

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 10-0235.01 Brita Darling

HOUSE BILL 10-1022

HOUSE SPONSORSHIP

Summers and Gagliardi, Kagan, Kefalas

SENATE SPONSORSHIP

Boyd, Hudak

House Committees

Health and Human Services
Appropriations

Senate Committees

Health and Human Services
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE ADMINISTRATION OF THE SUPPLEMENTAL
102 NUTRITION ASSISTANCE PROGRAM.

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>.)

Economic Opportunity Poverty Reduction Task Force.

Section 1: The bill requires the state department of human services (department) to adopt the maximum certification period allowable pursuant to federal law for the receipt of federal food assistance benefits under the supplemental nutrition assistance program.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

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

Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
May 7, 2010

HOUSE
3rd Reading Unamended
April 22, 2010

HOUSE
Amended 2nd Reading
April 20, 2010

Additionally, the bill requires the department to develop and implement a state outreach plan with the use of private and federal moneys to promote access to federal food benefits by eligible persons. The department may partner or contract with one or more nonprofit organizations to develop and implement the outreach plan and is authorized to seek and accept gifts, grants, and donations for the purposes of developing and implementing the state outreach plan. The bill requires the department to submit the outreach plan for federal approval by September 1, 2010, and to request any matching federal moneys that may be available upon approval of the outreach plan. In the event that the department will not be receiving sufficient federal or private moneys to develop and implement the outreach plan, the department is exempted from developing and implementing an outreach plan.

The bill also includes amendments changing the name of the federal food stamps program to the supplemental nutrition assistance program to reflect the federal name change.

Section 2: The bill directs the department to implement a program or policy, pursuant to federal law, establishing broad-based categorical eligibility for federal food assistance benefits. At a minimum, the program or policy shall remove the asset test for eligibility and increase the gross income test to 200% of federal poverty level pursuant to federal law.

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

2 **SECTION 1.** 26-2-301, Colorado Revised Statutes, is amended
3 to read:

4 **26-2-301. Supplemental nutrition assistance program -**
5 **administration.** (1) The state department is hereby designated as the
6 single state agency to administer or supervise the administration of the
7 **food stamp** program in this state in cooperation with the federal
8 government pursuant to the federal "Food **Stamp Act**", as amended, and
9 this part 3.

10 (2) The state department, with the approval of the state board, may
11 enter into an agreement with the secretary of the United States department
12 of agriculture to accept federal food ~~coupons~~ ASSISTANCE BENEFITS for
13 disbursement to qualified households in accordance with federal law.

1 Under state department supervision, the responsibility for disbursement
2 may be delegated, under agreement, to county departments, United States
3 postal service facilities, or other commercial facilities such as but not
4 limited to banks.

5 (3) The food stamp program shall be implemented and
6 administered in every county in the state by the respective county
7 departments or by the state department pursuant to an agreement with one
8 or more counties. If a county can demonstrate to the satisfaction of the
9 state department that it is impossible or impractical for the county
10 department to administer the program, the state department shall ensure
11 that the program is implemented and administered within such county,
12 and the county shall continue to meet the requirements of section
13 26-1-122.

14 [REDACTED]

15 (4) (a) THE STATE DEPARTMENT SHALL DEVELOP A STATE
16 OUTREACH PLAN, REFERRED TO IN THIS SECTION AS THE "OUTREACH
17 PLAN", TO PROMOTE ACCESS BY ELIGIBLE PERSONS TO BENEFITS THROUGH
18 THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM. THE OUTREACH
19 PLAN SHALL MEET THE CRITERIA ESTABLISHED BY THE FOOD AND
20 NUTRITION SERVICES AGENCY OF THE UNITED STATES DEPARTMENT OF
21 AGRICULTURE FOR APPROVAL OF STATE OUTREACH PLANS. THE STATE
22 DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, AND
23 DONATIONS TO DEVELOP AND IMPLEMENT THE OUTREACH PLAN.

24 (b) FOR PURPOSES OF DEVELOPING AND IMPLEMENTING AN
25 OUTREACH PLAN, THE STATE DEPARTMENT SHALL PARTNER WITH ONE OR
26 MORE COUNTIES AND NONPROFIT ORGANIZATIONS FOR THE DEVELOPMENT
27 AND IMPLEMENTATION OF THE OUTREACH PLAN. IF THE STATE

