

2015 DRAFTING REQUEST

Bill

Received: 1/30/2015 Received By: swalkenh
Wanted: Today Same as LRB: -2301
For: Jesse Kremer (608) 266-9175 By/Representing: Jennifer Malcore
May Contact: DHS (Alex Ignatowski) Drafter: swalkenh
Subject: Public Assistance - fdshre(SNAP) Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Kremer@legis.wisconsin.gov
Carbon copy (CC) to: sarah.walkenhorstbarber@legis.wisconsin.gov
pam.kahler@legis.wisconsin.gov
tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Require photo identification on FoodShare benefit cards

Instructions:

See attached

Drafting History:

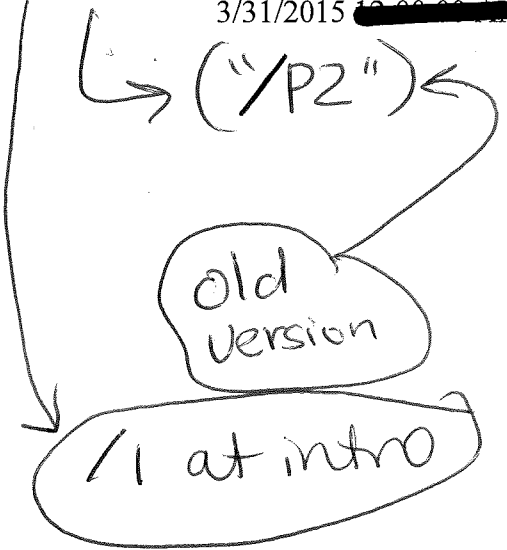
<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 2/12/2015	kfollett 2/13/2015	rschluet 2/13/2015	_____	_____	_____	_____
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/P2	swalkenh	kfollett	_____	_____	lparisi	_____	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	4/9/2015	3/24/2015			3/24/2015		
/P3	swalkenh 4/13/2015	kfollett 4/9/2015			mbarman 4/9/2015		State
/1		kfollett 4/13/2015			sbasford 4/13/2015	mbarman 4/28/2015	State

EE Sent For:

3/31/2015 12:00:00 PM

<END>



Kahler, Pam

From: Malcore, Jennifer
Sent: Friday, January 30, 2015 11:58 AM
To: Kahler, Pam
Subject: Draft
Attachments: 201501291618.pdf

Also, we would like a draft on placing a photo on the cards in the Food Share program. Attached you will find a question and answer that Kerkmans' office rec'd from the federal government with guidelines on how to do it. Would you mind reviewing it and see if you could put a draft together from that information. I am also in contact with DHS regarding this and they are going to give me some guidance also. Actually, Alex Ignatowski at DHS stated you could call him with any questions.

Thank you,

Jenny

Jennifer Malcore

Office of State Representative John Nygren
Co-Chair, Joint Committee on Finance
89th Assembly District
309 East, State Capitol
608.267.2371



United States Department of Agriculture

Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

JAN 21 2015

The Honorable Samantha Kerkman
State Representative
State Legislature
P.O. Box 8952
Madison, Wisconsin 53708-8952

Dear Ms. Kerkman:

Thank you for your letter dated, November 25, 2014, regarding Wisconsin's effort to improve the Wisconsin Department of Health Services (DHS) oversight of the State's FoodShare program. The Food and Nutrition Service (FNS), Midwest Regional Office, forwarded your letter to the FNS National Office for response, as this office is responsible for Supplemental Nutrition Assistance Program (SNAP) policy at the national level.

In your letter, you requested responses to 4 questions. Our responses are provided below.

- **If Wisconsin determines it would be beneficial to place photos of recipients on benefit cards, what steps and considerations are involved in obtaining a Federal waiver to allow Wisconsin to do so?**

Section 7(h)(9) of the Food and Nutrition of 2008 (the Act) and Federal regulations at 7 CFR 274.8(b)(5)(iv), allow a State agency to require that an Electronic Benefit Transfer (EBT) card contain a photo of one or more members of a household; therefore, States are not required to obtain a waiver in order to place photos of recipients on EBT cards, but must follow Federal law and regulations when implementing this provision.

On December 29, 2014, FNS issued guidance for States expressing interest in placing photos on EBT cards. That guidance provides such States with the steps and considerations for placing photos on EBT cards and is included with this letter.

- **Could Wisconsin receive a waiver in order to limit the accumulation of unused benefits on a card? What other options could Wisconsin pursue to limit such accumulation?**

Section 7(h)(12)(C) of the Act requires States to expunge benefits that have not been accessed by a household after a period of 12 months. Currently, Federal regulations at 7 CFR 274.2(h)(2) and FNS guidance require States to expunge benefits only from inactive SNAP accounts (i.e., accounts that have not had any purchase activity for a period of 1 year). Each benefit allotment must have been issued at least 1 year prior to expungement.

The Honorable Samantha Kerkman

Page 2

While the majority of SNAP EBT benefits are used within the month issued, some SNAP recipients may not use the full allotment and the balance will carry over to the next month. As long as a SNAP household uses its EBT card once within a 12-month period, all the benefits accumulated in the account must remain available to the household.

One step States can take to limit the accumulation of unused benefits is to monitor account balances to ensure the household's benefit allotment is correct and adjust if necessary. Many times there are legitimate reasons for high benefit balances, such as a large lump sum restoration of benefits through a fair hearing award. However, it may also indicate a problem with the account or potential benefit misuse or fraud. A report of high benefit balances should be part of the State's regular review as it enhances the State's ability to identify potentially problematic cases.

To help monitor inactive accounts prior to expungement, States also have the option to move benefits off-line from accounts that have been inactive for at least 6 months. Although the client may still accumulate benefits until the benefits can be permanently expunged, taking benefits off-line makes the benefits inaccessible to the client until the client makes contact with the State agency to have the benefits reinstated.

Finally, States may request to waive regulations at 7 CFR 274.2(h)(2) to be able to expunge all remaining benefits from the SNAP accounts of deceased one-person households regardless of when the benefits were issued. This will help prevent accumulated benefits in such accounts from being accessed by unauthorized individuals. States are required, by federal regulations, to regularly match against the Social Security Administration's Death Master File, which should help to avoid such accumulation.

- **Is the information the Food and Nutrition receives from Wisconsin's DHS used as the basis for Federal charges against retailers? To what extent have Wisconsin retailers engaged in trafficking been sanctioned or penalized during the past two years? How many Wisconsin retailers have been charged in Federal court during the past two years?**

All retailer-related complaints received by FNS are used to initiate appropriate follow-up actions.

In Federal fiscal year (FY) 2013 and FY 2014, Wisconsin had 3,851 and 4,044 SNAP-authorized retailers, respectively. In FY 2013, 21 Wisconsin retailers were sanctioned (11 for trafficking) and in FY 2014, 12 retailers were sanctioned (7 for trafficking).

