

2993

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. PHEFFER, P. RIVERA, WEISENBERG, BRADLEY,
V. LOPEZ, PAULIN, MILLMAN, ORTIZ, KOON, DINOWITZ, SCHROEDER, FIELDS,
MAISEL -- Multi-Sponsored by -- M. of A. ABBATE, ALFANO, BENEDETTO,
BOYLAND, BRENNAN, CARROZZA, CLARK, COLTON, CYMBROWITZ, DelMONTE,
DUPREY, GALEF, GUNTHER, HOYT, JAFFEE, JOHN, LIFTON, LUPARDO, MARKEY,
MAYERSOHN, McENENY, REILLY, ROSENTHAL, SEMINERIO, STIRPE, SWEENEY,
TOWNS, WALKER, WRIGHT -- read once and referred to the Committee on
Mental Health, Mental Retardation and Developmental Disabilities

AN ACT to amend the executive law and the state finance law, in relation
to creating the New York state autism council

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The executive law is amended by adding a new article 19-E
2 to read as follows:

3 ARTICLE 19-E
4 NEW YORK STATE AUTISM COUNCIL

5 SECTION 460. DEFINITIONS.

6 461. NEW YORK STATE AUTISM COUNCIL.

7 S 460. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL
8 HAVE THE FOLLOWING MEANINGS:

9 1. "AUTISM AWARENESS PROJECT" MEANS A PROJECT APPROVED BY THE COUNCIL
10 AIMED TOWARD EDUCATING THE GENERAL PUBLIC ABOUT THE SYMPTOMS AND TREAT-
11 MENTS OF AUTISM;

12 2. "COUNCIL" MEANS THE NEW YORK STATE AUTISM COUNCIL ESTABLISHED
13 PURSUANT TO SECTION FOUR HUNDRED SIXTY-ONE OF THIS ARTICLE; AND

14 3. "PROGRAM AND SERVICES ENHANCEMENTS" MEANS ANY SUPPLEMENTAL PROGRAM
15 OR SERVICE THAT WILL ASSIST IN POSITIVE OUTCOMES FOR INDIVIDUALS DIAG-
16 NOSED WITH AUTISM AND THEIR FAMILIES THAT ARE APPROVED BY THE COUNCIL.

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

LBD03329-02-9

1 S 461. NEW YORK STATE AUTISM COUNCIL. 1. THERE IS ESTABLISHED, WITHIN
2 THE EXECUTIVE DEPARTMENT, THE NEW YORK STATE AUTISM COUNCIL. THE GOVER-
3 NOR SHALL DESIGNATE ONE OF THE APPOINTED MEMBERS TO SERVE AS THE CHAIR
4 OF THE COUNCIL. THE COUNCIL SHALL BE COMPOSED OF SIXTEEN MEMBERS AS
5 FOLLOWS:

6 A. A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH;
7 B. A REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION;
8 C. A REPRESENTATIVE OF THE OFFICE OF MENTAL RETARDATION AND DEVELOP-
9 MENTAL DISABILITIES;

10 D. A REPRESENTATIVE OF THE DEPARTMENT OF INSURANCE;
11 E. A REPRESENTATIVE OF THE OFFICE OF CHILDREN AND FAMILY SERVICES;
12 F. A REPRESENTATIVE FROM NEW YORK FAMILIES FOR AUTISTIC CHILDREN
13 (NYFAC);

14 G. TWO MEMBERS APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE
15 OF WHOM SHALL BE THE PARENT OF A CHILD WITH AUTISM;

16 H. TWO MEMBERS APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE OF WHOM
17 SHALL BE THE PARENT OF A CHILD WITH AUTISM; AND

18 I. SIX MEMBERS APPOINTED BY THE GOVERNOR: (I) ONE OF WHOM SHALL BE A
19 REPRESENTATIVE FROM AN INSTITUTION OF HIGHER LEARNING WHERE AUTISM
20 EDUCATION CURRICULUM IS CURRENTLY BEING OFFERED; (II) ONE OF WHOM SHALL
21 BE A REPRESENTATIVE OF THE NORTHERN PART OF THE STATE; (III) ONE OF WHOM
22 SHALL BE A REPRESENTATIVE OF THE SOUTHERN PART OF THE STATE; (IV) ONE OF
23 WHOM SHALL BE A REPRESENTATIVE OF THE EASTERN PART OF THE STATE; (V) ONE
24 OF WHOM SHALL BE A REPRESENTATIVE OF THE WESTERN PART OF THE STATE; AND
25 (VI) ONE OF WHOM SHALL BE A MEMBER OF THE MEDICAL FIELD SPECIALIZING IN
26 RESEARCH WITHIN THE FIELD OF AUTISM.

27 2. APPOINTED MEMBERS OF THE COUNCIL SHALL SERVE TERMS OF THREE YEARS
28 EACH, EXCEPT THAT:

29 A. ONE MEMBER INITIALLY APPOINTED BY THE GOVERNOR, ONE MEMBER INITIAL-
30 LY APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, AND ONE MEMBER
31 INITIALLY APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL SERVE A ONE
32 YEAR TERM; AND

33 B. A SECOND MEMBER INITIALLY APPOINTED BY THE GOVERNOR, THE SECOND
34 MEMBER INITIALLY APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, AND
35 THE SECOND MEMBER INITIALLY APPOINTED BY THE SPEAKER OF THE ASSEMBLY
36 SHALL SERVE A TWO YEAR TERM.

