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SENATE BILL NO. 466—COMMITTEE ON FINANCE

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

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Referred to Committee on Finance

SUMMARY—Transfers authority over programs of nutrition from the Department of Education to the Director of the State Department of Agriculture. (BDR 34-1146)

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.

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AN ACT relating to programs of nutrition; transferring authority over programs of nutrition from the Department of Education to the Director of the State Department of Agriculture; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, the Department of Education administers certain programs  
2 which provide food or nutritional education and assistance to persons in this State.  
3 (NRS 385.109, 387.070-387.105) This bill transfers authority over such programs  
4 from the Department of Education to the Director of the State Department of  
5 Agriculture.

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

1 **Section 1.** NRS 385.109 is hereby amended to read as follows:  
2 385.109 The ~~{State Board}~~ *Director of the State Department*  
3 *of Agriculture* shall:  
4 1. Cooperate with the Aging and Disability Services Division  
5 of the Department of Health and Human Services in the planning of  
6 programs whereby the school districts may prepare hot lunches for  
7 persons 60 years of age or older and their spouses or any group of



1 such persons by utilizing the systems and procedures already  
2 developed for use in the operation of school lunch programs; and

3 2. Adopt regulations containing guidelines for boards of  
4 trustees of school districts entering into such agreements.

5 **Sec. 2.** Chapter 387 of NRS is hereby amended by adding  
6 thereto the provisions set forth as sections 3, 4 and 5 of this act.

7 **Sec. 3.** *As used in NRS 387.070 to 387.105, inclusive, and*  
8 *sections 3, 4 and 5 of this act, unless the context otherwise*  
9 *requires, the words and terms defined in NRS 387.070 and section*  
10 *4 of this act have the meanings ascribed to them in those sections.*

11 **Sec. 4.** *“Director” means the Director of the State*  
12 *Department of Agriculture.*

13 **Sec. 5.** *The Director shall apportion, on or before August 1*  
14 *of each year, the money designated as the “Nutrition State Match”*  
15 *pursuant to NRS 387.105 to those school districts that participate*  
16 *in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq.*  
17 *The apportionment to a school district must be directly related*  
18 *to the district’s reimbursements for the Program as compared with*  
19 *the total amount of reimbursements for all school districts in this*  
20 *State that participate in the Program.*

21 **Sec. 6.** NRS 387.070 is hereby amended to read as follows:  
22 387.070 ~~{As used in NRS 387.070 to 387.105, inclusive,~~  
23 ~~“program”~~ **“Program** of nutrition” means a program under which  
24 food is served to or nutritional education and assistance are provided  
25 for children and adults by any public school, private school or  
26 public or private institution on a nonprofit basis, including any such  
27 program for which assistance may be made available out of money  
28 appropriated by the Congress of the United States. The term  
29 includes, but is not limited to, a school lunch program.

30 **Sec. 7.** NRS 387.075 is hereby amended to read as follows:

31 387.075 1. The ~~{State Board of Education}~~ **Director** may  
32 accept and adopt regulations or establish policies for the  
33 disbursement of money appropriated by any Act of Congress and  
34 apportioned to the State of Nevada for use in connection with  
35 programs of nutrition.

36 2. The ~~{Superintendent of Public Instruction}~~ **Director** shall  
37 deposit with the State Treasurer all money received from the Federal  
38 Government or from other sources for programs of nutrition.

39 **Sec. 8.** NRS 387.080 is hereby amended to read as follows:

40 387.080 1. The ~~{State Board}~~ **Director** may enter into  
41 agreements with any agency of the Federal Government, *the*  
42 *Department, the State Board,* any board of trustees of a school  
43 district, any governing body of a charter school or any other entity  
44 or person. The ~~{State Board}~~ **Director** may establish policies and  
45 prescribe regulations, authorize the employment of such personnel



1 and take such other action as it considers necessary to provide for  
2 the establishment, maintenance, operation and expansion of any  
3 program of nutrition operated by a school district or of any other  
4 such program for which state or federal assistance is provided.

5 2. The State Treasurer shall disburse federal, state and other  
6 money designated for a program of nutrition on warrants of the State  
7 Controller issued upon the order of the ~~{Superintendent of Public~~  
8 ~~Instruction}~~ *Director* pursuant to regulations or policies of the State  
9 ~~{Board}~~ *Department of Agriculture.*

10 3. The ~~{Superintendent of Public Instruction}~~ *Director* may:

11 (a) Give technical advice and assistance to any person or entity  
12 in connection with the establishment and operation of any program  
13 of nutrition.

14 (b) Assist in training personnel engaged in the operation of any  
15 program of nutrition.

16 **Sec. 9.** NRS 387.090 is hereby amended to read as follows:

17 387.090 The board of trustees of each school district and the  
18 governing body of each charter school may:

19 1. Operate or provide for the operation of programs of nutrition  
20 in the public schools under their jurisdiction.

