

By: Morales of Harris

H.B. No. 2974

A BILL TO BE ENTITLED

AN ACT

1
2 relating to required maintenance on heating and air conditioning
3 systems at public school instructional facilities and to the
4 liability of certain facilities handling hazardous substances for
5 damages caused to public schools.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter A, Chapter 38, Education Code, is
8 amended by adding Section 38.045 to read as follows:

9 Sec. 38.045. MANDATORY MAINTENANCE ON HEATING AND AIR
10 CONDITIONING SYSTEM. (a) In this section:

11 (1) "Health hazard" and "physical hazard" have the
12 meaning assigned by Section 505.004, Health and Safety Code.

13 (2) "Instructional facility" has the meaning assigned
14 by Section 46.001.

15 (b) Subject to Subsection (c), a school district shall for
16 each instructional facility of the district clean and replace
17 heating and air conditioning system filters in accordance with a
18 schedule recommended by a local fire department, county emergency
19 management authority, or other qualified local authority.

20 (c) A school district shall replace a heating and air
21 conditioning system filter if:

22 (1) a notice is issued under Section 505.017, Health
23 and Safety Code, that a health hazard or physical hazard exists not
24 more than two miles from the instructional facility; or

1 (2) a local fire department, county emergency
2 management authority, or other qualified local authority
3 recommends that the filter be replaced as a result of a health
4 hazard or physical hazard occurring at a facility subject to
5 Chapter 505, 506, or 507, Health and Safety Code.

6 SECTION 2. Subchapter C, Chapter 501, Health and Safety
7 Code, is amended by adding Section 501.038 to read as follows:

8 Sec. 501.038. LIABILITY. The owner or operator of a
9 facility subject to Chapter 505, 506, or 507 is liable to a school
10 district or open-enrollment charter school for damages resulting
11 from an explosion, release, or other event caused by the facility.

12 SECTION 3. This Act takes effect September 1, 2021.