

Amendment No. 658

Senate Amendment to Senate Bill No. 466	(BDR 34-1146)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

KRO/MSN



Date: 5/16/2013

S.B. No. 466—Transfers authority over programs of nutrition from the Department of Education to the Director of the State Department of Agriculture. (BDR 34-1146)



SENATE BILL NO. 466—COMMITTEE ON FINANCE  
(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

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.

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.

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.

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

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

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

9       Sec. 5. ~~The Director shall apportion, on or before August 1 of each year,~~  
10 ~~the money designated as the “Nutrition State Match” pursuant to NRS 387.105 to~~  
11 ~~those school districts that participate in the National School Lunch Program, 42~~  
12 ~~U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly~~  
13 ~~related to the district’s reimbursements for the Program as compared with the~~  
14 ~~total amount of reimbursements for all school districts in this State that~~  
15 ~~participate in the Program.] (Deleted by amendment.)~~

16       Sec. 6. NRS 387.070 is hereby amended to read as follows:

17       387.070 ~~[As used in NRS 387.070 to 387.105, inclusive, “program]~~  
18 *“Program* of nutrition” means a program under which food is served to or  
19 nutritional education and assistance are provided for children and adults by any  
20 public school, private school or public or private institution on a nonprofit basis,  
21 including any such program for which assistance may be made available out of  
22 money appropriated by the Congress of the United States. The term includes, but is  
23 not limited to, a school lunch program.

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

25       387.075 1. The ~~[State Board of Education]~~ *Director* may accept and adopt  
26 regulations or establish policies for the disbursement of money appropriated by any  
27 Act of Congress and apportioned to the State of Nevada for use in connection with  
28 programs of nutrition.

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

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

33       387.080 1. The ~~[State Board]~~ *Director* may enter into agreements with any  
34 agency of the Federal Government, ~~the Department, the State Board,~~ any board of  
35 trustees of a school district, any governing body of a charter school or any other  
36 entity or person. The ~~[State Board]~~ *Director* may establish policies and prescribe  
37 regulations, authorize the employment of such personnel and take such other action  
38 as it considers necessary to provide for the establishment, maintenance, operation  
39 and expansion of any program of nutrition operated by a school district or of any  
40 other such program for which state or federal assistance is provided.

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

45       3. The ~~[Superintendent of Public Instruction]~~ *Director* may:

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

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

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

51       387.090 The board of trustees of each school district and the governing body  
52 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 387.1244.}~~ 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.** ~~{NRS 387.124 is hereby amended to read as follows:}~~

~~387.124 Except as otherwise provided in this section and NRS 387.528:~~

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

~~2. Except as otherwise provided in subsection 3 and NRS 387.1244, the apportionment to a charter school, computed on a yearly basis, is equal to the sum~~

1 of the basic support per pupil in the county in which the pupil resides plus the  
2 amount of local funds available per pupil pursuant to NRS 387.1235 and all other  
3 funds available for public schools in the county in which the pupil resides minus the  
4 sponsorship fee prescribed by NRS 386.570 and minus all the funds attributable to  
5 pupils who are enrolled in the charter school but are concurrently enrolled part time  
6 in a program of distance education provided by a school district or another charter  
7 school. If the apportionment per pupil to a charter school is more than the amount  
8 to be apportioned to the school district in which a pupil who is enrolled in the  
9 charter school resides, the school district in which the pupil resides shall pay the  
10 difference directly to the charter school.

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

21 ~~4. Except as otherwise provided in NRS 387.1244, in addition to the~~  
22 ~~apportionments made pursuant to this section, an apportionment must be made to a~~  
23 ~~school district or charter school that provides a program of distance education for~~  
24 ~~each pupil who is enrolled part time in the program. The amount of the~~  
25 ~~apportionment must be equal to the percentage of the total time services are~~  
26 ~~provided to the pupil through the program of distance education per school day in~~  
27 ~~proportion to the total time services are provided during a school day to pupils who~~  
28 ~~are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS~~  
29 ~~387.1233 for the school district in which the pupil resides.~~

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

37 ~~6. Except as otherwise provided in NRS 387.1244, the apportionment to a~~  
38 ~~university school for profoundly gifted pupils, computed on a yearly basis, is equal~~  
39 ~~to the sum of the basic support per pupil in the county in which the university~~  
40 ~~school is located plus the amount of local funds available per pupil pursuant to NRS~~  
41 ~~387.1235 and all other funds available for public schools in the county in which the~~  
42 ~~university school is located. If the apportionment per pupil to a university school~~  
43 ~~for profoundly gifted pupils is more than the amount to be apportioned to the school~~  
44 ~~district in which the university school is located, the school district shall pay the~~  
45 ~~difference directly to the university school. The governing body of a university~~  
46 ~~school for profoundly gifted pupils may submit a written request to the~~  
47 ~~Superintendent of Public Instruction to receive, in the first year of operation of the~~  
48 ~~university school, an apportionment 30 days before the apportionment is required to~~  
49 ~~be made pursuant to subsection 1. Upon receipt of such a request, the~~  
50 ~~Superintendent of Public Instruction may make the apportionment 30 days before~~  
51 ~~the apportionment is required to be made. A university school for profoundly gifted~~  
52 ~~pupils may receive all four apportionments in advance in its first year of operation.~~

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

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