FNS has urged States to examine prior months of SNAP account redemption activity in stores that are disqualified for trafficking as a means of identifying and sanctioning SNAP recipients who are trafficking benefits in those stores.

FNS sanctions retailers administratively (either by disqualification or fines), and the retailer has the option to appeal—first administratively, then through judicial appeal. No administrative sanction cases handled by FNS have gone through judicial review (i.e. were heard in federal court) in Wisconsin in FY 2013 or FY 2014.

The US Department of Agriculture's Office of the Inspector General (OIG) may choose to pursue Federal criminal charges against a firm that has committed Program violations. In such instances, OIG will conduct its own investigation of the firm. OIG is primarily responsible for the prosecution of criminal trafficking cases in Federal court and maintains all data regarding such cases. In FY 2013 and FY 2014, there were 8 criminal indictments and 10 criminal convictions in SNAP retailer cases in Wisconsin.

- **What options, either in cooperation with the Food and Nutrition Service or through State legislation, would you recommend that Wisconsin consider to further improve the overall integrity of the FoodShare program.**

Wisconsin is currently the fourth State to take part in a business process re-engineering (BPR) project awarded by FNS in September 2013. FNS has contracted with Accenture Federal Services to provide expert business consultation and technical assistance in the area of recipient fraud prevention and detection for seven State agencies. The team uses process improvement and predictive analytics to evaluate current State processes and fraud prevention strategies to help States improve how effectively they detect and prevent fraud within the program.

Wisconsin is a valued partner and has been an active and engaged participant in this project. The Accenture team is currently developing a roadmap to deliver to the State which identifies organization-wide opportunities for advancing Wisconsin's capabilities in recipient fraud prevention, detection and prosecution. Accenture will then help the State implement those strategies or improvements and measure the impact of the BPR activities. FNS looks forward to working with Wisconsin after delivery of the road map.

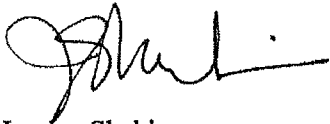
FNS appreciates your inquiries as to how improve upon the State's continued efforts to protect the integrity of SNAP and, in particular, the Wisconsin FoodShare program. We hope our response has been helpful.

The Honorable Samantha Kerkman

Page 4

If you or DHS has any further questions or would like to discuss any of the responses in this letter, please feel free to contact Sandra MacMartin, of the FNS Midwest Regional Office, at (312) 353-1666 and she will arrange a conference call with the appropriate parties in the FNS Regional and National office.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Shahin', with a stylized flourish at the end.

Jessica Shahin
Associate Administrator
Supplemental Nutrition Assistance Program



United States Department of Agriculture

DEC 29 2014

Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

SUBJECT: Supplemental Nutrition Assistance Program – Guidance for State Agencies on Photos on Electronic Benefit Transfer (EBT) Cards

TO: All Regional Directors
Supplemental Nutrition Assistance Program

Recent efforts by States to implement photographs on the Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) card have been extremely problematic and have underscored the complex legal, operational, and civil rights issues that, if not well planned and executed, can adversely affect program access and may result in violations of Federal law, regulations and policy. In light of recent program policy and operational challenges faced by States in their efforts to plan for and implement this option, the Food and Nutrition Service (FNS) is providing this guidance on the photo EBT card option. All States intending to use photos on EBT cards must submit an implementation plan for FNS approval to ensure implementation is in accordance with all Federal requirements.

Under Section 7(h)(9) of the Food and Nutrition Act of 2008 (the Act), as amended, 7 U.S.C. 2016(h)(9), States have the option to require that an EBT card contain a photo of one or more household members. At the same time, the Act also requires that any States intending to issue a photo on the EBT card establish procedures to ensure that all other household members or any authorized representative of the household are able to utilize the card.

As a photo EBT card option is an issuance function and not an eligibility function, a State may not deny or terminate the entire household because a non-exempt household member does not agree to the placement of a photo on the household's EBT card. Rather, the entire household must have its SNAP eligibility determined, and household members who are exempt or agree to have their photos placed on the EBT card must receive their pro-rata share of benefits. Furthermore, applying this option must also preserve SNAP client rights and responsibilities afforded by the Act that ensure that all eligible household members maintain uninterrupted access to benefits regardless of whether their picture is on the EBT card and that SNAP recipients using either photo or non-photo EBT cards are treated equitably by retailers in accordance with Federal law.

Effective immediately, in accordance with Section 11 of the Act, which provides FNS the responsibility for monitoring and oversight of SNAP, and based on the observed experiences in States currently implementing the photo EBT option, FNS is herein requiring any State that intends to implement a photo EBT card option to submit a comprehensive implementation plan, addressing the areas

All Regional Directors

Page 2

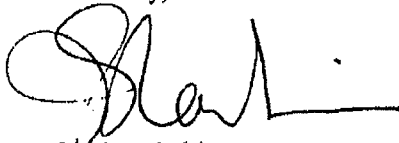
specified in the attachment, for approval by FNS. Any action tied to photo EBT cards that will directly impact clients, retailers or local State agency staff must be deferred until FNS has provided written approval of the State's implementation plan. Plans should be submitted to FNS no fewer than 120 days prior to the State's planned implementation date. If the State has not adequately addressed any issues identified by FNS, the planned implementation date may be delayed. Implementation prior to FNS approval will put the State at risk of losing Federal Financial Participation for the costs of administering SNAP.

As the Act allows for photo EBT cards, appropriate implementation and administration of this option is an allowable State administrative cost which FNS reimburses at approximately 50 percent. However, States are also reminded that any EBT contract modifications that increase costs require approval by FNS before signing. Moreover, increased EBT costs, whether contractual or procured from other sources also require an Implementation Advance Planning Document Update.

This guidance clarifies operational issues and provides parameters to help States that intend to put photos on EBT cards develop and execute plans consistent with Federal requirements. FNS stands ready to work with those States that are considering this option to help ensure that their implementation complies with SNAP and Federal civil rights provisions and protects program access and integrity.

If you have any questions related to this guidance, please contact Andrea Gold at andrea.gold@fns.usda.gov.

Sincerely,



Jessica Shahin
Associate Administrator
Supplemental Nutrition Assistance Program

Attachment

Attachment

Photo EBT Card Policy Implementation Plan

States that intend to implement the photo EBT card option must submit a comprehensive implementation plan to FNS for approval before any pilot or full statewide implementation can begin. The plan should address SNAP policy, operational issues and civil rights concerns, and thoroughly describe how the State will ensure that Federal requirements are upheld.

