

CHAPTER 131

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 08-163

BY SENATOR(S) Shaffer, Gordon, Bacon, Groff, Isgar, Johnson, Schwartz, Tapia, Tupa, Veiga, Windels, Boyd, Gibbs, Keller, Morse, Tochtrop, and Williams;
 also REPRESENTATIVE(S) Primavera, Benefield, Casso, Fischer, Frangas, Gagliardi, Gallegos, Gardner B., Green, Hodge, Kefalas, Kerr J., Labuda, Levy, McFadyen, McKinley, Stafford, Todd, Borodkin, Butcher, Carroll M., Carroll T., Curry, Ferrandino, Garza-Hicks, Kerr A., Looper, Marostica, Marshall, Massey, Merrifield, Peniston, Pommer, Rice, Riesberg, Romanoff, Scanlan, Solano, Stephens, Summers, Swalm, and White.

AN ACT**CONCERNING THE CREATION OF AN AUTISM COMMISSION.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 4
 AUTISM COMMISSION**

26-1-401. Colorado autism commission - purpose - creation. (1) THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT THE COLORADO AUTISM COMMISSION, REFERRED TO IN THIS PART 4 AS THE "COMMISSION". THE PURPOSE OF THE COMMISSION SHALL BE TO STUDY AUTISM ISSUES AND TO DEVELOP A TEN-YEAR STRATEGIC PLAN FOR THE STATE OF COLORADO TO ADDRESS THE GROWING NUMBER OF INDIVIDUALS WITH AUTISM IN COLORADO WHO NEED SERVICES FROM ONE OR MORE SYSTEMS.

(2) THE COMMISSION SHALL CONSIST OF TWENTY-FOUR MEMBERS, WHO ARE KNOWLEDGEABLE ABOUT AUTISM OR ABOUT SYSTEMS THAT SERVE PEOPLE WITH AUTISM SPECTRUM DISORDERS OR BOTH, APPOINTED BY THE GOVERNOR, AS FOLLOWS:

(a) TWO MEMBERS WHO ARE INDIVIDUALS WITH AUTISM WHO SHALL BE CONSIDERED SELF-ADVOCATES;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

- (b) ONE MEMBER WHO IS A PARENT OF A CHILD WITH AUTISM;
- (c) ONE MEMBER WHO IS A PARENT OF AN ADULT CHILD WITH AUTISM;
- (d) TWO MEMBERS WHO REPRESENT AUTISM OR DISABILITY ADVOCACY ORGANIZATIONS;
- (e) ONE MEMBER WHO REPRESENTS AUTISM SERVICE PROVIDERS;
- (f) ONE MEMBER WHO IS A PHYSICIAN LICENSED IN COLORADO;
- (g) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF EDUCATION;
- (h) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;
- (i) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;
- (j) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF HUMAN SERVICES;
- (k) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF LABOR AND EMPLOYMENT;
- (l) ONE MEMBER WHO REPRESENTS THE DIVISION WITHIN THE DEPARTMENT OF HUMAN SERVICES THAT GOVERNS SERVICES TO PERSONS WITH DEVELOPMENTAL DISABILITIES;
- (m) ONE MEMBER WHO REPRESENTS THE DIVISION WITHIN THE DEPARTMENT OF HUMAN SERVICES THAT GOVERNS VOCATIONAL REHABILITATION;
- (n) ONE MEMBER WHO REPRESENTS THE DIVISION WITHIN THE DEPARTMENT OF HUMAN SERVICES THAT GOVERNS MENTAL HEALTH;
- (o) ONE MEMBER WHO REPRESENTS THE COLORADO COMMISSION ON HIGHER EDUCATION;
- (p) ONE MEMBER WHO REPRESENTS THE STATE COUNCIL ON DEVELOPMENTAL DISABILITIES CREATED IN SECTION 27-10.5-203, C.R.S.;
- (q) ONE MEMBER WHO REPRESENTS THE CENTER SPECIALIZING IN DEVELOPMENTAL DISABILITIES AT THE UNIVERSITY OF COLORADO SCHOOL OF MEDICINE;
- (r) ONE MEMBER WHO REPRESENTS A NONPROFIT LEGAL ORGANIZATION FOR PEOPLE WITH DISABILITIES AND OLDER PEOPLE THAT RECEIVES FUNDING THROUGH THE FEDERAL DEVELOPMENTAL DISABILITIES ACT;
- (s) ONE MEMBER WHO IS A SCHOOL DISTRICT REPRESENTATIVE WITH EXPERTISE IN THE NEEDS OF CHILDREN WITH AUTISM IN THE PUBLIC SCHOOLS;

