

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 30, 2015
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB15-239 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 23, strike "services" and substitute
2 "services, including the business enterprise program,".

3 Page 3, line 8, strike "functions" and substitute "functions, including the
4 business enterprise program,".

5 Page 3, after line 22 insert:

6 "PART 1
7 VOCATIONAL REHABILITATION PROGRAMS".

8 Page 11, line 10, strike "PROGRAMS" and substitute "PROGRAMS,
9 INCLUDING THE BUSINESS ENTERPRISE PROGRAM,".

10 Page 11, line 19, strike "PROGRAMS" and substitute "PROGRAMS,
11 INCLUDING THE BUSINESS ENTERPRISE PROGRAM,".

12 Page 12, line 17, strike "SERVICES IS" and substitute "SERVICES,
13 INCLUDING THE BUSINESS ENTERPRISE PROGRAM, ARE".

14 Page 13, line 7, strike "PROGRAMS" and substitute "PROGRAMS,
15 INCLUDING THE BUSINESS ENTERPRISE PROGRAM,".

16 Page 13, line 8, after "EMPLOYMENT." add "IN ADDITION TO PREPARING

1 AND PRESENTING A DETAILED TRANSITION PLAN AS REQUIRED BY
2 PARAGRAPH (b) OF THIS SUBSECTION (2), STARTING IN SEPTEMBER 2015,
3 THE DEPARTMENT SHALL PRESENT QUARTERLY REPORTS TO THE JOINT
4 BUDGET COMMITTEE ON THE STATUS OF THE TRANSITION OF VOCATIONAL
5 REHABILITATION PROGRAMS, INCLUDING THE BUSINESS ENTERPRISE
6 PROGRAM, FROM THE DEPARTMENT OF HUMAN SERVICES TO THE
7 DEPARTMENT OF LABOR AND EMPLOYMENT."

8 Page 13, line 15, strike "PROGRAMS" and substitute "PROGRAMS,
9 INCLUDING THE BUSINESS ENTERPRISE PROGRAM,".

10 Page 13, after line 20 insert:

11 "PART 2
12 VENDING FACILITIES IN STATE BUILDINGS -
13 BUSINESS ENTERPRISE PROGRAM

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

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

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

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

30 ~~(2)~~ (3) "State property" means any building, land, or other real
31 property owned, leased, or occupied by any department or agency of the
32 state of Colorado. ~~but~~ "State property" does not include any property
33 owned, leased, or occupied by any institution of higher education, the
34 Auraria higher education center established in article 70 of title 23,
35 C.R.S., or the board of commissioners of the Colorado state fair authority.

36 ~~(3)~~ (4) "Vending facility" means automatic vending machines, a
37 café, a cafeteria, a restaurant, a snack bar, a concession stand, or any other

1 facility at which food, drinks, drugs, novelties, souvenirs, tobacco
2 products, notions, or related items are regularly sold.

3 **8-84-203. [Formerly 26-8.5-102] Priority for persons who are**
4 **blind - licensing.** The state department OF LABOR AND EMPLOYMENT shall
5 issue licenses to ~~blind~~ persons WHO ARE BLIND AND who are qualified to
6 operate vending facilities, in accordance with the criteria used for the
7 licensing of operators of vending facilities on federal property pursuant
8 to section ~~26-8-106~~ 8-84-107 and the federal "Randolph-Sheppard
9 Vending Stand Act", as ~~from time to time~~ amended. In authorizing
10 vending facilities on state property, THE DEPARTMENT SHALL GIVE priority
11 ~~shall be given to blind~~ TO persons WHO ARE BLIND AND who are licensed
12 by the state department ~~The purpose of this priority is~~ IN ORDER to enlarge
13 the economic opportunities of ~~blind~~ persons WHO ARE BLIND by providing
14 remunerative employment and to stimulate ~~blind~~ persons WHO ARE BLIND
15 to greater efforts in striving to make themselves self-supporting.

16 **8-84-204. [Formerly 26-8.5-103] Satisfactory sites for vending**
17 **facilities required.** (1) ~~Effective July 1, 1977, no~~ A department or
18 agency of the state of Colorado shall NOT construct, ~~shall~~ acquire by
19 ownership, rent, lease, or ~~otherwise~~ OTHER MEANS, or ~~shall~~ undertake to
20 substantially alter or renovate, in whole or in part, ~~any~~ A building unless,
21 after consultation with the state department OF LABOR AND EMPLOYMENT,
22 it is determined that ~~such~~ THE building will include a satisfactory site or
23 sites for the location and operation of a vending facility by a ~~blind~~ person
24 WHO IS BLIND.

