



HOUSE OF REPRESENTATIVES
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
EIGHTH SPECIAL SESSION, 2008

PUBLIC LAW NO. 16-28
H. B. No. 16-135, HS1

AN ACT

To establish a Commonwealth Autism Commission to develop a state plan to guide services for individuals with autism spectrum disorders; and for other purposes.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Title. This Act may be cited as the "Commonwealth Autism Commission
2 Act of 2008."

3 Section 2. Findings and Purpose. The Legislature finds that autism is a
4 neurodevelopmental spectrum disorder of unknown etiology that may cause significant
5 cognitive and behavioral abnormalities, including restricted or repetitive behavior and
6 impairments in communication and social interaction. Autism is typically diagnosed during
7 the first three years of life, is four times more likely to occur in males than females, and
8 occurs throughout communities, including the Commonwealth, irrespective of race, ethnicity,
9 socioeconomic status, or other factors. Autism impacts not only individuals with autism, but
10 also their families, caregivers, educators, health care professionals, and the community as a
11 whole.

12 The Legislature further finds that autism is the fastest growing developmental
13 disability in the United States and the Commonwealth. The economic impact of autism in the
14 United States is more than \$90 billion annually and is expected to more than double in the
15 next decade. Experts estimate that two to six children out of every 1,000 will have autism. In
16 the Commonwealth, during the 2007-2008 school year, the Public School System had
17 enrolled 58 students with autism from ages 3-21.

1 The Legislature finds that a commISSION on autism is necessary to develop a
2 comprehensive plan for services for individuals of all ages with autism which include
3 providing state-of-the-art clinical services, increasing capacity for services through
4 professional development, increasing knowledge and awareness about autism in the
5 professional community and general public, and conducting research aimed at improving the
6 lives of individuals with autism and their families. The Commission would also recommend
7 draft legislation necessary to effectuate the comprehensive state plan. Accordingly, the
8 purpose of this legislation is to create a temporary commission on autism to develop a
9 comprehensive state plan for services for individuals with autism.

10 **Section 3. Commonwealth Commission on Autism.**

11 § 101. Establishment. The Commonwealth Commission on Autism IS hereby
12 established to study and investigate issues including, but not limited to, the early
13 identification and intervention of autism spectrum disorders (ASD). Further, the commission
14 shall identify gaps in programs, services, and funding related to the early identification of
15 ASD and provide recommendations to close the identified gaps and develop a comprehensive
16 state plan for services for individuals of all ages with autism.

17 § 102. Membership.

18 (a) The commission shall consist of fifteen (15) members as follows:

19 (1) The Chair of the Standing Committee on Health, Education, and
20 Welfare for the Commonwealth House of Representatives, or his designee;

21 (2) The Chair of the Standing Committee on Health, Education, and
22 Welfare for the Commonwealth Senate, or his designee;

23 (3) The Special Education Coordinator of the Public School System
24 (PSS), or another appropriate representative appointed by the PSS
25 Commissioner;

26 (4) The Director of the University Center for Excellence in
27 Developmental Disabilities at the Northern Marianas College (NMC), or
28 another appropriate representative appointed by the NMC President;

1 (5) One (1) representative from the Board of Pediatrics at the
2 Commonwealth Health Center, to be appointed by the Secretary of Public
3 Health;

4 (6) The Executive Director of the Council for Developmental
5 Disabilities (CDD), or another appropriate representative appointed by the
6 Council;

7 (7) The Executive Director of the Office for Vocational Rehabilitation
8 (OVR), or another appropriate representative appointed by the OVR Board;

9 (8) One (1) representative from the Family Court, to be appointed by
10 the Presiding Judge of the Superior Court;

11 (9) The Department of Public Safety Commissioner, or his designee;

12 (10) The Executive Director of the Northern Marianas Protection &
13 Advocacy System, Inc. (NMPASI), or another appropriate designee appointed
14 by the NMPASI Board;

15 (11) Two (2) representatives from the nonprofit and chartered Autism
16 Society of the CNMI, to be elected by the Autism Society members; and

17 (12) Three (3) individual stakeholders who are not members of the
18 Autism Society of the CNMI, who shall be jointly appointed by the Speaker of
19 the House and the President of the Senate, in consultation with the Executive
20 Director for the Council for Developmental Disabilities. Two (2) of these
21 individuals shall be a parent, relative, or other caregiver of an individual with
22 autism; one (1) of these individuals shall be a person over the age of 21 years
23 who has been diagnosed with autism.

24 (b) The Chair of the Commission shall be one of the Commission members
25 identified in § 102 (a)(11) and § 102(a)(12) of this Act, and shall be elected by a
26 majority of the Commission members present and voting. The Chair shall schedule
27 and preside over meetings of the Commission.

