

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3174H.03C
Bill No.: HCS for SS for SB 798
Subject: Public Assistance
Type: Original
Date: May 9, 2022

Bill Summary: This proposal modifies and establishes provisions relating to Temporary Assistance for Needy Families (TANF) and the Supplemental Nutrition Assistance Program (SNAP).

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue	(\$586,003)	(\$3,000)	(\$3,000)
Total Estimated Net Effect on General Revenue	(\$586,003)	(\$3,000)	(\$3,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

* Income and expenses exceed \$480,000 FY 2023, then \$3,000 in FY 2024 and ongoing annually and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

SEQ CHAPTER \h\r 1§208.024 - SNAP/TANF EBT prohibited transactions; participants may not obtain cash

In response to a similar proposal, HB 2085 (2022), officials from the **Department of Social Services (DSS)** stated a federal law passed in 2012 (42 U.S.C. 608(a)(12)) requires states to implement policies and practices to prevent Temporary Assistance for Needy Families (TANF) 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 TANF participants make an EBT purchase in violation of §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 for five years. 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 also states while current law and procedure is in place for TANF to prohibit transactions in restricted locations, if an establishment is an authorized Food and Nutritional Services (FNS) retailer, a participant can use their Supplemental Nutrition Assistance Program (SNAP) benefits to purchase FNS qualifying items. SNAP 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.

This new section 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.

The provisions of this proposal will only impact the TANF population, as SNAP cannot be used at an ATM, to get cash back or to otherwise access the benefit as cash. The 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.

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. 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.

Estimates are based upon the following assumptions:

Recipient training and notification:

The State will provide their TANF 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 TANF recipients to prepare the Recipient Help Desk [Crusecom] 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 is 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.

Start-up costs (Development, notification, OIG update)	\$12,232
(\$12,000 + \$16 + \$216)	

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

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 made.

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 their 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 **\$30,000**

Write program to generate new cards for existing cardholders

Card Issuance **\$876,148**

The state Missouri has 630,000 active cards as of 12/31/2021; all cards will need to be deactivated and reissued to remove the QUEST logo.

Plastic	\$92,090
Insert	\$32,760
Envelope	\$43,470
Printing & Inserting	\$378,000
Mailer	\$20,790
Postage	\$308,700
Card Re-design	\$338

Reconstructing services with EBT-only merchants, TPP and Network **\$43,103**

Re-contracting Services w/ EBT-only, TPP and Networks	\$42,120
Postage for mail re-contracting	\$983

Destruction of Unusable Card Stock & Carriers **\$8,375**

Cards: Current inventory is 83,935	\$2,938
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Carriers: Current inventory is 155,347	\$5,437
<i>Modifications to Card Carrier</i>	<i>\$4,330</i>
<i>Printing Card Carrier</i>	<i>\$17,546</i>
<i>Cash Case Notifications of Allowable Transactions</i>	<i>\$7,546</i>
Cash Cases 15,401	

Development/Implementation for Card Reissuance	\$30,000
Card Issuance	\$876,148
Reconstructing services with EBT-only merchants, TPP and Network	\$43,103
Destructions of Unusable Card Stock & Carriers	\$8,375
Modifications to Card Carrier and Cash Case Notifications of Allowable Transactions	\$4,330
Printing Card Carrier	\$17,546
Cash Case Notification of Allowable Transactions	\$ 7,546
Start-up Costs	\$12,232
TOTAL:	\$999,280

Therefore, the total estimated contracted cost FSD would incur as a result of §208.024 is **\$999,280**. The cost is 55% GR, 45% Federal, matching the way EBT is claimed, for a total of \$549,604 GR and \$449,676 Federal funds.

The total fiscal impact to FSD as a result of this bill is estimated to be **\$999,280**.

In response to a similar proposal, HB 2085 (2022), officials from **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 (55% GR; 45% Federal) in FY 2023 (\$9,029 GR; \$7,387 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.

§208.031 - Establishes A "Restaurant Meals Program" As Part of SNAP

In response to a previous version of this proposal, officials from **Department of Social Services (DSS)** stated this section establishes a "Restaurant Meals Program" as part of the Supplemental Nutrition Assistance Program (SNAP). Under the restaurant meals program, households containing elderly or disabled members, and their spouses, as defined in 7 U.S.C. Section 2012 (j), or homeless individuals, as defined in 7 U.S.C. Section 2012 (1), shall have the option, in accordance with 7 U.S.C. Section 2012 (k), to redeem their SNAP benefits at private establishments that contract with the department to offer meals for eligible persons at concessional prices, subject to 7 U.S.C Section 2018 (h).

In response to a previous version of this proposal, officials from **DSS, Family Support Division (FSD)** stated the proposed legislation requires DSS to allow homeless and elderly/disabled individuals receiving SNAP benefits to participate in the "Restaurant Meals Program" to redeem their SNAP benefits at private establishments that contract with the United States Department of Agriculture (USDA) to offer meals for eligible individuals at concessional prices.

