STATE OF NEW YORK

5538

2019-2020 Regular Sessions

IN SENATE

May 6, 2019

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT directing the commissioner of the office for people with developmental disabilities to conduct a study on the feasibility of allowing the use of debit cards for resident's cash accounts; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. 1. The commissioner of the office for people with developmental disabilities shall conduct a study, in cooperation and consultation with the comptroller's office, to determine the feasibility of such office authorizing the use of debit cards, as defined pursuant to subdivision 9 of section 511 of the general business law, for cash accounts of residents of facilities operated by such office to be used for facilities and service providers holding operating certificates pursuant to section 16.03 of the mental hygiene law.

2. Such study shall include, but not be limited to, an examination of whether the use of debit cards for residents' cash accounts would be in conflict with any provisions of the state finance law or federal law, the impact that banking fees would have on the individual finances of each resident, the impact that banking fees would have on state finances, and what effect would result from shifting funds from individuals served by the office for people with developmental disabilities to the financial industry.

3. Upon completion of such study, but no later than December 31, 2020, the commissioner of the office for people with developmental disabilities shall issue a report based on the findings of such study to the governor, the temporary president of the senate, the speaker of the assembly, the commissioner of mental health, and the comptroller, which shall include, but not be limited to:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(a) the findings of such study;

(b) potential ways to resolve any conflicts with the state finance law and federal law;

(c) viability and numbers of vendors in the marketplace; and

(d) any additional financial implications that authorizing the use of debit cards for residents' cash accounts would have on individuals or the state.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2021.