

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; ENACTING THE MANNY HERRERA
ACCESS TO HEALTHY FOODS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Manny Herrera Access to Healthy Foods Act".

Section 2. DEFINITIONS.--As used in the Manny Herrera
Access to Healthy Foods Act:

- A. "board" means the healthy food initiatives
board;
- B. "department" means the economic development
department;
- C. "financial assistance" means providing grants
or loans on terms and conditions approved by the board; and
- D. "qualified project" means a healthy food
initiatives project selected by the board for financial
assistance pursuant to the Manny Herrera Access to Healthy
Foods Act.

Section 3. HEALTHY FOOD INITIATIVES BOARD CREATED.--

- A. The "healthy food initiatives board" is created
and is administratively attached to the department.
- B. The board shall consist of nine voting members.
- C. The six voting ex-officio members are:

- (1) the director of the New Mexico

department of agriculture or the director's designee from the New Mexico department of agriculture, who shall be chair of the board;

(2) the secretary of economic development or the secretary's designee from the department;

(3) the secretary of finance and administration or the secretary's designee from the department of finance and administration;

(4) the secretary of health or the secretary's designee from the department of health;

(5) the secretary of human services or the secretary's designee from the human services department; and

(6) the secretary of Indian affairs or the secretary's designee from the Indian affairs department.

D. The following three voting members, who shall have experience with the process by which food products are produced and distributed from the producer to the consumer, shall be appointed by the governor with the advice and consent of the senate:

(1) a representative from the New Mexico food and agriculture policy council;

(2) a representative from the transportation industry; and

(3) a representative from the grocery industry.

E. The board shall meet at the call of the chair or whenever four voting members submit a request in writing to the chair, but not less than twice each calendar year. A majority of members constitutes a quorum for the transaction of business. The affirmative vote of at least a majority of a quorum shall be necessary for an action to be taken by the board.

F. Each appointed member of the board shall serve a two-year term. Vacancies shall be filled by appointment by the original appointing authority for the remainder of the unexpired term.

G. Members of the board appointed by the governor may receive per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

Section 4. HEALTHY FOOD INITIATIVES BOARD--DUTIES.--The board shall:

A. adopt rules governing terms, conditions and priorities for providing financial assistance to applicants proposing projects to improve the access of New Mexicans to healthy foods, including developing application and evaluation procedures and forms and qualifications for applicants and for projects;

B. provide financial assistance to approved applicants for qualified projects on terms and conditions

established by the board; and

C. authorize funding for qualified projects, including:

(1) planning, designing, constructing and implementing qualified projects;

(2) paying start-up costs, including financing for capital costs and inventory;

(3) participating in a low-interest revolving loan fund; and

(4) paying legal costs and fiscal agent fees associated with the implementation of qualified projects.

Section 5. HEALTHY FOOD INITIATIVES FUND--CREATED--PURPOSE--APPROPRIATIONS.--

A. The "healthy food initiatives fund" is created in the state treasury and shall be administered by the department of finance and administration. The healthy food initiatives fund shall consist of money that is appropriated, donated or otherwise accrues to it. Money in the healthy food initiatives fund shall be invested by the state investment officer in the manner that land grant permanent funds are invested pursuant to Chapter 6, Article 8 NMSA 1978. Income from investment of the healthy food initiatives fund shall be credited to the fund.

B. The department of finance and administration may establish procedures and adopt rules as required to

administer the healthy food initiatives fund and to originate grants or loans for qualified projects approved by the board.

C. Money in the healthy food initiatives fund is appropriated to the department of finance and administration for expenditure to carry out the provisions of the Manny Herrera Access to Healthy Foods Act by providing grants or loans for qualified projects. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

Section 6. LEGISLATIVE OVERSIGHT--RULE REVIEW--
REPORT.--

A. Rules proposed by the board and the department of finance and administration pursuant to the Manny Herrera Access to Healthy Foods Act shall be approved by the appropriate legislative interim committee prior to approval.

B. The appropriate legislative interim committee shall be briefed by the board on grant and loan proposals submitted to the board and shall review, monitor and provide assistance and advice concerning grants and loans made by the board.

C. The board shall report to the appropriate legislative interim committee no later than October 1 of each year regarding the total expenditures from the healthy food initiatives fund for the previous fiscal year, the purposes for which expenditures were made, an analysis of the progress

of the projects funded and proposals for legislative action in
the subsequent legislative session. _____

Page 6

HB 180