

<b>LFC Requester:</b>	<b>Esquibel</b>
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**AGENCY BILL ANALYSIS  
2021 REGULAR SESSION**

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**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**        **Amendment**      
**Correction**        **Substitute**   

**Date** 3/5/2021

**Bill No:** HB207

**Sponsor:** House Agriculture and Water Resources Committee

**Agency Name and Code Number:** PED-924

**Short Title:** FOOD, HUNGER & FARM ACT

**Person Writing** John Sena  
**Phone:** 505-570-7816    **Email** John.Sena@state.nm.us

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
		Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		

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(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

The House Agriculture and Water Resources Committee Substitute for House Bill 207 (HB207/HAWC) would create the Food, Hunger and Farm Act and subsequently create the Food, Hunger and Farm Council, whose members’ duty would be to annually develop a strategic plan that identifies and assesses issues and provides recommendations regarding hunger and nutrition, expanding access to food, and promoting food and agricultural products from the state. The council would be required to present its strategic plan to the Governor, the Secretary of Finance and Administration, the Legislative Finance Committee (LFC), and the appropriate legislative interim committees by December 1, 2022 and each December 1 occurring thereafter.

By December 1, 2023, the Human Services Department (HSD), in consultation with the Food, Hunger, and Farm Council would be required to develop and maintain a shared data platform on hunger and food systems in New Mexico for state agencies to analyze and monitor data pertaining to food, hunger, and agricultural needs and assets; share data across state agencies and with the public; coordinate food chain sourcing, food distribution, and food storage statewide; and support emergency food and household water supply relief efforts.

HB207/HAWC would require the Secretary of Human Services, in consultation with the Department of Agriculture (NMDA) to appoint members to the council from 20 entities, including 12 state agencies (council membership details are under “Significant Issues” of this analysis).

**FISCAL IMPLICATIONS**

HB207/HAWC does not contain an appropriation.

**SIGNIFICANT ISSUES**

**Council membership.** The Secretary of Human Services, in consultation with NMDA, would be required to appoint members to the Food, Hunger and Farm Council. Members from tribal and local governments; schools, universities, and other educational institutions; organizations pertaining to the operation of food banks; nonprofit organizations established to provide food and reduce hunger or food insecurity; dietitians, health care providers and hospital systems;

organizations and individuals working to reduce food insecurity, create more effective food systems, monitor food distribution, provide data analysis or advance New Mexico food product marketing and strategic planning; the Office of the Governor; and members from the following nine agencies: NMDA, Human Services Department (HSD), Aging and Long-Term Services Department (ALTSD), Children, Youth and Families Department (CYFD), Public Education Department (PED), Higher Education Department (HED), Early Childhood Education and Care Department (ECECD), Indian Affairs Department (IAD), and the Homeland Security and Emergency Management Department.

**Agency Requirements.** HB207/HAWC would require HSD, in consultation with NMDA, to develop an annual food infrastructure plan that includes an inventory of and establishes recommendations to improve food processing, food storage and food distribution, and other critical infrastructure and capital equipment needs to address statewide hunger. State entities with assets identified in the plan would be required to make those assets available to support implementation of the plan to the greatest extent practicable. It is unclear what state entities would have such assets.

The New Mexico Livestock Board, in consultation with NMDA and with agricultural producers and organizations, would be required to jointly and annually develop recommendations for a plan to improve meat inspection and processing and to improve the safety and quality of meat consumption. The plan would be required to include recommendations to support and sustain meat production infrastructure, processing and distribution in the state and incorporate findings from other reports and studies produced by NMDA, New Mexico State University (NMSU), and other entities.

NMDA, the Economic Development Department, PED, the NMSU Cooperative Extension Services, the Workforce Solutions Department (DWS), HED, and other applicable agencies would be required to jointly and annually develop recommendations for a plan to enhance economic development and job creation resulting from agricultural production and food distribution in the state, address workforce needs and socioeconomic conditions and promote local processing, distribution, and sale of food, and agricultural products produced in the state.

PED, ECECD, ALTSD, NMDA, the Department of Health (NMDOH), and the Corrections Department would be required to jointly and annually develop, in cooperation with meal and nutrition support programs established by the state, recommendations for a plan to increase the purchase of New Mexico-grown food products and improve interagency coordination, streamlining and administration.

PED, ECECD, and HED, upon consultation with higher education institutions of the state, would be required to jointly and annually develop recommendations for a plan to expand and improve meal programs at schools, early childhood care facilities and higher education institutions, consider adaptations to school meal programs to address barriers in participation and address hunger and food insecurity among student and staff populations.

