

SENATE BILL NO. 490—COMMITTEE ON FINANCE
(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Finance

SUMMARY—Revises provisions relating to certain commodity food programs. (BDR 27-1149)

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 governmental administration; transferring authority for the Supplemental Food Program from the Administrator of the Purchasing Division of the Department of Administration to the Director of the State Department of Agriculture; abolishing the account used by the Administrator to administer that Program; creating a new account for the use of the Director to administer the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Administrator of the Purchasing Division of the Department of Administration to establish and administer a Supplemental Food Program to supplement the supply of food and the services provided by programs which provide food to indigent persons. (NRS 333.225) Existing law further creates the Donated Commodities Account in the State General Fund for the use of the Administrator in administering the Supplemental Food Program. (NRS 333.124) **Section 6** of this bill repeals the provisions governing the establishment and administration of the Supplemental Food Program by the Administrator and creation of the Donated Commodities Account for the use of the Administrator in administering the Program. **Sections 3 and 5** of this bill transfer the powers and duties concerning establishing and administering the Supplemental Food Program and the use of the Donated Commodities Account from the Administrator of the Purchasing Division to the Director of the State Department of Agriculture. **Section 4** of this bill authorizes the Director to donate certain commodities to organizations created for religious, charitable or educational purposes.



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

Section 1. NRS 333.195 is hereby amended to read as follows:
333.195 ~~+-~~ The Administrator may donate ~~commodities,~~
supplies, materials and equipment that he or she determines have
reached the end of their useful lives to any organization described in
NRS 372.3261.

~~2. If the Administrator donates such commodities to a tax-
supported or nonprofit school or other health or educational
institution pursuant to subsection 1, the provisions of subsection 2
of NRS 333.124 do not apply.~~

Sec. 2. Chapter 561 of NRS is hereby amended by adding
thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. 1. *The Donated Commodities Account is hereby
created in the State General Fund for the use of the Director in
acquiring commodities donated by the Federal Government and its
agencies and to purchase and distribute nutritious food in
accordance with section 5 of this act.*

*2. Except as otherwise provided in section 4 of this act, if a
tax-supported or nonprofit school or other health or educational
institution receives a donated commodity secured through the
Department, the Director shall charge the school or institution a
fee in an amount sufficient to repay part or all of the cost of
transportation and other costs incurred in acquiring the
commodity.*

*3. All money received by the Director pursuant to this section
must be deposited in the State Treasury for credit to the Donated
Commodities Account. The interest and income earned on the
money in the Account must be credited to the Account.*

*4. Costs of freight, storage, handling charges and other
administrative expenses, including compensation of Department
personnel, incidental to the acquisition of the donated
commodities and the administration of the Supplemental Food
Program may be paid from the Donated Commodities Account.*

Sec. 4. *The Director may donate commodities that he or she
determines have reached the end of their useful lives to any
organization described in NRS 372.3261.*

Sec. 5. 1. *The Director shall establish a Supplemental Food
Program to supplement the supply of food and the services
provided by programs which provide food to indigent persons,
including, without limitation, a food bank, emergency food pantry,
soup kitchen and homeless shelter.*

*2. The Director may solicit and accept any gift, grant or
donation for the Program. Upon receipt of any gift, grant or*



1 *donation of money, the amount received must be deposited in the*
2 *Donated Commodities Account created by section 3 of this act.*
3 *Gifts, grants or donations deposited in the Account must be used*
4 *in the same manner as other money in the Account.*

5 **3.** *The Director may maintain and operate central supply*
6 *services at any center, including a central warehouse or storeroom*
7 *service.*

8 **4.** *In carrying out the Program, the Director shall purchase*
9 *and distribute nutritious food to persons in this State who cannot*
10 *afford to purchase that food. Except as otherwise provided in*
11 *subsection 2 of section 3 of this act, the money in the Account*
12 *must be used in the following proportions:*

13 *(a) Not less than 95 percent must be used to purchase and*
14 *distribute nutritious foods which are infrequently donated or*
15 *which will supplement the food which is donated, including, but*
16 *not limited to, peanut butter, tuna fish, fruit, vegetables, dry milk*
17 *and stew; and*

18 *(b) Any remainder may be used to provide educational*
19 *information regarding nutrition and the purchase and preparation*
20 *of food.*

21 **Sec. 6.** NRS 333.124 and 333.225 are hereby repealed.

22 **Sec. 7.** 1. Any contract or other agreement entered into by an
23 officer, agency or other entity whose responsibilities have been
24 transferred pursuant to the provisions of this act to another officer,
25 agency or other entity are binding upon the officer, agency or other
26 entity to which the responsibility for the administration of the
27 provision of the contract or other agreement has been transferred.
28 The contract or other agreement may be enforced by the officer,
29 agency or other entity to which the responsibility for the
30 enforcement of the provisions of the contract or other agreement has
31 been transferred.

32 2. Any action taken by an officer, agency or other entity whose
33 responsibilities have been transferred pursuant to the provisions of
34 this act to another officer, agency or other entity remains in effect as
35 if taken by the officer, agency or other entity to which the
36 responsibility for the enforcement of those actions has been
37 transferred.

38 **Sec. 8.** As soon as practicable after July 1, 2013, at the time
39 the Donated Commodities Account in the State General Fund
40 established by NRS 333.124 is abolished, the State Treasurer shall
41 ensure that the uncommitted balance in that Account is transferred
42 to the Donated Commodities Account in the State General Fund
43 created by section 3 of this act.

44 **Sec. 9.** This act becomes effective on July 1, 2013.



TEXT OF REPEALED SECTIONS

333.124 Donated Commodities Account: Creation; use.

1. The Donated Commodities Account is hereby created in the State General Fund for the use of the Administrator in acquiring commodities donated by the Federal Government and its agencies and to purchase and distribute nutritious food in accordance with NRS 333.225.

2. Except as otherwise provided in NRS 333.195, if a tax-supported or nonprofit school or other health or educational institution receives a donated commodity secured through the Purchasing Division, the Administrator shall charge the school or institution a fee in an amount sufficient to repay part or all of the cost of transportation and other costs incurred in acquiring the commodity.

3. All money received by the Administrator pursuant to this section must be deposited in the State Treasury for credit to the Donated Commodities Account. The interest and income earned on the money in the Account must be credited to the Account.

4. Costs of freight, storage, handling charges and other administrative expenses, including compensation of Purchasing Division personnel, incidental to the acquisition of the donated commodities and the administration of the Supplemental Food Program may be paid from the Donated Commodities Account.

333.225 Supplemental Food Program.

1. In conjunction with his or her duty to purchase or otherwise acquire commodities for using agencies, the Administrator shall establish a Supplemental Food Program to supplement the supply of food and the services provided by programs which provide food to indigent persons, such as food banks, emergency food pantries, soup kitchens and homeless shelters.

2. The Administrator may solicit and accept gifts and grants for the Program. Upon receipt of such gifts and grants, the amount received must be deposited in the Donated Commodities Account. Gifts and grants deposited in the Account must be used in the same manner as other money in the Account.

3. In carrying out the Program, the Administrator shall purchase and distribute nutritious food to persons in this state who cannot afford to purchase such food. Except as otherwise provided in subsection 2 of NRS 333.124, the money in the Account must be used in the following proportions:



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(a) Not less than 95 percent must be used to purchase and distribute nutritious foods which are infrequently donated or which will supplement the food which is donated, including, but not limited to, peanut butter, tuna fish, fruit, vegetables, dry milk and stew; and

(b) Any remainder may be used to provide educational information regarding nutrition and the purchase and preparation of food.

