

SUBJECT: Changing the composition of two TDLR advisory boards

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 6 ayes — Smith, Kuempel, Geren, Gooden, Guillen, Gutierrez
0 nays
3 absent — Miles, Price, S. Thompson

WITNESSES: For — Ned Munoz, Texas Association of Builders; (*Registered, but did not testify*: Jon Fisher, Associated Builders and Contractors of Texas)

Against — Todd McAlister, Air Conditioning Contractors Association of Texas

On — (*Registered, but did not testify*: Renea Beasley, IEC of Texas; William Kuntz, Texas Department of Licensing and Regulation)

DIGEST: CSHB 1503 would expand the number of appointed members of the Air Conditioning and Refrigeration Contractors Advisory Board from seven to nine. The number of full-time licensed air conditioning and refrigeration contractors would be increased from four to five, including one member who was a licensed contractor principally engaged in air conditioning and refrigeration contracting who worked in a municipality. The other additional member would be a home building contractor.

CSHB 1503 also would require that one of the members of the nine-member Electrical Safety and Licensing Advisory Board be a home building contractor.

The additional board members would be appointed upon the expiration of the current board members' terms.

The bill would take immediate effect if finally passed by two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

The Air Conditioning and Refrigeration Contractors Advisory Board and the Electrical Safety and Licensing Advisory Board provide key technical support and information to the Commission of Licensing and Regulation. Adding home building contractors to these boards would provide an important holistic perspective on how air conditioning, refrigeration, and electrical work fit into the affordability and other aspects of building construction. Having additional input from building contractors on these boards would be preferable to merely relying on general contractors speaking during the public meeting phases of rulemaking. It would be more efficient and effective to have building contractors on the board as a way to understand the full implications of proposed changes in rules.

While the Air Conditioning and Refrigeration Contractors Advisory Board already includes four contractors, none are general building contractors. Other technical advisory boards, such as the Board of Plumbing Examiners, also include building contractors.

**OPPONENTS
SAY:**

The bill would require that these advisory boards each have a member who was a home building contractor, but the purpose of these advisory boards is not to provide a complete perspective on the impact of air conditioning, refrigeration, and electrical elements on the construction process. That is the job of the Commission of Licensing and Regulation. Rather, these advisory boards typically focus on narrow technical matters to advise the commission on safety and standards. The input would be minimal from a building contractor.

Builders are already free to comment in the public hearings of these advisory boards under the Open Meetings Act, though they have only infrequently done so in the past.

In addition, adding another two members to the Air Conditioning and Refrigeration Contractors Advisory Board would only hinder its ability to make recommendations in a timely manner to the commission. These advisory boards are entirely voluntary and already have difficulty assembling a quorum.

**OTHER
OPPONENTS
SAY:**

CSHB 1503 would not go far enough. The boards should include both a home construction building contractor and a commercial building contractor, as included in the original filed bill. The Board of Plumbing Examiners already includes such members. These advisory boards would benefit from the perspective of both contractors who were principally

engaged in home construction and those who were engaged in commercial construction, which may have different considerations and pricing structures.

NOTES:

The committee substitute differs from the bill as filed in that it would:

- specify that one new member of the Air Conditioning and Refrigeration Advisory Board be a licensed contractor principally engaged in air conditioning and refrigeration contracting and work in a municipality;
- remove the requirement that one new member of the Air Conditioning and Refrigeration Advisory Board be a commercial building contractor;
- require that one member of the nine-member Electrical Safety and Licensing Advisory Board be a home contractor, rather than increasing the number of members to 11 and requiring both a home and a commercial building contractor be members, as in the filed bill.

The author intends to bring an amendment to require the additional home building contractor member of each advisory boards to be a member of a statewide building trade association.