

- SUBJECT:** Creation of the Texas State Board of Mechanical Industries
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 7 ayes — Wilson, Yarbrough, Flores, Goolsby, Haggerty, J. Moreno, Palmer, A. Reyna
- 0 nays
- 1 absent — D. Jones
- WITNESSES:** For — Stanley J. Briers, Plumbing Heating Cooling Construction Association of Houston; David Coleman, Texas Turf Irrigation Association; Ron Janecka, Associated Plumbing Heating Cooling Contractors of Texas; Glenn Rex, Mechanical Contractors Association of Texas; Russell Wyman
- Against — Jose L. Cardenas; Robert Christianson; Trent Christianson; Thomas Combs; Jay E. Davis; Joe D. Gunn, Texas AFL-CIO; Patrick J. Hennessey; Mason Pearsall, Jr.; Michael Prather; Homer Schmidt, Texas Boiler Advisory Board; Bruce A. Trainowski
- BACKGROUND:** Under current law, there are separate regulatory agencies for plumbing, irrigation, backflow prevention, and air conditioning and refrigeration:
- ! Plumbing is regulated by the Texas State Board of Plumbing Examiners.
 - ! Irrigation is regulated by the Texas Natural Resource Conservation Commission (TNRCC) through the Texas Irrigators Advisory Council.
 - ! Backflow prevention (preventing sewage from backing up into a water system) is regulated through backflow prevention programs by the TNRCC.
 - ! Air conditioning and refrigeration is regulated by the Department of Licensing and Regulation.
- DIGEST:** CSHB 2155 would create the Texas State Board of Mechanical Industries to regulate plumbing, air conditioning and refrigeration, backflow prevention, and irrigation.

Board composition and rules. The fifteen member board would be appointed by the governor with the advice and consent of the Senate. The board would be composed of:

- ! a master plumber with at least 10 years of experience;
- ! a journeyman plumber with at least 5 years of experience;
- ! a plumbing contractor with at least 5 years of experience;
- ! a plumbing inspector with at least 5 years of experience;
- ! a licensed air conditioning and refrigeration contractor;
- ! an air conditioning and refrigeration contractor who has held a class A license for at least five years;
- ! an air conditioning and refrigeration contractor who has held a class B license for at least five years;
- ! an irrigation installer licensed for at least 10 years;
- ! an irrigation installer licensed for at least 5 years;
- ! a licensed backflow prevention specialist;
- ! a licensed engineer with professional engineering experience in plumbing or mechanical design; and
- ! four representatives of the public.

A current member of a board or council to be abolished by the bill would be eligible for membership on the new board, assuming qualifications were met. However, certain involvement in trade associations and lobbying activities could disqualify someone from membership. Public members and their spouses could not be licensed in the trades, employed by a regulated business, or financially involved in the trades.

CSHB 2155 would establish grounds for removal from the board that would require the involvement of the governor and the attorney general. Members would serve staggered, six-year terms, with five terms expiring on February 1 of each odd-numbered year. The board would meet at least twice each year. Unless continued under the Sunset Act, the board would be abolished September 1, 2011.

Board duties. The board would enforce the following laws:

- ! the Plumbing License Law (Art. 6243-101, VTCS);
- ! environmental performance standards for plumbing fixtures (Chapter 372, Health and Safety Code);

- ! the Air Conditioning and Refrigeration Contractor License Law (Art. 8861, VTCS);
- ! irrigator regulatory laws (Chapter 34, Water Code); and
- ! laws on connections to public drinking water (Sec. 341.033(f), Health and Safety Code).

CSHB 2155 would require the board to establish an intra-agency career ladder program; an equal employment opportunity policy; training for new board members to familiarize them with the trades and the board; complaint procedures for consumers; and programs for public participation in board hearings.

Advisory committees. The board would appoint separate advisory committees for plumbing, irrigation, air conditioning and refrigeration, and backflow prevention.

Abolished boards and transferred functions. CSHB 2155 would abolish the Air Conditioning and Refrigeration Contractors Advisory Board, the Texas Irrigators Advisory Council, and the Texas State Board of Plumbing Examiners. The functions, rights, contracts, records, property, personnel, and unspent money of these boards and councils would be transferred to the Board of Mechanical Industries.

Existing licenses, certificates, permits, and registrations would remain in effect and come under the regulation of the new board. The separate licenses required for each trade would remain, but the Board of Mechanical Industries would become the single source for each of the licenses.

In addition to license suspension and revocation, the board would be able to impose administrative penalties of up to \$1,000 for violations of the law.

CSHB 2155 would take effect September 1, 1999. The current boards and councils would remain in effect until the new board was appointed.

**SUPPORTERS
SAY:**

CSHB 2155 would create the Board of Mechanical Industries to unify the regulation of several related trades under one common board. Since many individual contractors are involved in more than one of the regulated trades, those contractors now have to go to four or five different agencies for licenses. CSHB 2155 would give these contractors “one stop shopping,” which would

eliminate public confusion and government waste by combining regulatory functions into one board.

Members of the existing boards and councils would be eligible for membership on the new board if they met the membership requirements. There is no reason to believe that the successful programs begun by some of the existing boards and councils would not continue under the new board. The added resources and greater focus given to the new board would actually encourage the successful programs that are already in place.

Representatives from the trades work together on nearly every construction project in Texas. Many individual contractors are licensed in multiple trades. These trades work together and their representatives would be able to cooperate on a single regulatory board.

Bills similar to this one have been introduced in the last three sessions. There is no reason to delay when it is clear that one single regulatory authority would help the state, the trades, and the consumer.

**OPPONENTS
SAY:**

Some of the boards and councils that would be abolished by CSHB 2155 are very effective and responsive to their regulated trades. The productive members of these boards and councils might be lost when the entities regulating the trades are combined into one board. The advisory committees would not be adequate replacements for boards and councils dedicated to individual trades.

The trades that would be regulated by the new board are very different and have widely varied concerns even though many contractors hold multiple licenses. It would be difficult for representatives from the trades to agree or share power.

This issue is too complicated to justify creating a new board at this time. The legislature should wait until one of the regulatory bodies is under Sunset Review before taking action.

NOTES:

The committee substitute excluded boiler regulation, changed the agency title from the "Texas Board of Plumbing and Mechanical Work" to the "Texas State Board of Mechanical Industries," and revised the composition of the board and the board's administrative rules.

A related bill, HB 1658 by Gallego, which would abolish the Department of Licensing and Regulation and add air conditioning and refrigeration, elevators and escalator installation, and boiler manufacturing and installing under the State Board of Plumbing Examiners, which would be renamed the Texas Department of Industrial Trades, was referred to the Licensing and Administrative Regulation Committee.