

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 11-0560.01 Thomas Morris

**HOUSE BILL 11-1058**

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**HOUSE SPONSORSHIP**

**Pabon,**

**SENATE SPONSORSHIP**

**Jahn,**

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**House Committees**  
Health and Environment

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING A REQUIREMENT THAT THE ENTITY THAT ADMINISTERS**  
102 **THE ELECTRONIC PUBLIC ASSISTANCE BENEFITS TRANSFER**  
103 **SERVICE PROHIBIT RECIPIENTS FROM ACCESSING CASH BENEFITS**  
104 **AT SPECIFIED LOCATIONS.**

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**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>.)*

Current law prohibits recipients of public assistance from accessing cash benefits through automated teller machines located in

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.*

HOUSE  
3rd Reading Unamended  
February 15, 2011

HOUSE  
Amended 2nd Reading  
February 14, 2011

casinos, in-state simulcast facilities, racetracks, commercial bingo facilities, gun stores, or liquor stores. The bill adds adult entertainment businesses to the list of prohibited locations and requires the entity that administers the electronic benefits transfer service to develop a means to prevent recipients from accessing cash benefits at a prohibited location.

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

2           **SECTION 1. Short title.** This act shall be known and may be  
3 cited as the "Responsible Family and Taxpayer Stewardship Act of 2011".

4           **SECTION 2.** 26-2-104 (2) (a), Colorado Revised Statutes, is  
5 amended to read:

6           **26-2-104. Public assistance programs - electronic benefits**  
7 **transfer service - rules.** (2) (a) (I) The state department is authorized  
8 to implement an electronic benefits transfer service for administering the  
9 delivery of public assistance payments and food stamps to recipients. The  
10 STATE DEPARTMENT SHALL DESIGN THE electronic benefits transfer service  
11 ~~shall be designed~~ to allow clients access to cash benefits through  
12 automated teller machines or similar electronic technology ~~The electronic~~  
13 ~~benefits transfer service shall~~ AND TO allow clients eligible for food  
14 stamps access to food items through the use of point of sale terminals at  
15 retail outlets. Only those businesses that offer products or services related  
16 to the purpose of the public assistance benefits ~~shall be allowed to~~ MAY  
17 participate in the electronic benefits transfer service through the use of  
18 point of sale terminals.

19           (II) Clients shall not be allowed to access cash benefits through  
20 the electronic benefits transfer service from automated teller machines in  
21 this state located in: Licensed gaming establishments as defined in  
22 section 12-47.1-103, ~~(15)~~, C.R.S.; in-state simulcast facilities as defined  
23 in section 12-60-102, ~~(14)~~, C.R.S.; ~~tracks for racing~~ RACETRACKS as

1 defined in section 12-60-102, ~~(26)~~, C.R.S.; commercial bingo facilities as  
2 defined in section 12-9-102, ~~(2.3)~~, C.R.S.; stores or establishments in  
3 which the principal business is the sale of firearms; A STRIP CLUB OR  
4 ESTABLISHMENT THAT OFFERS TOPLESS OR NUDE ENTERTAINMENT  
5 SUBJECT TO SECTION 30-15-401 (1) (l) OR 31-15-401 (1) (p), C.R.S.;  
6 or retail establishments licensed to sell malt, vinous, or spirituous liquors  
7 pursuant to part 3 of article 47 of title 12, C.R.S.

8 (III) In the development and implementation of the service, the  
9 state department shall consult with representatives of those persons,  
10 agencies, and organizations that will use or be affected by the electronic  
11 benefits transfer service, including program clients, to assure that the  
12 service is as workable, effective, and efficient as possible. The electronic  
13 benefits transfer service ~~shall be applicable~~ APPLIES to the public  
14 assistance programs described in subsection (1) of this section and to food  
15 stamps as described in part 3 of this article. The state department shall  
16 contract in accordance with state purchasing requirements with any entity  
17 for the development and administration of the electronic benefits transfer  
18 service. ~~THE STATE DEPARTMENT SHALL DEVELOP A MEANS TO~~  
19 ~~IDENTIFY THE BUSINESSES REFERENCED IN SUBPARAGRAPH (II) OF THIS~~  
20 ~~PARAGRAPH (a). THE STATE DEPARTMENT SHALL CONTACT THE~~  
21 ~~BUSINESSES TO INFORM THEM OF THE PROHIBITIONS ESTABLISHED IN~~  
22 ~~SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) AND SHALL REQUEST THEIR~~  
23 ~~COOPERATION IN THE IMPLEMENTATION OF THAT PROHIBITION. THE STATE~~  
24 ~~DEPARTMENT SHALL OFFER ASSISTANCE OR GUIDANCE ON HOW THE~~  
25 ~~BUSINESSES CAN ASSURE THAT ACCESS IS DISABLED FOR CLIENTS TO~~  
26 ~~ACCESS CASH BENEFITS THROUGH AUTOMATED TELLER MACHINES~~  
27 ~~LOCATED IN THE BUSINESSES. ON AND AFTER A DATE ESTABLISHED BY THE~~

1 STATE DEPARTMENT, BUT NO LATER THAN JULY 1, 2013, THE MEANS  
2 DEVELOPED BY THE STATE DEPARTMENT MUST BE OPERATIONAL. THE  
3 STATE DEPARTMENT SHALL REPORT BACK TO THE GENERAL ASSEMBLY ON  
4 THE RESULTS AND COST-EFFECTIVENESS OF IMPLEMENTING THE  
5 REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) ON OR  
6 BEFORE JANUARY 1, 2012.

7 (IV) In order to ensure the integrity of the electronic benefits  
8 transfer service, the system developed pursuant to this section shall MUST  
9 use, but is not limited to, security measures such as individual personal  
10 identification numbers, photo identification, or fingerprint identification.  
11 The STATE DEPARTMENT SHALL SELECT THE security method or methods  
12 ~~selected shall be those~~ that are most efficient and effective. The state  
13 board shall establish by rule a policy and procedure to limit losses to a  
14 client after the client reports that the electronic benefits transfer card or  
15 benefits have been lost or stolen. The state department may authorize  
16 county departments of social services to charge a fee to a client to cover  
17 the costs related to issuing a replacement electronic benefits transfer card.

18 **SECTION 3. Act subject to petition - effective date.** This act  
19 shall take effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly (August  
21 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
22 referendum petition is filed pursuant to section 1 (3) of article V of the  
23 state constitution against this act or an item, section, or part of this act  
24 within such period, then the act, item, section, or part shall not take effect  
25 unless approved by the people at the general election to be held in  
26 November 2012 and shall take effect on the date of the official  
27 declaration of the vote thereon by the governor.