



**Report to the
Colorado General Assembly**

**Vocational Rehabilitation
Services for the Blind
Interim Study Committee**

Prepared by

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December 2015*

Vocational Rehabilitation Services for the Blind Interim Study Committee

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December 2015

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December 2015

To Members of the Seventieth General Assembly:

Submitted herewith is the final report of the Vocational Rehabilitation Services for the Blind Interim Study Committee. This committee was created pursuant to Interim Committee Letter 2015-3. The purpose of the committee was to examine vocational rehabilitation services for the blind, the use of available funding, and program performance in order to determine the most effective structure and delivery model for vocational rehabilitation services.

At its meeting on November 10, 2015, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2016 session was approved.

Sincerely,

/s/ Senator Bill Cadman
Chairman

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This report is also available online at:

<https://www.colorado.gov/pacific/cga-legislativecouncil/2015-vocational-rehabilitation-services-blind>

Committee Charge

The Vocational Rehabilitation Services for the Blind Interim Study Committee (the committee) was created pursuant to Interim Committee Letter 2015-3. The purpose of the committee was to determine the most effective structure and delivery model for vocational rehabilitation services when Colorado's Vocational Rehabilitation Program is transferred to the Colorado Department of Labor and Employment (CDLE) on July 1, 2016, following the passage of Senate Bill 15-239. Specifically, the interim study committee was mandated to make recommendations based on the following:

- the findings and recommendations of the November 2013 legislative audit concerning oversight and accountability of the Vocational Rehabilitation Program;
- an evaluation of delays in the delivery of vocational rehabilitation services for the blind;
- an assessment of the efficacy of the application, receipt, and use of the federal Rehabilitation Act "110" funding for the blind;
- the consideration of any and all issues identified in the National Federation of the Blind Colorado (NFBCO) Resolution 2014-11-2 and Resolution 2014-1; and
- consideration of any other issues related to the effective delivery of vocational rehabilitation services to the blind to assist them in obtaining jobs skills and long-term high-paying jobs.

Committee Activities

The committee met six times during the 2015 legislative interim. The committee heard from a number of stakeholder organizations, experts in the field of vocational rehabilitation services, state agencies, blind and visually impaired clients served in the Vocational Rehabilitation Program, and other members of the public. The following sections address the various topics discussed by the committee.

Current Division of Vocational Rehabilitation Operations

Representatives from the Division of Vocational Rehabilitation (DVR) and CDLE presented information on vocational rehabilitation services to the committee at several meetings. DVR, in the Colorado Department of Human Services (DHS), provides a range of vocational rehabilitation services to help persons with disabilities prepare for, find, and maintain employment. Representatives from DVR discussed the organizational structure of DVR; the recent waitlist for services and the process for moving clients off the waitlist; training for vocational rehabilitation counselors; program funding; and the services offered by DVR for persons who are blind across the state. Representatives from CDLE discussed the upcoming transfer of DVR to CDLE and the actions undertaken by CDLE to prepare for the transition.

A representative from the Office of the State Auditor (OSA) spoke to the committee about the OSA's 2013 performance audit of DVR. The OSA representative presented the audit's findings, recommendations, and the follow-up procedures undertaken by OSA to determine that all recommendations have been fully implemented. DVR representatives also discussed the audit recommendations and DVR's response to those recommendations.

Agency Structure Options

The committee heard from representatives of several organizations, including the National Rehabilitation Association, the Colorado Center for the Blind, NFBCO, A3 Colorado, and members of the public about the different models states use to provide vocational rehabilitation services for the blind. These models include:

- a combined vocational rehabilitation agency that provides services to all persons with disabilities who qualify, which is the model currently in place in Colorado and 10 other states;
- a separate administrative unit dedicated to providing vocational rehabilitation services to the blind that sits within a larger vocational rehabilitation agency, which is the model used in 15 states; or
- a completely separate state agency dedicated to providing vocational rehabilitation services to the blind, which is the model in 24 states.