States are reminded that adding a photo to the SNAP EBT card is an issuance function; therefore, States shall not deny or terminate the entire household based solely on whether a non-exempt household member agrees to have a photo on the household's EBT card. The entire household must have its eligibility determined in accordance with SNAP regulations and household members who are exempt or agree to have a photo on the household's EBT card must receive their pro-rata share of benefits. If a non-exempt household member does not agree to have a photo on the household's EBT card, the State must prorate the benefit in a manner that provides a rational basis acceptable to the Secretary. For example, the State could divide the household's benefit allotment by the household size and multiply that number by the number of household members receiving benefits. To illustrate, if a four-person household's monthly benefit allotment is \$200 and a non-exempt household member does not agree to have a photo placed on the EBT card, the \$200 would be divided by 4 to equal \$50, and then multiplied by 3 to equal \$150. The \$150 amount is posted and available for use.

This simple method of proration as illustrated would ensure the State meets the statutory requirement that the State establish procedures ensuring that any other appropriate member of the household may utilize the card.

Furthermore, the benefits associated with the non-agreeing household member (e.g. \$50 in the above example) must be held for issuance and allowed to accrue until the household member agrees. Since the non-agreeing household member remains eligible for SNAP, the benefits must be held in abeyance. Once the household member agrees, the benefits for that household member must be posted and become available for use. The State must specify in its implementation plan submitted to FNS how it will meet the technical specifications to hold in abeyance that portion of the non-agreeing household member's benefits until the household member agrees.

The State should carefully consider and include, at a minimum, the following areas in its plan:

Scheduling and Resources

1. Timetable with specific action steps for the State agency and its EBT contractor regarding photo EBT card option implementation. The timetable should address the procurement of any software and hardware for taking photos in local offices, storing the images and keeping them secure, integrating the photos into the card production process, and the transition of the current and new caseload to photo EBT cards over time.
2. Description of the capacity at the facility where the photo EBT cards will be produced, both for transition and ongoing production, and confirmation that the State and its EBT contractor will continue to meet regulatory time requirements for all EBT card issuances.

Information and Outreach

3. Description of the client, retailer and community education, outreach, and training the State will perform, including how and when the aforementioned activities will be performed.

Note: It is the State agency's responsibility under Section 7(h)(9)(B) of the Act to establish and implement procedures to ensure that all appropriate household members or authorized representatives are able to use the card. Education and training of the client and retailer community to ensure this statutory requirement is met must happen prior to implementation of the photo EBT card option.

4. Copies of all materials that will be used to inform clients, retailers and other stakeholders regarding photo EBT card implementation. Retailer and client notices must include FNS' required non-discrimination statement. Retailer and client notices must also clearly describe the following statutory and regulatory requirements: (a) all appropriate household members or any authorized representative of the household, regardless of whether they are pictured on the card, may utilize the card without having to submit additional verification of identity as long as the transaction is secured by use of the personal identification number (PIN); and (b) retailers must treat all SNAP clients in the same manner as non-SNAP clients. Taken together, these requirements mean, among other things, that retailers must not prohibit appropriate household members or authorized representatives from using an EBT card because they are not pictured on the card. And, all EBT cards, regardless of whether they have a photo on them or not, must be accepted in all aisles or check out lanes that accept credit or debit cards.

States are encouraged to add a statement on the photo EBT card stipulating that authorized parties other than the individual whose photograph is on the card can use the card to access benefits.

A State agency must be able to provide documentary evidence that a substantial number of retailers, including smaller independent retailers, have received notices from the State that explain the statutory and regulatory requirements described above and have a full understanding of those requirements.

Note: The State may not specifically reference groups exempt from the photo requirement in any materials designed for external stakeholders, as providing the categories of exempt groups may allow those who inadvertently see the card to speculate as to the age or circumstances of the cardholder. External stakeholder materials should simply note that EBT cards without a photo are valid.

Photograph Policy and Operations

5. Description of the universe of recipients that will be required to submit to photos, and persons who will be exempt from the photo requirement. At a minimum, States should consider exempting the elderly, the disabled, children under 18, homeless households, victims of domestic violence, and those who meet hardship conditions referenced in 7 CFR 273.2(c)(2). If the State's photo EBT card program will be optional for all SNAP recipients, the State must affirmatively demonstrate that SNAP clients, including non-applicants, will have a choice whether to have a photo on their EBT card and that their choice will not adversely affect SNAP benefits for the eligible persons in their household.

Note: Authorized representatives are not household members and therefore cannot be required to have their photo placed on the EBT card.

6. Proposed process for obtaining and acquiring existing photos from households and any outside agencies involved to assist the State with this process. If the State plans to share any SNAP client data with a Department of Motor Vehicles or any other entity in order to obtain photographs to implement photo EBTs, the State must also provide a detailed explanation of how the State's action complies with Section 11(e)(8) of the Act that limits use or disclosure of information obtained from SNAP applicant households. Additionally, States may not collect photos for any household members in conjunction with its photo EBT program that will not be placed on an EBT card.
7. Explanation of how the State will ensure and monitor timely issuance of SNAP benefits in accordance with SNAP regulations, especially for households that meet the expedited service requirements and for households in which non-exempt household members do not agree to have their photos placed on the EBT card.

8. Explanation of how the State will compute benefits in the case of a household in which non-exempt household members do not agree to have their photos placed on the EBT card and its mechanism for ensuring that the benefits of such household members are held in abeyance and promptly issued if these individuals choose to agree to have their photos placed on the EBT card.
9. Explanation of the methods to ensure uninterrupted benefit access. Deactivating existing cards prior to ensuring clients' receipt and activation of new photo EBT cards would result in interrupted access to benefits and therefore is not an allowable implementation strategy.
10. The State should provide all applicable written policy changes necessary to implement the photo EBT card option to FNS for review.

Benefit Issuance and Redemption

11. Explanation of how the State will ensure compliance with Section 7(h)(9)(B) of the Act and 7 CFR 278.2(b) so that household members and authorized representatives who are not pictured on the EBT card can continue to access SNAP benefits and so that retailers do not single out SNAP customers for special treatment in any way, regardless of whether they have a photo on their EBT card.
12. The State must ensure that interoperability will remain intact. Section 7(j) of the Act requires that EBT cards be interoperable and SNAP benefits are portable; therefore, SNAP recipients have the right to use their EBT card in other States at any authorized retail food store. Similarly, retailers must continue to accept EBT cards from other States, including those without photos. States may not impose any limitations regarding state borders or store types. The State must also provide an explanation of how it will ensure Federal law and regulations are followed so that all members of the household are able to use their card at all SNAP authorized retailers in accordance with Section 7(h)(9) of the Act. Retailer information, outreach and training must cover these topics.

