

BILL ANALYSIS

C.S.H.B. 1859
By: Schaefer
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is a shortage of workers in the heating, ventilation, and air conditioning (HVAC) industry in the state of Texas. The Texas Workforce Commission is projecting 3,719 annual job openings in the HVAC industry until 2030. The Texas Air Conditioning Contractors Association states that workforce development is one of their top priorities due to this shortage. Much of the shortage is due to current workers retiring combined with the intense regulations that are required to enter the HVAC industry. Unfortunately, this issue became very apparent during Winter Storm Uri in 2021, when many people had problems finding HVAC technicians to fix their frozen water pumps and water heaters. C.S.H.B. 1859 seeks to help increase the number of HVAC technicians in Texas by removing barriers and creating an opportunity for high school students or community college students to receive HVAC certification.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTIONS 2 and 7 of this bill.

ANALYSIS

C.S.H.B. 1859 amends the Occupations Code to make changes relating to air conditioning and refrigeration technician certification and registration. The bill revises the requirement for an applicant for technician certification to have completed either a certification training program or a certain amount of qualifying work by removing the condition that the training program has to be completed in the 48 months preceding application. The bill requires the Texas Department of Licensing and Regulation to recognize a public school career and technology education program, or a similar program offered by an institution of higher education or a private school, as a certification training program for purposes of that eligibility requirement. With respect to such recognition, the bill does the following:

- requires the Texas Commission of Licensing and Regulation (TCLR) to adopt rules establishing standards for the essential knowledge and skills of a career and technology education program recognized as a technician certification training program and to consult with the Texas State Technical College and relevant interest groups in the air conditioning and refrigeration industry in the initial development of the standards;
- subjects those standards, if the courses are to be offered in a high school, to the approval of the State Board of Education;
- requires the rules adopted by TCLR to require the program to consist of an appropriate number of hours of classroom instruction and a practical component and to provide for

crediting appropriate on-the-job training toward meeting the requirements of the practical component; and

- prohibits a program offered by an institution of higher education from being more stringent than a program offered by a public high school.

The bill requires instruction in such a program to be provided either by a licensed air conditioning and refrigeration contractor or by a certified air conditioning and refrigeration technician whose certification was issued on or after September 1, 2018. The bill requires TCLR to adopt rules to waive any applicable renewal fee and reduce the number of hours of continuing education required to renew a license or certification for contractors and technicians who provide instruction in a program.

C.S.H.B. 1859 lowers from 18 years to 16 years the minimum age of an applicant for an air conditioning and refrigeration technician registration. The bill requires a person who is younger than 18 years of age and acting or offering to act as an air conditioning and refrigeration technician to at all times work under the direct supervision of a licensed air conditioning and refrigeration contractor or a certified air conditioning and refrigeration technician.

C.S.H.B. 1859 revises eligibility for the exemption from technician registration or certification for students in a certification training program as follows:

- extends eligibility to students enrolled at an institution of higher education, in addition to students enrolled at a secondary school;
- removes the requirement that an exempted student be younger than 18 years of age; and
- clarifies that the exemption applies only to a student who acts or offers to act as an air conditioning and refrigeration technician solely as part of the program.

C.S.H.B. 1859 requires TCLR to adopt rules necessary to implement the bill's provisions as soon as practicable after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1859 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the nature of the supervision by an applicable licensed or certified contractor or technician under which a person who is younger than 18 years of age and acting or offering to act as an air conditioning and refrigeration technician must work at all times, from on-site supervision, as in the introduced, to direct supervision.