The committee had considered, but withdrew, a bill that would have created a new division within CDLE to provide specialized vocational rehabilitation services to blind or visually impaired individuals.

Employment Services

The committee heard testimony concerning barriers to employment for blind persons and services that are available to promote jobs and employment for the blind. Presenters on this topic included representatives from the Institute on Blindness, the Colorado School for the Deaf and Blind, the Colorado Center for the Blind, the Colorado Business Enterprise Program (BEP), and merchants and entrepreneurs who are blind. Testimony focused on employment outcomes for persons who are blind and how the structure of state vocational rehabilitation programs affects employment outcomes for persons who are blind. Witnesses discussed the services offered through DVR vendors that successfully help persons who are blind find employment. In addition, testimony from staff at the BEP focused on the success of Colorado's program and how the program helps vendors operate businesses at various locations throughout the state. Also, several blind merchants testified about BEP opportunities and the barriers faced by blind merchants and entrepreneurs. Finally, numerous witnesses noted that the greatest barrier to finding employment for persons who are blind is the public perception of persons who are blind and their skills. The committee recommended two bills that address employment of persons who are blind or who have disabilities. First, Bill A expands the scope and potential locations of the BEP. Second, Bill B provides tax credits to employers for hiring and making accommodations for persons who are disabled.

Adaptive Technology

The committee heard testimony from DVR providers and adaptive technology experts regarding the importance of adaptive technology in helping persons who are blind obtain job skills and employment. Technology experts discussed available technologies and the costs of adaptive technology, and noted their concerns about the lack of a technology resource center for the blind in Colorado. Witnesses discussed the adaptive technology services offered by DVR, the Personal Adjustment Training (PAT) program, and the extensive technology training needs of both counselors and clients.

Youth Transition Services

Representatives from the Colorado Department of Education (CDE), Colorado School for the Deaf and Blind, and the Colorado Center for the Blind spoke to the committee about the various programs in place to help blind youth transition from the education system to employment. The committee heard testimony on how DVR can improve youth services and collaboration with CDE.

Senior Services

A representative from the Colorado Center for the Blind spoke to the committee about the various programs in place to provide assistance to older individuals who are blind or who are losing their eyesight. The committee heard testimony on the impact of grants from the Older Individuals Who Are Blind Program and statistics on the expected growth in the older blind population in Colorado.

Public Comment

The committee heard testimony from members of the public at each of its meetings. Members of various organizations such as NFBCO and A3 Colorado, among others, testified before the committee. In addition, numerous clients of DVR spoke to the committee about their experiences and concerns. Testimony covered a range of topics, including problems clients have encountered with DVR and how to best structure vocational rehabilitation services for the blind in the future.

Summary of Recommendations

As a result of committee discussion and deliberation, the Vocational Rehabilitation Services for the Blind Interim Study Committee recommended two bills for consideration in the 2016 legislative session. At its meeting on November 10, 2015, the Legislative Council approved both of the committee's recommended bills for introduction. The bills are described in the sections below. The committee also approved a letter to send to the Joint Budget Committee (JBC) and the members of various House and Senate committees that have ongoing oversight of DVR outlining several areas of concern about the program.

Bill A — Expand Scope Business Enterprise Program

Bill A removes an existing statutory exemption for property owned, leased, or occupied by higher education institutions or the State Fair Authority, thereby granting priority to persons who are blind and licensed vendors to operate vending facilities on these properties. The bill also expands the scope of the program so that persons who are blind may also operate businesses other than vending facilities on state property. In addition, the bill makes conforming amendments to comply with federal law. The bill requires the program changes to be implemented within existing appropriations to the CDLE.