(t) ONE MEMBER WHO IS A REPRESENTATIVE OF A COMMUNITY MENTAL HEALTH CENTER AND WHO HAS EXPERIENCE TREATING INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS;

(u) ONE MEMBER WHO IS A MEMBER OF A COMMUNITY-CENTERED BOARD; AND

(v) ONE MEMBER WHO IS A REPRESENTATIVE OF THE BUSINESS COMMUNITY.

(3) THE GOVERNOR SHALL MAKE THE APPOINTMENTS TO THE COMMISSION ON OR BEFORE AUGUST 1, 2008.

(4) WHEN MAKING APPOINTMENTS TO THE COMMISSION, THE GOVERNOR SHALL ENSURE REPRESENTATION FROM THE VARIOUS GEOGRAPHIC AREAS OF THE STATE.

(5) THE GOVERNOR MAY, WITH OR WITHOUT CAUSE, REMOVE AND REPLACE A MEMBER OF THE COMMISSION. IF A VACANCY OCCURS OR A MEMBER IS REMOVED FROM THE COMMISSION, THE GOVERNOR SHALL APPOINT A NEW MEMBER IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION.

(6) THE MEMBER WHO REPRESENTS THE DEPARTMENT OF HUMAN SERVICES SHALL CONVENE THE FIRST MEETING OF THE COMMISSION NO LATER THAN SEPTEMBER 8, 2008. THE COMMISSION SHALL MEET AT LEAST SIX TIMES OVER THE FOLLOWING TWELVE MONTHS AND MORE OFTEN AS THE COMMISSION DETERMINES IS NECESSARY AND FUNDING WILL ALLOW.

(7) THE COMMISSION SHALL ELECT A CHAIR AND VICE-CHAIR FROM ITS MEMBERSHIP. THE COMMISSION MAY CREATE AS MANY SUBCOMMITTEES AS IT DEEMS NECESSARY TO CARRY OUT THE SCOPE AND MISSION OF THE COMMISSION. EACH SUBCOMMITTEE SHALL BE CHAIRED BY A COMMISSION MEMBER BUT MAY BE COMPOSED OF MEMBERS OUTSIDE OF THE COMMISSION. MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION BUT MAY BE REIMBURSED FOR EXPENSES INCURRED IN CONNECTION WITH THEIR SERVICE ON THE COMMISSION IF THE NONPROFIT ORGANIZATION THAT IS THE CUSTODIAN OF THE DONATED MONEYS COLLECTED PURSUANT TO SECTION 26-1-404 RECEIVES SUFFICIENT GIFTS, GRANTS, OR DONATIONS TO COVER THE COSTS OF THE REIMBURSEMENTS.

26-1-402. Commission - duties. (1) THE COMMISSION SHALL EXAMINE AUTISM IN THIS STATE AND SHALL:

(a) DEFINE THE AUTISM SPECTRUM FOR PURPOSES OF THE SCOPE OF THE COMMISSION AND IDENTIFY THE NUMBER OF INDIVIDUALS AFFECTED BY AUTISM IN THE STATE;

(b) IDENTIFY EXISTING SERVICES AND GAPS IN SERVICES IN COLORADO FOR PEOPLE WITH AUTISM SPECTRUM DISORDERS;

(c) REVIEW SERVICES PROVIDED BY OTHER STATES THAT BENEFIT PEOPLE WITH AUTISM SPECTRUM DISORDERS AND IDENTIFY PROMISING PRACTICES; AND

(d) EXAMINE ISSUES AFFECTING THE EFFICIENT DELIVERY AND COORDINATION OF SERVICES FOR PEOPLE WITH AUTISM SPECTRUM DISORDERS THAT THE COMMISSION

DEEMS NECESSARY TO STUDY.

