S T A T E O F N E W Y O R K

2621

2009-2010 Regular Sessions

I N S E N A T E

February 25, 2009

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the state finance law, in relation to creating the New York state governor's council on physical fitness, sports and health

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Article 2 of the public health law is amended by adding a new title 6 to read as follows:

TITLE 6

NEW YORK STATE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH

SECTION 267. NEW YORK STATE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH.

267-A. POWERS, FUNCTIONS AND DUTIES.

267-B. MEMBERS AND MEETINGS.

S 267. NEW YORK STATE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH. THERE IS HEREBY CREATED WITHIN THE DEPARTMENT, THE NEW YORK STATE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH (HEREAFTER "COUNCIL"). THE COUNCIL SHALL BE REGULATED BY THE DEPARTMENT, AND SUPPORT STAFF OF THE COUNCIL, AS PROVIDED BY THIS TITLE, SHALL BE EMPLOYEES OF THE DEPARTMENT.

S 267-A. POWERS, FUNCTIONS AND DUTIES. THE POWERS, FUNCTIONS AND DUTIES OF THE COUNCIL SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

1. THE COLLECTION AND DISSEMINATION OF PERTINENT FITNESS INFORMATION THROUGH PUBLIC SERVICE ADVERTISEMENTS, WEBSITE, BROCHURES AND NEWSLETTERS;

2. THE SPONSORING OF FITNESS WORKSHOPS, CLINICS, CONFERENCES, AND OTHER SPECIAL ACTIVITIES THAT PROMOTE HEALTH, PHYSICAL FITNESS AND SPORTS DEVELOPMENT, INCLUDING AN ANNUAL STATEWIDE CONFERENCE ON FITNESS;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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

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

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

6. COORDINATION WITH CITIZENS, CIVIC GROUPS AND AMATEUR AND PROFESSIONAL SPORTS ASSOCIATIONS TO PROMOTE AND IMPROVE FITNESS;

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

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

9. THE COLLECTION, MAINTENANCE AND ANALYSIS OF DATA AND STATISTICS IN ORDER TO DEVELOP A REPORT CARD TO BE PROVIDED TO THE GOVERNOR AND LEGISLATURE ON AN ANNUAL BASIS;

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

(A) HIGH RISK URBAN AND RURAL POPULATIONS;

(B) SENIORS;

(C) YOUTH; AND

(D) OTHER HIGH-RISK POPULATIONS;

11. THE CREATION AND ADMINISTRATION OF ANNUAL NEW YORK STATE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH LEADERSHIP IN FITNESS AWARDS IN SEVERAL CATEGORIES THAT MAY INCLUDE, BUT ARE NOT LIMITED TO:

(A) CORPORATE LEADERSHIP;

(B) GOVERNMENT AGENCY LEADERSHIP;

(C) LEGISLATIVE LEADERSHIP;

(D) MEDIA LEADERSHIP;

(E) SENIOR LEADERSHIP;

(F) HEALTH CARE LEADERSHIP;

(G) SCHOOL DISTRICT OF THE YEAR; AND

(H) PHYSICAL EDUCATOR OF THE YEAR;

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

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

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

(A) THE COMMISSIONER;

(B) THE COMMISSIONER OF THE DEPARTMENT OF LABOR;

(C) THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION;