Bill B — Income Tax Credit Employment of Persons with a Disability

Bill B creates two income tax credits for taxpayers who hire persons with developmental disabilities and persons who are blind or visually impaired. The first is a tax credit for employee wages equal to 50 percent of the gross wages of a qualifying employee in the first three months of continuous employment, and 30 percent of the gross wages of a qualifying employee in the next nine months of continuous employment. The employee must be eligible for DVR services and referred by DVR. The second tax credit is a tax credit for software and hardware costs equal to the share of the cost of the maintenance, repair, or upgrade of software or hardware that assists a qualifying employee in performing his or her job. The software and hardware tax credit is available on a sliding scale for each year of employment. Both credits are nonrefundable and are available for three years, beginning in tax year 2016. The credits are limited to a taxpayer's income tax liability and the amount of a credit in excess of liability may be carried forward for up to five years.

Committee Letter

The committee approved sending a letter to the House and Senate business committees, the House and Senate health committees, and the JBC to encourage the committees to examine several issues listed in the letter as part of their annual oversight hearings under the State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act and during any additional hearings held concerning the upcoming transfer of DVR to CDLE pursuant to Senate Bill 15-239.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://www.colorado.gov/pacific/cga-legislativecouncil/2015-vocational-rehabilitation-services-blind>

Meeting Dates and Topics Discussed

August 12, 2015

- ◆ Stakeholder remarks – National Federation of the Blind Colorado
- ◆ Transition planning and future plans for Vocational Rehabilitation Program
- ◆ Current Vocational Rehabilitation Program operations
- ◆ Public comment

August 19, 2015

- Agency structure and best practices for vocational rehabilitation services for the blind
- Senior services for the blind
- Youth transition from education to employment
- Public comment

August 27, 2015

- Eligibility and prioritization of vocational rehabilitation services
- Business Enterprise Program
- Stakeholder presentation – A3 Colorado
- Public comment

September 3, 2015

- Remote testimony – Grand Junction
- Adaptive technology for the blind
- Employment services and on-the-job training opportunities for the blind
- Veterans' issues
- Public comment

September 16, 2015

- Vocational rehabilitation audit results
- Public comment
- Committee discussion and vote on motions to request draft bills

October 28, 2015

- CDLE update on Vocational Rehabilitation Program transition
- Consideration of committee bill and letter requests for referral to Legislative Council

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

BILL A

LLS NO. 16-0301.01 Christy Chase x2008

HOUSE BILL

HOUSE SPONSORSHIP

Primavera, Danielson, Windholz

SENATE SPONSORSHIP

Lundberg, Aguilar

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE BUSINESS ENTERPRISE
102 PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF LABOR
103 AND 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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.

DRAFT

Dashes through the words indicate deletions from existing statute.

9

department of labor and employment as of July 1, 2016, provides training, 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) and (3) 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 (3) "State property" means any building, land, or other real
12 property owned, leased, or occupied by any department or agency of the
13 state of Colorado. ~~"State property" does not include any property owned,~~
14 ~~leased, or occupied by any institution of higher education, the Auraria~~

1 ~~higher education center established in article 70 of title 23, C.R.S., or the~~
2 ~~board of commissioners of the Colorado state fair authority.~~

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

5 **8-84-203. Priority for persons who are blind - licensing.** The
6 department of labor and employment shall issue licenses to persons who
7 are blind and who are qualified to operate vending facilities, in
8 accordance with the criteria used for the licensing of operators of vending
9 facilities on federal property pursuant to section 8-84-107 and the federal
10 "Randolph-Sheppard Vending Stand Act", as amended. IN ADDITION, THE
11 DEPARTMENT MAY ISSUE LICENSES TO PERSONS WHO ARE BLIND AND WHO
12 ARE QUALIFIED TO OWN, OPERATE, OR OWN AND OPERATE A BUSINESS
13 OTHER THAN A VENDING FACILITY. In authorizing vending facilities OR
14 OTHER BUSINESSES on state property, the department shall give priority
15 to persons who are blind and who are licensed by the department in order
16 to enlarge the economic opportunities of persons who are blind by
17 providing remunerative employment and to stimulate persons who are
18 blind to greater efforts in striving to make themselves self-supporting.

