

984

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

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Introduced by M. of A. PHEFFER, P. RIVERA, WEISENBERG, V. LOPEZ, PAULIN, MILLMAN, ORTIZ, DINOWITZ, SCHROEDER, MAISEL, TITUS, SPANO -- Multi-Sponsored by -- M. of A. ABBATE, BENEDETTO, BOYLAND, BRENNAN, CLARK, COLTON, CYMBROWITZ, DUPREY, GALEF, GUNTHER, HOYT, JAFFEE, LAVINE, LIFTON, LUPARDO, MARKEY, MAYERSOHN, McENENY, RABBITT, REILLY, ROSENTHAL, SWEENEY, TOWNS, WRIGHT -- read once and referred to the Committee on Mental Health

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:

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.

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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 PEOPLE WITH DEVELOPMENTAL DISA-  
9 BILITIES;

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 INDIV-  
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.