

CHAPTER 88

LABOR AND INDUSTRY

HOUSE BILL 25-1018

BY REPRESENTATIVE(S) Rydin and Gilchrist, Bacon, Duran, McCluskie, Bird, Boesenecker, Camacho, Clifford, Garcia, Hamrick, Jackson, Lindsay, Phillips, Stewart R.;
also SENATOR(S) Danielson, Jodeh, Kipp, Kolker, Michaelson Jenet, Rodriguez, Snyder, Sullivan, Wallace, Weissman, Winter F., Coleman.

AN ACT**CONCERNING ACCESS TO THE DEPARTMENT OF LABOR AND EMPLOYMENT'S VOCATIONAL REHABILITATION SERVICES.**

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

SECTION 1. In Colorado Revised Statutes, 8-84-106, **amend** (3)(a), (3)(b)(II), (3)(b)(V), (3)(b)(VII), (3)(c)(I), (3)(c)(II) introductory portion, and (3)(d) as follows:

8-84-106. Rehabilitation of persons with disabilities - vocational rehabilitation services - rules. (3) (a) The department shall provide vocational rehabilitation services directly or through public or private instrumentalities to or for the benefit of an applicant or eligible person with a disability. ~~who:~~

~~(I) Is present in the state at the time of filing an application for the services; and~~

~~(II) The department determines, after full investigation, can satisfactorily achieve rehabilitation.~~

(b) The department shall:

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

(V) Limit payment for services to Colorado in-state tuition or the equivalent for all education and vocational schooling; except that, if the department finds, through

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its comprehensive assessment, that the person with a disability needs specialized education outside of Colorado to address ~~his or her~~ THEIR barriers to employment, the department may authorize payment for out-of-state tuition on a case-by-case basis;

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

~~(c) (I) Except as provided in subparagraph (H) of this paragraph (c) SUBSECTION (3)(c)(II) OF THIS SECTION, the department shall provide goods or services to a person with a disability only to the extent the department determines, in accordance with paragraph (d) of this subsection (3) and department rules, that the person with a disability requires financial assistance~~ WITHOUT CONSIDERATION OF FINANCIAL NEED.

(II) The department MAY DETERMINE IT IS NECESSARY TO CONSIDER FINANCIAL NEED PRIOR TO THE PROVISION OF VOCATIONAL REHABILITATION SERVICES DURING A PERIOD OF COST CONTAINMENT TO PREVENT OR MANAGE A WAIT LIST FOR SERVICES DUE TO INSUFFICIENT FINANCIAL RESOURCES. THE DEPARTMENT SHALL ENSURE FINANCIAL NEED TESTING COMPLIES WITH FEDERAL LAW. THE DEPARTMENT SHALL ENGAGE PERSONS WITH DISABILITIES, COMMUNITY PARTNERS, AND MEMBERS OF THE PUBLIC PRIOR TO IMPLEMENTING A FINANCIAL NEED TEST. IF A FINANCIAL NEED TEST IS IMPLEMENTED, THE DEPARTMENT shall provide the following services at public cost without consideration of financial need:

~~(d) (I) (A) The person with a disability, or the person's legally and financially responsible relative, shall contribute toward the cost of his or her vocational rehabilitation services to the extent that the department determines that he or she is financially able.~~

(B) If the person with a disability has been determined eligible for social security benefits under Title II or XVI of the federal "Social Security Act", ~~42 U.S.C. sec. 301 et seq.~~ 42 U.S.C. SEC. 401 ET SEQ., OR 42 U.S.C. SEC. 1381 ET SEQ., as amended, ~~he or she is~~ THEY ARE not required to further contribute to the costs of any services provided.

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

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 18, 2025