

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-0301.01 Christy Chase x2008

HOUSE BILL 16-1048

HOUSE SPONSORSHIP

Primavera, Danielson, Windholz

SENATE SPONSORSHIP

Lundberg, Aguilar

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE BUSINESS ENTERPRISE PROGRAM**
102 **TO BE ADMINISTERED BY THE DEPARTMENT OF LABOR AND**
103 **EMPLOYMENT UNDER ITS AUTHORITY TO ADMINISTER**
104 **VOCATIONAL REHABILITATION PROGRAMS.**

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 department of labor and employment as of July 1, 2016, provides training,

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.

HOUSE
Amended 2nd Reading
March 31, 2016

assistance, and priority to persons who are blind and who wish to operate vending 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.

The bill contains a clause specifying that additional appropriations are not necessary to implement the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-84-202, **amend as**
3 **they will become effective July 1, 2016,** (2) [REDACTED] 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 [REDACTED]

12 **SECTION 2.** In Colorado Revised Statutes, **amend as it will**
13 **become effective July 1, 2016,** 8-84-203 as follows:

14 **8-84-203. Priority for persons who are blind - licensing.** The

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

14 **SECTION 3.** In Colorado Revised Statutes, **amend as it will**
15 **become effective July 1, 2016,** 8-84-204 as follows:

16 **8-84-204. Satisfactory sites for vending facilities - other**
17 **businesses operated by persons who are blind.** (1) (a) A department
18 or agency of the state of Colorado shall not construct, acquire by
19 ownership, rent, lease, or other means, or undertake to substantially alter
20 or renovate, in whole or in part, a building unless, after consultation with
21 the department of labor and employment, it is determined that the
22 building will include a satisfactory site or sites for the location and
23 operation of a vending facility by a person who is blind.

24 (b) BEFORE A STATE DEPARTMENT OR AGENCY CONSTRUCTS,
25 ACQUIRES, RENTS, LEASES, OR OTHERWISE UNDERTAKES TO ALTER OR
26 RENOVATE A STATE PROPERTY, THE STATE DEPARTMENT OR AGENCY
27 SHALL CONSULT WITH THE DEPARTMENT OF LABOR AND EMPLOYMENT TO

1 DETERMINE IF THE STATE PROPERTY CAN INCLUDE A SATISFACTORY SITE
2 FOR THE LOCATION AND OPERATION OF A BUSINESS, OTHER THAN A
3 VENDING FACILITY, THAT IS OWNED, OPERATED, OR OWNED AND OPERATED
4 BY A PERSON WHO IS BLIND.

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

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

15 (4) The department of labor and employment shall not be charged
16 for:

- 17 (a) The use of state-furnished space;
- 18 (b) Maintenance or janitorial services;
- 19 (c) Repair of the building structure in and adjacent to the vending
20 facility OR OTHER BUSINESS area, including any necessary initial and
21 periodical painting and decorating;
- 22 (d) Utilities required to operate vending facilities and vending
23 machines OR EQUIPMENT REQUIRED FOR OTHER BUSINESSES OPERATED BY
24 PERSONS WHO ARE BLIND; or
- 25 (e) Repairing and replacing floor coverings, cleaning windows, or
26 providing other related building services in accordance with the normal
27 level of building service applicable to the state building in which the

1 vending facility OR OTHER BUSINESS is located.

2

3 **SECTION 4.** In Colorado Revised Statutes, **amend as it will**
4 **become effective July 1, 2016,** 8-84-206 as follows:

5 **8-84-206. Cooperation - locations - rules.** (1) The heads of all
6 state departments and agencies shall negotiate and cooperate in good faith
7 to accomplish the purposes of this article relating to vending facilities
8 AND OTHER BUSINESSES OPERATED BY PERSONS WHO ARE BLIND.

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

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

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

23 **SECTION 5.** In Colorado Revised Statutes, **add** 8-84-209 as
24 follows:

25 **8-84-209. Working group to address expanding opportunities**
26 **for blind vendors - report - repeal.** (1) (a) THE DEPARTMENT SHALL
27 CONVENE A WORKING GROUP TO EXAMINE AVENUES FOR EXPANDING JOB

1 AND BUSINESS OPPORTUNITIES AND REDUCING BARRIERS TO THOSE
2 OPPORTUNITIES FOR PERSONS WHO ARE BLIND AND ARE LICENSED UNDER
3 SECTION 8-84-203. THE WORKING GROUP SHALL EXAMINE WAYS TO:

4 (I) EXPAND OPPORTUNITIES FOR BLIND VENDORS AT HIGHER
5 EDUCATION INSTITUTIONS, THE DEPARTMENT OF CORRECTIONS, THE
6 DEPARTMENT OF NATURAL RESOURCES, AND THE COLORADO STATE FAIR,
7 INCLUDING REVIEWING BID PROCESSES, SCALING OF OPERATIONS, AND
8 REVENUE STREAMS THAT WILL RESULT IN ONGOING BUSINESS
9 DEVELOPMENT AND TRAINING OPPORTUNITIES FOR PERSONS WHO ARE
10 BLIND; AND

11 (II) LEVERAGE REVENUES FROM BUSINESSES OPERATED BY BLIND
12 VENDORS AT HIGHER EDUCATION INSTITUTIONS, THE DEPARTMENT OF
13 CORRECTIONS, THE DEPARTMENT OF NATURAL RESOURCES, AND THE
14 COLORADO STATE FAIR TO INCREASE AND MODIFY THE ALLOCATION OF
15 FEDERAL MATCHING DOLLARS UNDER THE FEDERAL
16 "RANDOLPH-SHEPPARD VENDING STAND ACT", AS AMENDED.

