

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.

~

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:

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



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

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

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

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

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

10 *(a) The following ex officio members:*

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

40 2. *The Governor or his or her designee:*

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

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

43 3. *After their initial terms, the appointed members of the*
44 *Council serve for a term of 2 years. No appointed member of the*
45 *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 (1) Paragraphs (d) and (e) of subsection 1 of section 3 of this
2 act to terms of office which expire on June 30, 2022; and

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

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

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

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

11 (d) The Nevada Commission on Aging created by NRS
12 427A.032 shall appoint to the Council the member described in
13 paragraph (l) of subsection 1 of section 3 of this act to a term of
14 office which expires on June 30, 2021;

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

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

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

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

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



