

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LANZA -- read twice and ordered printed, and when
printed to be committed to the Committee on Finance

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.

17 S 461. NEW YORK STATE AUTISM COUNCIL. 1. THERE IS ESTABLISHED, WITHIN
18 THE EXECUTIVE DEPARTMENT, THE NEW YORK STATE AUTISM COUNCIL. THE GOVER-
19 NOR SHALL DESIGNATE ONE OF THE APPOINTED MEMBERS TO SERVE AS THE CHAIR
20 OF THE COUNCIL. THE COUNCIL SHALL BE COMPOSED OF SIXTEEN MEMBERS AS
21 FOLLOWS:

22 A. A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH;

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

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1 B. A REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION;

2 C. A REPRESENTATIVE OF THE OFFICE OF MENTAL RETARDATION AND DEVELOP-
3 MENTAL DISABILITIES;

4 D. A REPRESENTATIVE OF THE DEPARTMENT OF INSURANCE;

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

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

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

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

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

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

23 A. ONE MEMBER INITIALLY APPOINTED BY THE GOVERNOR, ONE MEMBER INITIAL-
24 LY APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, AND ONE MEMBER
25 INITIALLY APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL SERVE A ONE
26 YEAR TERM; AND

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

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

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

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

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

46 7. THE COUNCIL SHALL:

47 A. APPROVE AUTISM AWARENESS PROGRAMS;

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

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

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

1 E. PROVIDE FOR A MECHANISM THAT WOULD PERMIT THE PUBLIC TO OBTAIN
2 INFORMATION ON THE EXISTING AND PLANNED PROGRAMS AND ACTIVITIES BEING
3 CONDUCTED RELATED TO AUTISM, INCLUDING ANY PILOT STUDIES, AND THE COUN-
4 CIL TO RECEIVE COMMENTS FROM THE PUBLIC REGARDING THESE PROGRAMS AND
5 ACTIVITIES; AND

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

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

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

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

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