NMDA, soil and water conservation districts, the Environment Department, the State Land Office, IAD, and the Energy, Minerals, and Natural Resources Department would be required to jointly and annually develop recommendations for a statewide plan in partnership with stakeholders to support and protect resilient and traditional agricultural practices and land stewardship, soil and water conservation, indigenous and traditional food practices and seed saving and landscape-level conservation and sustainability. The plan would be required to be

developed upon consultation with and shared with agricultural producers, higher education institutions of the state and other federal, tribal, industry and nongovernmental organizations and build on existing plans developed in partnership with stakeholders.

HSD, in consultation with NMDA, NMDOH, ALTSD, PED, HED, ECECD, IAD, and CYFD, would be required to jointly and annually develop recommendations for a plan to address malnutrition among vulnerable groups, including children, senior citizens, rural and low-income communities, people living in poverty and other vulnerable groups as determined by HSD.

HSD, in consultation with other state agencies, food banks, nonprofit organizations, agricultural producers and organizations and representatives of tribal and local governments, would be required to jointly develop recommendations for a statewide plan. HB207/HAWC would require such recommendations to respond to and provide emergency relief for food and household water supply needs during a public emergency, which would be required to consider best practices; recommendations from emergency response and management agencies resulting from current or previous emergencies; food and water supply vulnerabilities and needs in the state; protocols for assessing food and water needs in partnership with tribal and local governments; and the need for coordination and data sharing. The recommendations for a statewide plan would also be to provide food relief on an ongoing basis in a manner that addresses, in the long term, systemic hunger and food insecurity.

HSD, ALTSD, PED, DWS, and CYFD, in consultation with other state agencies that provide nutrition, support, meal, and employment programs, would be required to jointly and annually develop recommendations for and implement a plan to increase food and income security by maximizing eligibility and enrollment for state and federally funded programs; coordinating and streamlining meal, nutrition and employment programs, improving program processes and staffing and reducing caseloads and backlogs to improve access to services; providing for improved administration of meal, nutrition and employment programs through strategies that include centralized resource centers, one-stop points of entry and joint case management; providing education to members of the public on existing meal, nutrition and employment programs and program eligibility and enrollment; training caseworkers and staff to provide services in a manner that is sensitive to victims of trauma and that is culturally and linguistically appropriate; increasing outreach for the federal supplemental nutrition assistance program by partnering with nongovernmental organizations; and expanding meal programs for vulnerable populations, including senior meal programs, public school meal programs and programs serving individuals with disabilities.

The HSD Income Support Division would be required to, to the extent permitted by federal law, make timely applications for and timely renew all federal waivers that will increase benefit amounts and the number of individuals who qualify for and participate in the supplemental nutrition assistance program.

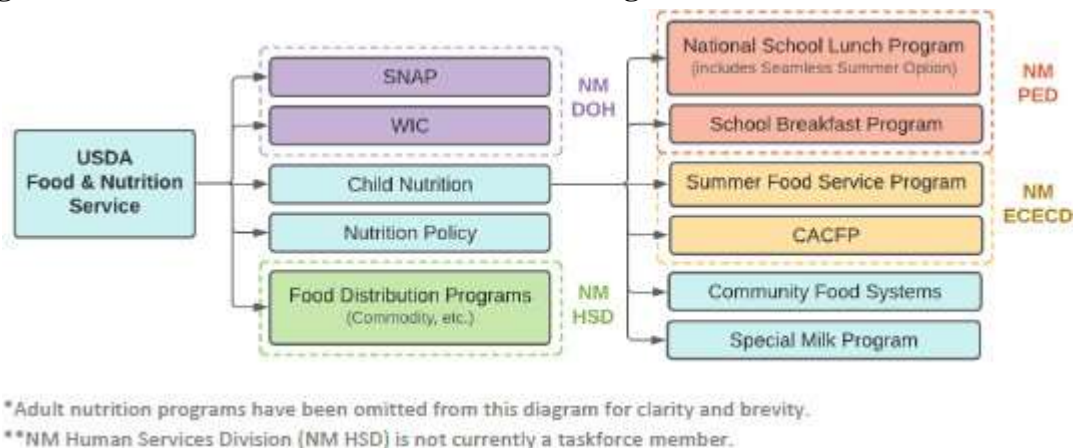
By November 1, 2021, the Purchasing Division of the General Services Department would be required to develop recommendations for changes to procurement requirements to increase the percentage of food purchased by state agencies from food producers and processors with a principal place of business in New Mexico by fifty percent by January 1, 2030; provided that the recommendations would be prohibited from applying to food banks.