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

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

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

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

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

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

21 (a) The use of state-furnished space;

22 (b) Maintenance or janitorial services;

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

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

1 (e) Repairing and replacing floor coverings, cleaning windows, or
2 providing other related building services in accordance with the normal
3 level of building service applicable to the state building in which the
4 vending facility OR OTHER BUSINESS is located.

5 **SECTION 4.** In Colorado Revised Statutes, **amend as it will**
6 **become effective July 1, 2016,** 8-84-205 as follows:

7 **8-84-205. Income from vending machines or other businesses.**
8 One hundred percent of all commission income from vending machines
9 OR OTHER BUSINESSES OPERATED ON STATE PROPERTY accrues to the
10 department, ~~of labor and employment~~, which shall disburse the income
11 in accordance with the rules of the department. The office of state
12 planning and budgeting shall notify the department of the location of all
13 vending machines OR OTHER BUSINESSES OPERATED ON STATE PROPERTY,
14 and the department shall collect and provide an accounting of income
15 from these vending machines OR OTHER BUSINESSES.

16 **SECTION 5.** In Colorado Revised Statutes, **amend as it will**
17 **become effective July 1, 2016,** 8-84-206 as follows:

18 **8-84-206. Cooperation - locations - rules.** (1) The heads of all
19 state departments and agencies shall negotiate and cooperate in good faith
20 to accomplish the purposes of this article relating to vending facilities
21 AND OTHER BUSINESSES OPERATED BY PERSONS WHO ARE BLIND.

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

28 (3) When no person is immediately available on the premises for

1 the management of vending machines OR OTHER BUSINESSES, the
2 commission income from the machines shall be given to the department
3 of labor and employment in accordance with section 8-84-205.

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

8 **SECTION 6.** In Colorado Revised Statutes, 8-84-208, **amend as**
9 **it will become effective July 1, 2016,** (1) as follows:

10 **8-84-208. Business enterprise program cash fund - creation.**

11 (1) There is hereby created in the state treasury the business enterprise
12 program cash fund, referred to in this article as the "fund", which consists
13 of moneys accruing to the department from assessments against the net
14 proceeds of each vending facility OR OTHER BUSINESS operator consistent
15 with this part 2, any income from vending machines on federal ~~or state~~
16 property that accrues to the department, ANY INCOME FROM VENDING
17 MACHINES OR OTHER BUSINESSES ON STATE PROPERTY THAT ACCRUES TO
18 THE DEPARTMENT, and any federal moneys that may become available.
19 Any moneys currently attributed to the business enterprise program and
20 any reserves shall be transferred to this fund for future use consistent with
21 this part 2.

22 **SECTION 7. No appropriation.** The general assembly has
23 determined that this act can be implemented within existing
24 appropriations, and therefore no separate appropriation of state moneys
25 is necessary to carry out the purposes of this act.

26 **SECTION 8. Effective date.** This act takes effect July 1, 2016.

27 **SECTION 9. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

BILL B

LLS NO. 16-0302.01 Esther van Mourik x4215

HOUSE BILL

HOUSE SPONSORSHIP

Windholz, Danielson, Primavera

SENATE SPONSORSHIP

Aguilar,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN INCOME TAX CREDIT TO**
102 **INCENTIVIZE THE EMPLOYMENT OF PERSONS WITH DISABILITIES.**

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 bill creates an income tax credit with 2 different incentives for employers in order to encourage the employment of persons with disabilities who are determined to be qualified employees, as defined

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Capital letters indicate new material to be added to existing statute.

DRAFT *Dashes through the words indicate deletions from existing statute.*

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in the bill. First, it would provide a credit for a certain percentage of the qualified employee's gross wages for a limited period of time. Second, it would provide a 3-year credit for a portion of the annual costs the employer incurs for the maintenance, repair, or upgrade of assistive hardware or software technology that is specifically designed for use by the qualified employee in order for the qualified employee to perform his or her job.

