

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 08-0786.01 Debbie Haskins

SENATE BILL 08-163

SENATE SPONSORSHIP

Shaffer, Gordon, Bacon, Groff, Isgar, Johnson, Schwartz, Tapia, Tupa, Veiga, and Windels

HOUSE SPONSORSHIP

Primavera, Benefield, Casso, Fischer, Frangas, Gagliardi, Gallegos, Gardner B., Green, Hodge, Kefalas, Kerr J., Labuda, Levy, McFadyen, McKinley, Stafford, and Todd

Senate Committees
Health and Human Services

House Committees
Health and Human Services

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates an autism commission to study autism spectrum disorders, identify existing services and gaps in services for people with autism spectrum disorders, and identify best practices in providing services. Directs the autism commission to develop a 10-year strategic plan for Colorado that:

- ! Clarifies the array of services and supports needed for persons with autism spectrum disorders;
- ! Provides effectively coordinated services and supports to persons with autism spectrum disorders in this state;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
2nd Reading Unam ended
March 24, 2008

SENATE
3rd Reading Unam ended
March 6, 2008

SENATE
Am ended 2nd Reading
March 5, 2008

! Estimates the funding and sources of funding needed to provide necessary and coordinated services to persons with autism spectrum disorders.

Specifies the duties of the commission. Specifies the membership of the autism commission.

Directs the autism commission to report to the governor and the general assembly with a final report in the fall of 2009. Allows the department of human services to solicit and accept gifts, grants, and donations from private or public sources to fund the commission's work.

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

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

4 **PART 4**

5 **AUTISM COMMISSION**

6 **26-1-401.** **Colorado autism commission - purpose - creation.**

7 (1) THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT THE COLORADO
8 AUTISM COMMISSION, REFERRED TO IN THIS PART 4 AS THE "COMMISSION".
9 THE PURPOSE OF THE COMMISSION SHALL BE TO STUDY AUTISM ISSUES
10 AND TO DEVELOP A TEN-YEAR STRATEGIC PLAN FOR THE STATE OF
11 COLORADO TO ADDRESS THE GROWING NUMBER OF INDIVIDUALS WITH
12 AUTISM IN COLORADO WHO NEED SERVICES FROM ONE OR MORE SYSTEMS.

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

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

19 (b) ONE MEMBER WHO IS A PARENT OF A CHILD WITH AUTISM;

20 (c) ONE MEMBER WHO IS A PARENT OF AN ADULT CHILD WITH
21 AUTISM;

- 1 (d) TWO MEMBERS WHO REPRESENT AUTISM OR DISABILITY
2 ADVOCACY ORGANIZATIONS;
- 3 (e) ONE MEMBER WHO REPRESENTS AUTISM SERVICE PROVIDERS;
- 4 (f) ONE MEMBER WHO IS A PHYSICIAN LICENSED IN COLORADO;
- 5 (g) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF
6 EDUCATION;
- 7 (h) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF PUBLIC
8 HEALTH AND ENVIRONMENT;
- 9 (i) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF HEALTH
10 CARE POLICY AND FINANCING;
- 11 (j) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF HUMAN
12 SERVICES;
- 13 (k) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF LABOR
14 AND EMPLOYMENT;
- 15 (l) ONE MEMBER WHO REPRESENTS THE DIVISION WITHIN THE
16 DEPARTMENT OF HUMAN SERVICES THAT GOVERNS SERVICES TO PERSONS
17 WITH DEVELOPMENTAL DISABILITIES;
- 18 (m) ONE MEMBER WHO REPRESENTS THE DIVISION WITHIN THE
19 DEPARTMENT OF HUMAN SERVICES THAT GOVERNS VOCATIONAL
20 REHABILITATION;
- 21 (n) ONE MEMBER WHO REPRESENTS THE DIVISION WITHIN THE
22 DEPARTMENT OF HUMAN SERVICES THAT GOVERNS MENTAL HEALTH;
- 23 (o) ONE MEMBER WHO REPRESENTS THE COLORADO COMMISSION
24 ON HIGHER EDUCATION;
- 25 (p) ONE MEMBER WHO REPRESENTS THE STATE COUNCIL ON
26 DEVELOPMENTAL DISABILITIES CREATED IN SECTION 27-10.5-203;
- 27 (q) ONE MEMBER WHO REPRESENTS THE CENTER SPECIALIZING IN

