

Senate Bill 565

Sponsored by Senator EDWARDS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates Oregon Commission on Autism Spectrum Disorder and requires commission to report to Legislative Assembly. Establishes Oregon Commission on Autism Spectrum Disorder Fund. Continuously appropriates moneys in fund to commission.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to autism spectrum disorder; appropriating money; and declaring an emergency.

2
3 Whereas Oregon, like many states, has experienced a rapid increase in the number of persons
4 being diagnosed with autism spectrum disorder, and both public and private systems have had
5 trouble responding to the increase; and

6 Whereas services for persons with autism spectrum disorder are fragmented and inconsistent
7 around this state; and

8 Whereas Oregon is not taking full advantage of the wealth of knowledge, best practices and
9 skills relating to autism spectrum disorder currently available in the state and elsewhere; and

10 Whereas Oregon lacks a means to provide accurate, up-to-date information to families and pro-
11 fessionals regarding interventions, services, supports and expected outcomes for autism spectrum
12 disorder; and

13 Whereas there is no consistent approach to increasing the capacity of agencies and communities
14 to support persons with autism spectrum disorder; and

15 Whereas the rapid increase in the number of persons being diagnosed with autism spectrum
16 disorder, the complexity and diversity of their needs, the limited resources and the pressure on
17 families, communities and existing education and social service systems require a more thoughtful,
18 coordinated approach to funding, service development and service delivery; and

19 Whereas the Oregon Commission on Autism Spectrum Disorder established by Executive Order
20 09-07 has fulfilled the task described in the order by creating a 10-year strategic plan and an action
21 plan to address the issues confronting Oregon; and

22 Whereas there exists an ongoing need to guide the implementation of the 10-year strategic plan;
23 now, therefore,

24 **Be It Enacted by the People of the State of Oregon:**

25 **SECTION 1. (1) The Oregon Commission on Autism Spectrum Disorder is established,**
26 **consisting of 13 members appointed as follows:**

27 (a) **The President of the Senate shall appoint one member from among members of the**
28 **Senate.**

29 (b) **The Speaker of the House of Representatives shall appoint one member from among**
30 **members of the House of Representatives.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 **(c) The Governor shall appoint:**
- 2 **(A) One member who is a person with autism spectrum disorder;**
- 3 **(B) One member who is a parent of a child with autism spectrum disorder who is under**
4 **18 years of age at the time of the appointment;**
- 5 **(C) One member who is a parent of a child with autism spectrum disorder who is 18 years**
6 **of age or older;**
- 7 **(D) One member who represents autism spectrum disorder or disability advocacy organ-**
8 **izations;**
- 9 **(E) One member who represents the medical community in this state;**
- 10 **(F) One member, recommended by the Superintendent of Public Instruction, who re-**
11 **presents the Department of Education;**
- 12 **(G) One member, recommended by the Director of the Oregon Health Authority, who**
13 **represents the Oregon Health Authority;**
- 14 **(H) One member, recommended by the Director of Human Services, who represents the**
15 **Department of Human Services;**
- 16 **(I) One member who represents institutions of higher education;**
- 17 **(J) One member who represents a local education entity; and**
- 18 **(K) One member of the public.**
- 19 **(2) In appointing the members of the commission, the appointing authorities shall strive**
20 **to balance the representation on the commission according to geographic areas of this state.**
- 21 **(3) The commission may establish subcommittees as necessary to carry out the duties**
22 **of the commission. A subcommittee of the commission must include at least one member**
23 **of the commission. The commission shall strive to balance the representation on a subcom-**
24 **mittee according to geographic areas of this state.**
- 25 **(4) A majority of the members of the commission constitutes a quorum for the trans-**
26 **action of business.**
- 27 **(5) Official action by the commission requires the approval of a majority of the members**
28 **of the commission.**
- 29 **(6) The Governor shall select one of the members of the commission to serve as chair-**
30 **person and one of the members of the commission to serve as vice-chairperson.**
- 31 **(7) The term of office of each member of the commission is four years, but a member**
32 **serves at the pleasure of the appointing authority. If there is a vacancy for any cause, the**
33 **appointing authority shall make an appointment to become immediately effective.**
- 34 **(8) The commission shall meet at least quarterly at times and places specified by the call**
35 **of the chairperson or of a majority of the voting members of the commission.**
- 36 **(9) The commission may adopt rules necessary for the operation of the commission.**
- 37 **(10)(a) The Department of Human Services, the Oregon Health Authority and the De-**
38 **partment of Education shall provide staff support to the commission.**
- 39 **(b) If the Department of Human Services, the Oregon Health Authority and the Depart-**
40 **ment of Education cannot agree on the funding for staff support for the commission, the**
41 **Governor shall direct the agencies to fund staff support for the commission as the Governor**
42 **sees fit.**
- 43 **(11)(a) Members of the commission appointed under subsection (1)(c)(A) to (C) of this**
44 **section are entitled to compensation and reimbursement for expenses as provided in ORS**
45 **292.495. Claims for compensation and expenses incurred in performing functions of the com-**

1 mission may be paid out of funds appropriated to the Department of Human Services, the
 2 Oregon Health Authority and the Superintendent of Public Instruction for purposes of the
 3 commission, or out of other funds available to the commission under subsection (12) of this
 4 section.