28 (c) The Commission may work in partnership with local and federal officials,
29 qualified health and education professionals, members of the business community,

1 and other private or public entities as appropriate, in order to fulfill its mandate to
2 develop a comprehensive plan for services for individuals with autism.

3 § 103. Quorum. Eight members shall constitute a quorum for the transaction of all
4 business of the Commission, and all matters shall be decided by a majority of those present
5 and voting, except that the concurrence of at least eight members shall be necessary for the
6 adoption of any report required to be transmitted pursuant to § 106. Voting by proxy shall
7 not be permitted.

8 § 104. Compensation. Members of the Commission shall serve without
9 compensation, but may be reimbursed for reasonable and necessary expenses incurred in the
10 performance of their duties. The Commission may prepare a proposed budget to the
11 Legislature for approval and funding to cover reimbursement for reasonable and necessary
12 expenses.

13 § 105. Removal and Vacancies. Persons appointed as members of the Commission
14 shall serve at the pleasure of their respective appointing authorities. Vacancies on the
15 Commission shall be filled in the same manner as the original appointment.

16 § 106. Duties. The Commission may adopt rules and operating procedures in order to
17 facilitate its work without regard to the provisions of 1 CMC Division 9, Chapter 1, the
18 Administrative Procedures Act. The Commission may also hold public hearings and solicit
19 written comments on its proposals, including proposed legislation, and is authorized to
20 inspect and acquire necessary data from agencies, departments, and other instrumentalities of
21 the government, in order to carry out its mandate to develop a comprehensive plan for
22 services for individuals with autism. In accordance with that mandate, the Commission shall
23 be charged with the following duties:

24 (a) To study the service delivery system for individuals with autism, including
25 the following:

26 (1) An analysis of the number of Commonwealth residents believed to
27 have autism;

28 (2) Types of autism-related services provided, and funding amounts
29 and sources for such services;

- 1 (3) The number of clients receiving autism-related services;
2 (4) Relationships among agencies and organizations in the provision of
3 autism-related services; and
4 (5) Residential options for individuals with autism.

5 (b) To study the effectiveness of services for individuals with autism, and the
6 need for any services not presently in existence.

7 (c) To oversee and develop a comprehensive plan for services for individuals
8 of all ages with autism.

9 (d) To submit a comprehensive plan for services for individuals of all ages
10 with autism to the Legislature, the Governor, and the agencies involved in the
11 interagency cooperation agreement listed in § 107 of this Act.

12 § 107. Interagency Cooperation Agreement. The comprehensive plan required by
13 this Act must include an interagency cooperation agreement among the following entities:

- 14 (a) Public School System;
15 (b) Department of Public Health, including the Commonwealth Health Center
16 and the Community Guidance Center;
17 (c) Department of Public Safety;
18 (d) Family Superior Court;
19 (e) Northern Marianas College;
20 (f) Council for Developmental Disabilities;
21 (g) Office of Vocational Rehabilitation;
22 (h) Division of Youth Services; and
23 (j) Any other appropriate agencies.

24 Agencies shall be required to participate in developing the comprehensive
25 plan and to comply with interagency cooperation agreement.

26 § 108. Tenure. The Commission is authorized to act up to eighteen (18) months after
27 the effective date of this Act, and shall cease to exist after submitting its comprehensive plan
28 for services for individuals with autism, including its final report, recommendations, and
29 proposed legislation, to the Legislature, the Governor, and all the agencies involved in the

1 interagency cooperation agreement stipulated in § 107 of this Act, on or before the eighteen
2 (18) month deadline.

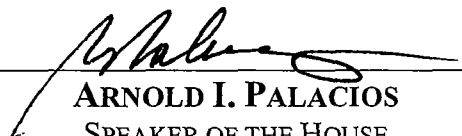
3 **Section 4. Severability.** If any provision of this Act or the application of any such
4 provision to any person or circumstance should be held invalid by a court of competent
5 jurisdiction, the remainder of this Act or the application of its provisions to persons or
6 circumstances other than those to which it is held invalid shall not be affected thereby.

7 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not be
8 construed as affecting any existing right acquired under contract or acquired under statutes
9 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
10 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
11 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
12 any liability, civil or criminal, which shall already be in existence on the date this Act
13 becomes effective.

14 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
15 Governor or becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:


ARNOLD I. PALACIOS
SPEAKER OF THE HOUSE


EVELYN C. FLEMING
HOUSE CLERK

Approved on this 18th day of February, 2009


~~BENIGNO R. FITIAL~~ TIMOTHY P. VILLAGOMEZ
ACTING GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS