

**SUBJECT:** Creating a program to qualify someone for an HVAC-related license

**COMMITTEE:** Licensing & Administrative Procedures — committee substitute recommended

**VOTE:** 7 ayes — K. King, Goldman, Harless, T. King, Patterson, Schaefer, Shaheen

3 nays — Walle, Hernandez, Herrero

1 present not voting — S. Thompson

**WITNESSES:** For — Mark Gatewood, Texas Air Conditioning Contractors Association; Jorge Borrego, Texas Public Policy Foundation (*Registered, but did not testify*; Sarah Douglas, NFIB; David Mintz, Texas Apartment Association; J.D. Hale, Texas Association of Builders; Jacob Cottingham, Texas Association of Community Colleges; Mike Meroney, Texas Association of Manufacturers)

Against — Thomas Kennedy, Texas State Building Trades (*Registered, but did not testify*; Joe Hernandez, Ryan Pollock, Ben Brenneman, International Brotherhood of Electrical Workers Local 520; Leonard Aguilar, Texas AFL-CIO)

On — (*Registered, but did not testify*; Julie Davis, Doug Jennings, Texas Department of Licensing and Regulation; Monica Martinez, Texas Education Agency)

**BACKGROUND:** Under Occupations Code sec. 1302.002(5-c), a "certification training program" for air conditioning and refrigeration technicians is defined as a program of education and training that is accepted or approved by the Texas Department of Licensing and Regulation (TDLR) and consists of at least 2,000 hours of a combination of classroom instruction and practical experience in air conditioning and refrigeration-related work under the supervision of a licensed air conditioning and refrigeration contractor.

Under Occupations Code sec. 1302.502, a person is not required to be registered or certified in order to act or offer to act as an air conditioning and refrigeration technician if the person is a student in a certification training program (CTE) and is younger than 18 years of age or enrolled at a secondary school.

**DIGEST:** CSHB 1859 would extend the definition of "certification and technology education (CTE) program" to include a CTE program offered by a higher education institution or a private school that was determined to be similar to pre-existing CTE programs.

A person would be prohibited from providing instruction in such CTE programs unless the person was a licensed air conditioning and refrigeration contractor or a certified air conditioning and refrigeration technician whose certification was issued on or after September 1, 2018. The Texas Commission of Licensing and Regulation (TCLR) would be required to waive any applicable renewal fee and provide for a reduction in the number of hours of continuing education required to renew an air conditioning and refrigeration contractor license or air conditioning and refrigeration technician certification for a person who provided instruction in the CTE program.

As amended under Occupations Code sec. 1302.502, a person would not be required to be registered or certified in order to act or offer to act as an air conditioning and refrigeration technician if the person was a student in a certification training program who acted or offered to act as an air conditioning and refrigeration technician solely as part of the program and was enrolled at a secondary school or an institution of higher education.

CSHB 1859 would require a person who was younger than 18 years of age acting or offering to act as an air conditioning and refrigeration technician to work under the direct supervision of a licensed air conditioning and refrigeration contractor or a certified air conditioning and refrigeration technician.

The bill would change the required minimum age from 18 to 16 to be an

applicant for a technician registration.

CSHB 1859 would remove the time requirement that an applicant complete a training program certification in the 48 months preceding application for an air conditioning and refrigeration technician certification.

The Texas Commission of Licensing and Regulation (TCLR) would be required to establish standards for the essential knowledge and skills of the CTE program, subject to the approval of the State Board of Education if the courses were to be offered in a high school. The established rules would have to require that the program consist of an appropriate number of hours of classroom instruction as well as a practical component and provide for crediting appropriate on-the-job training towards meeting the requirements of the practical component. A CTE program offered by a higher education institution could not be more stringent than a program offered by a public high school. As soon as practicable after the effective date of the bill, TCLR would be required to adopt the rules necessary to implement the bill. In developing initial standards, TCLR would be required to consult with Texas State Technical College and relevant interest groups in the air conditioning and refrigeration industry.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

**SUPPORTERS  
SAY:**

CSHB 1859 would help to address a shortage of skilled HVAC technicians by expanding opportunities for young people to have successful careers in this role. The air conditioning and refrigeration industry is struggling to replace the retiring generation of HVAC technicians with skilled workers due in part to certain regulations. Service requests often go unfilled for many days because of the workforce shortage, and the rising need for repairs due to the increasing prevalence of extreme weather has amplified the issue.

Permitting these students to pursue certification in high school could help

these individuals to avoid burdensome debt. CTE students would not receive education and training that was any lesser in quality, as they would be held to TCLR and Texas State Technical College standards, engage in practical components of the program, and take the same test they would otherwise be expected to take for certification.

CRITICS  
SAY:

CSHB 1859 may not provide enough clarity regarding requirements for on-the-job training, which is an important qualification to be a skilled technician.