

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4388-01
Bill No.: HB 1708
Subject: Public Assistance; Food
Type: Original
Date: February 11, 2020

Bill Summary: This proposal modifies provisions for temporary assistance to needy families and supplemental nutrition assistance programs.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(\$367,815)	\$0	\$0
Total Estimated Net Effect on General Revenue	(\$367,815)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 10 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Federal Funds*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

* Income and expenses exceed \$300,000 for FY 2021 and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on FTE	0	0	0

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§208.024 - SNAP/TANF EBT prohibited transactions; participants may not obtain cash

Officials from the **Department of Social Services (DSS)** state Federal law passed in 2012 (42 U.S.C. 608(a)(12)) requires states to implement policies and practices to prevent Temporary Assistance (TA) benefits from being used in any liquor store, casino, gambling casino, gaming establishment, or adult-oriented entertainment establishment. The Family Support Division (FSD) has a claims process and procedure in place if eligible TA participants make an EBT purchase in violation of section 208.024, where the recipient is required to reimburse the state at each offense. This policy is in place and being practiced.

However, additional systems updates will be needed to disqualify the recipient at the third offense permanently. FSD feels it can accomplish this with existing resources.

Oversight has no information to the contrary and will assume FSD can change systems to allow permanent disqualification of TANF recipients with existing resources.

DSS stated while current law and procedure is in place for Temporary Assistance for Needy Families (TANF) to prohibit transactions in restricted locations, if an establishment is an authorized Food and Nutritional Services (FNS) retailer, a participant can use their food stamps to purchase FNS qualifying items. Food Stamp EBT cards do not allow the purchase of liquor, tobacco, pornography, and/or lottery tickets. However, there is no way to block ineligible TANF purchases of liquor, tobacco, pornography, and/or lottery tickets at non-restricted EBT retailers such as gas stations, grocery or convenience stores.

§208.024.5 states that, subject to federal approval, no recipient of TANF or SNAP benefits shall use an EBT card to obtain cash from any automated teller machine (ATM) or point-of-sale (POS) terminal or otherwise access the benefits as cash.

This section will only impact the TANF population, as food stamps cannot be used at an ATM, to get cash back or to otherwise access the benefit as cash. The U.S. Department of Health and Human Services (DHHS) does not require a waiver to implement restrictions of EBT card usage and allows states to use their own discretion when implementing policies and procedures regarding use of EBT cards. A small portion of TANF participants who receive their benefit via direct deposit into a personal checking or savings account would not be affected.

ASSUMPTION (continued)

To implement this legislation, EBT TANF could only be accessed via a cash purchase transaction performed on a Point of Sale (POS) terminal. All other cash transactions would be turned off or denied.

Currently, Missouri's online EBT systems are interoperable through the QUEST® network, which is sponsored by the Electronic Benefits and Services Council. QUEST® sets the rules for the distribution of government benefits. However, if Missouri limits TANF transactions to purchases only, it will be in violation of QUEST® operating rules. Missouri must remove any QUEST® logos from all Missouri EBT cards.

To limit EBT TANF transactions to purchases only, replacement EBT cards will have to be issued for every active TANF and SNAP eligibility unit in the state.

Fidelity National Information Services (FIS), the Missouri EBT contractor, has provided a cost estimate to implement the changes of this legislation. The estimate increases from prior year fiscal note estimates because FIS did not take into consideration all EBT cards would have to be destroyed/deactivated and reissued for all programs that utilize the EBT card for benefit distribution. In addition, all EBT programming would need to be altered for all EBT QUEST® states as participants would not be able to use their card in other states.

These estimates are based upon the following assumptions:

Recipient training and notification.

The State will provide their TA recipients with notice of the change in the way they can access their cash assistance benefits. Notice will be given prior to implementation of the change. The State will provide FIS with a copy of any notice or mailing given to the TA recipients to prepare the Recipient Help Desk [The Results Company] for any calls they may receive.

The State will no longer be able to be part of the QUEST® network. Issuance of new EBT cards without the QUEST® logo will be required.

Re-contracting will be needed with every EBT-Only merchant, Third Party Processor (TPP) and Network if the State no-longer uses QUEST®. All current contracts are QUEST® contracts.

No special reporting needs are required by the State.

Assisted and non-assisted testing will not be required between FIS and the State.

ASSUMPTION (continued)

Start-up costs (Development, notification, OIG update) (\$12,000 + \$16 + \$216)	\$12,232
Development & Implementation	\$12,000
Notification to TPPs, Networks & EBT Processors	\$16
Help Desk Call Support Cost:	
Client Help Desk Call Support	\$1.10 per minute
OIG Update	\$216.00

The State will be charged a Recipient Help Desk call minute surcharge if the total Missouri monthly call minutes increase by 10% or more over the average monthly minutes of the 3 months prior to implementation. The state will be subject to a surcharge of the per minute rate for each month that the call minutes are over 110% of that baseline for up to 6 months. The surcharge will be charged only for the call minutes in excess of 110% of the average monthly minutes of the 3 months prior to implementation. The Family Support Division assumes the calls will not exceed 110% of the average calls received the previous three months.

In addition, if the call volume per month exceeds 110%, FIS cannot guarantee that the call center service levels will be maintained.