37 3. ALL VACANCIES SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL
38 APPOINTMENT. ALL VACANCIES MUST BE FILLED WITHIN NINETY DAYS, OTHERWISE
39 THE COUNCIL SHALL DETERMINE, BY MAJORITY VOTE, WHO SHALL FILL THE VACAN-
40 CY. MEMBERS APPOINTED TO FILL A VACANCY OCCURRING FOR REASON OTHER THAN
41 AN EXPIRATION OF A TERM SHALL SERVE FOR THE REMAINDER OF THE TERM OF THE
42 PERSON WHOM HE OR SHE IS REPLACING. MEMBERS ARE ELIGIBLE FOR REAPPOINT-
43 MENT.

44 4. MEMBERS SHALL SERVE WITHOUT COMPENSATION, BUT SHALL BE ENTITLED TO
45 ACTUAL, NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR BUSINESS
46 AS MEMBERS OF THE COUNCIL.

47 5. A MAJORITY OF THE MEMBERS OF THE COUNCIL SHALL CONSTITUTE A QUORUM.
48 A MAJORITY VOTE OF A QUORUM SHALL BE REQUIRED FOR ANY OFFICIAL ACTION OF
49 THE COUNCIL.

50 6. THE COUNCIL SHALL MEET AT THE CALL OF THE CHAIR, BUT NOT LESS THAN
51 FOUR TIMES PER YEAR.

52 7. THE COUNCIL SHALL:

53 A. APPROVE AUTISM AWARENESS PROGRAMS;

54 B. CARRY OUT A PROGRAM TO PROVIDE INFORMATION AND EDUCATION ON PROGRAM
55 AND SERVICES ENHANCEMENTS TO FAMILIES IN THE STATE WITH MEMBERS SUFFER-
56 ING FROM AUTISM;

1 C. ESTABLISH THE MECHANISMS TO USE THE RESULTS OF BIOMEDICAL RESEARCH
2 ON AUTISM AND AUTISM SPECTRUM DISORDERS;

3 D. ESTABLISH A MECHANISM FOR THE SHARING OF INFORMATION AMONG
4 RESEARCHERS AND CLINICIANS IN THE STATE CONDUCTING BIOMEDICAL RESEARCH
5 ON AUTISM AND AUTISM SPECTRUM DISORDERS;

6 E. PROVIDE FOR A MECHANISM THAT WOULD PERMIT THE PUBLIC TO OBTAIN
7 INFORMATION ON THE EXISTING AND PLANNED PROGRAMS AND ACTIVITIES BEING
8 CONDUCTED RELATED TO AUTISM, INCLUDING ANY PILOT STUDIES, AND THE COUN-
9 CIL TO RECEIVE COMMENTS FROM THE PUBLIC REGARDING THESE PROGRAMS AND
10 ACTIVITIES; AND

11 F. PROVIDE AN ANNUAL REPORT TO THE GOVERNOR WITH THE COUNCIL'S RECOM-
12 MENDATIONS AND EXAMINING THE CREATION OF PROGRAMS AND SERVICES FOR INDI-
13 VIDUALS WITH AUTISM.

14 S 2. Subdivision 3 of section 95-e of the state finance law, as added
15 by chapter 301 of the laws of 2004, is amended to read as follows:

16 3. (a) Monies of the fund shall be expended only for PROGRAM AND
17 SERVICE ENHANCEMENTS FOR INDIVIDUALS DIAGNOSED WITH AN AUTISM SPECTRUM
18 DISORDER, autism awareness projects or autism research projects approved
19 by the department of health [in] CONDUCTED WITHIN THE BORDERS OF New
20 York state provided, however, that no more than ten percent of monies
21 from such fund shall be expended on the aggregate number of autism
22 research projects approved in a fiscal year.

23 (b) As used in this section, the term "autism research project" means
24 scientific research RECOMMENDED BY THE NEW YORK STATE AUTISM COUNCIL AND
25 approved by the department of health into the causes and/or treatment of
26 autism, THE TERM "PROGRAM AND SERVICES ENHANCEMENTS" MEANS ANY SUPPLE-
27 MENTAL PROGRAM OR SERVICE THAT WILL ASSIST IN POSITIVE OUTCOMES FOR
28 INDIVIDUALS DIAGNOSED WITH AUTISM AND THEIR FAMILIES THAT ARE APPROVED
29 BY THE NEW YORK STATE AUTISM COUNCIL ESTABLISHED IN SECTION FOUR HUNDRED
30 SIXTY-ONE OF THE EXECUTIVE LAW and the term "autism awareness project"
31 means a project approved by the [department of health] NEW YORK STATE
32 AUTISM COUNCIL aimed toward educating the general public about [the
33 causes,] symptoms[,] and treatments of autism.

34 S 3. This act shall take effect on the one hundred eightieth day after
35 it shall have become a law; provided, however, that effective immediate-
36 ly, the addition, amendment and/or repeal of any rule or regulation
37 necessary for the implementation of this act on its effective date are
38 authorized and directed to be made and completed on or before such
39 effective date.