROGRAMS, INCLUDING THE BUSINESS
22 ENTERPRISE PROGRAM, FROM THE DEPARTMENT OF HUMAN SERVICES TO
23 THE DEPARTMENT OF LABOR AND EMPLOYMENT.

24 (b) BY DECEMBER 1, 2015, THE DEPARTMENT OF HUMAN SERVICES
25 AND THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL PREPARE A
26 DETAILED TRANSITION PLAN, INCLUDING STATUTORY AND BUDGETARY
27 RECOMMENDATIONS, TO BE PRESENTED TO THE JOINT BUDGET COMMITTEE

1 AND THE OVERSIGHT STANDING COMMITTEES FOR EACH DEPARTMENT ON
2 ANY ADDITIONAL STATUTORY CHANGES THAT MAY BE NECESSARY TO
3 EFFECTUATE THE TRANSFER OF VOCATIONAL REHABILITATION PROGRAMS,
4 INCLUDING THE BUSINESS ENTERPRISE PROGRAM, TO THE DEPARTMENT OF
5 LABOR AND EMPLOYMENT AND ENSURE THE PROTECTION OF VOCATIONAL
6 REHABILITATION CLIENTS. IN DEVELOPING THE TRANSITION PLAN, THE
7 DEPARTMENTS SHALL INCLUDE INPUT AND RECOMMENDATIONS FROM
8 INTERESTED STAKEHOLDERS, INCLUDING THE STATE REHABILITATION
9 COUNCIL.

10 PART 2

11 VENDING FACILITIES IN STATE BUILDINGS -
12 BUSINESS ENTERPRISE PROGRAM

13 **8-84-201. [Formerly 26-8.5-100.1] Short title.** This article PART
14 2 shall be known and may be cited as the "Business Enterprise Program
15 Act".

16 **8-84-202. [Formerly 26-8.5-101] Definitions.** As used in this
17 article PART 2, unless the context otherwise requires:

18 (1) "Blind person "PERSON WHO IS BLIND" means a person having
19 WHO HAS not more than 20/200 central visual acuity in the better eye with
20 correcting lenses or an equally disabling loss of the visual field as
21 evidenced by a limitation to the field of vision in the better eye to such a
22 degree that its widest diameter subtends an angle of no greater than
23 twenty degrees.

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

1 A VENDING FACILITY.

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

8 (3) (4) "Vending facility" means automatic vending machines, a
9 café, a cafeteria, a restaurant, a snack bar, a concession stand, or any other
10 facility at which food, drinks, drugs, novelties, souvenirs, tobacco
11 products, notions, or related items are regularly sold.

12 **8-84-203. [Formerly 26-8.5-102] Priority for persons who are**
13 **blind - licensing.** The state department OF LABOR AND EMPLOYMENT shall
14 issue licenses to blind persons WHO ARE BLIND AND who are qualified to
15 operate vending facilities, in accordance with the criteria used for the
16 licensing of operators of vending facilities on federal property pursuant
17 to section 26-8-106 8-84-107 and the federal "Randolph-Sheppard
18 Vending Stand Act", as from time to time amended. In authorizing
19 vending facilities on state property, THE DEPARTMENT SHALL GIVE priority
20 shall be given to blind TO persons WHO ARE BLIND AND who are licensed
21 by the state department The purpose of this priority is IN ORDER to enlarge
22 the economic opportunities of blind persons WHO ARE BLIND by providing
23 remunerative employment and to stimulate blind persons WHO ARE BLIND
24 to greater efforts in striving to make themselves self-supporting.

25 **8-84-204. [Formerly 26-8.5-103] Satisfactory sites for vending**
26 **facilities required.** (1) Effective July 1, 1977, no A department or
27 agency of the state of Colorado shall NOT construct, shall acquire by

1 ownership, rent, lease, or otherwise OTHER MEANS, or shall undertake to
2 substantially alter or renovate, in whole or in part, any A building unless,
3 after consultation with the state department OF LABOR AND EMPLOYMENT,
4 it is determined that such THE building will include a satisfactory site or
5 sites for the location and operation of a vending facility by a blind person
6 WHO IS BLIND.

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

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

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

22 (5) (4) No charge shall be made to The state department OF LABOR
23 AND EMPLOYMENT SHALL NOT BE CHARGED for:

24 (a) The use of state-furnished space; for

25 (b) Maintenance or janitorial services; for

26 (c) Repair of the building structure in and adjacent to the vending
27 facility area, including any necessary initial and periodical painting and

1 decorating; for

2 (d) Utilities required to operate vending facilities and vending
3 machines; or for

4 (e) Repairing and replacing floor coverings, cleaning windows, or
5 providing other related building services in accordance with the normal
6 level of building service applicable to the state building on IN which the
7 vending facility is located.

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

18 **8-84-206. [Formerly 26-8.5-105] Cooperation - locations -**
19 **rules.** (1) It is the duty of The heads of all state departments and agencies
20 to SHALL negotiate and to cooperate in good faith to accomplish the
21 purposes of this article relating to vending facilities. including vending
22 machines and other coin-operated devices in operation on or before July
23 1, 1977.

24 (2) If the state department OF LABOR AND EMPLOYMENT
25 determines that the operation of a vending facility IN A STATE BUILDING
26 by a blind person in a state building WHO IS BLIND is not feasible, the
27 location may be operated by another person, in the discretion of the office

1 of state planning and budgeting MAY AUTHORIZE ANOTHER PERSON TO
2 OPERATE THE VENDING FACILITY.

