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HOUSE BILL 30

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

INTRODUCED BY

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Harold Pope and Patricia Roybal Caballero

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 A. "certified assessor" means:
2 (1) a certified technician; or
3 (2) a person who is certified to perform
4 ventilation verification assessments of heating, ventilation
5 and air conditioning systems through a certification body
6 accredited by the American national standards institute;

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

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

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

24 E. "school district" includes charter schools; and

25 F. "skilled and trained construction workforce"

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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;

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- 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

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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

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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

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1 (e) verification that all work has been
2 tested and adjusted by certified technicians or mechanical
3 engineers.

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