

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 25-0651.01 Josh Schultz x5486

HOUSE BILL 25-1018

HOUSE SPONSORSHIP

Rydin and Gilchrist,

SENATE SPONSORSHIP

Danielson,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

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

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://leg.colorado.gov>.)

The bill makes the following changes to current law regarding individuals to whom the department of labor and employment (department) provides vocational rehabilitation services (services):

- Eliminates the requirement that an individual with a disability require financial assistance to participate;
- Allows the department to consider financial need before

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
February 14, 2025

providing services during a period of cost containment to prevent or manage a wait list for services due to insufficient financial resources;

- Eliminates the requirement that an individual with a disability, or the individual's legally and financially responsible relative, must contribute toward the cost of their services to the extent that they are financially able; and
- To align Colorado law with federal law, eliminates the requirement that the department provide services only to individuals who are present in the state at the time of filing an application for the services and can satisfactorily achieve rehabilitation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-84-106, **amend**
3 (3)(a), (3)(b)(II), (3)(b)(V), (3)(b)(VII), (3)(c)(I), (3)(c)(II) introductory
4 portion, and (3)(d); and **add (5)** as follows:

5 **8-84-106. Rehabilitation of persons with disabilities -**
6 **vocational rehabilitation services - report - rules.** (3) (a) The
7 department shall provide vocational rehabilitation services directly or
8 through public or private instrumentalities to or for the benefit of an
9 applicant or eligible person with a disability. ~~who:~~

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

12 ~~(H) The department determines, after full investigation, can~~
13 ~~satisfactorily achieve rehabilitation.~~

14 (b) The department shall:

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

1 (V) Limit payment for services to Colorado in-state tuition or the
2 equivalent for all education and vocational schooling; except that, if the
3 department finds, through its comprehensive assessment, that the person
4 with a disability needs specialized education outside of Colorado to
5 address ~~his or her~~ THEIR barriers to employment, the department may
6 authorize payment for out-of-state tuition on a case-by-case basis;

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

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

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

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

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

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

13 (5) BEGINNING IN 2026 AND EACH YEAR THEREAFTER, THE
14 DEPARTMENT SHALL SUBMIT THE FOLLOWING DATA TO THE SENATE
15 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE AND THE HOUSE OF
16 REPRESENTATIVES BUSINESS AFFAIRS AND LABOR COMMITTEE, OR THEIR
17 SUCCESSOR COMMITTEES, DURING THE HEARINGS HELD PURSUANT TO THE
18 "SMART ACT", PART 2 OF ARTICLE 7 OF TITLE 2:

19 (a) THE TOTAL NUMBER OF INDIVIDUALS TO WHOM THE
20 DEPARTMENT PROVIDED VOCATIONAL REHABILITATION SERVICES OVER
21 EACH OF THE TWO STATE FISCAL YEARS PRECEDING THE REPORT;

22 (b) THE TOTAL NUMBER OF INDIVIDUALS TO WHOM THE
23 DEPARTMENT PROVIDED VOCATIONAL REHABILITATION SERVICES OVER
24 THE STATE FISCAL YEAR PRECEDING THE REPORT WHO BECAME RESIDENTS
25 OF COLORADO DURING THAT STATE FISCAL YEAR, IF THAT DATA IS
26 AVAILABLE TO THE DEPARTMENT;

27 (c) THE TOTAL NUMBER OF INDIVIDUALS TO WHOM THE

1 DEPARTMENT PROVIDED VOCATIONAL REHABILITATION SERVICES OVER
2 THE STATE FISCAL YEAR PRECEDING THE REPORT WHO BECAME RESIDENTS
3 OF ANOTHER STATE DURING THAT STATE FISCAL YEAR, IF THAT DATA IS
4 AVAILABLE TO THE DEPARTMENT;

5 (d) THE TOTAL NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES
6 PROVIDING VOCATIONAL REHABILITATION SERVICES WITHIN THE DIVISION
7 OF VOCATIONAL REHABILITATION IN THE DEPARTMENT AT THE END OF THE
8 TWO STATE FISCAL YEARS PRECEDING THE REPORT; AND

9 (e) THE ACTUAL EXPENDITURES OF THE DIVISION OF VOCATIONAL
10 REHABILITATION IN THE DEPARTMENT FOR EACH OF THE TWO STATE FISCAL
11 YEARS PRECEDING THE REPORT, INCLUDING THE AMOUNT OF FEDERAL,
12 STATE, AND LOCAL DOLLARS EXPENDED FOR EACH STATE FISCAL YEAR.

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