

By: Morales of Harris

H.B. No. 2974

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

(1) a notice is issued under Section 505.017, Health and Safety Code, that a health hazard or physical hazard exists not 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.