Plan recommendations developed pursuant to Section 2 through 11 of HB307 would be required to be provided to the Governor, the Secretary of Finance and Administration, LFC, and the

appropriate legislative interim committees by November 1, 2022 and each November 1 occurring thereafter.

**Existing efforts.** The New Mexico Grown Interagency Task Force is comprised of five state agency partners who believe local food has the power to transform NM nutrition programs. PED, ECECD, and ALTSD administer the state’s nutrition programs and play a key role in shaping NM’s food and agricultural systems. DOH and NMDA provide guidance on program delivery and implementation. The Office of the Governor supports the creation of a standard system for procuring local produce and food products across all agency nutrition programs. The administrative structure of NM’s child nutrition programs is referenced in Figure 1 below.

**Figure 1: Administration of Child Nutrition Programs**



Nutrition programs are a critical component of the state’s response to hunger and poverty and can have a positive impact on food access and health outcomes. The COVID-19 pandemic has highlighted the importance of these programs now more than ever. Because of Task Force members and their partners’ work, 40,757,300 meals were served to children, families, and older adults in the state Between March 1, 2020 and December 1, 2020.

New Mexico Grown (NM Grown) is a program that serves K-12 students, older adults in senior centers, and early childhood education sites across New Mexico by incentivizing the purchase and distribution of locally grown fruits and vegetables for meal and snack programs. Currently, only ALTSD and PED operate programs with the support of state funding.

Additionally, about 330,000 New Mexico students participated in the National School Lunch Program during the 2019-2020 school year. Of that number, 70.3 percent of students received either free or reduced-fee meals. The number of participating students decreased to 287,000 students during the 2020-2021 school year due to the pandemic. Of those students, 67.3 percent received free or reduced-fee meals.

**Nutrition issues.** Nearly all of the state’s 33 counties are designated rural/frontier and underserved with large distances between central cities and outlying towns. Many communities lack adequate access to stores that sell fresh fruits and vegetables. Almost 18 percent of households are food insecure, compared with 12.3 percent nationwide. More than a quarter of the state’s school-age children live in poverty with limited access to healthy foods and over 70 percent of students receive free or reduced-fee lunch at school. Individuals in low-income and food insecure communities can be especially vulnerable to obesity and subsequent chronic

disease.

Obesity is also a serious health issue in New Mexico and there is a connection between poverty, food insecurity, and the social and environmental dynamics. This is a major issue in the state's Native American communities and high poverty areas.

Nutrition programs are important to fight the hunger problem and food insecurity in the state. The support of the Governors Children's Cabinet has helped fight these issues and bring key state agencies, non-profit organizations, and leaders to the table. PED has been working closely with the NM Grown Produce Grant, which helps feed children in schools with NM Grown fresh fruits and vegetables.

## **PERFORMANCE IMPLICATIONS**

N/A

## **ADMINISTRATIVE IMPLICATIONS**

A member of PED would be required to be part of the Food, Hunger and Farm Council.

PED would be required to work with NMDA, the Economic Development Department, the NMSU Cooperative Extension Service, DWS, HED and other applicable agencies to jointly and annually develop recommendations for a plan to enhance economic development and job creation resulting from agricultural production and food distribution in the state, address workforce needs and socioeconomic conditions, and promote local processing, distribution and sale of food and agricultural products produced in the state.

PED, with ECECD, ALTSD, NMDA, NMDOH, and the Corrections Department, would be required to jointly and annually develop, in cooperation with meal and nutrition support programs established by the state, recommendations for a plan to increase the purchase of New Mexico- grown food products and improve interagency coordination, streamlining and administration.

PED, with ECECD and HED, upon consultation with higher education institutions of the state, would be required to jointly and annually develop recommendations for a plan to expand and improve meal programs at schools, early childhood care facilities and higher education institutions, consider adaptations to school meal programs to address barriers in participation and address hunger and food insecurity among student and staff populations.

The HSD, in consultation with PED, NMDA, NMDOH ALTSD, HED, ECECD, IAD, and CYFD, would be required to jointly and annually develop recommendations for a plan to address malnutrition among vulnerable groups, including children, senior citizens, rural and low-income communities, people living in poverty and other vulnerable groups as determined by the human services department.

PED, with HSD, ALTSD, DWS, and CYFD, in consultation with other state agencies that provide nutrition, support, meal and employment programs, would be required to jointly and annually develop recommendations for and implement a plan to increase food and income security by the provisions outlined in HB207/HAWC.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

N/A

**AMENDMENTS**

N/A