



1 SPORTS DEVELOPMENT, INCLUDING AN ANNUAL STATEWIDE CONFERENCE ON FITNESS,  
2 HEALTH AND WELLNESS;  
3 3. THE ESTABLISHMENT OF RECOMMENDATIONS FOR EMPLOYEE FITNESS PROGRAMS  
4 IN PUBLIC AGENCIES AND PRIVATE COMPANIES TO INCREASE WORKSITE HEALTH  
5 PROMOTION POLICIES;  
6 4. COORDINATION WITH EDUCATIONAL AGENCIES AND ASSOCIATIONS TO DEVELOP  
7 SCHOOL HEALTH AND PHYSICAL EDUCATION AND ACTIVITY PROGRAMS;  
8 5. PARTNERING WITH LOCAL GOVERNMENT ENTITIES TO DEVELOP FITNESS  
9 PROGRAMS AND TO CREATE A FITNESS AWARENESS MONTH;  
10 6. COORDINATION WITH CITIZENS, CIVIC GROUPS AND AMATEUR AND PROFES-  
11 SIONAL SPORTS ASSOCIATIONS TO PROMOTE AND IMPROVE FITNESS;  
12 7. COORDINATION WITH THE NEW YORK STATE DEPARTMENTS OF EDUCATION,  
13 LABOR, HEALTH AND OFFICE OF CHILDREN AND FAMILY SERVICES REGARDING THE  
14 NEED FOR INCREASED PHYSICAL ACTIVITY;  
15 8. THE CREATION OF PARTNERSHIPS WITH GOVERNMENT, PRIVATE ENTITIES AND  
16 NOT-FOR-PROFIT ORGANIZATIONS TO PROMOTE THE NEED FOR REGULAR PHYSICAL  
17 ACTIVITY THROUGH A SPECIALIZED MARKETING CAMPAIGN;  
18 9. THE COLLECTION, MAINTENANCE AND ANALYSIS OF DATA AND STATISTICS IN  
19 ORDER TO DEVELOP A REPORT CARD TO BE PROVIDED TO THE GOVERNOR AND LEGIS-  
20 LATURE ON AN ANNUAL BASIS;  
21 10. THE ESTABLISHMENT OF ANNUAL RECOMMENDATIONS TO THE GOVERNOR AND  
22 LEGISLATURE TO IMPROVE AWARENESS REGARDING PHYSICAL FITNESS AND TO  
23 DEVELOP PROGRAMS FOR SPECIALIZED GROUPS THAT SHALL INCLUDE, BUT ARE NOT  
24 LIMITED TO, THE FOLLOWING:  
25 (A) HIGH RISK URBAN AND RURAL POPULATIONS;  
26 (B) SENIORS;  
27 (C) YOUTH; AND  
28 (D) OTHER HIGH-RISK POPULATIONS;  
29 11. THE CREATION AND ADMINISTRATION OF ANNUAL NEW YORK STATE GOVER-  
30 NOR'S COUNCIL ON PHYSICAL FITNESS, SPORTS AND HEALTH LEADERSHIP IN  
31 FITNESS AWARDS IN SEVERAL CATEGORIES THAT MAY INCLUDE, BUT ARE NOT  
32 LIMITED TO:  
33 (A) CORPORATE LEADERSHIP;  
34 (B) GOVERNMENT AGENCY LEADERSHIP;  
35 (C) LEGISLATIVE LEADERSHIP;  
36 (D) MEDIA LEADERSHIP;  
37 (E) SENIOR LEADERSHIP;  
38 (F) HEALTH CARE LEADERSHIP;  
39 (G) SCHOOL DISTRICT OF THE YEAR; AND  
40 (H) PHYSICAL EDUCATOR OF THE YEAR;  
41 12. THE USE OF FUNDS, AS PROVIDED FOR BY THIS TITLE, TO DEVELOP AND  
42 ADMINISTER SPECIAL COMMUNITY-BASED PROGRAMS TO PROMOTE PHYSICAL FITNESS;  
43 AND  
44 13. THE ADOPTION OF SUCH RULES FOR THE CONDUCT OF ITS BUSINESS AS IT  
45 DEEMS NECESSARY TO CARRY OUT THE RESPONSIBILITIES OF THIS TITLE.  
46 S 267-B. MEMBERS AND MEETINGS. 1. THE COUNCIL SHALL CONSIST OF THE  
47 FOLLOWING MEMBERS:  
48 (A) THE COMMISSIONER;  
49 (B) THE COMMISSIONER OF THE DEPARTMENT OF LABOR;  
50 (C) THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION;  
51 (D) THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES;  
52 (E) THE COMMISSIONER OF THE OFFICE OF PARKS, RECREATION AND HISTORIC  
53 PRESERVATION;  
54 (F) A REPRESENTATIVE OF THE GOVERNOR TO BE APPOINTED BY THE GOVERNOR;  
55 (G) A REPRESENTATIVE OR MEMBER OF THE SENATE TO BE APPOINTED BY THE  
56 TEMPORARY PRESIDENT OF THE SENATE;

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

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

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

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

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

10 (M) A MEMBER OF THE AMERICAN HEART ASSOCIATION;

11 (N) A REPRESENTATIVE OF THE MEDICAL SOCIETY OF THE STATE OF NEW YORK;

12 (O) A REPRESENTATIVE OF THE NEW YORK STATE DIETETIC ASSOCIATION; AND

13 (P) A MEMBER OF THE AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP).

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

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

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

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

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

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

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

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

48 (I) THE CREATION OF A COUNCIL WEBSITE;

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

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

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

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

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

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

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

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

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