17 (b) ADDITIONALLY, THE WORKING GROUP SHALL CONSIDER WAYS
18 TO EXPAND THE SCOPE OF THE BUSINESS ENTERPRISE PROGRAM
19 AUTHORIZED UNDER THIS PART 2 TO TRAIN BLIND VENDORS IN A WIDE
20 VARIETY OF BUSINESS OPPORTUNITIES BEYOND FOOD SERVICE AND
21 VENDING FACILITIES.

22 (2) THE DEPARTMENT SHALL HOST THE WORKING GROUP AND
23 SHALL FACILITATE BROAD PARTICIPATION FROM THE BLIND COMMUNITY,
24 INCLUDING REPRESENTATIVES OF THE NATIONAL FEDERATION OF THE
25 BLIND AND THE STATE COMMITTEE OF LICENSED BLIND VENDORS
26 ESTABLISHED UNDER DEPARTMENT OF HUMAN SERVICES RULES; HIGHER
27 EDUCATION INSTITUTIONS; THE DEPARTMENT OF CORRECTIONS; THE

1 DEPARTMENT OF NATURAL RESOURCES; THE COLORADO STATE FAIR; AND
2 OTHER INTERESTED PARTIES AND STATE DEPARTMENTS AND AGENCIES.
3 THE WORKING GROUP SHALL MEET AS OFTEN AS NECESSARY TO ENABLE IT
4 TO DEVELOP A REPORT AND RECOMMENDATIONS AS SPECIFIED IN
5 SUBSECTION (3) OF THIS SECTION.

6 (3) (a) THE WORKING GROUP SHALL DEVELOP AND MAKE
7 RECOMMENDATIONS, WHICH MAY INCLUDE LEGISLATIVE AND
8 ADMINISTRATIVE RECOMMENDATIONS, TO:

9 (I) IDENTIFY REMUNERATIVE AND PERMANENT BUSINESS
10 OPPORTUNITIES:

11 (A) AT HIGHER EDUCATION INSTITUTIONS, THE DEPARTMENT OF
12 CORRECTIONS, THE COLORADO STATE FAIR, THE DEPARTMENT OF
13 NATURAL RESOURCES, AND ANY OTHER STATE PROPERTIES IDENTIFIED BY
14 THE WORKING GROUP; AND

15 (B) IN OTHER TYPES OF BUSINESSES BEYOND FOOD SERVICE AND
16 VENDING FACILITIES; AND

17 (II) INCREASE AND MODIFY THE ALLOCATION OF FEDERAL
18 MATCHING DOLLARS UNDER THE FEDERAL "RANDOLPH-SHEPPARD
19 VENDING STAND ACT", AS AMENDED, TO GENERATE ADDITIONAL
20 REVENUES FOR INSTITUTIONS OF HIGHER EDUCATION, THE DEPARTMENT OF
21 CORRECTIONS, THE DEPARTMENT OF NATURAL RESOURCES, THE
22 COLORADO STATE FAIR, AND OTHER STATE DEPARTMENTS OR AGENCIES
23 WHERE BLIND VENDORS OPERATE BUSINESSES.

24 (b) RECOMMENDATIONS MAY INCLUDE PREFERENTIAL BID
25 OPPORTUNITIES FOR LICENSED BLIND VENDORS ON CONTRACTS FOR GOODS
26 AND SERVICES, OPPORTUNITIES TO OPERATE FOOD SERVICE AND VENDING
27 FACILITIES, AND A MECHANISM TO COLLECT VENDING INCOME FROM THESE

1 PROPERTIES.

2 (4) THE WORKING GROUP SHALL DEVELOP AND SUBMIT A FINAL
3 REPORT INCLUDING ITS RECOMMENDATIONS TO THE BUSINESS AFFAIRS AND
4 LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
5 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE, OR
6 THEIR SUCCESSOR COMMITTEES, BY JANUARY 1, 2017.

7 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017.

8 **SECTION 6. No appropriation.** The general assembly has
9 determined that this act can be implemented within existing
10 appropriations, and therefore no separate appropriation of state moneys
11 is necessary to carry out the purposes of this act.

12 **SECTION 7. Effective date.** This act takes effect July 1, 2016;
13 except that section 8-84-209, Colorado Revised Statutes, as enacted in
14 section 5 of this act, takes effect upon passage.

15 **SECTION 8. 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.