Civil Rights

13. Explanation of how States will implement its photo EBT card program in a manner consistent with Federal civil rights laws and regulations. For example, there are serious civil rights implications and concerns if States require non-applicant heads of household (or other non-applicants) to have their photos added to EBT cards. FNS has recently found two States in violation of Title VI of the Civil Rights Act of 1964 for establishing photo requirements for non-applicants, as this could deter ineligible individuals from applying for benefits on behalf of eligible household members. It is imperative that States submit a thorough analysis of the potential civil rights implications of new photo EBT requirements *prior* to any implementation of such requirements.
14. Detailed description of the substantial legitimate justification the State must have for any policy or procedure that may have a disparate impact on a protected class, such as national origin. For example, given the serious potential adverse impact noted in the previous paragraph, the State would need to provide substantial legitimate justification for requiring non-applicants to have their photos taken during the application process and/or added to EBT cards. An acceptable justification for such a requirement would need to go beyond mere hypothetical potential benefits, and clearly show a tangible link between the requirement and purported benefit. Generalized justification such as fraud prevention intent does not meet this very high threshold.
15. Detailed description of how the notifications, communications, policies and procedures regarding the implementation of any new photo EBT card program will comply with Section 11(e) of the Food and Nutrition Act of 2008 and Limited English Proficiency (LEP) requirements under Title VI of the Civil Rights Act of 1964, affording meaningful access for persons with limited English proficiency.
16. Detailed description of how the notifications, communications, policies and procedures regarding the implementation of any new photo EBT card program will comply with applicable Federal civil rights laws. See Section 11(c)(2) of the Food and Nutrition Act of 2008.

Contingency Planning

17. Description of the resources that will be in place to handle complaint calls from clients, retailers, and external stakeholders and address unexpected events related to the photo EBT card option.

Post Implementation Review

Once implemented, the State agency must report to FNS within a time specified the results of a post implementation review designed to determine how well the policies and procedures are understood by all involved parties. In its Photo EBT Card Option Implementation Plan, the State should indicate how it will determine and monitor whether the system has been properly understood and implemented. Examples of documentary evidence to use in this report may include a survey or a State-conducted review of a sample of retailers and/or participants. Report results revealing an implementation contrary to statutory and regulatory requirements would necessitate corrective action by the State.



State of Wisconsin
2015 - 2016 LEGISLATURE

IN 2/12/15

DUE 2/13/15

LRB-1573/2

SWB: /:...

API

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

- 1 **AN ACT ...; relating to:** photo identification cards for FoodShare recipients.

Analysis by the Legislative Reference Bureau

Under current law, the federal food stamp program, now known as the Supplemental Nutrition Assistance Program (SNAP) and called FoodShare in this state, assists eligible low-income individuals (recipients) to purchase food. SNAP benefits are paid entirely with federal moneys. The cost of administration is split between the federal and state governments; the program is administered in this state by the Department of Health Services (DHS).

This bill requires DHS, or a county, multicounty consortium, or elected governing body of a federally recognized American Indian tribe or band acting on behalf of DHS, to issue to each individual who is eligible for FoodShare a food stamp electronic benefit transfer (EBT) identification card that contains a photograph of the individual to whom the card is issued. The bill also requires DHS to submit a comprehensive implementation plan to the food and nutrition service (FNS) of the federal department of agriculture, and DHS, or a county, multicounty consortium, or elected governing body, may not issue EBT photo cards until the implementation plan is approved by FNS. Upon approval, DHS must implement the proposals in the approved plan, and DHS, or a county, multicounty consortium, or elected governing body, may issue EBT photo cards.

If DHS determines that implementation of the use of EBT photo cards increases electronic benefit transfer costs, whether contractual or procured from other sources, this bill requires DHS to submit any implementation advance planning document update required by FNS. Further, if implementation requires a contract modification that will increase the electronic benefit transfer costs, this bill requires DHS to obtain FNS approval before executing the contract.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.79 (7m) of the statutes is created to read:

49.79 (7m) (a) In this subsection, "food and nutrition service" means the food and nutrition service of the federal department of agriculture.

(b) Subject to par. (c), the department, or a county, multicounty consortium, or elected governing body of a federally recognized American Indian tribe or band acting on behalf of the department, shall issue to each individual in this state who is eligible for food stamp benefits under the food stamp program a food stamp identification card that contains a photograph of the individual to whom the card is issued.

****NOTE: This provision is currently phrased to require that each individual in this state who is eligible for food stamp benefits would be issued a photo ID card. This may be a change from the way cards currently are issued. From my review of the Fiscal Bureau's informational paper and other DHS information, DHS may currently issue one QUEST card per household. Also, the federal guidelines suggest that states consider several exemptions from the requirement, including exemptions for the elderly, the disabled, children under 18, homeless households, victims of domestic violence, and those who meet hardship conditions referenced in 7 CFR 173.2 (e) (2). The guidelines also note that states cannot require authorized representatives to have their photo placed on the electronic benefits transfer card because those individuals are not members of the household. DHS may be able to follow up with additional insight on card issuance (for example, whether the department would issue one card per household with one or more photos, or whether the department would issue each eligible, non-exempt household member a card).

(c) The department shall submit a comprehensive implementation plan to the food and nutrition service as required by the food and nutrition service guidelines regarding photographs on electronic benefit transfer cards. The department, county, multicounty consortium, or elected governing body may not issue food stamp identification cards under par. (b) unless the food and nutrition service grants

1 written approval of the implementation plan. Upon approval by the food and
2 nutrition service, the department shall implement the proposals contained in the
3 implementation plan and the department, county, multicounty consortium, or
4 elected governing body may issue food stamp identification cards as set forth in par.
5 (b).

6 (d) If the department determines that implementation of the use of food stamp
7 identification cards as required under this subsection will increase electronic benefit
8 transfer costs, whether contractual or procured from other sources, the department
9 shall submit any implementation advance planning document update required by
10 the food and nutrition service. In addition, if the department determines that
11 implementation requires a contract modification that increases electronic benefit
12 transfer costs, the department shall submit the proposed contract to the food and
13 nutrition service for approval before executing the contract.

****NOTE: Would you like a provision specifying exemptions? Under the bill as
written, DHS must consider and address exemptions in the comprehensive
implementation plan. The federal guidelines suggest, but do not require, proposal of any
specific exemptions.

14 **SECTION 2. Nonstatutory provisions.**

15 (1) **COMPREHENSIVE IMPLEMENTATION PLAN CONTENT** In the comprehensive
16 implementation plan required under section 49.79 (7m) (b) of the statutes, as created
17 by this act, the department of health services shall address the issues required by
18 the federal food and nutrition service guidelines regarding photographs on electronic
19 benefit transfer cards, including supplemental nutrition assistance program
20 policies, operational issues, outreach, civil rights concerns, and a description of how
21 the department of health services will ensure state compliance with federal
22 requirements. The department of health services shall include in the
23 implementation plan specific procedures to ensure that authorized representatives

1 for a household or appropriate household members other than an individual
2 identified by a photograph on the card are able to utilize the card.

3 (2) POST IMPLEMENTATION REPORT. After implementation of the use of food stamp
4 identification cards under section 49.79 (7m) (b) of the statutes, as created by this act,
5 the department of health services shall submit to the food and nutrition service of
6 the federal department of agriculture a report with the results of a post
7 implementation review as required by and within the time limits specified by the
8 food and nutrition service.