FSD estimates that approximately 182,681 households will be eligible to participate in the Restaurant Meals Program. FSD determined this in the following manner:

As of October 31, 2021, there were 21,077 homeless households and 161,604 elderly/disabled households receiving SNAP benefits that could utilize the Restaurant Meals Program. Due to system limitations, FSD is not able to differentiate the elderly/disabled individuals and their spouses from the other members of the household. FSD assumes all members of these households would be eligible. Therefore, 182,681 (21,077 + 161,604) households would be eligible to use their Electronic Benefit Transfer (EBT) card at participating retailers in the Restaurant Meals Program.

7 CFR 273.11(o) allows states the option to participate in the Restaurant Meals Program. Prior to implementation, FSD will need to complete a State Plan Amendment (SPA). FSD estimates that it will take approximately six months to obtain approval from the Food and Nutrition Services (FNS). Therefore, implementation is anticipated to begin February 1, 2023.

FSD currently utilizes a third party vendor to administer SNAP benefits. The current EBT vendor estimates the necessary programming changes will cost approximately \$31,240 to implement and approximately \$500 per month to maintain. DSS will be charged a surcharge per customer service representative (CSR) call received if the total Missouri monthly call volume increases by 10% or more over the average call volume for the preceding three months leading up to the implementation of this project. However, FSD assumes the call volume will not increase by 10% due to participant education. In addition, FSD staff will also answer participants/applicants questions in regards to the Restaurant Meals Program.

FSD assumes existing staff will be able to complete the necessary work to implement the provisions of this legislation.

FSD defers to the Office of Administration (OA), Information Technology Services Division (ITSD)/DSS for system changes necessary to implement the provisions of this legislation.

Therefore, FSD estimates a total fiscal impact of \$33,740 (\$31,240 implementation + (\$500 * 5 months maintenance = \$2,500) = \$33,740) in FY 23 and \$6,000 (\$500 * 12 months maintenance = \$6,000) per year ongoing. Total costs each year will be split 50% GR/50% Federal funds.

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

In response to a previous version of this proposal, officials from the **DSS, Division of Legal Services (DLS)** stated this bill would not result in a fiscal impact to DLS. Though DLS administers eligibility-related hearings for the Supplemental Nutrition Assistance Program (SNAP), this legislation would only broaden the number of places such benefits, after eligibility is determined, could be redeemed. It does not broaden the SNAP eligibility requirements or allow additional recipients into the program relative to existing standards. Thus, no additional resources would be required in the hearings, litigation, or investigation units. DLS defers to FSD as to the cost of administering a restaurant meals program from an operational standpoint.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for **DSS, DLS**.

In response to a previous version of this proposal, officials from **DSS, Procurement** stated §208.031 requires the development of a “Restaurant Meals Program” which includes contracting between DSS and vendors willing to accept SNAP benefits as payment for food. DSS utilizes a contracted third party vendor to work with the vendor community and develop the relationships to accept the SNAP funding. The contract is between the vendor and the third party contractor. This process is included in the contract with the third party contractor.

From a procurement perspective, this legislation should not have a fiscal impact on DSS.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for **DSS, Procurement**.

In response to a previous version of this proposal, officials from **OA, ITSD/DSS** stated updates to the Missouri Eligibility Determination and Enrollment System (MEDES) would be required.

MEDES currently provides eligibility determinations and case management functions for family MO HealthNet programs and the Children’s Health Insurance Program (CHIP) administered by the DSS Family Support Division using the Modified Adjusted Gross Income (MAGI) criteria

established under the Patient Protection and Affordable Care Act of 2010 (ACA). The implementation project for the Supplemental Nutrition Assistance Program (SNAP) is in the analysis phase with design to begin in January, 2022. Implementation is anticipated to occur at the end of January 2023.

The SNAP program is being implemented in MEDES by eSystems. A change order and Project Assessment Quotation (PAQ) will be needed because the design phase is scheduled to conclude by April 2022 which is prior to the end of the legislative session and potential enactment of the bill. Effort will be needed for design, development and testing activities to implement the new requirements.

Section 208.031 allows homeless individuals and households containing elderly or disabled individuals and their spouses to purchase food at restaurants with their SNAP benefit. These transactions occur via an electronic benefits (EBT). The EBT system will need to know if the household meets the homeless/elderly or disabled criteria at the time of the transaction to know whether to cover or reject the transaction. While there are requirements in the eSystems contract to identify homeless, elderly and disabled individuals, there is no requirement to transmit this information to the EBT system. MEDES will use a batch interface file to update the EBT system on the amount of SNAP benefits that households should receive on specific payroll dates. A change order to extract and transmit this information through the existing EBT system interface would be needed.

OA, ITSD/DSS's cost estimates are based on the Project Assessment Quotation (PAQ) rates specified in eSystems contract and the mix of resource types that eSystems would use to make the changes.

Hourly IT costs under this contract vary by position title and work type. The cost for ongoing support is nil as these changes become part of the final product and will be supported under the maintenance and operations requirements specified in the base contract. It is estimated to take 168 hours for a total cost of \$21,000 in FY 23 exclusively. The federal match rate will be 50%.