1 DEPARTMENT ENTERS INTO A CONTRACT WITH A NONPROFIT
2 ORGANIZATION RELATING TO THE OUTREACH PLAN, THE CONTRACT MAY
3 SPECIFY THAT THE NONPROFIT ORGANIZATION IS RESPONSIBLE FOR
4 SEEKING SUFFICIENT GIFTS, GRANTS, OR DONATIONS NECESSARY FOR THE
5 DEVELOPMENT AND IMPLEMENTATION OF THE OUTREACH PLAN, AND MAY
6 ADDITIONALLY SPECIFY THAT ANY COSTS TO THE STATE ASSOCIATED WITH
7 THE AWARD AND MANAGEMENT OF THE CONTRACT OR THE
8 IMPLEMENTATION OR ADMINISTRATION OF THE OUTREACH PLAN SHALL BE
9 PAID OUT OF ANY PRIVATE OR FEDERAL MONEYS RAISED FOR THE
10 DEVELOPMENT AND IMPLEMENTATION OF THE OUTREACH PLAN. THE
11 STATE DEPARTMENT SHALL SUBMIT THE OUTREACH PLAN TO THE FOOD
12 AND NUTRITION SERVICES AGENCY FOR APPROVAL BY SEPTEMBER 1, 2010,
13 AND SHALL REQUEST ANY FEDERAL MATCHING MONEYS THAT MAY BE
14 AVAILABLE UPON APPROVAL OF THE OUTREACH PLAN. THE GENERAL
15 ASSEMBLY STRONGLY ENCOURAGES THE STATE DEPARTMENT TO USE ANY
16 ADDITIONAL PUBLIC OR PRIVATE MONEYS, INCLUDING MONEYS FROM THE
17 FEDERAL 2010 DEPARTMENT OF DEFENSE APPROPRIATIONS BILL TO OFFSET
18 COSTS ASSOCIATED WITH INCREASED CASELOAD RESULTING FROM THE
19 IMPLEMENTATION OF AN OUTREACH PLAN.

20 (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OR (b)
21 OF THIS SUBSECTION (4), THE STATE DEPARTMENT SHALL BE EXEMPT FROM
22 IMPLEMENTING OR ADMINISTERING AN OUTREACH PLAN, BUT NOT FROM
23 DEVELOPING AN OUTREACH PLAN, IF THE STATE DEPARTMENT WILL NOT BE
24 RECEIVING PRIVATE OR FEDERAL MONEYS SUFFICIENT TO COVER THE
25 STATE'S COSTS ASSOCIATED WITH THE IMPLEMENTATION AND
26 ADMINISTRATION OF THE OUTREACH PLAN, INCLUDING ANY STATE OR
27 COUNTY COSTS ASSOCIATED WITH INCREASED CASELOAD RESULTING FROM

1 THE IMPLEMENTATION OF THE OUTREACH PLAN.

2 (4) (5) The provisions of article 1 of this title and, where not
3 inconsistent with this part 3, the provisions of part 1 of this article shall
4 apply to FEDERAL food stamps ASSISTANCE BENEFITS under this part 3.

5 SECTION 2. Part 3 of article 2 of title 26, Colorado Revised
6 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
7 read:

8 26-2-305.5. Categorical eligibility - repeal. (1) AS USED IN THIS
9 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "FEDERAL LAW"
10 MEANS THE FEDERAL "FOOD AND NUTRITION ACT OF 2008", AND ANY
11 AMENDMENTS TO THE ACT AND ANY FEDERAL REGULATIONS ADOPTED FOR
12 THE IMPLEMENTATION OF THE ACT.

13 (2) (a) NO LATER THAN OCTOBER 1, 2010, THE STATE
14 DEPARTMENT SHALL CREATE A PROGRAM OR POLICY THAT, IN COMPLIANCE
15 WITH FEDERAL LAW, ESTABLISHES BROAD-BASED CATEGORICAL
16 ELIGIBILITY FOR FEDERAL FOOD ASSISTANCE BENEFITS PURSUANT TO THE
17 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

18 (b) AT A MINIMUM, THE PROGRAM OR POLICY SHALL, TO THE
19 EXTENT AUTHORIZED PURSUANT TO FEDERAL LAW, ELIMINATE THE ASSET
20 TEST FOR ELIGIBILITY FOR FEDERAL FOOD ASSISTANCE BENEFITS.

21 (3) NOTWITHSTANDING ANY PROVISIONS OF SUBSECTION (2) OF
22 THIS SECTION TO THE CONTRARY, THE PROVISIONS OF THIS SECTION SHALL
23 TAKE EFFECT ONLY IF THE STATE DEPARTMENT RECEIVES MONEYS
24 PURSUANT TO THE FEDERAL 2010 DEPARTMENT OF DEFENSE
25 APPROPRIATIONS BILL THAT MAY BE USED TO IMPLEMENT THIS SECTION.

26 SECTION 3. 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.