21 2. Use therefor money disbursed to them pursuant to the  
22 provisions of NRS 387.070 to 387.105, inclusive, *and sections 3, 4*  
23 *and 5 of this act*, gifts, donations and other money received from  
24 the sale of food under those programs.

25 3. Deposit the money in one or more accounts in one or more  
26 banks or credit unions within the State.

27 4. Contract with respect to food, services, supplies, equipment  
28 and facilities for the operation of the programs.

29 **Sec. 10.** NRS 387.100 is hereby amended to read as follows:

30 387.100 The ~~{State Board of Education}~~ *Director* may, to the  
31 extent that money is available for that purpose, and in cooperation  
32 with other appropriate agencies and organizations:

33 1. Conduct studies of methods of improving and expanding  
34 programs of nutrition and promoting nutritional education in the  
35 public schools.

36 2. Conduct appraisals of the nutritive benefits of programs of  
37 nutrition.

38 **Sec. 11.** NRS 387.105 is hereby amended to read as follows:

39 387.105 1. To enable the ~~{State Board}~~ *Director* to provide  
40 for the establishment, maintenance, operation and expansion of  
41 programs of nutrition, money must be provided by legislative  
42 appropriation from the General Fund as a budgeted part of the  
43 appropriation for the support of the *State Department of Agriculture*  
44 and must be paid out on claims as other claims against the State are  
45 paid.



1 2. In addition to the amounts provided pursuant to subsection  
2 1, money must be provided by legislative appropriation in an  
3 amount that satisfies the amount required as a matching grant from  
4 this State for participation in the National School Lunch Program,  
5 42 U.S.C. §§ 1751 et seq., which must be designated as the  
6 “Nutrition State Match.” ~~¶For those school districts that participate~~  
7 ~~in the National School Lunch Program, the amount appropriated~~  
8 ~~must be a reduction in the total amount of basic support calculated~~  
9 ~~for those school districts pursuant to NRS 387.1233 and must be~~  
10 ~~distributed in accordance with NRS 387.124.¶~~ Each school district  
11 receiving money that is designated as a “Nutrition State Match”  
12 shall verify that the money is used to support the National School  
13 Lunch Program in the public schools located within the school  
14 district.

15 **Sec. 12.** NRS 387.124 is hereby amended to read as follows:  
16 387.124 Except as otherwise provided in this section and  
17 NRS 387.528:

18 1. On or before August 1, November 1, February 1 and May 1  
19 of each year, the Superintendent of Public Instruction shall  
20 apportion the State Distributive School Account in the State General  
21 Fund among the several county school districts, charter schools and  
22 university schools for profoundly gifted pupils in amounts  
23 approximating one-fourth of their respective yearly apportionments  
24 less any amount set aside as a reserve. Except as otherwise provided  
25 in NRS 387.1244, the apportionment to a school district, computed  
26 on a yearly basis, equals the difference between the basic support  
27 and the local funds available pursuant to NRS 387.1235, minus all  
28 the funds attributable to pupils who reside in the county but attend a  
29 charter school, all the funds attributable to pupils who reside in the  
30 county and are enrolled full-time or part-time in a program of  
31 distance education provided by another school district or a charter  
32 school and all the funds attributable to pupils who are enrolled in a  
33 university school for profoundly gifted pupils located in the county.  
34 No apportionment may be made to a school district if the amount of  
35 the local funds exceeds the amount of basic support.

36 2. Except as otherwise provided in subsection 3 and NRS  
37 387.1244, the apportionment to a charter school, computed on a  
38 yearly basis, is equal to the sum of the basic support per pupil in the  
39 county in which the pupil resides plus the amount of local funds  
40 available per pupil pursuant to NRS 387.1235 and all other funds  
41 available for public schools in the county in which the pupil resides  
42 minus the sponsorship fee prescribed by NRS 386.570 and minus all  
43 the funds attributable to pupils who are enrolled in the charter  
44 school but are concurrently enrolled part-time in a program of  
45 distance education provided by a school district or another charter



1 school. If the apportionment per pupil to a charter school is more  
2 than the amount to be apportioned to the school district in which a  
3 pupil who is enrolled in the charter school resides, the school district  
4 in which the pupil resides shall pay the difference directly to the  
5 charter school.

6 3. Except as otherwise provided in NRS 387.1244, the  
7 apportionment to a charter school that is sponsored by the State  
8 Public Charter School Authority or by a college or university within  
9 the Nevada System of Higher Education, computed on a yearly  
10 basis, is equal to the sum of the basic support per pupil in the county  
11 in which the pupil resides plus the amount of local funds available  
12 per pupil pursuant to NRS 387.1235 and all other funds available for  
13 public schools in the county in which the pupil resides, minus the  
14 sponsorship fee prescribed by NRS 386.570 and minus all funds  
15 attributable to pupils who are enrolled in the charter school but are  
16 concurrently enrolled part-time in a program of distance education  
17 provided by a school district or another charter school.

