

## CHAPTER 146

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**LABOR AND INDUSTRY**

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**HOUSE BILL 16-1048**

BY REPRESENTATIVE(S) Primavera, Danielson, Windholz, Buckner, Conti, Fields, Hamner, Kraft-Tharp, Lee, Lontine, Pettersen, Rosenthal, Ryden, Salazar, Vigil, Williams, Winter, Young, Hullinghorst;  
also SENATOR(S) Lundberg, Aguilar, Carroll, Guzman, Heath, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Todd.

**AN ACT**

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

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

**SECTION 1.** In Colorado Revised Statutes, 8-84-202, **amend as it will become effective July 1, 2016, (2)** as follows:

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

(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 OR OTHER BUSINESS OPERATED BY A PERSON WHO IS BLIND.

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

**8-84-203. Priority for persons who are blind - licensing.** The department of ~~labor and employment~~ shall issue licenses to 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 8-84-107 and the federal "Randolph-Sheppard Vending Stand Act", as amended. IN ADDITION, THE DEPARTMENT MAY ISSUE LICENSES TO PERSONS WHO ARE BLIND AND WHO ARE QUALIFIED TO OWN, OPERATE, OR OWN AND OPERATE A BUSINESS OTHER THAN A VENDING FACILITY. In authorizing vending facilities OR OTHER BUSINESSES

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

on state property, the department shall give priority to persons who are blind and who are licensed by the department in order to enlarge the economic opportunities of persons who are blind by providing remunerative employment and to stimulate persons who are blind to greater efforts in striving to make themselves self-supporting.

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

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

(b) BEFORE A STATE DEPARTMENT OR AGENCY CONSTRUCTS, ACQUIRES, RENTS, LEASES, OR OTHERWISE UNDERTAKES TO ALTER OR RENOVATE A STATE PROPERTY, THE STATE DEPARTMENT OR AGENCY SHALL CONSULT WITH THE DEPARTMENT OF LABOR AND EMPLOYMENT TO DETERMINE IF THE STATE PROPERTY CAN INCLUDE A SATISFACTORY SITE FOR THE LOCATION AND OPERATION OF A BUSINESS, OTHER THAN A VENDING FACILITY, THAT IS OWNED, OPERATED, OR OWNED AND OPERATED BY A PERSON WHO IS BLIND.

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

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

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

(a) The use of state-furnished space;

(b) Maintenance or janitorial services;

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

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

(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 in which the vending facility OR OTHER BUSINESS is located.

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

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

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

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

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

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

**8-84-209. Working group to address expanding opportunities for blind vendors - report - repeal.** (1) (a) THE DEPARTMENT SHALL CONVENE A WORKING GROUP TO EXAMINE AVENUES FOR EXPANDING JOB AND BUSINESS OPPORTUNITIES AND REDUCING BARRIERS TO THOSE OPPORTUNITIES FOR PERSONS WHO ARE BLIND AND ARE LICENSED UNDER SECTION 8-84-203. THE WORKING GROUP SHALL EXAMINE WAYS TO:

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

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

(b) ADDITIONALLY, THE WORKING GROUP SHALL CONSIDER WAYS TO EXPAND THE

SCOPE OF THE BUSINESS ENTERPRISE PROGRAM AUTHORIZED UNDER THIS PART 2 TO TRAIN BLIND VENDORS IN A WIDE VARIETY OF BUSINESS OPPORTUNITIES BEYOND FOOD SERVICE AND VENDING FACILITIES.

(2) THE DEPARTMENT SHALL HOST THE WORKING GROUP AND SHALL FACILITATE BROAD PARTICIPATION FROM THE BLIND COMMUNITY, INCLUDING REPRESENTATIVES OF THE NATIONAL FEDERATION OF THE BLIND AND THE STATE COMMITTEE OF LICENSED BLIND VENDORS ESTABLISHED UNDER DEPARTMENT OF HUMAN SERVICES RULES; HIGHER EDUCATION INSTITUTIONS; THE DEPARTMENT OF CORRECTIONS; THE DEPARTMENT OF NATURAL RESOURCES; THE COLORADO STATE FAIR; AND OTHER INTERESTED PARTIES AND STATE DEPARTMENTS AND AGENCIES. THE WORKING GROUP SHALL MEET AS OFTEN AS NECESSARY TO ENABLE IT TO DEVELOP A REPORT AND RECOMMENDATIONS AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION.

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

(I) IDENTIFY REMUNERATIVE AND PERMANENT BUSINESS OPPORTUNITIES:

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

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

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

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

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

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

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

**SECTION 7. Effective date.** This act takes effect July 1, 2016; except that

section 8-84-209, Colorado Revised Statutes, as enacted in section 5 of this act, takes effect upon passage.

**SECTION 8. 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.

Approved: May 4, 2016