

CHAPTER 99

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 97-1065

BY REPRESENTATIVES Pankey, Dean, Epps, Lamborn, and Sullivant;
also SENATORS Coffman and Blickensderfer.

AN ACT

CONCERNING PERSONAL IDENTIFICATION SYSTEMS FOR RECIPIENTS OF PUBLICLY FUNDED ASSISTANCE.

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

SECTION 1. Legislative declaration. The general assembly hereby finds that welfare fraud has a negative effect on the people of Colorado as well as on the individuals who need and qualify for public assistance and medical assistance. The general assembly also finds that the passage at the federal level of welfare reform legislation provides an opportunity for states to reassess their eligibility verification processes for persons applying for public assistance and medical assistance. The general assembly, therefore, enacts this bill to study and propose improvements to strengthen the security measures used to prevent and detect welfare fraud and duplicate participation.

SECTION 2. Part 1 of article 2 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

26-2-136. Personal identification systems for public assistance and medical assistance - committee to select methods - repeal. (1) (a) THERE IS HEREBY ESTABLISHED THE PERSONAL IDENTIFICATION COMMITTEE FOR THE PURPOSE OF EVALUATING AND RECOMMENDING THE SECURITY METHODS TO BE USED BY THE STATE DEPARTMENT FOR VERIFICATION OF ELIGIBILITY WHEN A PERSON APPLIES FOR PUBLIC ASSISTANCE AND BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR VERIFICATION OF ELIGIBILITY WHEN A PERSON APPLIES FOR MEDICAL ASSISTANCE. THE COMMITTEE SHALL BE COMPRISED OF TEN MEMBERS. FIVE MEMBERS SHALL BE APPOINTED JOINTLY BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE

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

PRESIDENT OF THE SENATE AND FIVE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR. OF THE MEMBERS OF THE COMMITTEE JOINTLY APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE, ONE SHALL BE A REPRESENTATIVE OF A COUNTY, ONE SHALL BE A BANKER FAMILIAR WITH AUTOMATED TECHNOLOGY, AND ONE SHALL BE A REPRESENTATIVE OF LAW ENFORCEMENT FAMILIAR WITH METHODS OF SECURITY IDENTIFICATION. OF THE MEMBERS OF THE COMMITTEE APPOINTED BY THE GOVERNOR, ONE SHALL BE A REPRESENTATIVE OF THE BUSINESS COMMUNITY, ONE SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF HUMAN SERVICES, ONE SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, ONE SHALL BE A PROGRAM RECIPIENT, AND ONE SHALL BE A MEMBER OF THE COMMUNITY. APPOINTMENTS SHALL BE MADE WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION OR NO LATER THAN JULY 1, 1997, WHICHEVER OCCURS FIRST. THE COMMITTEE SHALL SELECT A CHAIRPERSON AND A VICE-CHAIRPERSON FROM AMONG ITS MEMBERS. ALL MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT COMPENSATION. THE COMMITTEE SHALL SUBMIT A REPORT ON ITS FINDINGS TO THE GENERAL ASSEMBLY, THE STATE DEPARTMENT, AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING WITHIN ONE HUNDRED TWENTY DAYS AFTER THE SIGNING OF THIS ACT. SUCH REPORT SHALL CONTAIN ANY LEGISLATIVE OR BUDGET RECOMMENDATIONS NEEDED TO IMPLEMENT THE RECOMMENDATIONS.

(b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 1998.

(2) THE PERSONAL IDENTIFICATION COMMITTEE SHALL STUDY AND RECOMMEND WHAT SECURITY MEASURES, SUCH AS INDIVIDUAL PERSONAL IDENTIFICATION NUMBERS, PHOTO IDENTIFICATION, FINGERPRINT IDENTIFICATION, OR RETINAL SCANNING, SHOULD BE USED TO IDENTIFY APPLICANTS FOR PURPOSES OF DETERMINING WHETHER A PERSON APPLYING FOR PUBLIC ASSISTANCE OR MEDICAL ASSISTANCE IS ELIGIBLE TO RECEIVE SUCH BENEFITS. IN MAKING SUCH RECOMMENDATIONS, THE COMMITTEE SHALL CONSIDER THE EXTENT OF THE SECURITY PROBLEM, THE COST OF POSSIBLE SECURITY MEASURES, WHICH MEASURES, IF ANY, WILL BE MOST COST-EFFECTIVE, AND WHICH WILL BE THE MOST SUCCESSFUL AT PREVENTING AND DETECTING FRAUD AND DUPLICATE PARTICIPATION. THE STATE DEPARTMENT AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, WITHIN NINETY DAYS AFTER RECEIVING THE COMMITTEE'S REPORT, SHALL REPORT TO THE HOUSE AND SENATE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE GENERAL ASSEMBLY ON THEIR RECOMMENDATIONS ON IMPLEMENTING THE COMMITTEE'S RECOMMENDATIONS. THE GENERAL ASSEMBLY SHALL BY BILL DETERMINE WHAT RECOMMENDATIONS, IF ANY, TO IMPLEMENT.

(3) IN ADDITION TO THE SECURITY MEASURES SELECTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL USE SOCIAL SECURITY NUMBERS TO THE EXTENT POSSIBLE AS A METHOD OF PERSONAL IDENTIFICATION FOR EVERY PERSON APPLYING FOR PUBLIC ASSISTANCE OR MEDICAL ASSISTANCE.

SECTION 3. 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: April 19, 1997