

SENATE BILL NO. 7—SENATOR WIENER

PREFILED NOVEMBER 24, 2008

Referred to Committee on Health and Education

SUMMARY—Makes various changes to the Advisory Council on the State Program for Fitness and Wellness. (BDR 40-23)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; making various changes relating to the Advisory Council on the State Program for Fitness and Wellness; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, within the limits of available money, the Health Division of the Department of Health and Human Services shall establish the Advisory Council on the State Program for Fitness and Wellness to increase public knowledge, to raise public awareness and to educate the residents of this State on matters relating to physical fitness and wellness. (NRS 439.517, 439.518) **Section 1** of this bill increases the number of voting members of the Advisory Council from 7 to 11 members and authorizes the appointment of additional nonvoting members.

Existing law requires the State Health Officer or his designee to serve as the Chairman of the Advisory Council. **Section 2** of this bill provides instead that a majority of the voting members of the Advisory Council must select a Chairman and a Vice Chairman of the Advisory Council. **Section 2** further authorizes a majority of the voting members of the Advisory Council to appoint committees and subcommittees to study issues relating to physical fitness and wellness and provides for the removal of nonlegislative members. (NRS 439.519)

Existing law authorizes the Health Division to contract with public or private entities to provide services necessary to carry out the State Program for Fitness and Wellness. **Section 3** of this bill authorizes the Health Division to award grants for the same purpose.

Existing law requires the Health Division, on or before January 1 of each year, to prepare and submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature summarizing the findings and recommendations of the Advisory Council and the status of the State Program for Fitness and Wellness. (NRS 439.524) **Section 4** of this bill requires the Health Division to prepare and submit the report on or before February 1 of each year.



Section 5 of this bill revises an appropriation made by the 2007 Legislature to clarify that the money must be accounted for in the nonreverting account created by statute to pay the operational costs of the Advisory Council.

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

Section 1. NRS 439.518 is hereby amended to read as follows:
439.518 1. Within the limits of available money, the Health Division shall establish the Advisory Council on the State Program for Fitness and Wellness to advise and make recommendations to the Health Division concerning the Program.

2. The Administrator shall appoint to the Advisory Council the following ~~seven~~ **nine voting** members:

- (a) The State Health Officer or his designee;
- (b) The Superintendent of Public Instruction or his designee;
- (c) One representative of the health insurance industry;
- (d) One provider of health care;
- (e) One representative of the Nevada Association for Health, Physical Education, Recreation and Dance or its successor organization;

(f) One representative of an organization committed to the prevention of chronic diseases; ~~and~~

(g) One registered dietician ~~and~~;

(h) One representative who is a member of a racial or ethnic minority group appointed from a list of persons submitted to the Administrator by the Advisory Committee of the Office of Minority Health of the Department; and

(i) One representative of private employers in this State who has experience in matters relating to employment and human resources.

3. The Legislative Commission shall appoint to the Advisory Council the following two voting members:

(a) One member of the Senate; and

(b) One member of the Assembly.

4. A majority of the voting members of the Advisory Council may appoint nonvoting members to the Advisory Council.

Sec. 2. NRS 439.519 is hereby amended to read as follows:

439.519 1. The members of the Advisory Council serve terms of 2 years. A member may be reappointed.

2. ~~The State Health Officer or his designee shall serve as the~~
A majority of the voting members of the Advisory Council shall select a Chairman and a Vice Chairman of the Advisory Council.

3. ***A majority of the voting members of the Advisory Council may:***



1 (a) *Appoint committees or subcommittees to study issues*
2 *relating to physical fitness and wellness.*

3 (b) *Remove a nonlegislative member of the Advisory Council*
4 *for failing to carry out the business of, or serve the best interests*
5 *of, the Advisory Council.*

6 4. The Health Division shall, within the limits of available
7 money, provide the necessary professional staff and a secretary for
8 the Advisory Council.

9 ~~[4.]~~ 5. A majority of the *voting* members of the Advisory
10 Council constitutes a quorum to transact all business, and a majority
11 of those *voting members* present, physically or via
12 telecommunications, must concur in any decision.

13 ~~[5.]~~ 6. The Advisory Council shall, within the limits of
14 available money, meet at the call of the Administrator, the Chairman
15 or a majority of the *voting* members of the Advisory Council
16 quarterly or as is necessary.

17 ~~[6.]~~ 7. The members of the Advisory Council serve without
18 compensation, except that each member is entitled, while engaged in
19 the business of the Advisory Council and within the limits of
20 available money, to the per diem allowance and travel expenses
21 provided for state officers and employees generally.

22 **Sec. 3.** NRS 439.523 is hereby amended to read as follows:

23 439.523 The Health Division may, within the limits of
24 available money, enter into contracts with *or award grants to* public
25 or private entities that have the appropriate expertise to provide any
26 services necessary to carry out or assist the Health Division in
27 carrying out the provisions of NRS 439.514 to 439.525, inclusive.

28 **Sec. 4.** NRS 439.524 is hereby amended to read as follows:

29 439.524 The Health Division shall, on or before ~~[January]~~
30 *February* 1 of each year, prepare and submit a report to the
31 Governor and to the Director of the Legislative Counsel Bureau for
32 transmittal to the Legislature summarizing:

33 1. The findings and recommendations of the Advisory Council;
34 and

35 2. The status of the Program.

36 **Sec. 5.** Section 35 of chapter 345, Statutes of Nevada 2007, at
37 page 1617, is hereby amended to read as follows:

38 Sec. 35. ~~[1.]~~ There is hereby appropriated from the
39 State General Fund to the account for the Advisory Council
40 on the State Program for Fitness and Wellness, created
41 pursuant to ~~[Senate Bill No. 197 of the 73rd Session of the~~
42 ~~Nevada Legislature, the sum of \$100,000 for the operational~~
43 ~~costs of the Council.~~

44 ~~—2.— Any remaining balance of the appropriation made by~~
45 ~~subsection 1 must not be committed for expenditure after~~



~~June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.] NRS 439.525, the sum of \$100,000 for the operational costs of the Council.~~

Sec. 6. Notwithstanding the provisions of subsection 1 of NRS 439.519, the members of the Advisory Council on the State Program for Fitness and Wellness appointed pursuant to:

1. The provisions of paragraphs (h) and (i) of subsection 2 of NRS 439.518, as amended by section 1 of this act, must be appointed to initial terms of 4 years.

2. The provisions of paragraphs (a) and (b) of subsection 3 of NRS 439.518, as amended by section 1 of this act, must be appointed to initial terms of 2 years.

Sec. 7. This act becomes effective upon passage and approval.

