

LFC Requester:	Liu
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**AGENCY BILL ANALYSIS
2023 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 1/20/2023
Bill No: HB30

Sponsor: Rep Chandler & Rep Garratt
Short Public School Ventilation
Title: Improvement Act

Agency Name and Code PED - 0924
Number: _____
Person Writing Gregory Frostad
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
N/A	N/A	N/A	NFI

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
N/A	N/A	N/A	N/A	NFI

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$12,957.0 - \$21,557.0	\$1,500,557.0 - \$1,950,557.0		Recurring	NFI

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None as of 1/20/2023
Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 1/20/2023

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB30 would create the Public School Ventilation Improvement Act in the Public School Code and would require all school districts and charter schools to undertake a ventilation verification assessment of all mechanical ventilation systems in the school district or charter school, perform the recommended remedies, and submit a ventilation verification report to the department. HB30 would require this assessment.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

Public schools will incur costs to hire contractors to conduct the specific assessments required in the act and to make the repairs required by the bill.

According to the Public Schools Facilities Authority (PSFA), the cost of a school HVAC ventilation assessment per school will depend on the size of the school. There are approximately 65,000,000 gross square feet (GSF) among a total of 759 existing public school buildings in New Mexico; this does not include district owned non-educational spaces and other types of facilities. PSFA estimates the cost to conduct the ventilation verification assessments required in the bill would be anywhere from \$12.4 - \$21 million. This does not include costs to repair or replace units to meet the standards in the bill, which PSFA estimates could be as much as \$1.5 - \$1.95 billion if 50% of units needed to be replaced. These costs are reflected in the chart above, assuming assessments would take place in FY24 and required replacements and repairs in FY25.

HB30 would require PED to collect reports on the assessments and monitor the implementation of the required improvements. Reviewing the assessments of HVAC systems for 759 school buildings and following up on the required improvements would require 5 FTEs for PED, at a recurring cost of approximately \$550,000 for the department. Annual travel costs for those employees to travel to the districts to ensure that the changes required in the assessments have been implemented is estimated at \$7,000.

SIGNIFICANT ISSUES

The bill specifies that “school district” includes charter schools in the Act.

The bill further requires that:

- the assessments must be performed by a certified assessor or a mechanical engineer as defined in the Act;
- the assessments 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 and shall include:
 - testing for maximum filter efficiency;
 - measurements of outside air rate;
 - verification of operation of ventilation components;
 - measurement of all air distribution inlets and outlets;
 - verification of unit operation and that required maintenance has been performed;
 - verification of control sequences;
 - verification or installation of carbon dioxide sensors; and
 - collection of field data for the installation of mechanical ventilation if none exists.
- the Public School Facility Authority (PSFA) works with PED and the Construction Industries Division (CID) of the Regulation and Licensing Department to ensure that the assessments and construction required by the Act meet all standards and requirements of the Act.

The requirement that school districts shall ensure that all work required by the ventilation verification assessment be performed using a “skilled and trained construction workforce” may prove difficult in rural areas. The bill defines skilled and trained construction workforce as 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.”

Schools around the state have difficulty finding licensed contractors, and many rely on their own maintenance crews for routine maintenance. In rural areas contractors may not travel to schools, making it difficult to meet the requirements of HB30.

PERFORMANCE IMPLICATIONS

None as of 1/20/2023

ADMINISTRATIVE IMPLICATIONS

As noted above in Fiscal Implications, PED does not currently have the staffing or budget to administer the requirements of the act.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

The bill requires that the assessment of the ventilation systems verify that the systems meet the requirements of the “2021 New Mexico Mechanical Code.” As codes are subject to change, for statutory purposes it may be more appropriate to refer to “the most current publication of” the New Mexico Mechanical Code.

OTHER SUBSTANTIVE ISSUES

High-quality air filtration is one aspect of a multi-pronged strategy for ensuring healthy school environments. To address issues and concerns surrounding air quality, PED is working with each district and school to ensure installation of high-quality air filters.

PED’s COVID-19 Response Toolkit for New Mexico’s Public Schools for school year 2022-2023 specifies that PED is deploying the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) recommendation for school ventilation systems, which states the target level for filtration in schools is minimum efficiency reporting value (MERV) 13 or higher, which on average will remove 75 percent of particle size of 0.3 to 1.0 μm .

PED has been working with districts and schools to identify the highest quality compatible filters that meet these standards. Schools are also using portable high-efficiency particulate air (HEPA) fan/filtration systems to help enhance air cleaning (especially in higher risk areas such as a nurse’s office or areas frequently inhabited by persons with increased risk of getting COVID-19).

Additionally, districts and schools unable to immediately install MERV 13 or its equivalent are currently required to meet with their operations staff to take the following actions in accordance with the guidelines from the Centers for Disease Control (CDC):

1. Run the central air fan continuously;
2. Open dampers to increase air flow;
3. Open windows and doors (be mindful of possible safety considerations); and
4. Deploy box fans or other portable fans and air purifiers with high air circulation capacity in addition to prioritizing the use of these items in classrooms with higher ventilation needs.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Schools will continue implementing the guidance and current requirements from PED and the CDC to provide adequate school ventilation.

AMENDMENTS

None as of 1/20/2023