STATE OF NEW YORK

5222

2021-2022 Regular Sessions

IN SENATE

February 26, 2021

Introduced by Sens. PARKER, BAILEY, KENNEDY, PERSAUD -- 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	<u>§ 460. Definitions. As used in this article, the following terms shall</u>
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	<u>§ 461. New York state autism council. 1. There is established, within</u>
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	<u>follows:</u>
22	a. a representative of the department of health;
23	b. a representative of the department of education;

EXPLANATION--Matter in <u>italics</u> (underscored) is new; matter in brackets [-] is old law to be omitted.

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bilities: d. a representative of the department of financial services; e. a representative of the office of children and family service f. a representative from New York Families for Autistic Ch (NYFAC): g. two members appointed by the temporary president of the senat of whom shall be the parent of a child with autism; h. two members appointed by the speaker of the assembly, one of shall be the parent of a child with autism; and i. six members appointed by the governor: (i) one of whom shal representative from an institution of higher learning where deucation curriculum is currently being offered; (ii) one of whom be a representative of the northern part of the state; (iv) whom shall be a representative of the southern part of the state; (iv) if whom shall be a representative of the eastern part of the state; (iv) whom shall be a representative of the western part of the state; (iv) if whom shall be a representative of the western part of the state; (iv) a provided members of the council shall serve terms of three each, except that: a. one member initially appointed by the governor, one member in ly appointed by the temporary president of the senate, and one initially appointed by the speaker of the assembly shall serve year term; and b. a second member initially appointed by the governor, the member initially appointed by the temporary president of the senate the second member initially appointed by the speaker of the ass shall serve a two year term. 3. All vacancies shall be filled in the same manner as the or	tive of the office of children and family services; tative from New York Families for Autistic Children appointed by the temporary president of the senate, one the parent of a child with autism; appointed by the speaker of the assembly, one of whom at of a child with autism; and a appointed by the governor: (i) one of whom shall be a m an institution of higher learning where autism alum is currently being offered; (ii) one of whom shall re of the northern part of the state; (iii) one of whom entative of the southern part of the state; (iv) one of a representative of the western part of the state; and shall be a member of the medical field specializing in the field of autism. abers of the council shall serve terms of three years initially appointed by the governor, one member initial- the temporary president of the senate, and one member end by the speaker of the assembly shall serve a one member initially appointed by the governor, the second appointed by the temporary president of the senate, and initially appointed by the speaker of the assembly
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21 each, except that: a. one member initially appointed by the governor, one member in 1y appointed by the temporary president of the senate, and one initially appointed by the speaker of the assembly shall serve year term; and b. a second member initially appointed by the governor, the member initially appointed by the temporary president of the senat the second member initially appointed by the speaker of the as shall serve a two year term. 30 3. All vacancies shall be filled in the same manner as the or	nitially appointed by the governor, one member initial- the temporary president of the senate, and one member ad by the speaker of the assembly shall serve a one member initially appointed by the governor, the second appointed by the temporary president of the senate, and initially appointed by the speaker of the assembly
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25 year term; and 26 b. a second member initially appointed by the governor, the 27 member initially appointed by the temporary president of the senat 28 the second member initially appointed by the speaker of the as 29 shall serve a two year term. 30 3. All vacancies shall be filled in the same manner as the or	member initially appointed by the governor, the second appointed by the temporary president of the senate, and initially appointed by the speaker of the assembly
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 29 shall serve a two year term. 30 3. All vacancies shall be filled in the same manner as the or 	
30 3. All vacancies shall be filled in the same manner as the or	
	es shall be filled in the same manner as the original
31 appointment. All vacancies must be filled within ninety days, oth	-
32 the council shall determine, by majority vote, who shall fill the	
33 cy. Members appointed to fill a vacancy occurring for reason othe	
34 an expiration of a term shall serve for the remainder of the term	
35 person whom he or she is replacing. Members are eligible for reap	
36 ment.	
37 4. Members shall serve without compensation, but shall be entit	l serve without compensation, but shall be entitled to
38 actual, necessary expenses incurred in the performance of their bu	
39 as members of the council.	
40 5. A majority of the members of the council shall constitute a q	
41 A majority vote of a quorum shall be required for any official act	
42 the council.	
43 6. The council shall meet at the call of the chair, but not less	shall meet at the call of the chair, but not less than
44 four times per year.	
45 7. The council shall:	
46 <u>a. approve autism awareness programs;</u>	
47 b. carry out a program to provide information and education on p	
48 and services enhancements to families in the state with members s	
49 ing from autism;	
50 c. establish the mechanisms to use the results of biomedical re	mechanisms to use the results of biomedical research
51 on autism and autism spectrum disorders;	
52 <u>d. establish a mechanism for the sharing of information</u>	
53 researchers and clinicians in the state conducting biomedical re	inicians in the state conducting biomedical research
53 <u>researchers and clinicians in the state conducting biomedical re</u> 54 <u>on autism and autism spectrum disorders;</u>	

56 information on the existing and planned programs and activities being

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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	§ 2. Subdivision 3 of section 95-e of the state finance law, as
8	amended by section 7 of part AA of chapter 56 of the laws of 2020, is
9	amended to read as follows:
10	3. (a) Monies of the fund shall be expended only for program and
11	service enhancements for individuals diagnosed with an autism spectrum
12	disorder, autism awareness projects or autism research projects approved
13	by the office for people with developmental disabilities [in] <u>conducted</u>
14	within the borders of New York state provided, however, that no more
15	than ten percent of monies from such fund shall be expended on the
16	aggregate number of autism research projects approved in a fiscal year.
17 18	(b) As used in this section, the term "autism research project" means
$10 \\ 19$	scientific research recommended by the New York state autism council and approved by the office for people with developmental disabilities into
20	the causes and/or treatment of autism, <u>the term "program and services</u>
21	enhancements" means any supplemental program or service that will assist
22	in positive outcomes for individuals diagnosed with autism and their
23	families that are approved by the New York state autism council estab-
24	lished in section four hundred sixty-one of the executive law and the
25	term "autism awareness project" means a project approved by the [office
26	for people with developmental disabilities aimed] New York state autism
27	<u>council</u> toward educating the general public about [the causes,] symp-
28	toms $[\tau]$ and treatments of autism.
29	§ 3. This act shall take effect on the one hundred eightieth day after
30	it shall have become a law. Effective immediately, the addition, amend-
31	ment and/or repeal of any rule or regulation necessary for the implemen-
32	tation of this act on its effective date are authorized to be made on or
33	before such date.