

LFC Requester:	Liu
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**AGENCY BILL ANALYSIS
2022 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

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 January 28, 2022
Bill No: *HB142

Sponsor: Rep. Serrato
Protective Personal
Short Title: Equipment for Schools

Agency Name and Code Number: PED - 924
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
FY22	FY23		
1,550.0	N/A	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY22	FY23	FY24		
N/A	N/A	N/A	Nonrecurring	NFI

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	Nonrecurring	NFI

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

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

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 142 with emergency clause (*HB142) appropriates \$1,550,000 to the Public Education Department (PED) in FY22 to provide all public school students enrolled through the end of the 2021-2022 school year with adequate personal protective equipment (PPE).

*HB142 has an emergency clause. If the bill receives a two-thirds vote in both chambers, it will take effect immediately on signature by the Governor. If the bill passes a simple majority, the bill would be effective May 18, 2022.

FISCAL IMPLICATIONS

*HB142 appropriates \$1,550,000 from the general fund to PED for expenditure in FY22 to provide all public school students enrolled through the end of the 2021-2022 school year with adequate PPE. Any unexpended or unencumbered balance remaining at the end of FY22 shall revert to the general fund.

The provisions of the bill would require significant administrative resources from PED to purchase, allocate, and distribute the PPE prior to the end of the school year. This can be accomplished with current PED resources.

Few schools have sufficient supply of N95 masks or other masks rated by the National Institute for Occupational Safety and Health, the federal agency responsible for testing and approving respirators used in United States workplace settings. *HB142 would provide sufficient funding to purchase three or more such masks for all students and staff in New Mexico public schools.

SIGNIFICANT ISSUES

School districts and state-chartered charter schools received \$1.37 billion in federal funds to address the COVID-19 impacts on elementary and secondary schools. (See Other Substantive Issues for more information about federal funds.) It is unclear how much of those funds were used to purchase PPE.

The [Centers for Disease Control and Prevention](#) (CDC) and the [New Mexico Department of Health](#) continue to recommend individuals wear the most protective [mask available, that fits well](#), and that individuals will wear consistently to [slow the spread of COVID-19](#).

Everyone, including vaccinated individuals, is required to wear a face mask while in a school building, during school-sponsored activities, and on school transportation. The only time a face mask may be off is while eating and drinking during allowed times. While not required, it is recommended that unvaccinated students and staff wear masks while outdoors. To contain respiratory droplets, the notes face masks must cover the mouth and nose and fit snugly against the sides of the face. The types of allowable face masks include:

1. Face masks made of two or more layers of cloth;
2. Face masks with a clear plastic window; and
3. Surgical, procedural, N95 or KN95 face masks that are approved by the federal Food and Drug Administration for use by staff performing medical duties or similar close contact assignments.

The PED [COVID-19 Response Toolkit for New Mexico's Public Schools for School Year 2021-2022](#), in according with CDC guidance, notes there are limited exceptions to wearing face masks. Individuals who should not wear a face covering are children under age two or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.

N95 masks are currently available for purchase, but it is unclear if a supply of sufficient quantity will be readily available for purchase. If supply is available, it is unclear how soon the shipments of masks could arrive in New Mexico.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

*HB142 would require significant administrative resources from the PED to purchase, allocate, and distribute the personal protective equipment prior to the end of the school year. This can be accomplished with current PED resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

In 2020 and 2021, Congress passed three stimulus bills – Coronavirus Aid, Relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, and American Rescue Plan (ARP) Act – that provided nearly \$190.5 billion to the Elementary and Secondary School Emergency Relief (ESSER) Fund to provide local school districts and charter schools emergency relief funds to address COVID-19 impacts on elementary and secondary schools across the nation. States received funds based on the same proportion each state received under the Elementary and Secondary Education Act (ESEA) Title-IA. States are required to distribute at least 90 percent of funds to local educational agencies – school

districts and state-chartered charter schools – based on their proportional share of ESEA Title I-A funds. States have the option to reserve 10 percent of the allocation for emergency needs as determined by state to address issues responding to the COVID-19 pandemic.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Schools will continue to use the masks previously provided by the PED, or will identify other eligible funds (such as the Elementary and Secondary School Emergency Relief Fund) to purchase needed personal protective equipment.

AMENDMENTS

N/A