Therefore, the total MEDES upgrades will be split \$10,500 GR; \$10,500 Federal in FY 23 exclusively.

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

In response to a previous version of this proposal, officials from the **Department of Economic Development** assumed the proposal will have no 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 agency.

Oversight notes according to an article by the National Conference of State Legislatures (NCSL) regarding SNAP food assistance flexibility during COVID-19 (April 27, 2020)

Restaurant Meals Program: *Only Arizona and 11 counties in California operate a restaurant meals program option. Rhode Island and Florida are operating pilot projects at a limited number of restaurants and [Illinois](#) is working with the USDA to implement the program. Typically, SNAP benefits cannot be used to purchase prepared foods. The restaurant meals program allows the elderly, people with disabilities, and homeless individuals to purchase prepared meals at pre-approved retailers. This program can provide those without access to food storage or kitchen facilities, or those who cannot safely prepare meals at home, the ability to purchase ready-to-eat foods. During the coronavirus pandemic, this option can assist populations that have been cut off from typical meal options like congregate meal sites for seniors or soup kitchens for the homeless due to social distancing restrictions.*

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

In response to a similar proposal, HB 2085 (2022), **DSS** stated 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 **Missouri Department of Agriculture** assume the proposal will have no 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 agency.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note 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 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 its 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.

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<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 20234	FY 20245
GENERAL REVENUE FUND			
<u>Costs - DSS (§208.024) Replacing Quest® EBT cards with non-Quest® EBT cards p. 3-6</u>	(\$549,604)	\$0	\$0
<u>Costs - OA-ITSD (§208.024) FAMIS system changes p. 6</u>	(\$9,029)	\$0	\$0
<u>Costs – DSS/FSD (§208.031) p. 7-8</u>			
EBT Contract changes	(\$15,620)	\$0	\$0
EBT Monthly maintenance fees	(\$1,250)	(\$3,000)	(\$3,000)
<u>Total Costs – DSS/FSD</u>	(\$16,870)	(\$3,000)	(\$3,000)
<u>Costs - OA, ITSD/DSS (§208.031) MEDES system changes p. 8-9</u>	(\$10,500)	\$0	\$0
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	(\$586,003)	(\$3,000)	(\$3,000)
FEDERAL FUNDS			
<u>Income - DSS (§208.024) Increase in program reimbursements p. 3-6</u>	\$449,676	\$0	\$0
<u>Income - OA, ITSD (§208.024) FAMIS update reimbursement p. 6</u>	\$7,387	\$0	\$0
<u>Income – DSS/FSD (§208.031) Reimbursement for EBT changes p. 7-8</u>	\$16,870	\$3,000	\$3,000
<u>FISCAL IMPACT – State Government (continued)</u>	FY 2023 (10 Mo.)	FY 20234	FY 20245
<u>Income - OA, ITSD/DSS (§208.031) Reimbursement for MEDES system updates p. 8-9</u>	\$10,500	\$0	\$0

<u>Costs</u> - DSS (§208.024) Replacing Quest® EBT cards with non-Quest® EBT cards p. 3-6	(\$449,676)	\$0	\$0
<u>Costs</u> - OA, ITSD (§208.024) FAMIS system changes p. 6	(\$7,387)	\$0	\$0
<u>Costs</u> – DSS/FSD (§208.031) p. 7-8			
EBT Contract changes	(\$15,620)	\$0	\$0
EBT Monthly maintenance fees	(\$1,250)	(\$3,000)	(\$3,000)
Total <u>Costs</u> – DSS/FSD	(\$16,870)	(\$3,000)	(\$3,000)
<u>Costs</u> - OA, ITSD/DSS (§208.031) MEDES system changes p. 8-9	(\$10,500)	\$0	\$0
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 20234	FY 20245
	<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 (§208.024).

This legislation may impact participating small businesses that offer prepared foods. The proposal could increase a business’ customer base, but could also reduce a business’ profits due to the “concessional prices” provision (§208.031).

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.

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.

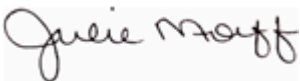
The bill prohibits a recipient of TANF or SNAP from using his or her EBT card at any automated teller machine (ATM) to receive cash back on a purchase or to otherwise access the benefits as cash (§208.024).

This act requires DSS to establish a "Restaurant Meals Program" as part of SNAP. Under this program, households containing certain elderly, disabled, or homeless individuals shall have the option, in accordance with federal law, to redeem their SNAP benefits at private establishments that contract with the Department to offer meals, including hot food and meals intended for immediate consumption, for eligible persons at concessional prices (§208.031).

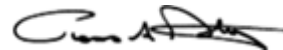
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Economic Development
Department of Social Services
Joint Committee on Administrative Rules
Missouri Department of Agriculture
Office of Secretary of State



Julie Morff
Director
May 9, 2022



Ross Strope
Assistant Director
May 9, 2022