

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 30

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

INTRODUCED BY

Christine Chandler

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:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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"

underscoring material = new  
[bracketed material] = delete

1 means a workforce in which at least forty percent of the  
2 workers are graduates of or registered in and attending an  
3 apprenticeship program registered with the workforce solutions  
4 department or an apprenticeship program to which the department  
5 has granted reciprocal approval for the applicable construction  
6 occupation."

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

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

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

- 24 (1) testing for maximum filter efficiency;  
25 (2) measurements of outside air rate;

.223739.2

- 1 (3) verification of operation of ventilation  
2 components;
- 3 (4) measurement of all air distribution inlets  
4 and outlets;
- 5 (5) verification of unit operation and that  
6 required maintenance has been performed;
- 7 (6) verification of control sequences;
- 8 (7) verification or installation of carbon  
9 dioxide sensors; and
- 10 (8) collection of field data for the  
11 installation of mechanical ventilation if none exists.

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

19 C. The department shall require all school  
20 districts to make the appropriate corrective actions identified  
21 in the ventilation verification assessment. These corrective  
22 actions shall include testing, adjusting and balancing the  
23 public school mechanical ventilation system and, if necessary  
24 or cost-effective, shall include repairs, upgrades or  
25 replacement of the existing heating, ventilation and air

.223739.2

underscoring material = new  
~~[bracketed material]~~ = delete

1 conditioning system or the installation of a stand-alone  
2 mechanical ventilation system. The corrective actions  
3 identified in the ventilation verification assessment may  
4 include general maintenance, reading and adjustment of  
5 ventilation rates, filter replacement to meet a minimum  
6 efficiency reporting value of at least thirteen, carbon dioxide  
7 monitor installation or whole-system installation or  
8 replacement. Portable filtration and air cleaners shall be  
9 used only if the existing heating, ventilation and air  
10 conditioning infrastructure cannot provide minimum filtration  
11 and ventilation requirements or, as recommended by a mechanical  
12 engineer, as a supplemental enhancement to the permanent  
13 heating, ventilation and air conditioning infrastructure when  
14 the desired indoor air quality cannot be achieved with the  
15 mechanical ventilation system or there are concerns with  
16 outdoor air contaminants such as those created by wildfires and  
17 pollution.

18 D. School districts shall ensure that all work  
19 required by the ventilation verification assessment is  
20 performed using a skilled and trained construction workforce  
21 that is in compliance with the Construction Industries  
22 Licensing Act and rules promulgated in accordance with that  
23 act. The public school facilities authority shall work in  
24 consultation with the department and the construction  
25 industries division of the regulation and licensing department

.223739.2

underscored material = new  
~~[bracketed material] = delete~~

1 to ensure that the assessments and construction required by the  
2 Public School Ventilation Improvement Act meet all standards  
3 and requirements.

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

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

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

13 (3) a copy of the procurement documents; and

14 (4) documentation of:

15 (a) initial operating ventilation rate  
16 verifications;

17 (b) adjustments, repairs, upgrades or  
18 replacements;

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

24 (d) verification of carbon dioxide  
25 monitors, including make and model of the monitors; and

.223739.2

underscoring material = new  
~~[bracketed material] = delete~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(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."