

CHAPTER.....

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.

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

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

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

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

*(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.*

**Sec. 6.** NRS 333.124 and 333.225 are hereby repealed.

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

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

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

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

