

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

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

Senate Committees

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/billssummaries>.)

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.

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~~ SUPPLEMENTAL NUTRITION ASSISTANCE program in this state
8 in cooperation with the federal government pursuant to the federal "Food
9 ~~Stamp~~ AND NUTRITION Act OF 2008", as amended, and 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~~ SUPPLEMENTAL NUTRITION ASSISTANCE
6 program shall be implemented and administered in every county in the
7 state by the respective county departments or by the state department
8 pursuant to an agreement with one or more counties. If a county can
9 demonstrate to the satisfaction of the state department that it is impossible
10 or impractical for the county department to administer the program, the
11 state department shall ensure that the program is implemented and
12 administered within such county, and the county shall continue to meet
13 the requirements of section 26-1-122.

14 (4) IN IMPLEMENTING THE SUPPLEMENTAL NUTRITION ASSISTANCE
15 PROGRAM, THE STATE DEPARTMENT SHALL ADOPT A CERTIFICATION
16 PERIOD THAT IS CONSISTENT WITH THE MAXIMUM CERTIFICATION PERIOD
17 ALLOWABLE UNDER FEDERAL LAW.

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

27 (b) FOR PURPOSES OF DEVELOPING AND IMPLEMENTING AN

1 OUTREACH PLAN, THE STATE DEPARTMENT MAY PARTNER WITH ONE OR
2 MORE NONPROFIT ORGANIZATIONS OR MAY CONTRACT WITH ONE OR MORE
3 NONPROFIT ORGANIZATIONS FOR THE DEVELOPMENT AND
4 IMPLEMENTATION OF THE OUTREACH PLAN. IF THE STATE DEPARTMENT
5 CONTRACTS WITH ONE OR MORE ORGANIZATIONS TO DEVELOP AND
6 IMPLEMENT THE OUTREACH PLAN, THE CONTRACT MAY SPECIFY THAT THE
7 ORGANIZATION IS RESPONSIBLE FOR SEEKING SUFFICIENT GIFTS, GRANTS,
8 OR DONATIONS NECESSARY FOR THE DEVELOPMENT AND IMPLEMENTATION
9 OF THE OUTREACH PLAN, AND MAY ADDITIONALLY SPECIFY THAT ANY
10 COSTS TO THE STATE ASSOCIATED WITH THE AWARD AND MANAGEMENT
11 OF THE CONTRACT OR THE IMPLEMENTATION OR ADMINISTRATION OF THE
12 OUTREACH PLAN SHALL BE PAID OUT OF ANY PRIVATE OR FEDERAL
13 MONEYS RAISED FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE
14 OUTREACH PLAN. THE STATE DEPARTMENT SHALL SUBMIT THE OUTREACH
15 PLAN TO THE FOOD AND NUTRITION SERVICES AGENCY FOR APPROVAL BY
16 SEPTEMBER 1, 2010, AND SHALL REQUEST ANY FEDERAL MATCHING
17 MONEYS THAT MAY BE AVAILABLE UPON APPROVAL OF THE OUTREACH
18 PLAN.

19 (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (a) OR
20 (b) OF THIS SUBSECTION (5), THE STATE DEPARTMENT SHALL BE EXEMPT
21 FROM DEVELOPING, IMPLEMENTING, OR ADMINISTERING AN OUTREACH
22 PLAN IF THE STATE DEPARTMENT WILL NOT BE RECEIVING PRIVATE OR
23 FEDERAL MONEYS SUFFICIENT TO COVER THE STATE'S COSTS ASSOCIATED
24 WITH THE DEVELOPMENT, IMPLEMENTATION, OR ADMINISTRATION OF THE
25 OUTREACH PLAN.

26 ~~(4)~~ (6) The provisions of article 1 of this title and, where not
27 inconsistent with this part 3, the provisions of part 1 of this article shall

1 apply to FEDERAL food ~~stamps~~ ASSISTANCE BENEFITS under this part 3.

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

5 **26-2-305.5. Categorical eligibility.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "FEDERAL LAW"
7 MEANS THE FEDERAL "FOOD AND NUTRITION ACT OF 2008", AND ANY
8 AMENDMENTS TO THE ACT AND ANY FEDERAL REGULATIONS ADOPTED FOR
9 THE IMPLEMENTATION OF THE ACT.

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

15 (b) AT A MINIMUM, THE PROGRAM OR POLICY SHALL, TO THE
16 EXTENT AUTHORIZED PURSUANT TO FEDERAL LAW:

17 (I) ELIMINATE THE ASSET TEST FOR ELIGIBILITY FOR FEDERAL FOOD
18 ASSISTANCE BENEFITS; AND

19 (II) INCREASE THE GROSS INCOME TEST TO TWO HUNDRED PERCENT
20 OF FEDERAL POVERTY LEVEL, OR GREATER AS PROVIDED PURSUANT TO
21 FEDERAL LAW, FOR ELIGIBILITY FOR FEDERAL FOOD ASSISTANCE BENEFITS.

22 **SECTION 3. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.