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CHAPTER 248

OLD AGE PENSIONS

OLD AGE ASSISTANCE LAW

(Senate Bill No. 85. By Senators Kemp, Nicholson, Taylor, Vollack, Brown, Chance, Cisneros, L. Fowler, Jackson, Locke, Saunders, and Strickland; also Representatives Calabrese, Horst, Bain, Bastien, Braden, Coloroso, DeMoulin, Dittmore, Edmonds, Grant, Jackson, Klein, Knox, Kogovsek, Koster, Lamm, Massari, Mullen, Neal, Quinlan, Satran, Sanches, Showalter, and Younglund.)

A N A C T

AMENDING THE OLD AGE PENSION LAW.

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

Section 1. 101-1-1 (1), Colorado Revised Statutes 1963, is amended, and said 101-1-1 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

101-1-1. Definitions.—(1) "State department" means the state department of public welfare SOCIAL SERVICES, created by "The Welfare Organization Law of 1936" as set forth in section 119-1-2, Colorado Revised Statutes 1963.

(6) "State board" means the state board of social services.

Section 2. 101-1-7 (1), Colorado Revised Statutes 1963, as enacted by section 83 of chapter 53, Session Laws of Colorado 1968, is amended to read:

101-1-7. Amount of pension.—(1) The basic minimum award payable to those persons qualified to receive an old age pension shall be one hundred dollars monthly; but the state board OF SOCIAL SERVICES is hereby authorized and shall have the power to adjust the said basic minimum award above one hundred dollars if, in its discretion, living costs have changed sufficiently to justify such adjustment. The amount of net income from whatever source, either in cash or in kind, which any person qualified for an old age pension may receive shall be deducted from the amount of monthly pension which such person would otherwise receive, but in computing said net income the county department shall not consider the ownership of real estate occupied as a residence by the recipient as income; IN ADDITION, IN COMPUTING SAID NET INCOME, THE COUNTY DEPARTMENT SHALL NOT CONSIDER AS INCOME FUNDS RECEIVED BY OR IN BEHALF OF THE RECIPIENT FROM THE FEDERAL GOVERNMENT FOR RENT SUPPLEMENTATION

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

OR RELOCATION PAYMENTS; OR INCOME EARNED BY THE RECIPIENT UP TO THE MAXIMUM EXTENT ALLOWED BY TITLE 1, SECTION 2, OF THE FEDERAL SOCIAL SECURITY ACT. Whenever the United States congress shall provide by law for a retroactive increase in monthly benefits under the old age, survivors, and disability provisions of the social security act, OR FOR A RETROACTIVE INCREASE IN MONTHLY BENEFITS UNDER THE RAILROAD RETIREMENT ACT, and the amount of such retroactive increase in monthly benefits shall be subsequently paid to an old age pension recipient in a lump sum, then the amount of such lump sum payment shall not be considered as income, and shall not be deducted from the amount of monthly pension otherwise payable to such recipient for the month in which such lump sum payment is received. All moneys deposited in the old age pension fund shall be first available for payment of basic minimum awards to qualified recipients, and no part of said fund shall be transferred to any other fund until such basic minimum awards shall have been paid.

Section 3. 101-1-8, Colorado Revised Statutes 1963, is amended to read:

101-1-8. Application for pensions.—(1) Application for a pension shall be made to the county department of the county in which the applicant resides. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state department OF SOCIAL SERVICES and shall be verified by the ~~oath~~ SIGNATURE of the applicant. Such application shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which he may have at the time of the filing of the application, and such other information as may be prescribed by the state department OF SOCIAL SERVICES.

(2) THE STATE BOARD SHALL PROMULGATE RULES AND REGULATIONS TO SIMPLIFY THE APPLICATION PROCESS IN ORDER THAT PENSIONS ARE FURNISHED TO RECIPIENTS AS SOON AS POSSIBLE. ADEQUATE SAFEGUARDS SHALL BE ESTABLISHED BY THE DEPARTMENT OF SOCIAL SERVICES TO INSURE THAT ONLY ELIGIBLE PERSONS RECEIVE PENSIONS UNDER THIS ARTICLE.

Section 4. 101-1-9 (1), Colorado Revised Statutes 1963, is amended to read:

101-1-9. Verification of applications.—(1) Whenever a county department receives an application for a pension, ~~an investigation and~~ A record shall promptly be made of the circumstances of the applicant to ascertain ~~VERIFY~~ the facts supporting the application and such other information as may be required by the rules of the state department BOARD.

Section 5. 101-1-10, Colorado Revised Statutes 1963, is amended to read:

101-1-10. Granting of pensions.—Upon the completion of such investigation VERIFICATION AND RECORD the county department, under rules and regulations of the state department BOARD, shall decide whether the applicant is eligible for a pension, and determine the amount of such pension and the date upon which such pension shall begin. In determining the amount of such pension, due account shall be taken of any income or property of the applicant and any support which he may receive from other sources. The county department shall make an award which shall be binding upon the county and be complied with by the county until such award is modified or vacated. The county department shall also notify

the applicant of its decision in writing. Such pension shall be paid monthly to or on behalf of the applicant upon order of the county department from funds appropriated to the county department for this purpose. Payments to vendors for medical care in behalf of old age pension recipients, in accordance with the constitution of the state of Colorado and the provisions of this article, shall be made pursuant to rules and regulations of the state board of public welfare.

Section 6. 101-1-11, Colorado Revised Statutes 1963 (1967 Supp.), is amended BY THE ADDITION OF A NEW SUBSECTION to read:

101-1-11. Funeral and burial expenses.—(4) The recipient may be the owner of an irrevocable, prepaid burial contract, and such ownership shall not disqualify him from receiving the pension nor shall such ownership be deemed cause for any reduction in the amount of said pension, but this exemption shall apply only to the first five hundred dollars in value of said contract together with any interest accruing on the first five hundred dollars and which increases the value of said contract.

Section 7. 101-1-14 (1), Colorado Revised Statutes 1963, is amended to read:

101-1-14. Reconsideration and change.—(1) All pension grants shall be reconsidered by the county department as frequently AND IN THE MANNER as may be required by the rules of the state department BOARD. After such further investigation VERIFICATION AND RECORD as the county department may deem necessary or the state department OF SOCIAL SERVICES may require, the amount of the pension may be reduced, increased, modified, or may be entirely withdrawn if the state or county departments find DEPARTMENT OF SOCIAL SERVICES OR THE COUNTY DEPARTMENT FINDS the recipient's circumstances have altered sufficiently to warrant such action. The county department at any time may cancel and revoke pensions for cause, and for cause it may suspend a pension for such period as it may deem proper. Whenever a pension is thus withdrawn, revoked, suspended, reduced, or modified or in any way changed, the county department shall at once report to the state department OF SOCIAL SERVICES such decision. All such decisions shall be subject to review by the state department OF SOCIAL SERVICES as provided in section 101-1-13.

Section 8. 101-1-19, Colorado Revised Statutes 1963, is amended to read:

101-1-19. State reimbursement.—The county department shall keep such records and accounts in relation to pensions as the state department OF SOCIAL SERVICES shall prescribe. The state shall reimburse each county or public welfare district to the extent of eighty per cent of the amount expended for administration.

Section 9. **Effective date.**—This act shall take effect July 1, 1969.

Section 10. **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 10, 1969