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

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

4 (a) An estimated one million three hundred thousand people in the
5 United States are legally blind;

6 (b) Every year, seventy-five thousand people in the United States
7 will become blind or visually impaired;

8 (c) Studies show that over the next thirty years aging baby
9 boomers will double the current number of Americans who are blind or
10 visually impaired;

11 (d) A Gallup poll shows that blindness is the third most feared
12 physical condition in the country, surpassed only by fears of cancer and
13 AIDS;

14 (e) Most educational and employment opportunities are now and
15 will continue to be dependent on the blind individual's ability to access
16 and use a full range of computer and internet technology, but nonvisual
17 access to computer technology is an ever-increasing challenge;

18 (f) Among working-age adults who are blind, seventy percent
19 remain unemployed, despite the federal and state annual rehabilitation
20 expenditures of over one hundred fifty million dollars;

21 (g) The United States senate has, with bipartisan support,
22 introduced legislation to incentivize the transitioning of workers with

1 disabilities into integrated, meaningful employment and to phase out the
2 discriminatory practice of paying workers with disabilities as little as
3 pennies per hour;

4 (h) Despite the importance of nonvisual access to computer
5 technology and vocational rehabilitation services, many persons who are
6 blind still experience difficulties finding competitive employment;

7 (i) While many other persons with disabilities receive services
8 through medical and insurance systems in addition to vocational
9 rehabilitation services, often vocational rehabilitation services are the
10 only services that persons who are blind receive; and

11 (j) Given the important role vocational rehabilitation services and
12 employment opportunities provide to persons who are blind, it is
13 imperative that employers be open and willing to hire and retain these
14 individuals.

15 (2) The general assembly declares that the purpose of the tax
16 expenditure in this act is to incentivize the employment of people with
17 disabilities.

18 **SECTION 2.** In Colorado Revised Statutes, **amend** 39-22-530 as
19 follows:

20 **39-22-530. Credits for employers that hire persons with**
21 **disabilities - definitions - repeal.** (1) As used in this section, unless the
22 context otherwise requires:

23 (a) ~~"Designated county" means the counties of Adams, Arapahoe,~~
24 ~~El Paso, Jefferson, Logan, Montrose, and Morgan.~~

25 (b) (a) "Developmental disability" has the same meaning as
26 "intellectual and developmental disability" as set forth in section
27 25.5-10-202, C.R.S., and in the rules adopted by the department of health
28 care policy and financing pursuant to section 25.5-10-204 (2), C.R.S.

1 (b) "PERSON WHO IS BLIND" MEANS A PERSON WHO HAS NOT MORE
2 THAN 20/200 CENTRAL VISUAL ACUITY IN THE BETTER EYE WITH
3 CORRECTING LENSES OR AN EQUALLY DISABLING LOSS OF THE VISUAL
4 FIELD AS EVIDENCED BY A LIMITATION TO THE FIELD OF VISION IN THE
5 BETTER EYE TO SUCH A DEGREE THAT ITS WIDEST DIAMETER SUBTENDS AN
6 ANGLE OF NO GREATER THAN TWENTY DEGREES.

7 (c) "Person with a developmental disability" has the same
8 meaning as "person with an intellectual and developmental disability" as
9 set forth in section 25.5-10-202, C.R.S.

10 (d) "PERSON WITH VISUAL IMPAIRMENT" MEANS A PERSON WHO
11 HAS A VISUAL ACUITY OF 20/70 OR WORSE IN THE BETTER EYE WITH BEST
12 CORRECTION, OR A TOTAL FIELD LOSS OF ONE HUNDRED FORTY DEGREES,
13 AND WHOSE VISION CANNOT BE FULLY CORRECTED BY ORDINARY
14 PRESCRIPTION LENSES, MEDICAL TREATMENT, OR SURGERY.

