

## **BILL ANALYSIS**

C.S.H.B. 1503  
By: Kuempel  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that the electrical safety and licensing advisory board and the air conditioning and refrigeration contractors advisory board lack builder representation, despite the fact that electrical systems and air conditioning mechanisms are key components of a home and play a vital role in a home's overall construction practices and affordability. The parties further assert that such representation on these advisory boards would help create a more effective and efficient rulemaking process and would help the advisory boards gain a thorough understanding of regulatory implications on both the home and commercial building industries. C.S.H.B. 1503 seeks to add building contractors to the electrical safety and licensing advisory board and the air conditioning and refrigeration contractors advisory board.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1503 amends the Occupations Code to expand from seven to nine the membership of the air conditioning and refrigeration contractors advisory board by adding one building contractor who is principally engaged in home construction and one member who holds a license of any classification under the Air Conditioning and Refrigeration Contractor License Law, is principally engaged in air conditioning and refrigeration contracting, and practices in a municipality. The bill includes the building contractor member among the members who are exempt from the requirement that each appointed advisory board member be experienced in the design, installation, construction, maintenance, service, repair, or modification of equipment used for environmental air conditioning, commercial refrigeration, or process cooling or heating.

C.S.H.B. 1503 requires the electrical safety and licensing advisory board to include, in addition to the board's members with the specified affiliations or non-affiliation, one public member who is a building contractor principally engaged in home construction.

C.S.H.B. 1503 requires the presiding officer of the Texas Commission of Licensing and Regulation to appoint the additional board members to the air conditioning and refrigeration contractors advisory board, with the commission's approval, not later than December 1, 2013. The bill establishes that its provisions regarding the qualifications of members of the electrical safety and licensing advisory board do not affect the entitlement of a member serving on the board immediately before the bill's effective date to continue to serve for the remainder of the member's term. The bill requires the presiding officer of the commission, as terms on the board expire, to appoint members that reflect the requirements of the bill's provisions.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B 1503 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Section 1302.201, Occupations Code, is amended to read as follows:

Sec. 1302.201. **ADVISORY BOARD MEMBERSHIP.** The air conditioning and refrigeration contractors advisory board consists of nine [~~seven~~] members appointed by the presiding officer of the commission, with the commission's approval, and two ex officio nonvoting members. One member of the advisory board must be a public member.

SECTION 2. Section 1302.202(a), Occupations Code, is amended to read as follows:

(a) Except for the public member and the building contractor members, each appointed advisory board member must be experienced in the design, installation, construction, maintenance, service, repair, or modification of equipment used for environmental air conditioning, commercial refrigeration, or process cooling or heating. Other than the public member, of the appointed members:

(1) one must be an official of a municipality with a population of more than 250,000;

(2) one must be an official of a municipality with a population of not more than 250,000; [~~and~~]

(3) **four** must be full-time licensed air conditioning and refrigeration contractors, as follows:

(A) one member who holds a Class A license and practices in a municipality with a population of more than 250,000;

(B) one member who holds a Class B license and practices in a municipality with a population of more than 250,000;

(C) one member who holds a Class A license and practices in a municipality with a population of more than 25,000 but not more than 250,000; and

(D) one member who holds a Class B license and practices in a municipality with a population of not more than 25,000; and

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 1302.202(a), Occupations Code, is amended to read as follows:

(a) Except for the public member and the building contractor member, each appointed advisory board member must be experienced in the design, installation, construction, maintenance, service, repair, or modification of equipment used for environmental air conditioning, commercial refrigeration, or process cooling or heating. Other than the public member, of the appointed members:

(1) one must be an official of a municipality with a population of more than 250,000;

(2) one must be an official of a municipality with a population of not more than 250,000; [~~and~~]

(3) **five** [~~four~~] must be full-time licensed air conditioning and refrigeration contractors, as follows:

(A) one member who holds a Class A license and practices in a municipality with a population of more than 250,000;

(B) one member who holds a Class B license and practices in a municipality with a population of more than 250,000;

(C) one member who holds a Class A license and practices in a municipality with a population of more than 25,000 but not more than 250,000; [~~and~~]

(D) one member who holds a Class B license and practices in a municipality with a population of not more than 25,000; and

(4) two must be building contractors, as follows:

(A) one member who is principally engaged in home construction; and

(B) one member who is principally engaged in commercial construction.

SECTION 3. Sections 1305.051(a) and (b), Occupations Code, are amended to read as follows:

(a) The advisory board consists of eleven ~~nine~~ members appointed by the presiding officer of the commission with the approval of the commission as follows:

(1) three master electrician members;

(2) three journeyman electrician members; ~~and~~

(3) three public members; and

(4) two building contractors, as follows:

(A) one member who is principally engaged in home construction; and

(B) one member who is principally engaged in commercial construction.

(b) The advisory board members must include:

(1) two members who are affiliated with a statewide association of electrical contractors not affiliated with a labor organization;

(2) three members who are affiliated with a labor organization;

(3) one member who is not affiliated with a statewide association of electrical contractors or with a labor organization; ~~and~~

(4) one member who is affiliated with a historically underutilized business, as that term is defined by Section 2161.001, Government Code; and

(5) two members who are affiliated with a statewide association of building contractors.

SECTION 4. Not later than December 1, 2013, the presiding officer of the Texas Commission of Licensing and Regulation, with the commission's approval, shall appoint the additional board members described by Section 1302.202, Occupations Code, as amended by this Act, to the air

(E) one member who holds a license of any classification under this chapter, is principally engaged in air conditioning and refrigeration contracting, and practices in a municipality; and

(4) one must be a building contractor who is principally engaged in home construction.

SECTION 3. Section 1305.051(b), Occupations Code, is amended to read as follows:

(a) The advisory board consists of eleven ~~nine~~ members appointed by the presiding officer of the commission with the approval of the commission as follows:

(1) three master electrician members;

(2) three journeyman electrician members; ~~and~~

(3) three public members; and

(4) two building contractors, as follows:

(A) one member who is principally engaged in home construction; and

(B) one member who is principally engaged in commercial construction.

(b) The advisory board members must include:

(1) two members who are affiliated with a statewide association of electrical contractors not affiliated with a labor organization;

(2) three members who are affiliated with a labor organization;

(3) one member who is not affiliated with a statewide association of electrical contractors or with a labor organization; ~~and~~

(4) one member who is affiliated with a historically underutilized business, as that term is defined by Section 2161.001, Government Code; and

(5) one public member who is a building contractor principally engaged in home construction.

SECTION 4. (a) Not later than December 1, 2013, the presiding officer of the Texas Commission of Licensing and Regulation, with the commission's approval, shall appoint the additional board members described by Section 1302.202, Occupations Code, as amended by this Act,

conditioning and refrigeration contractors advisory board and by Section 1305.051, Occupations Code, as amended by this Act, to the electrical safety and licensing advisory board.

to the air conditioning and refrigeration contractors advisory board.

(b) The change in law made by this Act to Section 1305.051(b), Occupations Code, regarding the qualifications of members of the electrical safety and licensing advisory board does not affect the entitlement of a member serving on the board immediately before the effective date of this Act to continue to serve for the remainder of the member's term. As terms on the board expire, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint members that reflect the requirements of Section 1305.051(b), Occupations Code, as amended by this Act.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 5. Same as introduced version.