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SENATE BILL NO. 707

Offered January 22, 2010

A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 49, consisting of sections numbered 30-319 through 30-322, relating to the Autism Advisory Council.

Patrons—Houck, Barker, Hanger, Howell, Marsh, Miller, Y.B. and Whipple

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 49, consisting of sections numbered 30-319 through 30-322, as follows:

CHAPTER 49.

AUTISM ADVISORY COUNCIL.

§ 30-319. Autism Advisory Council created; purpose; membership; staff.

A. The Autism Advisory Council (Council) is established as an advisory council in the legislative branch of state government to promote coordination of services and resources among agencies involved in the delivery of services to Virginians with autism spectrum disorders and to increase public awareness of such services and resources.

B. The Council shall consist of 21 members. Fourteen members shall be appointed as follows: eight members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; four members of the Senate, to be appointed by the Senate Committee on Rules; and two nonlegislative citizen members, to be appointed by the Governor. The Commissioners of Behavioral Health and Developmental Services, Rehabilitative Services, Health, and Social Services or their designees; the Superintendent of Public Instruction or his designee; the Executive Director of the Virginia Board for People with Disabilities or his designee; and the President of Commonwealth Autism Service or his designee shall serve as *ex officio* members with full voting privileges. Members appointed by the Governor shall be nonlegislative citizens of the Commonwealth.

C. Legislative members and *ex officio* members shall serve terms coincident with their terms of office. All appointments of nonlegislative citizen members shall be for four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and citizen members may be reappointed; however, no citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's term limit. Vacancies shall be filled in the same manner as the original appointments.

Legislative members of the Council shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such compensation and expense payments shall be paid from existing appropriations to the Council.

D. The Council shall elect a chairman and vice-chairman annually from among its legislative members. A majority of the members of the Council shall constitute a quorum. The Council shall meet no more than four times a year, upon the call of the chairman or the majority of the members.

E. Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall perform those duties assigned to it by the Council.

F. No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-320. Powers and duties of Council.

A. The powers and duties of the Council shall be to:

1. Facilitate the coordination of services and resources among agencies involved in the delivery of services to Virginians with autism spectrum disorders;

2. Monitor the implementation of action plans developed by agencies in response to the report of the Joint Legislative Audit and Review Commission entitled "Assessment of Services for Virginians with Autism Spectrum Disorders," House Document No. 8 (2009);

3. Recommend policies, legislation, and funding needed to implement the action plans developed in response to the report of the Joint Legislative Audit and Review Commission entitled "Assessment of Services for Virginians with Autism Spectrum Disorders," House Document No. 8 (2009) and address

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59 *other emerging issues; and*

60 *4. Determine services, resources, and policies that may further address the needs of individuals with*
61 *autism spectrum disorders.*

62 *B. By December 1 of each year, the Council shall submit to the Governor and the General Assembly*
63 *and to the Division of Legislative Automated Systems for publication as a House or Senate document an*
64 *annual report containing progress updates and recommended next steps to be taken by agencies in the*
65 *following year.*

66 *§ 30-321. Autism spectrum disorders defined.*

67 *For the purposes of this chapter, "autism spectrum disorders" shall include the following, as defined*
68 *in the current edition of the "Diagnostic and Statistical Manual of Mental Disorders" published by the*
69 *American Psychiatric Association: (i) autistic disorder, (ii) Asperger's syndrome, (iii) Rett syndrome, (iv)*
70 *childhood disintegrative disorder, and (v) Pervasive Developmental Disorder - Not Otherwise Specified.*

71 *§ 30-322. Sunset.*

72 *This chapter shall expire on July 1, 2014.*