(2) AFTER STUDYING THE ISSUES OUTLINED IN SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL DEVELOP A TEN-YEAR STRATEGIC PLAN DESIGNED TO:

(a) CLARIFY THE ARRAY OF NECESSARY SERVICES AND SUPPORTS THAT ENABLE PERSONS WITH AUTISM SPECTRUM DISORDERS TO FUNCTION TO THEIR INDIVIDUAL POTENTIALS ACROSS THEIR LIFESPANS;

(b) PROVIDE EFFECTIVELY COORDINATED SERVICES AND SUPPORTS TO PERSONS WITH AUTISM SPECTRUM DISORDERS IN THIS STATE;

(c) ESTIMATE THE FUNDING AND THE SOURCES OF FUNDING NEEDED TO PROVIDE THE NECESSARY SERVICES AND SUPPORTS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) AND TO ACCOMPLISH THE COORDINATION OF SERVICES AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2).

26-1-403. Report. (1) THE COMMISSION SHALL SUBMIT A FINAL REPORT TO THE GOVERNOR AND TO THE GENERAL ASSEMBLY NO LATER THAN OCTOBER 1, 2009. THE FINAL REPORT SHALL INCLUDE BUT NEED NOT BE LIMITED TO:

(a) THE COMMISSION'S FINDINGS AND RECOMMENDATIONS, INCLUDING CONSIDERATION OF EACH OF THE ISSUES DESCRIBED IN SECTION 26-1-402 (1);

(b) A TEN-YEAR STRATEGIC PLAN FOR PROVIDING SERVICES AND SUPPORTS TO PERSONS WITH AUTISM SPECTRUM DISORDERS IN COLORADO AS OUTLINED IN SECTION 26-1-402 (2);

(c) PROPOSALS FOR LEGISLATION TO IMPLEMENT THE STRATEGIC PLAN CONTAINED IN THE REPORT;

(d) RECOMMENDATIONS TO APPLICABLE PRINCIPAL DEPARTMENTS OF THE STATE CONCERNING POLICIES, PROCEDURES, AND RULES THAT MAY BE ALTERED OR ADOPTED TO IMPROVE SERVICES THAT BENEFIT PEOPLE WITH AUTISM SPECTRUM DISORDERS OR TO IMPROVE COORDINATION AMONG STATE AGENCIES THAT PROVIDE SERVICES THAT BENEFIT PEOPLE WITH AUTISM SPECTRUM DISORDERS.

26-1-404. Commission funding - staff support. (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL DESIGNATE A NONPROFIT ORGANIZATION AS THE CUSTODIAN OF FUNDS FOR THE COMMISSION. THE ORGANIZATION IS AUTHORIZED TO RECEIVE AND EXPEND ANY FUNDS NECESSARY FOR THE OPERATION OF THE COMMISSION. THE ORGANIZATION SHALL PREPARE A BUDGET FOR THE OPERATION OF THE COMMISSION. PRIOR TO THE EXPENDITURE OF ANY MONEYS RECEIVED, THE ORGANIZATION SHALL TRANSMIT A COPY OF THE OPERATING BUDGET TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES AND SHALL CERTIFY THAT THERE IS ADEQUATE FUNDING AVAILABLE TO COVER THE EXPENSES IDENTIFIED IN THE OPERATING BUDGET.

(2) ANY STAFF NEEDED TO ASSIST THE COMMISSION IN CONDUCTING ITS DUTIES SHALL BE PROVIDED BY NONPROFIT AGENCIES OR PRIVATE GROUPS.

(3) ALL COSTS INCURRED BY THE COMMISSION IN CARRYING OUT ITS STUDY AND REPORT INCLUDING, BUT NOT LIMITED TO, THE DIRECT OR INDIRECT COSTS ASSOCIATED WITH THE DUTIES OF THE COMMISSION, THE REIMBURSEMENT OF REASONABLE EXPENSES FOR THE MEMBERS OF THE COMMISSION TO ATTEND MEETINGS, AND THE COSTS OF RESEARCH AND ANALYSIS SHALL BE PAID BY CONTRIBUTIONS, GRANTS, SERVICES, AND IN-KIND DONATIONS FROM PRIVATE SOURCES.

26-1-405. Repeal of part. THIS PART 4 IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 14, 2008