

By: Morales of Harris

H.B. No. 86

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 38.039 to read as follows:

Sec. 38.039. MANDATORY MAINTENANCE ON HEATING AND AIR CONDITIONING SYSTEM. (a) In this section:

(1) "Health hazard" and "physical hazard" have the meanings 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;

1 (2) the district determines that the hazard for which
2 notice is issued under Subdivision (1) has compromised or adversely
3 affected the filtration system of the instructional facility's
4 heating and air conditioning system; and
5 (3) a local fire department, county emergency
6 management authority, or other qualified local authority
7 recommends that the filter be replaced as a result of the hazard for
8 which notice is issued under Subdivision (1).

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

11 Sec. 501.038. LIABILITY. The owner or operator of a
12 facility subject to Chapter 505, 506, or 507 is liable to a school
13 district or open-enrollment charter school for damages to the
14 heating and air conditioning system of a district or school
15 instructional facility, as defined by Section 46.001, Education
16 Code, resulting from an explosion, release, or other event caused
17 by the facility for which a notice was issued under Section 505.017.

18 SECTION 3. This Act takes effect September 1, 2023.