

## CHAPTER 414

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**HUMAN SERVICES - SOCIAL SERVICES**

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**HOUSE BILL 10-1022**

BY REPRESENTATIVE(S) Summers and Gagliardi, Kagan, Kefalas, Apuan, Fischer, Gerou, Labuda, Looper, Peniston, Riesberg, Ryden, Schafer S., Todd;  
also SENATOR(S) Boyd, Hudak, Gibbs, Sandoval, Tochtrop, Williams.

**AN ACT****CONCERNING THE ADMINISTRATION OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**

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

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

**26-2-301. Supplemental nutrition assistance program - administration.**

(1) The state department is hereby designated as the single state agency to administer or supervise the administration of the food stamp program in this state in cooperation with the federal government pursuant to the federal "Food Stamp Act", as amended, and this part 3.

(2) The state department, with the approval of the state board, may enter into an agreement with the secretary of the United States department of agriculture to accept federal food ~~coupons~~ ASSISTANCE BENEFITS for disbursement to qualified households in accordance with federal law. Under state department supervision, the responsibility for disbursement may be delegated, under agreement, to county departments, United States postal service facilities, or other commercial facilities such as but not limited to banks.

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

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

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

(b) FOR PURPOSES OF DEVELOPING AND IMPLEMENTING AN OUTREACH PLAN, THE STATE DEPARTMENT SHALL PARTNER WITH ONE OR MORE COUNTIES AND NONPROFIT ORGANIZATIONS FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE OUTREACH PLAN. IF THE STATE DEPARTMENT ENTERS INTO A CONTRACT WITH A NONPROFIT ORGANIZATION RELATING TO THE OUTREACH PLAN, THE CONTRACT MAY SPECIFY THAT THE NONPROFIT ORGANIZATION IS RESPONSIBLE FOR SEEKING SUFFICIENT GIFTS, GRANTS, OR DONATIONS NECESSARY FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE OUTREACH PLAN, AND MAY ADDITIONALLY SPECIFY THAT ANY COSTS TO THE STATE ASSOCIATED WITH THE AWARD AND MANAGEMENT OF THE CONTRACT OR THE IMPLEMENTATION OR ADMINISTRATION OF THE OUTREACH PLAN SHALL BE PAID OUT OF ANY PRIVATE OR FEDERAL MONEYS RAISED FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE OUTREACH PLAN. THE STATE DEPARTMENT SHALL SUBMIT THE OUTREACH PLAN TO THE FOOD AND NUTRITION SERVICES AGENCY FOR APPROVAL BY SEPTEMBER 1, 2010, AND SHALL REQUEST ANY FEDERAL MATCHING MONEYS THAT MAY BE AVAILABLE UPON APPROVAL OF THE OUTREACH PLAN. THE GENERAL ASSEMBLY STRONGLY ENCOURAGES THE STATE DEPARTMENT TO USE ANY ADDITIONAL PUBLIC OR PRIVATE MONEYS, INCLUDING MONEYS FROM THE FEDERAL 2010 DEPARTMENT OF DEFENSE APPROPRIATIONS BILL TO OFFSET COSTS ASSOCIATED WITH INCREASED CASELOAD RESULTING FROM THE IMPLEMENTATION OF AN OUTREACH PLAN.

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

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

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

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

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

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

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

**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: June 10, 2010