

ASSEMBLY BILL NO. 159—ASSEMBLYMEN ASSEFA, WATTS,  
MCCURDY, THOMPSON, TORRES; BACKUS, BILBRAY-  
AXELROD, COHEN, DALY, DURAN, FLORES, FUMO,  
GORELOW, MILLER, MONROE-MORENO, MUNK, NEAL,  
NGUYEN, SWANK AND YEAGER

FEBRUARY 15, 2019

JOINT SPONSOR: SENATOR CANCELA

Referred to Committee on Government Affairs

SUMMARY—Establishes the Governor’s Advisory Council on  
Food Security within the Department of Health and  
Human Services. (BDR 18-830)

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 food security; establishing the Governor’s  
Advisory Council on Food Security within the  
Department of Health and Human Services; prescribing  
the membership and duties of the Council; and providing  
other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Director of the State Department of Agriculture to establish a Supplemental Food Program to supplement the supply of food and the services provided by programs which provide food to indigent persons. (NRS 561.495) In 2014, the Governor issued an executive order establishing the Council on Food Security. (Executive Order 2014-03 (2-12-2014)) **Section 3** of this bill establishes in statute the Governor’s Advisory Council on Food Security within the Department of Health and Human Services and prescribes the membership of the Council. **Section 4** of this bill establishes requirements governing the meetings of the Council and compensation of the members of the Council. **Section 4** also requires the Department of Health and Human Services and the State Department of Agriculture to provide administrative support to the Council. **Section 5** of this bill requires the Council to: (1) develop, coordinate and implement a system of producing and distributing food; (2) assist the Department of Health and Human Services in achieving the objectives of the Department concerning food security;



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and (3) hold hearings, comment and make recommendations on certain issues relating to food security. **Section 5** additionally requires state and local agencies to cooperate with and provide information to the Council. **Section 6** of this bill makes a conforming change.

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

**Section 1.** Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Council" means the Governor's Advisory Council on Food Security created by section 3 of this act.*

**Sec. 3. 1.** *The Governor's Advisory Council on Food Security is hereby created within the Department of Health and Human Services. The Council consists of:*

*(a) The following ex officio members:*

*(1) The Governor or his or her designee;*

*(2) The Director of the State Department of Agriculture or his or her designee;*

*(3) The Regional Director of the Food and Nutrition Service of the United States Department of Agriculture for the region that includes this State or his or her designee;*

*(4) The Executive Director of the Office of Economic Development or his or her designee;*

*(5) The Superintendent of Public Instruction or his or her designee;*

*(6) The Director of the Department of Health and Human Services or his or her designee;*

*(7) The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services or his or her designee;*

*(8) The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee; and*

*(9) The Administrator of the Aging and Disability Services of the Department of Health and Human Services or his or her designee;*

*(b) One member who represents a manufacturer of goods other than food, appointed by the Executive Director of the Office of Economic Development;*

*(c) One member who is engaged in the business of gaming or hospitality, appointed by the Executive Director of the Office of Economic Development;*



(d) One member who is engaged in the business of farming or ranching, appointed by the Director of the State Department of Agriculture;

(e) One member who is engaged in the business of processing or distributing food, appointed by the Director of the State Department of Agriculture;

(f) One member who is a representative of a food bank operating in Washoe, Humboldt, Pershing, Elko, Lander, Eureka, White Pine, Churchill, Storey, Mineral, Lyon or Douglas County or Carson City, appointed by the Director of the Department of Health and Human Services;

(g) One member who is a representative of a food bank operating in Clark, Lincoln, Nye or Esmeralda County, appointed by the Director of the Department of Health and Human Services;

(h) One member who is a representative of a federal or state program to provide nutrition to children, appointed by the Director of the State Department of Agriculture;

(i) One member who is a provider of community-based services in Washoe County, appointed by the Director of the Department of Health and Human Services;

(j) One member who is a provider of community-based services in Clark County, appointed by the Director of the Department of Health and Human Services;

(k) One member who is a provider of community-based services in a county other than Clark or Washoe, appointed by the Director of the Department of Health and Human Services;

(l) One member who has experience with, knowledge of and skills relating to persons who are aging and persons with disabilities, appointed by the Nevada Commission on Aging created by NRS 427A.032;

(m) One member who is a representative of the University of Nevada Cooperative Extension, appointed by the Board of Regents of the University of Nevada;

(n) One member who is engaged in the retail sale of food, appointed by the Retail Association of Nevada or its successor organization; and

(o) One member who represents a local health authority, appointed on an alternating basis by the Senate Majority Leader or the Speaker of the Assembly.

2. The Governor or his or her designee:

(a) Shall serve as the Chair of the Council; and

(b) Is not entitled to vote except to break a tie.