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

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

12 **8-84-207. [Formerly 26-8.5-106] Status of existing contracts.**
13 The provisions of this article shall THIS PART 2 DOES not extend to
14 existing contracts until the expiration of those contracts.

15 **8-84-208. [Formerly 26-8.5-107] Business enterprise program**
16 **cash fund - creation.** There is hereby created in the state treasury the
17 business enterprise program cash fund, referred to in this article as the
18 "fund", that shall consist WHICH CONSISTS of moneys accruing to the state
19 department from assessments against the net proceeds of each vending
20 facility operator consistent with the provisions of this article THIS PART 2,
21 any income from vending machines on federal or state property that
22 accrues to the state department, and any federal moneys that may become
23 available. Any moneys currently attributed to the business enterprise
24 program and any reserves shall be transferred to this fund for future use
25 consistent with this article PART 2. The moneys in the fund shall be ARE
26 subject to annual appropriation by the general assembly for the direct and
27 indirect costs associated with the administration of this article PART 2.

1 THE STATE TREASURER MAY INVEST any moneys in the fund not expended
2 for the purposes of this article may be invested by the state treasurer PART
3 2 as provided in sections 24-36-109, 24-36-112, and 24-36-113, C.R.S.
4 All interest and income derived from the investment and deposit of
5 moneys in the fund shall be credited to the fund. Any unexpended and
6 unencumbered moneys remaining in the fund at the end of any fiscal year
7 shall remain in the fund and shall not be credited or transferred to the
8 general fund or any other fund.

9 **SECTION 3. Repeal of relocated and nonrelocated provisions**
10 **in this act.** In Colorado Revised Statutes, **repeal** 26-8-101, 26-8-102,
11 26-8-103, 26-8-104, 26-8-105, 26-8-106, 26-8.5-100.1, 26-8.5-101,
12 26-8.5-102, 26-8.5-103, 26-8.5-104, 26-8.5-105, 26-8.5-106, and
13 26-8.5-107; except that 26-8-102 (2) is not relocated.

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

16 **24-1-120. Department of human services - creation.** (4) Unless
17 otherwise transferred to the department of health care policy and
18 financing or the department of public health and environment, the
19 department of human services shall exercise the following powers and
20 perform the following duties:

21 (b) ~~Powers, duties, and functions relating to vocational~~
22 ~~rehabilitation, which are transferred by a type 2 transfer to the department~~
23 ~~of human services.~~

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

26 **24-1-121. Department of labor and employment - creation.**
27 (3) The department of labor and employment consists of the following

1 divisions AND PROGRAMS:

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

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

8 **26-1-201. Programs administered - services provided -**
9 **department of human services.** (1) This section specifies the programs
10 to be administered and the services to be provided by the department of
11 human services. These programs and services include the following:

12 (l) ~~The vocational rehabilitation programs, as specified in article~~
13 ~~8 of this title;~~

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

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

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

19 **27-90-111. Employment of personnel - screening of applicants**
20 **- disqualifications from employment.** (3) The employment screening
21 and disqualification requirements in this section apply to the following
22 facilities or programs operated by the department:

23 (c) ~~Vocational rehabilitation services provided pursuant to article~~
24 ~~8 of title 26, C.R.S.;~~

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

27 **17-24-126. Canteen, vending machine, and library account**

1 created - receipts - disbursements. (4) Article 8.5 of title 26, C.R.S.
2 PART 2 OF ARTICLE 84 OF TITLE 8, C.R.S., regarding vending facilities in
3 state buildings, shall DOES not apply to vending machines operated in
4 visiting areas of any department facility.

5 **SECTION 10.** In Colorado Revised Statutes, 22-54-115, **amend**
6 (1.5), (2), and (3) (b) as follows:

7 **22-54-115. Distribution from state public school fund.**

8 (1.5) Any school district may give written instructions to the state board
9 directing that a specified portion of a monthly payment or monthly
10 payments that the district is otherwise entitled to receive pursuant to this
11 section shall be transferred to the ~~division of vocational rehabilitation in~~
12 ~~the~~ department of ~~human services~~ LABOR AND EMPLOYMENT for the
13 district's cost of participating in ~~school to work~~ SCHOOL-TO-WORK
14 alliance programs. ~~Such~~ THESE written instructions shall specify the
15 amount to be transferred to the ~~division of vocational rehabilitation~~
16 DEPARTMENT OF LABOR AND EMPLOYMENT from the district's payment for
17 a specified month or months. ~~Such~~ THE written instructions shall be given
18 to the state board no later than the fifth day of the first month in which
19 such amount is to be transferred to the ~~division of vocational~~
20 ~~rehabilitation~~ DEPARTMENT OF LABOR AND EMPLOYMENT.

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

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

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

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

7 **22-54.5-408. Distribution from state public school fund.**

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

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

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

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

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

7 **43-1-1202. Department powers. (3) Retail goods and services**
8 **shall not be authorized under this part 12. This subsection (3) shall not**
9 **prohibit:**

10 **(b) Any vending facilities, AS defined in section 26-8.5-101**
11 **8-84-202 (4), C.R.S.:**

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

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

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

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

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

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

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

1 act, the department of law may use this appropriation to provide legal
2 services for the department of labor and employment.

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

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

12 (2) Sections 1, 13, 14, and 15 of the act and section 8-84-108,
13 Colorado Revised Statutes, as enacted in section 2 of the act, take effect
14 upon passage.

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