1 DEVELOPMENTAL DISABILITIES AT THE UNIVERSITY OF COLORADO SCHOOL
2 OF MEDICINE;

3 (r) ONE MEMBER WHO REPRESENTS A NONPROFIT LEGAL
4 ORGANIZATION FOR PEOPLE WITH DISABILITIES AND OLDER PEOPLE THAT
5 RECEIVES FUNDING THROUGH THE FEDERAL DEVELOPMENTAL DISABILITIES
6 ACT;

7 (s) ONE MEMBER WHO IS A SCHOOL DISTRICT REPRESENTATIVE
8 WITH EXPERTISE IN THE NEEDS OF CHILDREN WITH AUTISM IN THE PUBLIC
9 SCHOOLS;

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

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

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

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

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

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

27 (6) THE MEMBER WHO REPRESENTS THE DEPARTMENT OF HUMAN

1 SERVICES SHALL CONVENE THE FIRST MEETING OF THE COMMISSION NO
2 LATER THAN SEPTEMBER 8, 2008. THE COMMISSION SHALL MEET AT LEAST
3 SIX TIMES OVER THE FOLLOWING TWELVE MONTHS AND MORE OFTEN AS
4 THE COMMISSION DETERMINES IS NECESSARY AND FUNDING WILL ALLOW.

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

17 **26-1-402. Commission - duties.** (1) THE COMMISSION SHALL
18 EXAMINE AUTISM IN THIS STATE AND SHALL:

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

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

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

27 (d) EXAMINE ISSUES AFFECTING THE EFFICIENT DELIVERY AND

1 COORDINATION OF SERVICES FOR PEOPLE WITH AUTISM SPECTRUM
2 DISORDERS THAT THE COMMISSION DEEMS NECESSARY TO STUDY.

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

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

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

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

16 **26-1-403. Report.** (1) THE COMMISSION SHALL SUBMIT A FINAL
17 REPORT TO THE GOVERNOR AND TO THE GENERAL ASSEMBLY NO LATER
18 THAN OCTOBER 1, 2009. THE FINAL REPORT SHALL INCLUDE BUT NEED
19 NOT BE LIMITED TO:

20 (a) THE COMMISSION'S FINDINGS AND RECOMMENDATIONS,
21 INCLUDING CONSIDERATION OF EACH OF THE ISSUES DESCRIBED IN SECTION
22 26-1-402 (1);

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

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

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

7 **26-1-404. Commission funding - staff support.** (1) THE
8 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL
9 DESIGNATE A NONPROFIT ORGANIZATION AS THE CUSTODIAN OF FUNDS FOR
10 THE COMMISSION. THE ORGANIZATION IS AUTHORIZED TO RECEIVE AND
11 EXPEND ANY FUNDS NECESSARY FOR THE OPERATION OF THE COMMISSION.
12 THE ORGANIZATION SHALL PREPARE A BUDGET FOR THE OPERATION OF
13 THE COMMISSION. PRIOR TO THE EXPENDITURE OF ANY MONEYS
14 RECEIVED, THE ORGANIZATION SHALL TRANSMIT A COPY OF THE
15 OPERATING BUDGET TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
16 HUMAN SERVICES AND SHALL CERTIFY THAT THERE IS ADEQUATE FUNDING
17 AVAILABLE TO COVER THE EXPENSES IDENTIFIED IN THE OPERATING
18 BUDGET.

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

22 (3) ALL COSTS INCURRED BY THE COMMISSION IN CARRYING OUT
23 ITS STUDY AND REPORT INCLUDING, BUT NOT LIMITED TO, THE DIRECT OR
24 INDIRECT COSTS ASSOCIATED WITH THE DUTIES OF THE COMMISSION, THE
25 REIMBURSEMENT OF REASONABLE EXPENSES FOR THE MEMBERS OF THE
26 COMMISSION TO ATTEND MEETINGS, AND THE COSTS OF RESEARCH AND
27 ANALYSIS SHALL BE PAID BY CONTRIBUTIONS, GRANTS, SERVICES, AND

1 IN-KIND DONATIONS FROM PRIVATE SOURCES. _____

2 **26-1-405. Repeal of part.** THIS PART 4 IS REPEALED, EFFECTIVE
3 JULY 1, 2010.

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