18 4. Except as otherwise provided in NRS 387.1244, in addition  
19 to the apportionments made pursuant to this section, an  
20 apportionment must be made to a school district or charter school  
21 that provides a program of distance education for each pupil who is  
22 enrolled part-time in the program. The amount of the apportionment  
23 must be equal to the percentage of the total time services are  
24 provided to the pupil through the program of distance education per  
25 school day in proportion to the total time services are provided  
26 during a school day to pupils who are counted pursuant to  
27 subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233  
28 for the school district in which the pupil resides.

29 5. The governing body of a charter school may submit a  
30 written request to the Superintendent of Public Instruction to  
31 receive, in the first year of operation of the charter school, an  
32 apportionment 30 days before the apportionment is required to be  
33 made pursuant to subsection 1. Upon receipt of such a request, the  
34 Superintendent of Public Instruction may make the apportionment  
35 30 days before the apportionment is required to be made. A charter  
36 school may receive all four apportionments in advance in its first  
37 year of operation.

38 6. Except as otherwise provided in NRS 387.1244, the  
39 apportionment to a university school for profoundly gifted pupils,  
40 computed on a yearly basis, is equal to the sum of the basic support  
41 per pupil in the county in which the university school is located plus  
42 the amount of local funds available per pupil pursuant to NRS  
43 387.1235 and all other funds available for public schools in the  
44 county in which the university school is located. If the  
45 apportionment per pupil to a university school for profoundly gifted



1 pupils is more than the amount to be apportioned to the school  
2 district in which the university school is located, the school district  
3 shall pay the difference directly to the university school. The  
4 governing body of a university school for profoundly gifted pupils  
5 may submit a written request to the Superintendent of Public  
6 Instruction to receive, in the first year of operation of the university  
7 school, an apportionment 30 days before the apportionment is  
8 required to be made pursuant to subsection 1. Upon receipt of such a  
9 request, the Superintendent of Public Instruction may make the  
10 apportionment 30 days before the apportionment is required to be  
11 made. A university school for profoundly gifted pupils may receive  
12 all four apportionments in advance in its first year of operation.

13 ~~7. The Superintendent of Public Instruction shall apportion, on~~  
14 ~~or before August 1 of each year, the money designated as the~~  
15 ~~“Nutrition State Match” pursuant to NRS 387.105 to those school~~  
16 ~~districts that participate in the National School Lunch Program, 42~~  
17 ~~U.S.C. §§ 1751 et seq. The apportionment to a school district must~~  
18 ~~be directly related to the district’s reimbursements for the Program~~  
19 ~~as compared with the total amount of reimbursements for all school~~  
20 ~~districts in this State that participate in the Program.~~

21 ~~—8.—~~ If the State Controller finds that such an action is needed to  
22 maintain the balance in the State General Fund at a level sufficient  
23 to pay the other appropriations from it, the State Controller may pay  
24 out the apportionments monthly, each approximately one-twelfth of  
25 the yearly apportionment less any amount set aside as a reserve. If  
26 such action is needed, the State Controller shall submit a report to  
27 the Department of Administration and the Fiscal Analysis Division  
28 of the Legislative Counsel Bureau documenting reasons for the  
29 action.

30 **Sec. 13.** 1. Notwithstanding the amendatory provisions of  
31 sections 1, 7 and 8 of this act transferring authority to adopt  
32 regulations from the State Board of Education to the Director of the  
33 State Department of Agriculture, any regulations adopted by the  
34 State Board of Education pursuant to NRS 385.109, 387.075 and  
35 387.080 before July 1, 2013, remain in effect and may be enforced  
36 by the State Department of Agriculture until the Director of the  
37 Department adopts regulations to repeal or replace those regulations.

38 2. Notwithstanding the amendatory provisions of section 8 of  
39 this act transferring authority to enter into agreements from the State  
40 Board of Education to the Director of the State Department of  
41 Agriculture, any agreement entered into by the State Board of  
42 Education pursuant to NRS 387.080 before July 1, 2013, remains in  
43 effect and may be enforced by the State Department of Agriculture.

44 **Sec. 14.** Any balance of money appropriated to the  
45 Department of Education pursuant to NRS 387.105 that remains on



1 June 30, 2013, must be transferred on July 1, 2013, to an account in  
2 the State General Fund administered by the Director of the State  
3 Department of Agriculture for the purposes of carrying out the  
4 provisions of NRS 387.105, as amended by section 11 of this act.  
5 **Sec. 15.** The Legislative Counsel shall, in preparing  
6 supplements to the Nevada Administrative Code, appropriately  
7 change any references to an officer, agency or other entity whose  
8 name is changed or whose responsibilities are transferred pursuant  
9 to the provisions of this act to refer to the appropriate officer,  
10 agency or other entity.  
11 **Sec. 16.** This act becomes effective on July 1, 2013.