5 (b) Members of the commission who are appointed under subsection (1)(c)(D) to (K) of
 6 this section are not entitled to compensation or reimbursement for expenses and serve as
 7 volunteers on the commission.

8 (c) Notwithstanding ORS 171.072, members of the commission who are members of the
 9 Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volun-
 10 teers on the commission.

11 (12) The commission may accept gifts, grants and donations from any source, public or
 12 private. Moneys accepted under this subsection shall be paid into the State Treasury and
 13 deposited in the Oregon Commission on Autism Spectrum Disorder Fund established under
 14 section 5 of this 2011 Act.

15 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist
 16 the commission in the performance of its duties and, to the extent permitted by laws relating
 17 to confidentiality, to furnish such information and advice as the members of the commission
 18 consider necessary to perform their duties.

19 **SECTION 2.** (1) Notwithstanding the term of office specified in section 1 of this 2011 Act,
 20 of the members first appointed to the Oregon Commission on Autism Spectrum Disorder:

21 (a) Three shall serve for a term ending January 1, 2013.

22 (b) Three shall serve for a term ending January 1, 2014.

23 (c) Three shall serve for a term ending January 1, 2015.

24 (d) Four shall serve for a term ending January 1, 2016.

25 (2) Initial appointments to the commission must be made before September 30, 2011.

26 **SECTION 3.** The Oregon Commission on Autism Spectrum Disorder shall:

27 (1) Use the 10-year strategic plan developed pursuant to Executive Order 09-07 to develop
 28 goals, outcomes and implementation strategies to ensure effective services to persons with
 29 autism spectrum disorder and families of those persons.

30 (2) Amend the strategic plan, goals, outcomes and implementation strategies as neces-
 31 sary to:

32 (a) Clarify the array and structure of necessary services and supports that enable per-
 33 sons with autism spectrum disorder to function to their individual potentials across their
 34 lifespan;

35 (b) Provide effectively coordinated service systems for persons with autism spectrum
 36 disorder in this state through strategies that may include interagency agreements, braiding
 37 of funding and other processes necessary to ensure collaboration and coordination;

38 (c) Define strategies for accessing best practice and research-based information and
 39 promoting that information to the professional community and the public;

40 (d) Identify strategies to increase the capacity of state agencies and the community to
 41 appropriately support persons with autism spectrum disorder; and

42 (e) Estimate and make recommendations regarding the long-term funding and the
 43 sources of funding needed to provide the necessary services and supports for persons with
 44 autism spectrum disorder and to accomplish the coordination of services for persons with
 45 autism spectrum disorder.

1 **SECTION 4.** The Oregon Commission on Autism Spectrum Disorder shall report to the
2 Governor and to an interim committee of the Legislative Assembly related to health care
3 no later than October 1 of each even-numbered year. The report must include, but need not
4 be limited to:

5 (1) An update on implementation and outcome priorities identified in the 10-year strate-
6 gic plan developed pursuant to Executive Order 09-07;

7 (2) Biennial goals for providing services and supports to persons with autism spectrum
8 disorder as set forth in section 3 of this 2011 Act;

9 (3) Proposals for legislation necessary for implementation of the biennial goals;

10 (4) Recommendations to state agencies concerning policies, procedures and improve-
11 ments to services that benefit persons with autism spectrum disorder; and

12 (5) Recommendations for improvement of coordination among state agencies that provide
13 services that benefit persons with autism spectrum disorder.

14 **SECTION 5.** The Oregon Commission on Autism Spectrum Disorder Fund is established
15 in the State Treasury, separate and distinct from the General Fund. Interest earned by the
16 Oregon Commission on Autism Spectrum Disorder Fund shall be credited to the fund. All
17 moneys received under section 1 of this 2011 Act shall be paid into the fund and are contin-
18 uously appropriated to the Oregon Commission on Autism Spectrum Disorder for the pur-
19 poses of carrying out sections 1 to 4 of this 2011 Act.

20 **SECTION 6.** This 2011 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
22 on its passage.