



Am. S.B. 192*

127th General Assembly

(As Reported by S. State and Local Government and Veterans Affairs)

Sen. Gardner

BILL SUMMARY

- Authorizes a board of health to contract with a board of county commissioners for a county building department to inspect plumbing in buildings within the health district.
- Authorizes a board of health to contract with another board of health for the inspection of plumbing within the first board's health district.
- Permits the contracts for inspections to specify residential buildings, nonresidential buildings, or both so long as the inspector is certified for the type of building designated.
- Requires plumbing inspectors for a county building department to be certified by the Superintendent of Industrial Compliance pursuant to qualifications the Superintendent adopts by rule.
- Prohibits inspections by the Division of Industrial Compliance in a health district where the county building department is authorized to perform plumbing inspections pursuant to a contract with a board of health and in a health district where another health district is authorized to perform inspections pursuant to a contract.

* This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

CONTENT AND OPERATION

Background

The Division of Industrial Compliance in the Department of Commerce has general authority to inspect plumbing in nonresidential buildings. This authority does not apply in municipal corporations that are certified by the state Board of Building Standards to inspect plumbing or in health districts that employ one or more plumbing inspectors. (R.C. 3703.01(A)(1), (2), and (3) and (B)(1)(a) and (b).)

Existing law does not expressly authorize a county building department to inspect plumbing, and there is no provision for a health district to contract with a board of county commissioners for its county building department to inspect plumbing within the health district. A recent opinion of the Ohio Attorney General (2006 Op. Att'y Gen. No. 2006-040) concluded that:

absent express statutory authority, the board of health of a general health district may not, pursuant to contract or otherwise, delegate to a county its duty to perform plumbing inspections. In addition, certification of a county building department and its personnel by the Board of Building Standards under R.C. 3781.10(E)(1) or (2) does not authorize such department or its personnel to perform plumbing inspections.

Plumbing inspection under the bill

Contract with a county building department

The bill enables a board of health of a health district to enter into a contract with a board of county commissioners for the county building department to inspect plumbing in buildings within the health district. The contract may designate that the county department inspect either residential or nonresidential buildings, or both types of buildings, so long as the department employs a plumbing inspector certified as the bill requires to inspect the types of buildings the contract designates. (R.C. 3703.01(C)(1).)

The bill specifies that the Division of Industrial Compliance may not inspect plumbing in the types of buildings in a health district where the county building department is authorized to inspect those types of buildings. (R.C. 3703.01(B)(1)(c).) The bill also stipulates that a county building department has

no authority to inspect plumbing unless it is authorized to do so pursuant to a contract with a board of health of a health district. (R.C. 3703.01(B)(2).)

Contract with another health district

The bill authorizes the board of health of a health district to enter into a contract with the board of health of another health district to authorize that board to inspect plumbing in buildings within the contracting board's district. The contract may designate the inspection of residential, nonresidential, or both types of buildings so long as the inspector is certified for the type of building the contract designates. (R.C. 3703.01(C)(2).) The bill further specifies that the Division of Industrial Compliance may not inspect plumbing or collect fees in health districts that have entered into a contract with another health district to inspect its plumbing. (R.C. 3703.01(B)(1)(d).)

Certification required

The bill requires the Superintendent of Industrial Compliance to adopt rules prescribing minimum qualifications for certifying or recertifying plumbing inspectors employed by a county building department under the contracts authorized by the bill in the same manner as current law requires for plumbing inspectors of a health district. Accordingly, all plumbing inspectors must be certified to conduct plumbing inspections for health districts regardless of whether the health district employs its own certified plumbing inspectors or contracts for inspection services from a county building department or another health district. (R.C. 3703.01(B)(4), (C)(1), (C)(2), and (D).)

HISTORY

ACTION	DATE
Introduced	06-26-07
Reported, S. State & Local Gov't & Veterans Affairs	---

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