15 ~~(d)~~ (e) "Qualified employee" means an employee first hired on or
16 after ~~January 1, 2009~~ JANUARY 1, 2016, BUT BEFORE JANUARY 1, 2019,
17 who:

18 (I) IS COMPENSATED IN ACCORDANCE WITH APPLICABLE MINIMUM
19 WAGE LAWS;

20 (II) (A) IS a person with a developmental disability;

21 (B) ~~Employed at a workplace located in a designated county; and~~
22 IS A PERSON WHO IS BLIND; OR

23 (C) ~~Compensated in accordance with applicable minimum wage~~
24 ~~laws~~ IS A PERSON WITH VISUAL IMPAIRMENT; AND

25 (III) AT THE TIME OF REFERRAL FOR EMPLOYMENT, WAS ELIGIBLE
26 FOR VOCATIONAL REHABILITATION SERVICES PROVIDED BY, AND WAS
27 REFERRED FOR EMPLOYMENT BY, THE DEPARTMENT OF LABOR AND
28 EMPLOYMENT IN ACCORDANCE WITH PART 1 OF ARTICLE 84 OF TITLE 8,

1 C.R.S., OR, IF THE REFERRAL FOR EMPLOYMENT OCCURRED BEFORE JULY
2 1, 2016, BY THE DEPARTMENT OR AGENCY IN STATE GOVERNMENT THAT,
3 AT THE TIME THE EMPLOYEE WAS REFERRED FOR EMPLOYMENT, HAD THE
4 AUTHORITY TO DETERMINE THE EMPLOYEE'S ELIGIBILITY FOR VOCATIONAL
5 REHABILITATION SERVICES AND REFER THE EMPLOYEE FOR EMPLOYMENT.

6 (e) (f) "Taxpayer" means an employer that deducts and withholds
7 amounts from the wages paid to a qualified employee pursuant to section
8 39-22-604 (3).

9 (2) (a) For the income tax years ~~beginning January 1, 2009,~~
10 ~~through January 1, 2011~~ COMMENCING ON OR AFTER JANUARY 1, 2016,
11 BUT BEFORE JANUARY 1, 2019, a credit against the tax imposed by this
12 article shall be allowed to a taxpayer who hires a qualified employee
13 during that period.

14 (b) The amount of the credit allowed by this ~~section~~ SUBSECTION
15 (2) is fifty percent of the amount of gross wages paid to a qualified
16 employee during the employee's first three months of continuous
17 employment and thirty percent of the amount of gross wages paid to a
18 qualified employee during the employee's subsequent nine months of
19 continuous employment. A TAXPAYER MAY CLAIM THE CREDIT ALLOWED
20 IN THIS SECTION FOR THE INCOME TAX YEAR IN WHICH THE GROSS WAGES
21 ON WHICH THE CREDIT IS BASED ARE PAID TO A QUALIFIED EMPLOYEE.

22 (3) (a) FOR THE INCOME TAX YEARS COMMENCING ON OR AFTER
23 JANUARY 1, 2016, BUT BEFORE JANUARY 1, 2019, A THREE-YEAR CREDIT
24 AGAINST THE TAX IMPOSED BY THIS ARTICLE IS ALLOWED TO A TAXPAYER
25 WHO HIRES AND RETAINS A QUALIFIED EMPLOYEE DURING THAT PERIOD
26 AND INCURS ANNUAL COSTS FOR THE MAINTENANCE, REPAIR, OR UPGRADE
27 OF ASSISTIVE HARDWARE OR SOFTWARE TECHNOLOGY THAT IS
28 SPECIFICALLY DESIGNED FOR USE BY THE QUALIFIED EMPLOYEE IN ORDER

1 FOR THE QUALIFIED EMPLOYEE TO PERFORM HIS OR HER JOB.

2 (b) THE AMOUNT OF THE CREDIT ALLOWED BY THIS SUBSECTION (3)
3 IS SEVENTY-FIVE PERCENT OF THE MAINTENANCE, REPAIR, OR UPGRADE
4 COSTS IN THE FIRST YEAR, FIFTY PERCENT OF THE MAINTENANCE, REPAIR,
5 OR UPGRADE COSTS IN THE SECOND YEAR, AND TWENTY-FIVE PERCENT OF
6 THE MAINTENANCE, REPAIR, OR UPGRADE COSTS IN THE THIRD YEAR.

