



1 3. THE ESTABLISHMENT OF RECOMMENDATIONS FOR EMPLOYEE FITNESS PROGRAMS  
2 IN PUBLIC AGENCIES AND PRIVATE COMPANIES TO INCREASE WORKSITE HEALTH  
3 PROMOTION POLICIES;

4 4. COORDINATION WITH EDUCATIONAL AGENCIES AND ASSOCIATIONS TO DEVELOP  
5 SCHOOL HEALTH AND PHYSICAL EDUCATION PROGRAMS;

6 5. PARTNERING WITH LOCAL GOVERNMENT ENTITIES TO DEVELOP FITNESS  
7 PROGRAMS AND TO CREATE A FITNESS AWARENESS MONTH;

8 6. COORDINATION WITH CITIZENS, CIVIC GROUPS AND AMATEUR AND PROFES-  
9 SIONAL SPORTS ASSOCIATIONS TO PROMOTE AND IMPROVE FITNESS;

10 7. COORDINATION WITH THE NEW YORK STATE DEPARTMENTS OF EDUCATION,  
11 LABOR, HEALTH AND OFFICE OF CHILDREN AND FAMILY SERVICES REGARDING THE  
12 NEED FOR INCREASED PHYSICAL ACTIVITY;

13 8. THE CREATION OF PARTNERSHIPS WITH GOVERNMENT, PRIVATE ENTITIES AND  
14 NOT-FOR-PROFIT ORGANIZATIONS TO PROMOTE THE NEED FOR REGULAR PHYSICAL  
15 ACTIVITY THROUGH A SPECIALIZED MARKETING CAMPAIGN;

16 9. THE COLLECTION, MAINTENANCE AND ANALYSIS OF DATA AND STATISTICS IN  
17 ORDER TO DEVELOP A REPORT CARD TO BE PROVIDED TO THE GOVERNOR AND LEGIS-  
18 LATURE ON AN ANNUAL BASIS;

19 10. THE ESTABLISHMENT OF ANNUAL RECOMMENDATIONS TO THE GOVERNOR AND  
20 LEGISLATURE TO IMPROVE AWARENESS REGARDING PHYSICAL FITNESS AND TO  
21 DEVELOP PROGRAMS FOR SPECIALIZED GROUPS THAT SHALL INCLUDE, BUT ARE NOT  
22 LIMITED TO, THE FOLLOWING:

23 (A) HIGH RISK URBAN AND RURAL POPULATIONS;

24 (B) SENIORS;

25 (C) YOUTH; AND

26 (D) OTHER HIGH-RISK POPULATIONS;

27 11. THE CREATION AND ADMINISTRATION OF ANNUAL NEW YORK STATE GOVER-  
28 NOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH LEADERSHIP IN  
29 FITNESS AWARDS IN SEVERAL CATEGORIES THAT MAY INCLUDE, BUT ARE NOT  
30 LIMITED TO:

31 (A) CORPORATE LEADERSHIP;

32 (B) GOVERNMENT AGENCY LEADERSHIP;

33 (C) LEGISLATIVE LEADERSHIP;

34 (D) MEDIA LEADERSHIP;

35 (E) SENIOR LEADERSHIP;

36 (F) HEALTH CARE LEADERSHIP;

37 (G) SCHOOL DISTRICT OF THE YEAR; AND

38 (H) PHYSICAL EDUCATOR OF THE YEAR;

39 12. THE USE OF FUNDS, AS PROVIDED FOR BY THIS TITLE, TO DEVELOP AND  
40 ADMINISTER SPECIAL COMMUNITY-BASED PROGRAMS TO PROMOTE PHYSICAL FITNESS;  
41 AND

42 13. THE ADOPTION OF SUCH RULES FOR THE CONDUCT OF ITS BUSINESS AS IT  
43 DEEMS NECESSARY TO CARRY OUT THE RESPONSIBILITIES OF THIS TITLE.

44 S 267-B. MEMBERS AND MEETINGS. 1. THE COUNCIL SHALL CONSIST OF THE  
45 FOLLOWING MEMBERS:

46 (A) THE COMMISSIONER;

47 (B) THE COMMISSIONER OF THE DEPARTMENT OF LABOR;

48 (C) THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION;

49 (D) THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES;

50 (E) THE COMMISSIONER OF THE OFFICE OF PARKS, RECREATION AND HISTORIC  
51 PRESERVATION;

52 (F) A REPRESENTATIVE OF THE GOVERNOR TO BE APPOINTED BY THE GOVERNOR;

53 (G) A REPRESENTATIVE OR MEMBER OF THE SENATE TO BE APPOINTED BY THE  
54 TEMPORARY PRESIDENT OF THE SENATE;

55 (H) A REPRESENTATIVE OR MEMBER OF THE SENATE TO BE APPOINTED BY THE  
56 MINORITY LEADER OF THE SENATE;

1 (I) A REPRESENTATIVE OR MEMBER OF THE ASSEMBLY TO BE APPOINTED BY THE  
2 SPEAKER OF THE ASSEMBLY;

3 (J) A REPRESENTATIVE OR MEMBER OF THE ASSEMBLY TO BE APPOINTED BY THE  
4 ASSEMBLY MINORITY LEADER;

5 (K) THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK;

6 (L) A DEAN FROM A STATE UNIVERSITY OF NEW YORK TEACHING HOSPITAL TO BE  
7 APPOINTED BY THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK;

8 (M) A MEMBER OF THE NEW YORK STATE PHYSICAL ACTIVITY COALITION;

9 (N) A REPRESENTATIVE OF THE MEDICAL SOCIETY OF THE STATE OF NEW YORK;  
10 AND

11 (O) A REPRESENTATIVE OF THE NEW YORK STATE DIETETIC ASSOCIATION.

