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SENATE BILL NO. 1232

Offered January 8, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 30-329.1 and 30-329.2 of the Code of Virginia, to amend the Code of Virginia by adding in Chapter 50.1 of Title 30 a section numbered 30-329.5, and to repeal § 30-329.4 of the Code of Virginia, relating to Autism Advisory Council; name change; membership; staffing; powers and duties.

Patrons—Aird and Pekarsky

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That §§ 30-329.1 and 30-329.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 50.1 of Title 30 a section numbered 30-329.5 as follows:

CHAPTER 50.1.

AUTISM ADVISORY COUNCIL COMMISSION.

§ 30-329.1. (Expires July 1, 2027) Autism Commission created; purpose; membership; staff.

A. The Autism Advisory Council ~~(the Council)~~ *Commission (the Commission)* 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, *to improve the quality and access to such services and resources, to address gaps in services and resources needed, and to increase public awareness of such services and resources.*

B. The ~~Council~~ shall have a total membership of 25 members that *Commission* shall consist of ~~six~~ legislative members, ~~12~~ nonlegislative citizen members, and ~~seven~~ ex officio members. ~~Members shall 12 members to be appointed as follows: two~~ four members of the Senate to be appointed by the Senate Committee on Rules; ~~four~~ five 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 ~~12~~ three nonlegislative citizen members, of whom (i) ~~two~~ shall be representatives of autism advocacy organizations; (ii) ~~two~~ shall be parents of children with autism; (iii) ~~two~~ shall be persons with an autism spectrum disorder; (iv) ~~one~~ shall be a clinician in the autism field; (v) ~~one~~ shall be a licensed behavior analyst; (vi) ~~one~~ shall be a private day school director; (vii) ~~one~~ shall be a public school special education director; and (viii) ~~two~~ shall be representatives from autism programs at an institution of higher education, to be appointed by the Governor. The Commissioner of Behavioral Health and Developmental Services, the Commissioner for Aging and 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, and the Director of the Department of Medical Assistance Services, or their designees, shall serve ex officio with voting privileges ~~two~~ appointed by the Speaker of the House of Delegates and one appointed by the Senate Committee on Rules. In making such appointments, the Speaker of the House of Delegates shall select one individual with an autism spectrum disorder and one clinician in the field of autism, and the Senate Committee on Rules shall select a representative of an autism advocacy organization. Nonlegislative citizen members of the ~~Council~~ *Commission* shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the ~~Council~~ *Commission* 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 ~~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. All 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~~ *Commission* 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~~ *Commission* or, if unfunded, shall be approved by the Joint Rules Committee.

D. The ~~Council~~ *Commission* shall elect a chairman and vice-chairman annually, who shall be members of the General Assembly. A majority of the members of the ~~Council~~ *Commission* shall constitute a quorum. The

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SB1232

~~Council~~ Commission shall meet no less than five times a year, upon the call of the chairman or a 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. The Commission shall appoint and employ and, at its pleasure, remove an executive director and such other persons as it deems necessary to assist it in carrying out its duties as set forth in this chapter. The Commission shall determine the duties of the executive director and other staff and fix their salaries or compensation within the amounts appropriated therefor.~~

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

§ 30-329.2. (Expires July 1, 2027) Powers and duties of the Commission.

A. The ~~Council~~ Commission 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. ~~Examine the delivery of services and resources to individuals with autism spectrum disorders in other states and exchange information on issues of mutual concern;~~

3. Recommend policies, legislation, and funding needed to improve the quality and availability of existing services and resources; 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~~ Commission 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~~ policies, legislation, and funding supports so identified.

§ 30-329.5. Cooperation of other state agencies.

The Commission may request records, including data and information, that it may require for the performance of its duties, and every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth or to which the Commonwealth is a party or any political subdivision of the Commonwealth shall provide such records, including data and information, to the fullest extent possible and except as prohibited by law. The Commission shall receive cooperation and assistance in the performance of its duties from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth or to which the Commonwealth is a party or from any political subdivision of the Commonwealth upon request.

Upon request and availability, the Commission shall receive access to the facilities of and ample opportunity to observe the operations of every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth or to which the Commonwealth is a party or of any political subdivision of the Commonwealth.

2. That § 30-329.4 of the Code of Virginia is repealed.

3. That the terms of office of any nonlegislative citizen member serving on the Autism Advisory Council as of June 30, 2025, shall expire on the effective date of this act, but such persons shall be eligible in accordance with § 30-329.1 of the Code of Virginia, as amended by this act, to be appointed to the Autism Commission and serve two consecutive four-year terms notwithstanding any prior service on the Autism Advisory Council.