9 (END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1573/P1
SWB:kjf:rs

RMR

IN 3/20/15
DOE 3/24/15

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

regen

- 1 AN ACT to create 49.79 (7m) ^{g (7b)} of the statutes; relating to: photo identification
- 2 cards for FoodShare recipients.

Analysis by the Legislative Reference Bureau

Under current law, the federal food stamp program, now known as the Supplemental Nutrition Assistance Program (SNAP) and called FoodShare in this state, assists eligible low-income individuals (recipients) to purchase food. SNAP benefits are paid entirely with federal moneys. The cost of administration is split between the federal and state governments; the program is administered in this state by the Department of Health Services (DHS).

INS ANALYSIS

This bill requires DHS, or a county, multicounty consortium, or elected governing body of a federally recognized American Indian tribe or band acting on behalf of DHS, to issue to each individual who is eligible for FoodShare a food stamp electronic benefit transfer (EBT) identification card that contains a photograph of the individual to whom the card is issued. The bill also requires DHS to submit a comprehensive implementation plan to the food and nutrition service (FNS) of the federal department of agriculture, and DHS, or a county, multicounty consortium, or elected governing body, may not issue EBT photo cards until the implementation plan is approved by FNS. Upon approval, DHS must implement the proposals in the approved plan, and DHS, or a county, multicounty consortium, or elected governing body, may issue EBT photo cards.

If DHS determines that implementation of the use of EBT photo cards increases electronic benefit transfer costs, whether contractual or procured from other sources, this bill requires DHS to submit any implementation advance planning document

INSERT ANALYSIS

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This bill requires DHS to prepare and submit a comprehensive implementation plan (implementation plan) to the food and nutrition service (FNS) of the U.S. Department of Agriculture (USDA) for approval to issue electronic benefit transfer (EBT) identification cards containing a photo to FoodShare recipients. This bill also requires DHS, as part of the implementation plan, to submit a waiver request to the USDA to allow DHS to require FoodShare recipients to show an EBT card containing a photograph when making purchases using FoodShare benefits. Finally, this bill requires that if FNS approves the comprehensive implementation plan, including the waiver, DHS must submit the plan, along with a request for any necessary appropriations to implement the plan, to the Joint Committee on Finance (JFC) for approval. Once the implementation plan has approval both from FNS and JFC, then DHS must implement the proposals in the approved implementation plan and issue EBT cards containing photo identification of the FoodShare recipients to whom they are issued.

(END INSERT ANALYSIS)

INSERT 2-5

1 (b) 1. The department shall submit a comprehensive implementation plan to
2 the food and nutrition service as required by the food and nutrition service guidelines
3 for allowing electronic benefit transfer cards containing a photograph. The
4 department shall address in the implementation plan the issues required by the
5 federal food and nutrition service guidelines for allowing photographs on electronic
6 benefit transfer cards, including supplemental nutrition assistance program
7 policies, operational issues, outreach, civil rights concerns, procedures to ensure that
8 authorized representatives are able to use the card, and a description of how the
9 department of health services will ensure state compliance with federal
10 requirements.

11 2. Along with the implementation plan, the department shall submit a request
12 for a waiver from the secretary of the federal department of agriculture to allow the
13 department of health services to require that an individual show an electronic benefit card containing
14 a photograph when making a purchase using food stamp benefits.

1 (c) If the food and nutrition service grants written approval of the
 2 implementation plan, and the secretary of the federal department of agriculture
 3 approves the waiver, the department ^{of health services} shall submit the implementation plan, the
 4 waiver, and any necessary appropriation requests to implement the plan to the joint
 5 committee on finance for approval. The department ^{or a county, multicounty}
 6 consortium, or elected governing body may not implement the proposals contained
 7 in the implementation plan under par. (b) unless the joint committee on finance
 8 grants approval.

as the implementation plan
 ***NOTE: The waiver ^{is} ~~is~~ ^{described} ~~described~~ separately ^{as} ~~as~~ the comprehensive implementation plan must be submitted to the food and nutrition service, while the request for a waiver is typically submitted to the secretary of the department of agriculture. The department of health services may be able to confirm whether these in fact need to be separate or could be combined. ^{discussed}

9 (d) If the department receives approval of the implementation plan under par.
 10 (c), then the department, or a county, multicounty consortium, or elected governing
 11 body of a federally recognized American Indian tribe or band acting on behalf of the
 12 department, shall issue, consistent with provisions of the implementation plan, food
 13 stamp identification cards to food stamp recipients that contain a photograph of the
 14 individual to whom the card is issued, and shall require an individual to show an
 15 electronic benefit card containing a photograph when making a purchase using food
 16 stamp benefits.

(END INSERT 2-5)

update required by FNS. Further, if implementation requires a contract modification that will increase the electronic benefit transfer costs, this bill requires DHS to obtain FNS approval before executing the contract.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.79 (7m) of the statutes is created to read:

49.79 (7m) PHOTO IDENTIFICATION CARDS. (a) In this subsection, "food and nutrition service" means the food and nutrition service of the federal department of agriculture.

(b) Subject to par. (c), the department, or a county, multicounty consortium, or elected governing body of a federally recognized American Indian tribe or band acting on behalf of the department, shall issue to each individual in this state who is eligible for food stamp benefits under the food stamp program a food stamp identification card that contains a photograph of the individual to whom the card is issued.

****NOTE: This provision is currently phrased to require that each individual in this state who is eligible for food stamp benefits would be issued a photo ID card. This may be a change from the way cards currently are issued. From my review of the Fiscal Bureau's informational paper and other DHS information, DHS may currently issue one QUEST card per household. Also, the federal guidelines suggest that states consider several exemptions from the requirement, including exemptions for the elderly, the disabled, children under 18, homeless households, victims of domestic violence, and those who meet hardship conditions referenced in 7 CFR 173.2 (e) (2). The guidelines also note that states cannot require authorized representatives to have their photo placed on the electronic benefits transfer card because those individuals are not members of the household. DHS may be able to follow up with additional insight on card issuance (for example, whether the department would issue one card per household with one or more photos, or whether the department would issue each eligible, nonexempt household member a card).

(c) The department shall submit a comprehensive implementation plan to the food and nutrition service as required by the food and nutrition service guidelines regarding photographs on electronic benefit transfer cards. The department, county,

Insert 2-5

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1 multicounty consortium, or elected governing body may not issue food stamp
2 identification cards under par. (b) unless the food and nutrition service grants
3 written approval of the implementation plan. Upon approval by the food and
4 nutrition service, the department shall implement the proposals contained in the
5 implementation plan and the department, county, multicounty consortium, or
6 elected governing body may issue food stamp identification cards as set forth in par.
7 (b).

