

CHAPTER.....

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:

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

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

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

Section 1. NRS 385.109 is hereby amended to read as follows:
385.109 The ~~{State Board}~~ *Director of the State Department of Agriculture* shall:

1. Cooperate with the Aging and Disability Services Division of the Department of Health and Human Services in the planning of programs whereby the school districts may prepare hot lunches for persons 60 years of age or older and their spouses or any group of such persons by utilizing the systems and procedures already developed for use in the operation of school lunch programs; and

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

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

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

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

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 387.070 is hereby amended to read as follows:
387.070 ~~{As used in NRS 387.070 to 387.105, inclusive, “program”}~~ *“Program* of nutrition” means a program under which food is served to or nutritional education and assistance are provided for children and adults by any public school, private school or



public or private institution on a nonprofit basis, including any such program for which assistance may be made available out of money appropriated by the Congress of the United States. The term includes, but is not limited to, a school lunch program.

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

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

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

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

387.080 1. The ~~{State Board}~~ **Director** may enter into agreements with any agency of the Federal Government, *the Department, the State Board*, any board of trustees of a school district, any governing body of a charter school or any other entity or person. The ~~{State Board}~~ **Director** may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

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

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

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

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

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

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

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

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.070 to 387.105, inclusive, *and sections 3, 4*



and 5 of this act, gifts, donations and other money received from the sale of food under those programs.

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

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

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

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

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

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

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

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

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

Sec. 12. (Deleted by amendment.)

Sec. 13. 1. Notwithstanding the amendatory provisions of sections 1, 7 and 8 of this act transferring authority to adopt regulations from the State Board of Education to the Director of the State Department of Agriculture, any regulations adopted by the State Board of Education pursuant to NRS 385.109, 387.075 and



387.080 before July 1, 2013, remain in effect and may be enforced by the State Department of Agriculture until the Director of the Department adopts regulations to repeal or replace those regulations.

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

Sec. 14. Any balance of money appropriated to the Department of Education pursuant to NRS 387.105 that remains on June 30, 2013, must be transferred on July 1, 2013, to an account in the State General Fund administered by the Director of the State Department of Agriculture for the purposes of carrying out the provisions of NRS 387.105, as amended by section 11 of this act.

Sec. 15. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 16. This act becomes effective on July 1, 2013.

