



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 01/22 /25

Bill No: HB35

Agency Name and Code: PED - 924

Sponsor: Sariñana

PED Lead Analyst:

Phone: _____ Email: _____

Short Title: CHILDREN'S HEALTH PROTECTION ZONES

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 35 (HB35) would amend the Oil and Gas Act and the Air Quality Control Act, to protect the public from the effects of pollution from oil and gas operations in “children’s health protection zones,” defined as “an area extending 5,280 feet from the property line of a school.”

The bill provides for the suspension of operation of wells or production facilities, including any in proximity to a school, that fails to attain compliance with the air quality standards or fail to submit required reports and plans. Operators with wellhead or production facilities would have to develop an annual report, and if located in a children’s health protection zone, would further be required to develop a leak detection response plan.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

FISCAL IMPLICATIONS

HB32 does not contain an appropriation.

There is potential for significant but indeterminant fiscal impact to affected oil and gas facility operators who are required to suspend operations for noncompliance with the provisions of the act. The bill provides for the assessment of civil penalties by the courts, the Oil Conservation Division (OCD) of the Energy, Minerals, and Natural Resources Department, or the Oil Conservation Commission (OCC) against an operator who is not in compliance with the provisions of the act. These penalties can be up to \$30 thousand per day of noncompliance for each violation. Such penalties may not exceed \$200 thousand when assessed by the OCC or OCD, but this limitation is not applicable to penalties assessed by the courts.

SIGNIFICANT ISSUES

The bill defines “school” as “an elementary, secondary, middle, junior high or high school or any combination of those, including a public school, state-chartered or locally chartered charter school or private school that students attend in person, including a daycare center, and a park, playground, or sports or recreation facility associated with a school.”

An operator’s annual report would include a map and inventory of schools within any children’s health protection zone near the operator’s wells or production facilities.

Exposure to air pollutants from nearby oil and gas wells at schools, where children spend much of their days, may present serious public health issues for New Mexico. Children face heightened risks from exposure to air pollutants, as their airways are small and still developing, they breathe more rapidly and inhale more air relative to their size than adults, and their bodies’ natural defenses against infections are still developing. A [2021 study](#) examined the effects of upstream oil and gas production on ambient air pollutants, with significantly higher concentrations of pollutants within two to four kilometers from wells. The authors suggested that the pollutants

explain the predominance of research findings that “residing in proximity to oil and gas wells is associated with adverse cardiovascular, psychological, perinatal, and other health outcomes.” Additionally, the [Environmental Defense Fund](#) and the Clean Air Task Force (CATF) note that nationally, children miss 500,000 thousand days of school each year due to ozone smog resulting from pollution produced by the oil and gas industry. In their 2016 report, CATF, further indicates that Lea and Eddy Counties, New Mexico were in the top 30 counties in the nation for risk of asthma attack.

The bill’s provisions for mapping, inventorying, and reporting children’s health protection zones, for leak detection and alarm response, for compliance with air quality standards, and for suspension of operations on wells that are out of compliance are likely to improve air quality for schools that are near oil and gas wells and production facilities. These outcomes may also lead to greater educational outcomes for students in affected schools.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None for the Public Education Department.

OCC would be directed to adopt rules and guidelines to govern the conduct of administrative proceedings under the act, to at least include provision of adequate notice and transparent procedures for the public. OCD would be directed to adopt rules in consultation with the Environmental Improvement Board to implement performance standards for oil and gas operators’ emission detection systems, and for other rules necessary to implement the provisions of the Oil and Gas Act that concern operations in children’s health protection zones.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to:

- House Bill, 33, Prohibit New Emissions in High Ozone Counties, which would ban the construction of new sources of emissions relating to oil and gas in counties where the ozone concentration exceeds the primary National Ambient Air Quality Standards
- House Bill 34, Oil Conservation Protect Health & Environment, which proposes to direct OCC and OCD to protect the public health when implementing the Oil and Gas Act.
- Senate Bill 4, Clear Horizons & Greenhouse Gas Emissions, which proposes to amend the Environmental Improvement Act to establish statewide greenhouse gas limits and require reporting, and amend the Air Quality Control Act to require the Environmental Improvement Board to regulate greenhouse gas emissions accordingly.

TECHNICAL ISSUES

The bill attempts to distinguish between “public school, state-chartered or locally chartered charter schools” but state and local charter schools are public schools. For the sake of clarity, the sponsor may wish to consider amending the definition of “school” in the bill to remove unnecessary and redundant references to locally and state-chartered charter schools.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

See, "Technical Issues," above.