8 (d) If the department determines that implementation of the use of food stamp
9 identification cards as required under this subsection will increase electronic benefit
10 transfer costs, whether contractual or procured from other sources, the department
11 shall submit any implementation advance planning document update required by
12 the food and nutrition service. In addition, if the department determines that
13 implementation requires a contract modification that increases electronic benefit
14 transfer costs, the department shall submit the proposed contract to the food and
15 nutrition service for approval before executing the contract.

****NOTE: Would you like a provision specifying exemptions? Under the bill as
written, DHS must consider and address exemptions in the comprehensive
implementation plan. The federal guidelines suggest, but do not require, proposal of any
specific exemptions.

16 SECTION 2. Nonstatutory provisions.

17 (1) COMPREHENSIVE IMPLEMENTATION PLAN CONTENT. In the comprehensive
18 implementation plan required under section 49.79 (7m) (b) of the statutes, as created
19 by this act, the department of health services shall address the issues required by
20 the federal food and nutrition service guidelines regarding photographs on electronic
21 benefit transfer cards, including supplemental nutrition assistance program
22 policies, operational issues, outreach, civil rights concerns, and a description of how
23 the department of health services will ensure state compliance with federal

1 requirements. The department of health services shall include in the
2 implementation plan specific procedures to ensure that authorized representatives
3 for a household or appropriate household members other than an individual
4 identified by a photograph on the card are able to utilize the card.

5 (2) POST IMPLEMENTATION REPORT. After implementation of the use of food stamp
6 identification cards under section 49.79 (7m) (b) of the statutes, as created by this act,
7 the department of health services shall submit to the food and nutrition service of
8 the federal department of agriculture a report with the results of a post
9 implementation review as required by and within the time limits specified by the
10 food and nutrition service.

11 (END)

INSERT

Speaker Vos instructions with approval/permission 3/10/15
from Rep. Kiemer

Redraft to Require DHS to do a comprehensive plan
develop the plan for photo ID
and
Include waiver request to have recipients show photo ID

Upon approval, Step 2:
Require DHS to ^(re-submit) present plan to Joint Finance
along with any ~~any~~ necessary appropriation
requests

Copy Speaker Vos and Mark when send draft

Follow up 3/20

For purposes of initial draft,
DHS step 2 contingent upon approval of a
plan that includes requested waiver. If DHS
does not get approval of whole plan, plan does not
move forward.

One photo on household EBT card

STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

2/19/15

Per Rep. Nygren's office, please transfer
to Rep. Kremer's office as author

Barman, Mike

From: Arthur, Jackie
Sent: Monday, March 30, 2015 4:59 PM
To: Barman, Mike
Subject: fiscal
Attachments: 15-1573_P2.pdf

Hi Mike,

Can we get an early fiscal on the attached bill?

Thanks!

Jackie Arthur

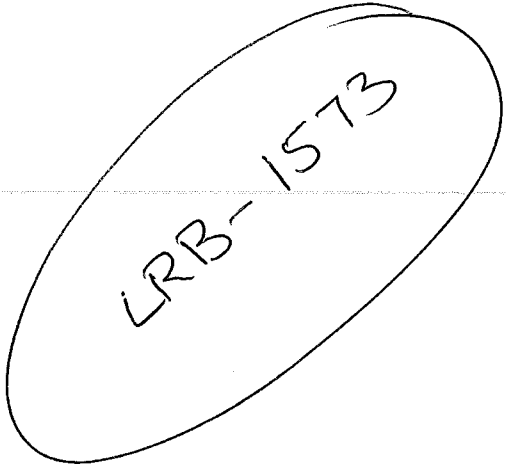
Legislative Aide to State Representative Jesse Kremer
Wisconsin State Assembly District 59
Office: (608) 266-9175
Toll Free: (888) 534-0059
www.RepKremer.com

Barman, Mike

From: Barman, Mike
Sent: Tuesday, March 31, 2015 8:09 AM
To: Arthur, Jackie
Subject: RE: fiscal

I submitted your un-introduced draft ("/P2") to DOA for FE assignment. Please let me know if I can be of further assistance.

Mike Barman (Lead Program Assistant)
State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov



LRB-1573

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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

1 EAST MAIN, SUITE 200
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 264-6948

RICHARD CHAMPAGNE
CHIEF

March 31, 2015

“EARLY FE REQUEST”

Subject: 2015 LRB-1573/P2

This un-introduced draft was submitted to the Fiscal Estimate Coordinator at DOA for state agency fiscal estimate preparation assignment.

Requested by: Jackie Arthur (Rep. Kremer’s office)

Submitted by: Mike Barman (LRB Senior Program Assistant)

Barman, Mike

From: Arthur, Jackie
Sent: Thursday, April 09, 2015 8:01 AM
To: Barman, Mike
Subject: RE: fiscal

Hi Mike,

Can we have an update on where the fiscal for 1573/P2 may be in the process?

Thanks!

-Jackie

Assigned to
DHS
Due 04-07-2015

From: Barman, Mike
Sent: Tuesday, March 31, 2015 8:09 AM
To: Arthur, Jackie
Subject: RE: fiscal

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Mike Barman (Lead Program Assistant)
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Wisconsin State Assembly District 59
Office: (608) 266-9175
Toll Free: (888) 534-0059
www.RepKremer.com

Barman, Mike

From: Barman, Mike
Sent: Thursday, April 09, 2015 8:28 AM
To: Arthur, Jackie
Subject: FW: FISCAL ESTIMATE REMINDER - LRB # 15-1573/P2

Good morning,

In regards to your e-mail on the status of the fiscal estimate for LRB-1573/P2 ...

DOA assigned DHS to prepare a fiscal estimate on this draft. It is one day past due so I gave them a gentle nudge (see e-mail below). Hopefully you will see it soon ... if not you can contact Mary Hamele (the Fiscal Estimate Coordinator at DOA)(266-1807) ... DOA has a little more influence than we do.

Mike Barman (Lead Program Assistant)
State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

-----Original Message-----

From: FES User Mike Barman [mailto:DOAFiscalEstimates@wisconsin.gov]
Sent: Thursday, April 09, 2015 8:17 AM
To: DOAFiscalEstimates@wisconsin.gov; doafiscalestimates@wisconsin.gov; DOAFiscalEstimates@wisconsin.gov; Williamson, Tracy L - DOA; Carter, Sheri L - DHS; FORSAAC@dhfs.state.wi.us; michele.dickinson@wisconsin.gov
Cc: Barman, Mike
Subject: FISCAL ESTIMATE REMINDER - LRB # 15-1573/P2

DHS was previously assigned to provide a 'Original' FISCAL ESTIMATE for LRB #15-1573/P2 by 4/7/2015.

Please submit the estimate as soon as possible.