12 2. MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION, BUT SHALL  
13 BE ELIGIBLE FOR REIMBURSEMENT FOR EXPENSES INCLUDING, BUT NOT LIMITED TO  
14 TRAVEL, HOTEL AND MEAL EXPENSES TO BE APPROPRIATED FROM FUNDS PROVIDED  
15 FOR IN SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW. STAFF MEMBERS TO  
16 THE COUNCIL SHALL BE EMPLOYEES OF THE DEPARTMENT, SHALL INCLUDE AN EXEC-  
17 UTIVE DIRECTOR AND OTHER ADMINISTRATIVE AND SUPPORT STAFF AS DETERMINED  
18 BY THE COUNCIL, SHALL RECEIVE SALARIES TO BE ESTABLISHED BY THE COUNCIL  
19 AND THE COMMISSIONER.

20 3. THE COUNCIL SHALL HAVE QUARTERLY MEETINGS TO BE SCHEDULED BY THE  
21 COUNCIL IN JANUARY, APRIL, JULY AND OCTOBER. AT THE CALL OF THE COUN-  
22 CIL'S EXECUTIVE DIRECTOR, A SPECIAL MEETING CAN BE HELD PROVIDED TWO  
23 WEEKS NOTICE IS GIVEN TO THE MEMBERS OF THE COUNCIL.

24 4. EACH JANUARY, THE COUNCIL SHALL PROVIDE AN ANNUAL REPORT TO THE  
25 GOVERNOR AND LEGISLATURE WHICH SHALL INCLUDE A FINANCIAL DISCLOSURE OF  
26 THE COUNCIL'S PRIOR YEAR'S BUDGET, AN UPDATE ON THE COUNCIL'S PROGRAMS,  
27 INFORMATION ON THE IMPLEMENTATION OF THE COUNCIL'S POLICIES AND ITS  
28 RECOMMENDATIONS AS PROVIDED FOR IN SUBDIVISIONS THREE AND TEN OF SECTION  
29 TWO HUNDRED SIXTY-SEVEN-A OF THIS TITLE. SUCH REPORT MAY ALSO INCLUDE  
30 PROPOSED LEGISLATION AND FUNDING REQUESTS FOR THE COUNCIL.

31 S 2. The state finance law is amended by adding a new section 95-h to  
32 read as follows:

33 S 95-H. NEW YORK STATE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS  
34 AND HEALTH FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF  
35 THE STATE COMPTROLLER AND COMMISSIONER OF HEALTH A SPECIAL FUND TO BE  
36 KNOWN AS THE "NEW YORK STATE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS,  
37 SPORTS AND HEALTH FUND".

38 2. SUCH FUND SHALL CONSIST OF ALL MONIES APPROPRIATED FOR THE PURPOSE  
39 OF SUCH FUND AND ANY GRANT, GIFT OR BEQUEST MADE TO THE NEW YORK STATE  
40 GOVERNOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH.

41 3. MONIES OF THE FUND SHALL BE AVAILABLE TO THE NEW YORK STATE GOVER-  
42 NOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH FOR THE FOLLOWING  
43 PURPOSES:

44 (A) OPERATIONAL EXPENSES OF THE COUNCIL, WHICH SHALL INCLUDE, BUT ARE  
45 NOT LIMITED TO, THE FOLLOWING:

46 (I) THE CREATION OF A COUNCIL WEBSITE;

47 (II) THE CREATION AND DISSEMINATION OF A COUNCIL BROCHURE;

48 (III) THE CREATION AND DISSEMINATION OF A COUNCIL NEWSLETTER;

49 (IV) EXPENSES FOR SUPPORT STAFF EMPLOYED BY THE DEPARTMENT OF HEALTH.  
50 THE SALARIES AND OTHER EXPENSES FOR SUCH SUPPORT STAFF SHALL BE DETER-  
51 MINED BY THE COUNCIL AND THE COMMISSIONER OF HEALTH; AND

52 (V) COSTS ASSOCIATED WITH REIMBURSING THE COUNCIL MEMBERS FOR VARIOUS  
53 EXPENSES AS PROVIDED FOR IN TITLE SIX OF ARTICLE TWO OF THE PUBLIC  
54 HEALTH LAW;

55 (B) THE DEVELOPMENT AND ADMINISTRATION OF SPECIAL COMMUNITY-BASED  
56 PROGRAMS TO PROMOTE PHYSICAL FITNESS;

1 (C) THE CREATION AND IMPLEMENTATION OF A GRANT PROGRAM TO PROVIDE  
2 INCENTIVES TO EMPLOYERS WHO PROMOTE PHYSICAL ACTIVITY AND PHYSICAL  
3 FITNESS; AND

4 (D) THE COSTS OF ANY AND ALL OTHER PROGRAMS PROVIDED FOR OR AUTHORIZED  
5 UNDER TITLE FIVE OF ARTICLE TWO OF THE PUBLIC HEALTH LAW AS ADDED BY  
6 CHAPTER FIVE HUNDRED THIRTY-EIGHT OF THE LAWS OF TWO THOUSAND TWO.

7 4. THE MONIES OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT  
8 OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER  
9 OF HEALTH, OR BY AN OFFICER OR EMPLOYEE OF THE DEPARTMENT OF HEALTH  
10 DESIGNATED BY SUCH COMMISSIONER.

11 S 3. This act shall take effect on the one hundred twentieth day after  
12 it shall have become a law, provided however, that effective immediate-  
13 ly, the addition, amendment and/or repeal of any rules or regulations  
14 necessary for the implementation of the foregoing sections of this act  
15 on its effective date is authorized and directed to be made and  
16 completed on or before such effective date.