Costs Associated with Switch to Non-Quest State

Switching from a QUEST State to a non-QUEST state will require the State to reissue all of its EBT cards to remove the QUEST logo from the back of the card. The following quotes are based on the current number of active cards on FIS' ebtEDGE System. These counts are being used for example purposes only. Final pricing will be calculated based on the actual count at the time this project is implemented.

Development/Implementation for Card Reissuance **\$84,578**

Write program to generate new cards for existing cardholder

Card Issuance **\$482,955**

The state Missouri has 347,163 active cards as of 12/2019; all cards will need to be deactivated and reissued to remove the QUEST logo.

ASSUMPTION (continued)

Plastic	\$50,747
Insert	\$18,052
Envelope	\$23,954
Printing & Inserting	\$208,299
Mailer	\$11,456
Postage	\$170,110
Card Re-design	\$338

<i>Reconstructing services with EBT-only merchants, TPP and Network</i>	<i>\$ 43,103</i>
Re-contracting Services w/ EBT-only, TPP and Networks	\$42,120
Postage for mail re-contracting	\$ 983

<i>Destruction of Unusable Card Stock & Carriers</i>	<i>\$6,655</i>
Cards: Current inventory is 91,281	\$3,195
Carriers: Current inventory is 98,864	\$3,460

<i>Modifications to Card Carrier</i>	<i>\$4,330</i>
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<i>Printing Card Carrier</i>	<i>\$9,668</i>
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<i>Cash Case Notifications of Allowable Transactions</i>	<i>\$9,415</i>
Cash Cases 19,215	

Development/Implementation for Card Reissuance	\$84,578
Card Issuance	\$482,955
Reconstructing services with EBT-only merchants, TPP and Network	\$43,103
Destructions of Unusable Card Stock & Carriers	\$6,655
Modifications to Card Carrier and Print Card Carrier	\$13,998
Cash Case Notification of Allowable Transactions	\$9,415
Start-up Costs	\$12,232
TOTAL:	\$652,936

ASSUMPTION (continued)

Therefore, the total estimated contracted cost FSD would incur as a result of §208.024 is **\$652,936**. The cost is 55% GR, 45% Federal, matching the way EBT is claimed, for a total of \$359,115 GR and \$293,821 Federal funds.

DSS officials provided the response from the **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS**. OA, ITSD/DSS state changes to the Family Assistance Management Information System (FAMIS) will have to be made to existing programs to accommodate tracking of time periods of disqualification of TANF benefits for first, second and third/subsequent occurrences of noncompliance. In addition, changes will have to be made to existing programs regarding changes to work requirements.

FAMIS currently has no means to track the usage of an EBT card. The state utilizes the service of a vendor for EBT. The vendor would have to notify FAMIS that a disqualification from any TANF benefits had occurred.

ITSD assumes that every new IT project/system will be bid out because all ITSD resources are at full capacity. The current contract rate for IT consultants is \$95 per hour.

It is estimated that IT consultants will require 172.8 hours to make the necessary changes to FAMIS at a cost of \$16,416 (53% GR; 47% Federal) in FY 2020 (\$8,700 GR; \$7,716 Federal).

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by OA, ITSD/DSS for fiscal note purposes.

§208.182 - EBT pilot program allowing participants to obtain cash from ATMs

DSS states this section removes the language that created a pilot program that allowed EBT cards to get cash at ATM or POS and assume the provisions of this section will have no fiscal impact on their organization. Therefore, **Oversight** will reflect a zero impact for this section for this organization.

Responses regarding the proposed legislation as a whole

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that

ASSUMPTION (continued)

this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

Oversight notes the **Office of Administration** has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Costs</u> - DSS (§208.024) Replacing Quest ® EBT cards with non-Quest® EBT cards	(\$359,115)	\$0	\$0
<u>Costs</u> - OA-ITSD (§208.024) FAMIS system changes	<u>(\$8,700)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$367,815)</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
FEDERAL FUNDS			
<u>Income - DSS (§208.024)</u>			
Increase in program reimbursements	\$293,821	\$0	\$0
<u>Income - OA, ITSD (§208.024)</u>	\$7,716	\$0	\$0
FAMIS update reimbursement			
<u>Costs - DSS (§208.024)</u>			
Replacing Quest ® EBT cards with non-Quest® EBT cards	(\$293,821)	\$0	\$0
<u>Costs - OA, ITSD (§208.024)</u>			
FAMIS system changes	<u>(\$7,716)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2021 (10 Mo.)	 FY 2022	 FY 2023
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal may impact small business retailers if they do not re-sign up with the State and recipients cannot use their benefit cards in those establishments.

FISCAL DESCRIPTION

This bill changes the law regarding the use of Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) benefits via electronic benefit transfer (EBT) transaction. The bill adds pornography to the list of items that are prohibited from being purchased with TANF or SNAP benefits using an EBT card.

FISCAL DESCRIPTION (continued)

The bill requires that upon any third violation of the prohibition against using TANF or SNAP benefits via an EBT card in a prohibited establishment or to purchase prohibited items, a recipient will lose his or her benefits permanently.

The bill prohibits a recipient of TANF or SNAP from using his or her EBT card at any automated teller machine (ATM) to receive cash back on a purchase or to otherwise access the benefits as cash (§208.024).


This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Social Services
Office of Administration
Office of Secretary of State



Julie Morff
Director
February 11, 2020



Ross Strobe
Assistant Director
February 11, 2020