7 ~~(3) (4) A taxpayer may claim the credit allowed by this section for~~
8 ~~the income tax year in which the wages on which the credit is based are~~
9 ~~paid to a qualified employee. If the amount of the credit exceeds a~~
10 ~~taxpayer's actual tax liability for an income tax year CREDITS ALLOWED IN~~
11 ~~THIS SECTION EXCEED THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON~~
12 ~~THE TAXPAYER'S INCOME IN THE INCOME TAX YEAR FOR WHICH THE~~
13 ~~CREDITS ARE BEING CLAIMED, the amount of the EACH credit not used to~~
14 ~~AS AN offset AGAINST income tax liability for TAXES IN the CURRENT~~
15 ~~income tax year shall not be allowed as a refund, but the taxpayer may~~
16 ~~claim the excess amount of the credit in a subsequent income tax year;~~
17 ~~except that the credit allowed by this section may not be claimed for any~~
18 ~~income tax year beginning after January 1, 2011. Any amount of the~~
19 ~~credit that is not used shall not be refunded to the taxpayer. A taxpayer~~
20 ~~may not claim the credit allowed by this section more than once for the~~
21 ~~same qualified employee~~ MAY BE CARRIED FORWARD AND USED AS A
22 CREDIT AGAINST SUBSEQUENT YEARS' INCOME TAX LIABILITY FOR A
23 PERIOD NOT TO EXCEED FIVE YEARS AND MUST BE APPLIED FIRST TO THE
24 EARLIEST INCOME TAX YEARS POSSIBLE. ANY CREDIT REMAINING AFTER
25 SAID PERIOD MAY NOT BE REFUNDED OR CREDITED TO THE TAXPAYER.

26 ~~(4) (5) A partnership, S corporation, limited liability company, or~~
27 ~~other entity electing not to be taxed as a corporation may pass through the~~
28 ~~credit allowed by~~ IN this section in a tax year to its participating partners,

1 shareholders, or members, referred to in this ~~subsection (4)~~ SUBSECTION
2 (5) as the "investors", in any percentage the entity chooses, up to the
3 amount of the credit earned in the tax year. Credits earned but unclaimed
4 in a tax year for which the entity elects to be taxed as a corporation may
5 not be distributed to investors in a later tax year for which the entity elects
6 not to be taxed as a corporation. In a tax year for which the entity elects
7 not to be taxed as a corporation, all credits passed through to investors
8 may be carried forward at the investor level for the carryover period
9 specified in ~~subsection (3)~~ SUBSECTION (4) of this section.

10 ~~(5) (a) If the revenue estimate prepared by the staff of the~~
11 ~~legislative council in December 2008, December 2009, or December 2010~~
12 ~~indicates that the amount of total general fund revenues for the current~~
13 ~~fiscal year will not be sufficient to grow the total state general fund~~
14 ~~appropriations by six percent over such appropriations for the previous~~
15 ~~fiscal year, then the credit authorized by this section shall not be allowed~~
16 ~~for the income tax year following the year in which the estimate is~~
17 ~~prepared; except that a taxpayer who would have been eligible to claim~~
18 ~~a credit pursuant to this section in an income tax year in which the credit~~
19 ~~is not allowed may claim the credit in the next income tax year in which~~
20 ~~the revenue estimate indicates that the amount of total general fund~~
21 ~~revenues will be sufficient to grow the total state general fund~~
22 ~~appropriations by six percent over such appropriations for the previous~~
23 ~~fiscal year.~~

24 ~~(b) On or before January 1, 2009, January 1, 2010, and January 1,~~
25 ~~2011, the department of revenue shall publish a notice on its web site~~
26 ~~indicating whether the credit authorized by this section is allowed~~
27 ~~pursuant to paragraph (a) of this subsection (5) for the income tax year~~
28 ~~beginning on that day.~~

1 (6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2022.

2 **SECTION 3. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.