S T A T E O F N E W Y O R K

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I N A S S E M B L Y

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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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

ARTICLE 19-E
NEW YORK STATE AUTISM COUNCIL

SECTION 460. DEFINITIONS.
461. NEW YORK STATE AUTISM COUNCIL.

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

1. "AUTISM AWARENESS PROJECT" MEANS A PROJECT APPROVED BY THE COUNCIL AIMED TOWARD EDUCATING THE GENERAL PUBLIC ABOUT THE SYMPTOMS AND TREATMENTS OF AUTISM;

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

3. "PROGRAM AND SERVICES ENHANCEMENTS" MEANS ANY SUPPLEMENTAL PROGRAM OR SERVICE THAT WILL ASSIST IN POSITIVE OUTCOMES FOR INDIVIDUALS DIAGNOSED 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.

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S 461. NEW YORK STATE AUTISM COUNCIL. 1. THERE IS ESTABLISHED, WITHIN THE EXECUTIVE DEPARTMENT, THE NEW YORK STATE AUTISM COUNCIL. THE GOVERNOR SHALL DESIGNATE ONE OF THE APPOINTED MEMBERS TO SERVE AS THE CHAIR OF THE COUNCIL. THE COUNCIL SHALL BE COMPOSED OF SIXTEEN MEMBERS AS FOLLOWS:

A. A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH;

B. A REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION;

C. A REPRESENTATIVE OF THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES;

D. A REPRESENTATIVE OF THE DEPARTMENT OF INSURANCE;

E. A REPRESENTATIVE OF THE OFFICE OF CHILDREN AND FAMILY SERVICES;

F. A REPRESENTATIVE FROM NEW YORK FAMILIES FOR AUTISTIC CHILDREN (NYFAC);

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

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

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

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

A. ONE MEMBER INITIALLY APPOINTED BY THE GOVERNOR, ONE MEMBER INITIALLY APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, AND ONE MEMBER INITIALLY APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL SERVE A ONE YEAR TERM; AND

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

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

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

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

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

7. THE COUNCIL SHALL:

A. APPROVE AUTISM AWARENESS PROGRAMS;

B. CARRY OUT A PROGRAM TO PROVIDE INFORMATION AND EDUCATION ON PROGRAM AND SERVICES ENHANCEMENTS TO FAMILIES IN THE STATE WITH MEMBERS SUFFERING FROM AUTISM;

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

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

E. PROVIDE FOR A MECHANISM THAT WOULD PERMIT THE PUBLIC TO OBTAIN INFORMATION ON THE EXISTING AND PLANNED PROGRAMS AND ACTIVITIES BEING CONDUCTED RELATED TO AUTISM, INCLUDING ANY PILOT STUDIES, AND THE COUNCIL TO RECEIVE COMMENTS FROM THE PUBLIC REGARDING THESE PROGRAMS AND ACTIVITIES; AND

F. PROVIDE AN ANNUAL REPORT TO THE GOVERNOR WITH THE COUNCIL'S RECOMMENDATIONS AND EXAMINING THE CREATION OF PROGRAMS AND SERVICES FOR INDIVIDUALS WITH AUTISM.

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

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

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

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