FE overdue ... sponsor is eager to see

Submitted from the web 4/9/2015 8:17:10 AM

Fiscal Estimates URL = <http://fes.doa.state.wi.us/>

Fiscal Estimate Narratives

DHS 4/14/2015

LRB Number	15-1573/P2	Introduction Number	Estimate Type	Original
Description Photo identification cards for FoodShare recipients				

Assumptions Used in Arriving at Fiscal Estimate

The proposed legislation would require the Department of Health Services to prepare and submit a comprehensive implementation plan to the Food and Nutrition Service (FNS) of the Federal Department of Agriculture (USDA) for approval to place photos on the electronic benefit transfer (EBT) card for FoodShare recipients. The legislation would require DHS to submit a waiver request to FNS to allow DHS to require FoodShare recipients to show an EBT card containing a photograph when making FoodShare purchases. Finally, this bill would require DHS to implement the proposals to the degree they are approved by FNS.

Federal law, under 7 CFR 274.8(b)(5) and FNS policy guidance indicate that states may add photographs to EBT cards, provided that a state has procedures and policies in place to continue to allow all appropriate household members or authorized representatives to access the benefits. FNS guidance outlines the items that must be addressed within the implementation plan and stipulated the implementation plan must be submitted no fewer than 120 days prior to the State's planned implementation date. In addition, federal law indicates states may not require retailers to request identification from FoodShare customers. Given this guidance from FNS and the number of items that need to be addressed within the implementation plan, full implementation of photo identification on FoodShare EBT cards will take a minimum of 24 months. This estimate assumes the Department would implement the plan only if approved and that federal administrative funds would be available.

The State would need to hire one full-time LTE Program and Policy Analyst-Advanced to develop policy consistent with Federal requirements and guide implementation of the new policy. The salary, fringe, and supplies and services cost for this LTE, over a three year period, would be \$270,800 AF (\$135,400 GPR and \$135,400 FED).

The State would need to make a significant number of modifications to CARES, the public assistance eligibility information system, to meet federal requirements. System changes include a way to track or identify who is exempt from the photo policy; an update to track who has had photos taken or received from Department of Transportation (DOT) files; the ability to send notices to clients about the policy change and information about where to get photos taken; and the ability to hold benefits in abeyance if a non-exempt individual chooses not to comply with the photo requirement. These changes would total approximately \$1,000,000 AF (\$500,000 GPR and \$500,000 FED) and would take approximately 12 months to implement. Ongoing CARES costs would be \$300,000 AF (\$150,000 GPR and \$150,000 FED).

FNS indicates it will require DHS to provide education, training, and outreach to FoodShare clients, retailers, and other stakeholders. Printing and mailing information to these stakeholders would cost \$1,264,800 AF (\$632,400 GPR and \$632,400 FED). Ongoing costs of \$41,600 AF (\$20,800 GPR and \$20,800 FED) would be incurred to inform new FoodShare households and retailers about the policy.

Creating and distributing new EBT cards for existing FoodShare clients would be the largest implementation cost as well as the largest ongoing cost. FoodShare eligibility is determined on a household basis, rather than an individual basis. Based on the experience of other states, it is assumed that about 60% of FoodShare recipients will need a photo on their EBT card. It is assumed that Wisconsin would issue an EBT card to every household member who shops for the family, including children. Approximately 368,100 photo EBT cards would be issued to the 823,500 current FoodShare clients. It is assumed that 80% of FoodShare clients, ages 19 and older, have a driver's license or state identification card and a smaller percentage of kids ages 16 through 18 have a driver's license or state identification card, whose photo could be used for the EBT card. Therefore, about 242,600 individuals would have a photo on file with Wisconsin DOT while 125,500 individuals would need a photo taken for the EBT card. DHS would establish a data exchange process with DOT to obtain photos. This data transfer would need to comply with Section 11(e)(8) of the Food Stamp Act of 1977 and would limit DHS ability to provide

information to DOT with which to secure the photos. Therefore, this initial data exchange systems changes would total \$600,000 AF (\$300,000 GPR and \$300,000 FED). Ongoing data exchanges are assumed to cost about \$100,000 AF (\$50,000 GPR and \$50,000 FED) annually.

Individuals who do not already have a photo on file with DOT would have their photos taken at their local Income Maintenance (IM) office. IM offices would need to purchase cameras, backdrops, tripods, and software to transfer the files to the EBT card vendor and provide staff time to take photos. Staff time and office equipment for implementation of the policy would cost \$390,100 AF (\$195,050 GPR and \$195,050 FED). Annually, equipment and staff costs for new FoodShare clients to have their photo taken at their local IM offices would cost \$71,200 AF (\$35,600 GPR and \$35,600 FED).

To print and mail the replacement cards to existing FoodShare clients would cost \$1,845,600 AF (\$922,800 GPR and \$922,800 FED). The state would create and mail 368,100 cards prior to implementation. It is assumed that each card costs \$4.00 to create. Wisconsin's DOT contracted with a third-party vendor to create 1.2 million identification cards in 2014, at an average cost of \$3.10 per card. DHS costs are assumed to be higher per card due to the reduced volume. In addition, it is assumed to cost \$1.00 to mail each card (printing informational materials, postage, returned mail, and contractor time). Annually the state would need to print 31,600 new photo EBT cards for new FoodShare clients, at an annual cost of \$238,500 AF (\$119,250 GPR and \$119,250 FED). Having more FoodShare cards in circulation will increase the number of cards that need to be reprinted because they are lost, stolen, or damaged. The increased number of replacement cards will cost \$252,400 AF (\$126,200 GPR and \$126,200 FED) annually to reprint and mail.

To support the increased data transfer, increased call volume, increased reissuance of cards, and increased number of cards per open case, it is assumed that the contract with the EBT card vendor would increase. During implementation, and every year thereafter, the cost would be \$950,000 AF (\$475,000 GPR and \$475,000 FED).

Finally, the Department and local IM agencies would likely receive questions from recipients about the new policy. It is assumed that about one third of FoodShare households would call their local IM agency or call center. The increased call volume may necessitate additional staff during the implementation phase. During implementation it is assumed that costs would increase \$478,700 AF (\$239,300 GPR and \$239,400 FED). Ongoing costs would increase \$41,300 AF (\$20,600 GPR and \$20,700 FED) annually.

Once the policy is implemented the state is required to submit a post implementation review to FNS. This review would cost \$600,000 AF (\$300,000 GPR and \$300,000 FED).

In sum, implementation of the policy would cost \$7.4 million AF (\$3.6 million GPR and \$3.6 million FED) and ongoing costs would be \$2 million AF (\$1 million GPR and \$1 million FED) annually.

Long-Range Fiscal Implications

none

Fiscal Estimate Worksheet - 2015 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-1573/P2	Introduction Number	
Description Photo identification cards for FoodShare recipients		
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): \$7,400,000 All Funds (\$3,700,000 GPR, \$3,700,000 FED)		
II. Annualized Costs:	Annualized Fiscal Impact on funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$
(FTE Position Changes)		
State Operations - Other Costs	1,882,500	
Local Assistance	117,500	
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$2,000,000	\$
B. State Costs by Source of Funds		
GPR	1,000,000	
FED	1,000,000	
PRO/PRS		
SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT		
	<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS	\$2,000,000	\$
NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By	Authorized Signature	Date
DHS/ Michele Dickinson (608) 266-5362	Andy Forsaith (608) 266-7684	4/14/2015



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1573/P2 R3
SWB:kjf:kf

TODAY
ASAP
please

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

- 1 **AN ACT to create** 49.79 (7g) of the statutes; **relating to:** photo identification
- 2 cards for FoodShare recipients.

