

# VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

## CHAPTER 752

*An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 50, consisting of sections numbered 30-326 through 30-329, relating to the Autism Advisory Council.*

[S 1269]

Approved March 28, 2011

**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 50, consisting of sections numbered 30-326 through 30-329, as follows:**

### *CHAPTER 50.*

#### *AUTISM ADVISORY COUNCIL.*

*§ 30-326. Autism Advisory Council created; purpose; membership; staff.*

*A. The Autism Advisory Council (the 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 have a total membership of eight members that shall consist of six legislative members and two nonlegislative citizen members. Members shall be appointed as follows: two members of the Senate to be appointed by the Senate Committee on Rules; four 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; and two nonlegislative citizen members, of whom one shall be a practicing pediatrician and one shall be an advocate for autism spectrum disorders, to be appointed by the Governor. The Council shall request the participation of the Commissioner of Behavioral Health and Developmental Services, the Commissioner of Rehabilitative Services, the Commissioner of Health, the Commissioner of Social Services, the Superintendent of Public Instruction, the Executive Director of the Virginia Board for People with Disabilities, the Director of the Department of Medical Assistance Services, the Director of the Virginia Autism Resource Center at Virginia Commonwealth University, and the president of Commonwealth Autism Service, or their designees. Nonlegislative citizen members of the Council shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Council and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.*

*C. Legislative 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 or, if unfunded, shall be approved by the Joint Rules Committee.*

*D. The Council shall elect a chairman and vice-chairman annually, who shall be members of the General Assembly. 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. Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Clerk of the House of Delegates, as may be appropriate for the house in which the chairman serves. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Council.*

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

*§ 30-327. Powers and duties of the Council.*

*A. The Council shall have the power and duty 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 other emerging issues; and*

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

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

*§ 30-328. Autism spectrum disorders defined.*

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

*§ 30-329. Sunset.*

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

**2. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in the general appropriation act passed during the 2011 Regular Session of the General Assembly and signed into law by the Governor.**