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

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

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

40 (5) (4) ~~No charge shall be made to~~ The state department OF LABOR
41 AND EMPLOYMENT SHALL NOT BE CHARGED for:

- 1 (a) The use of state-furnished space; for
2 (b) Maintenance or janitorial services; for
3 (c) Repair of the building structure in and adjacent to the vending
4 facility area, including any necessary initial and periodical painting and
5 decorating; for
6 (d) Utilities required to operate vending facilities and vending
7 machines; or for
8 (e) Repairing and replacing floor coverings, cleaning windows, or
9 providing other related building services in accordance with the normal
10 level of building service applicable to the state building ~~on~~ IN which the
11 vending facility is located.

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

22 **8-84-206. [Formerly 26-8.5-105] Cooperation - locations -**
23 **rules.** (1) ~~It is the duty of~~ The heads of all state departments and agencies
24 ~~to~~ SHALL negotiate and ~~to~~ cooperate in good faith to accomplish the
25 purposes of this article relating to vending facilities. ~~including vending~~
26 ~~machines and other coin-operated devices in operation on or before July~~
27 ~~1, 1977.~~

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

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

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

1 as from time to time amended.

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

5 **8-84-208. [Formerly 26-8.5-107] Business enterprise program**
6 **cash fund - creation.** There is hereby created in the state treasury the
7 business enterprise program cash fund, referred to in this article as the
8 "fund", ~~that shall consist~~ WHICH CONSISTS of moneys accruing to the state
9 department from assessments against the net proceeds of each vending
10 facility operator consistent with ~~the provisions of this article~~ THIS PART 2,
11 any income from vending machines on federal or state property that
12 accrues to the state department, and any federal moneys that may become
13 available. Any moneys currently attributed to the business enterprise
14 program and any reserves shall be transferred to this fund for future use
15 consistent with this ~~article~~ PART 2. The moneys in the fund ~~shall be~~ ARE
16 subject to annual appropriation by the general assembly for the direct and
17 indirect costs associated with the administration of this ~~article~~ PART 2.
18 THE STATE TREASURER MAY INVEST any moneys in the fund not expended
19 for the purposes of this ~~article~~ ~~may be invested by the state treasurer~~ PART
20 2 as provided in sections 24-36-109, 24-36-112, and 24-36-113, C.R.S.
21 All interest and income derived from the investment and deposit of
22 moneys in the fund shall be credited to the fund. Any unexpended and
23 unencumbered moneys remaining in the fund at the end of any fiscal year
24 shall remain in the fund and shall not be credited or transferred to the
25 general fund or any other fund."

26 Page 13, line 23, strike "and 26-8-106;" and substitute "26-8-106,
27 26-8.5-100.1, 26-8.5-101, 26-8.5-102, 26-8.5-103, 26-8.5-104,
28 26-8.5-105, 26-8.5-106, and 26-8.5-107;"

29 Page 14, line 14, strike "REHABILITATION," and substitute
30 "REHABILITATION PROGRAMS, INCLUDING THE BUSINESS ENTERPRISE
31 PROGRAM,"

32 Page 14, line 17, after "(l)" insert "and (1) (p)".

33 Page 14, strike lines 24 through 27 and substitute:

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

1 Page 15, strike lines 1 through 9.

2 Renumber succeeding sections accordingly.

3 Page 15, after line 18 insert:

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

6 **17-24-126. Canteen, vending machine, and library account**
7 **created - receipts - disbursements.** (4) ~~Article 8.5 of title 26, C.R.S.~~
8 PART 2 OF ARTICLE 84 OF TITLE 8, C.R.S., regarding vending facilities in
9 state buildings, ~~shall~~ DOES not apply to vending machines operated in
10 visiting areas of any department facility."

11 Renumber succeeding sections accordingly.

12 Page 17, after line 18 insert:

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

15 **43-1-1202. Department powers.** (3) Retail goods and services
16 shall not be authorized under this part 12. This subsection (3) shall not
17 prohibit:

18 (b) Any vending facilities, AS defined in section ~~26-8.5-101~~
19 8-84-202 (4), C.R.S.;"

20 Renumber succeeding sections accordingly.

21 Page 17, line 20, strike "\$665,300" and substitute "\$665,330".

22 Page 18, line 19, strike "12, 13, and 14" and substitute "13, 14, and 15".

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