Analysis by the Legislative Reference Bureau

Under current law, the federal food stamp program, now known as the Supplemental Nutrition Assistance Program (SNAP) and called FoodShare in this state, assists eligible low-income individuals (recipients) to purchase food. SNAP benefits are paid entirely with federal moneys. The cost of administration is split between the federal and state governments; the program is administered in this state by the Department of Health Services (DHS).

This bill requires DHS to prepare and submit a comprehensive implementation plan (implementation plan) to the food and nutrition service (FNS) of the federal Department of Agriculture (USDA) for approval to issue electronic benefit transfer (EBT) identification cards containing a photo to FoodShare recipients. This bill also requires DHS, as part of the implementation plan, to submit a waiver request to the USDA to allow DHS to require FoodShare recipients to show an EBT card containing a photograph when making purchases using FoodShare benefits. Finally, this bill requires that if FNS approves the comprehensive implementation plan, including the waiver, DHS must submit the plan, along with a request for any necessary appropriations to implement the plan, to the Joint Committee on Finance (JCF) for approval. Once the implementation plan has approval both from FNS and JCF, then DHS must implement the proposals in the approved implementation plan and issue EBT cards containing photo identification of the FoodShare recipients to whom they are issued.

JCF

→ the waiver, and

and the waiver have federal approval and approval from JCF

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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1 **SECTION 1.** 49.79 (7g) of the statutes is created to read:

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3 and nutrition service” means the food and nutrition service of the federal department
4 of agriculture.

5 (b) 1. The department shall submit a comprehensive implementation plan to
6 the food and nutrition service as required by the food and nutrition service guidelines
7 for allowing electronic benefit transfer cards containing a photograph. The
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9 federal food and nutrition service guidelines for allowing photographs on electronic
10 benefit transfer cards, including supplemental nutrition assistance program
11 policies, operational issues, outreach, civil rights concerns, procedures to ensure that
12 authorized representatives are able to use the card, and a description of how the
13 department will ensure state compliance with federal requirements.

14 2. Along with the implementation plan, the department of health services shall
15 submit a request for a waiver from the secretary of the federal department of
16 agriculture to allow the department of health services to require that an individual
17 show an electronic benefit card containing a photograph when making a purchase
18 using food stamp benefits.

19 (c) If the food and nutrition service grants written approval of the
20 implementation plan, and the secretary of the federal department of agriculture
21 approves the waiver, the department of health services shall submit the

1 implementation plan, the waiver, and any necessary appropriation requests to
2 implement the plan to the joint committee on finance for approval. The department
3 of health services or a county, multicounty consortium, or elected governing body
4 may not implement the proposals contained in the implementation plan under par.

5

(b) unless the joint committee on finance grants approval

of both the implementation plan and the waiver

X

****NOTE: The waiver is discussed separately from the comprehensive implementation plan as the implementation plan must be submitted to the food and nutrition service, while the request for a waiver is typically submitted to the secretary of the federal department of agriculture. The department of health services may be able to confirm whether these in fact need to be separate or could be combined.

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11 individual to whom the card is issued, and shall require an individual to show an
12 electronic benefit card containing a photograph when making a purchase using food
13 stamp benefits.

14

(END)

Walkenhorst Barber, Sarah

From: Arthur, Jackie
Sent: Monday, April 13, 2015 12:56 PM
To: Walkenhorst Barber, Sarah
Subject: RE: LRB-1573/P2

Sarah,

Can we have a /1 of LRB-1573 sent over?

Thanks!

-Jackie

From: Walkenhorst Barber, Sarah
Sent: Thursday, April 09, 2015 9:02 AM
To: Arthur, Jackie
Subject: RE: LRB-1573/P2

Hi Jackie,

I will get these changes in process right away and send over the P3.

Best,
Sarah

Sarah Walkenhorst Barber
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 3215
sarah.walkenhorstbarber@legis.wisconsin.gov

From: Arthur, Jackie
Sent: Thursday, April 09, 2015 8:08 AM
To: Walkenhorst Barber, Sarah
Subject: LRB-1573/P2

Hi Sarah,

We are requesting that the following three changes be made to LRB-1573/P2:

Page 3, line 5 – after approval, please add “of both the implementation plan and the waiver.”
line 6 – after approval of, please add the word “both”
after plan, please add “and the waiver”

We'd like to review these changes as a P3 then sometime today we will most likely be requesting an introducible /1.

Let me know if you have any questions!

Thank you!

Jackie Arthur

Legislative Aide to State Representative Jesse Kremer
Wisconsin State Assembly District 59
Office: (608) 266-9175
Toll Free: (888) 534-0059
www.RepKremer.com



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1573/P3
SWB:kjf:kf

TODAY
ASAP
RELEASE

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and
USDA
approve
respectively

and

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12 authorized representatives are able to use the card, and a description of how the
13 department will ensure state compliance with federal requirements.

14 2. Along with the implementation plan, the department of health services shall
15 submit a request for a waiver from the secretary of the federal department of
16 agriculture to allow the department of health services to require that an individual
17 show an electronic benefit card containing a photograph when making a purchase
18 using food stamp benefits.

19 (c) If the food and nutrition service grants written approval of the
20 implementation plan, and the secretary of the federal department of agriculture
21 approves the waiver, the department of health services shall submit the

1 implementation plan, the waiver, and any necessary appropriation requests to
2 implement the plan to the joint committee on finance for approval. The department
3 of health services or a county, multicounty consortium, or elected governing body
4 may not implement the proposals contained in the implementation plan under par.
5 (b) unless the joint committee on finance grants approval of both the implementation
6 plan and the waiver.

7 (d) If the department receives approval of both the implementation plan and
8 the waiver under par. (c), then the department, or a county, multicounty consortium,
9 or elected governing body of a federally recognized American Indian tribe or band
10 acting on behalf of the department, shall issue, consistent with provisions of the
11 implementation plan, food stamp identification cards to food stamp recipients that
12 contain a photograph of the individual to whom the card is issued, and shall require
13 an individual to show an electronic benefit card containing a photograph when
14 making a purchase using food stamp benefits.

15 (END)

Barman, Mike

From: Arthur, Jackie
Sent: Tuesday, April 28, 2015 10:23 AM
To: LRB.Legal
Subject: Draft Review: LRB -1573/1 Topic: Require photo identification on FoodShare benefit cards

Please Jacket LRB -1573/1 for the ASSEMBLY.