HOUSE BILL 30

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY
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AN ACT
RELATING TO PUBLIC SCHOOLS; ENACTING THE PUBLIC SCHOOL
VENTILATION IMPROVEMENT ACT; REQUIRING SCHOOL DISTRICTS AND
CHARTER SCHOOLS TO IMPROVE MECHANICAL VENTILATION SYSTEMS IN
PUBLIC SCHOOLS FOR THE HEALTH AND SAFETY OF STUDENTS AND SCHOOL
PERSONNEL.

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

SECTION 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Public School Ventilation Improvement Act"."

SECTION 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Public School
Ventilation Improvement Act:

.223739.2
A. "certified assessor" means:

   (1) a certified technician; or

   (2) a person who is certified to perform ventilation verification assessments of heating, ventilation and air conditioning systems through a certification body accredited by the American national standards institute;

B. "certified technician" means a person who is certified as a testing and balancing technician by an accredited organization; provided that the accreditor of the certification organization is approved by the construction industries commission;

C. "mechanical engineer" means a professional engineer licensed as a mechanical engineer by the state board of licensure for professional engineers and professional surveyors and who has professional experience with heating, ventilation and air conditioning systems;

D. "mechanical ventilation system" means a building ventilation system provided by mechanically powered, permanent equipment such as motor-driven fans and blowers, and includes carbon dioxide monitoring; provided, however, that "mechanical ventilation system" does not include devices such as wind-driven turbine ventilators, portable air cleaning and filtration devices and mechanically operated windows;

E. "school district" includes charter schools; and

F. "skilled and trained construction workforce"
means a workforce in which at least forty percent of the
workers are graduates of or registered in and attending an
apprenticeship program registered with the workforce solutions
department or an apprenticeship program to which the department
has granted reciprocal approval for the applicable construction
occupation."

SECTION 3. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] ASSESSMENTS--VENTILATION VERIFICATION
REPORTS.--

A. The department shall require all school
districts to undertake a ventilation verification assessment of
all mechanical ventilation systems in the school district
performed by a certified assessor or a mechanical engineer and
shall be based on physical measurements made during the
assessment. If an assessment is performed by a certified
assessor, the assessment report shall be reviewed by a
mechanical engineer. The ventilation verification assessment
shall verify whether the existing mechanical ventilation system
is operating in accordance with design parameters and meets the
requirements of the 2021 New Mexico Mechanical Code. The
ventilation verification assessment for a heating, ventilation
and air conditioning system shall include:

(1) testing for maximum filter efficiency;
(2) measurements of outside air rate;
(3) verification of operation of ventilation components;

(4) measurement of all air distribution inlets and outlets;

(5) verification of unit operation and that required maintenance has been performed;

(6) verification of control sequences;

(7) verification or installation of carbon dioxide sensors; and

(8) collection of field data for the installation of mechanical ventilation if none exists.

B. The verification assessment report from the mechanical engineer shall include appropriate corrective actions needed for the mechanical ventilation system or the heating, ventilation and air conditioning infrastructure, including installation of appropriate filters, installation of carbon dioxide sensors and additional maintenance, repairs, upgrades or replacement.

C. The department shall require all school districts to make the appropriate corrective actions identified in the ventilation verification assessment. These corrective actions shall include testing, adjusting and balancing the public school mechanical ventilation system and, if necessary or cost-effective, shall include repairs, upgrades or replacement of the existing heating, ventilation and air...
conditioning system or the installation of a stand-alone mechanical ventilation system. The corrective actions identified in the ventilation verification assessment may include general maintenance, reading and adjustment of ventilation rates, filter replacement to meet a minimum efficiency reporting value of at least thirteen, carbon dioxide monitor installation or whole-system installation or replacement. Portable filtration and air cleaners shall be used only if the existing heating, ventilation and air conditioning infrastructure cannot provide minimum filtration and ventilation requirements or, as recommended by a mechanical engineer, as a supplemental enhancement to the permanent heating, ventilation and air conditioning infrastructure when the desired indoor air quality cannot be achieved with the mechanical ventilation system or there are concerns with outdoor air contaminants such as those created by wildfires and pollution.

D. School districts shall ensure that all work required by the ventilation verification assessment is performed using a skilled and trained construction workforce that is in compliance with the Construction Industries Licensing Act and rules promulgated in accordance with that act. The public school facilities authority shall work in consultation with the department and the construction industries division of the regulation and licensing department.
to ensure that the assessments and construction required by the
Public School Ventilation Improvement Act meet all standards
and requirements.

E. Upon completion of work, the school district
shall submit a ventilation verification report to the
department. The report shall include:

(1) the name and address of the public school
and the person preparing and certifying the report;

(2) the name and address of the certified
assessors, certified technicians, mechanical engineers and
contractors who performed verification assessments or
construction and copies of certifications and licenses;

(3) a copy of the procurement documents; and

(4) documentation of:
   (a) initial operating ventilation rate
verifications;

   (b) adjustments, repairs, upgrades or
replacements;

   (c) final operating conditions,
including the minimum efficiency reporting value of the
filtration system and verified ventilation and exhaust rates
for classrooms, auditoriums, gymnasiums, restrooms, offices and
other occupied spaces;

   (d) verification of carbon dioxide
monitors, including make and model of the monitors; and
(e) verification that all work has been
tested and adjusted by certified technicians or mechanical
engineers.

F. The school district shall have a ventilation
verification assessment performed on all mechanical ventilation
systems in the school district at least every five years. The
ventilation verification assessment and the ventilation
verification reports are public documents and shall be
available to the public upon request."