

5246

2011-2012 Regular Sessions

I N   S E N A T E

May 3, 2011

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Introduced by Sen. McDONALD -- 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 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.

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;

23         B. A REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION;

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

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1 C. A REPRESENTATIVE OF THE OFFICE OF PEOPLE WITH DEVELOPMENTAL DISA-  
2 BILITIES;

3 D. A REPRESENTATIVE OF THE DEPARTMENT OF INSURANCE;

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

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

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

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

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

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

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

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

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

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

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

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

45 7. THE COUNCIL SHALL:

46 A. APPROVE AUTISM AWARENESS PROGRAMS;

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

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

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

55 E. PROVIDE FOR A MECHANISM THAT WOULD PERMIT THE PUBLIC TO OBTAIN  
56 INFORMATION ON THE EXISTING AND PLANNED PROGRAMS AND ACTIVITIES BEING

1 CONDUCTED RELATED TO AUTISM, INCLUDING ANY PILOT STUDIES, AND THE COUN-  
2 CIL TO RECEIVE COMMENTS FROM THE PUBLIC REGARDING THESE PROGRAMS AND  
3 ACTIVITIES; AND

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

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

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

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

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