3. After their initial terms, the appointed members of the Council serve for a term of 2 years. No appointed member of the Council may serve more than three terms, including, without



1 *limitation, any partial term to which a member is appointed*  
2 *pursuant to subsection 4.*

3 *4. If a vacancy occurs during the term of an appointed*  
4 *member, the Council shall submit to the person or entity who is*  
5 *responsible for making the appointment pursuant to subsection 1*  
6 *a recommendation for a replacement. After considering that*  
7 *recommendation, that person or entity shall appoint a replacement*  
8 *qualified pursuant to that subsection to serve for the remainder of*  
9 *the unexpired term.*

10 **Sec. 4. 1. The Council shall meet at the call of the Chair at**  
11 **least every other month. A majority of the members of the Council**  
12 **constitutes a quorum and is required to transact any business of**  
13 **the Council.**

14 *2. Not later than the second meeting of the Council during a*  
15 *calendar year, the Council shall adopt bylaws for that calendar*  
16 *year setting forth its procedures and governing its operations.*

17 *3. The members of the Council serve without compensation*  
18 *but are entitled to receive the per diem allowance and travel*  
19 *expenses provided for state officers and employees generally.*

20 *4. A member of the Council who is an officer or employee of*  
21 *this State or a political subdivision of this State must be relieved*  
22 *from his or her duties without loss of regular compensation to*  
23 *prepare for and attend meetings of the Council and perform any*  
24 *work necessary to carry out the duties of the Council in the most*  
25 *timely manner practicable. A state agency or political subdivision*  
26 *of this State shall not require an officer or employee who is a*  
27 *member of the Council to:*

28 *(a) Make up the time he or she is absent from work to carry*  
29 *out his or her duties as a member of the Council; or*

30 *(b) Take annual leave or compensatory time for the absence.*

31 *5. The Department of Health and Human Services and the*  
32 *State Department of Agriculture shall provide such administrative*  
33 *support to the Council as is necessary to carry out the duties of the*  
34 *Council.*

35 **Sec. 5. 1. The Council shall:**

36 *(a) Develop, coordinate and implement a system of producing*  
37 *and distributing food that:*

38 *(1) Utilizes local economic infrastructure and contributes to*  
39 *local economic development;*

40 *(2) Increases access to high-quality sources of food; and*

41 *(3) Increases capacity to produce, process, distribute and*  
42 *purchase food and related goods in an affordable and sustainable*  
43 *manner;*

44 *(b) Assist the Department in achieving the objectives of the*  
45 *Department concerning food security, including, without*



1 *limitation, by reviewing and approving events, projects, grant*  
2 *proposals and alternative sources of funding related to those*  
3 *objectives at the request of the Director;*

4 (c) *Hold hearings on issues relating to food security in this*  
5 *State;*

6 (d) *Review and comment on any proposed federal, state or*  
7 *local legislation or regulation that would affect the production,*  
8 *processing and delivery of food or otherwise affect food security in*  
9 *this State;*

10 (e) *Advise the Director on policies relating to food security and*  
11 *the production, processing and delivery of food;*

12 (f) *Take action, including, without limitation, making*  
13 *recommendations to the Legislature, the Governor and the*  
14 *Director, to increase participation in federal nutrition programs by*  
15 *eligible residents of this State and reduce barriers to such*  
16 *participation; and*

17 (g) *On or before January 31 of each year, submit to the*  
18 *Director a report which includes, without limitation, a description*  
19 *of the activities of the Council during the immediately preceding*  
20 *year and recommendations to improve food security in this State.*

21 2. *The Chair may convene working groups composed of*  
22 *experts on subjects related to food security as necessary to carry*  
23 *out the duties of the Council.*

24 3. *The Council may apply for any available grants and accept*  
25 *any gifts, grants or donations to assist the Council in carrying out*  
26 *its duties.*

27 4. *All state and local agencies shall cooperate with the*  
28 *Council in carrying out the duties prescribed in this section and*  
29 *provide the Council with any information requested by the*  
30 *Council to such extent as is consistent with their other lawful*  
31 *duties.*

32 **Sec. 6.** NRS 232.290 is hereby amended to read as follows:

33 232.290 As used in NRS 232.290 to 232.4858, inclusive, *and*  
34 *sections 2 to 5, inclusive, of this act,* unless the context requires  
35 otherwise:

36 1. "Department" means the Department of Health and Human  
37 Services.

38 2. "Director" means the Director of the Department.

39 **Sec. 7.** 1. As soon as practicable after July 1, 2019:

40 (a) The Executive Director of the Office of Economic  
41 Development shall appoint to the Council the members described in  
42 paragraphs (b) and (c) of subsection 1 of section 3 of this act to  
43 terms of office which expire on June 30, 2022;

44 (b) The Director of the State Department of Agriculture shall  
45 appoint to the Council the members described in:



(1) Paragraphs (d) and (e) of subsection 1 of section 3 of this act to terms of office which expire on June 30, 2022; and

(2) Paragraph (h) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2021;

(c) The Director of the Department of Health and Human Services shall appoint to the Council the members described in:

(1) Paragraphs (f) and (g) of subsection 1 of section 3 of this act to terms of office which expire on June 30, 2022; and

(2) Paragraphs (i), (j) and (k) of subsection 1 of section 3 of this act to terms of office which expire on June 30, 2021;

(d) The Nevada Commission on Aging created by NRS 427A.032 shall appoint to the Council the member described in paragraph (l) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2021;

(e) The Board of Regents of the University of Nevada shall appoint to the Council the member described in paragraph (m) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2021;

(f) The Retail Association of Nevada or its successor organization shall appoint to the Council the member described in paragraph (n) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2021; and

(g) The Senate Majority Leader shall appoint to the Council the member described in paragraph (o) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2021.

2. As used in this section, "Council" means the Governor's Advisory Council on Food Security created by section 3 of this act.

**Sec. 8.** This act becomes effective on July 1, 2019.