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

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

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

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

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

(I) A REPRESENTATIVE OR MEMBER OF THE ASSEMBLY TO BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;
(J) A REPRESENTATIVE OR MEMBER OF THE ASSEMBLY TO BE APPOINTED BY THE ASSEMBLY MINORITY LEADER;
(K) THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK;
(L) A DEAN FROM A STATE UNIVERSITY OF NEW YORK TEACHING HOSPITAL TO BE APPOINTED BY THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK;
(M) A MEMBER OF THE NEW YORK STATE PHYSICAL ACTIVITY COALITION;
(N) A REPRESENTATIVE OF THE MEDICAL SOCIETY OF THE STATE OF NEW YORK; AND
(O) A REPRESENTATIVE OF THE NEW YORK STATE DIETETIC ASSOCIATION.
2. MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION, BUT SHALL BE ELIGIBLE FOR REIMBURSEMENT FOR EXPENSES INCLUDING, BUT NOT LIMITED TO TRAVEL, HOTEL AND MEAL EXPENSES TO BE APPROPRIATED FROM FUNDS PROVIDED FOR IN SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW. STAFF MEMBERS TO THE COUNCIL SHALL BE EMPLOYEES OF THE DEPARTMENT, SHALL INCLUDE AN EXECUTIVE DIRECTOR AND OTHER ADMINISTRATIVE AND SUPPORT STAFF AS DETERMINED BY THE COUNCIL, SHALL RECEIVE SALARIES TO BE ESTABLISHED BY THE COUNCIL AND THE COMMISSIONER.
3. THE COUNCIL SHALL HAVE QUARTERLY MEETINGS TO BE SCHEDULED BY THE COUNCIL IN JANUARY, APRIL, JULY AND OCTOBER. AT THE CALL OF THE COUNCIL'S EXECUTIVE DIRECTOR, A SPECIAL MEETING CAN BE HELD PROVIDED TWO WEEKS NOTICE IS GIVEN TO THE MEMBERS OF THE COUNCIL.
4. EACH JANUARY, THE COUNCIL SHALL PROVIDE AN ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE WHICH SHALL INCLUDE A FINANCIAL DISCLOSURE OF THE COUNCIL'S PRIOR YEAR'S BUDGET, AN UPDATE ON THE COUNCIL'S PROGRAMS, INFORMATION ON THE IMPLEMENTATION OF THE COUNCIL'S POLICIES AND ITS RECOMMENDATIONS AS PROVIDED FOR IN SUBDIVISIONS THREE AND TEN OF SECTION TWO HUNDRED SIXTY-SEVEN-A OF THIS TITLE. SUCH REPORT MAY ALSO INCLUDE PROPOSED LEGISLATION AND FUNDING REQUESTS FOR THE COUNCIL.
S 2. The state finance law is amended by adding a new section 95-h to read as follows:
S 95-H. NEW YORK STATE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND COMMISSIONER OF HEALTH A SPECIAL FUND TO BE KNOWN AS THE "NEW YORK STATE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH FUND".
2. SUCH FUND SHALL CONSIST OF ALL MONIES APPROPRIATED FOR THE PURPOSE OF SUCH FUND AND ANY GRANT, GIFT OR BEQUEST MADE TO THE NEW YORK STATE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH.
3. MONIES OF THE FUND SHALL BE AVAILABLE TO THE NEW YORK STATE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH FOR THE FOLLOWING PURPOSES:
(A) OPERATIONAL EXPENSES OF THE COUNCIL, WHICH SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:
(I) THE CREATION OF A COUNCIL WEBSITE;
(II) THE CREATION AND DISSEMINATION OF A COUNCIL BROCHURE;
(III) THE CREATION AND DISSEMINATION OF A COUNCIL NEWSLETTER;
(IV) EXPENSES FOR SUPPORT STAFF EMPLOYED BY THE DEPARTMENT OF HEALTH. THE SALARIES AND OTHER EXPENSES FOR SUCH SUPPORT STAFF SHALL BE DETERMINED BY THE COUNCIL AND THE COMMISSIONER OF HEALTH; AND
(V) COSTS ASSOCIATED WITH REIMBURSING THE COUNCIL MEMBERS FOR VARIOUS EXPENSES AS PROVIDED FOR IN TITLE SIX OF ARTICLE TWO OF THE PUBLIC HEALTH LAW;
(B) THE DEVELOPMENT AND ADMINISTRATION OF SPECIAL COMMUNITY-BASED PROGRAMS TO PROMOTE PHYSICAL FITNESS;

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

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

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

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