

revenue. However, there would also be a decrease in expenses corresponding to fewer inspection duties and responsibilities for the health districts while county building departments could experience an increase in expenses to perform the plumbing inspections.

Detailed Fiscal Analysis

Overview

The bill stems from a situation in which several county building departments were performing plumbing inspections for homes, commercial establishments, and industrial buildings through contracts with county health departments, which are specifically authorized to conduct such plumbing inspections. However, the Department of Commerce's Division of Industrial Compliance (DIC) informed several counties that plumbing inspectors for the county health department should be performing the inspections. There is also a September 2006 Ohio Attorney General opinion stating that:

- Absent express statutory authority, the board of health of a general health district may not delegate to a county its duty to perform plumbing inspections;
- A county building department and its personnel that became certified by the Board of Building Standards do not become authorized by such certification to perform plumbing inspections; and
- DIC has no authority to certify county building department employees to perform plumbing inspections.¹

To address these findings, this bill allows a board of health to enter into a contract with a board of county commissioners to allow the county building department to inspect plumbing in buildings in the health district as long as the county building department employs an appropriately certified plumbing inspector. Since DIC currently has no authority to certify county building department employees to perform plumbing inspections (it is, however, authorized to certify health department plumbing inspectors), the bill requires the Superintendent of Industrial Compliance to adopt rules that would enable such certifications. The bill also allows a board of health to enter into a contract with another board of health to inspect plumbing in buildings within the contracting board's district.

State fiscal effects

Because DIC would now have the authority to certify plumbing inspectors employed by county building departments, the Industrial Compliance Operating Fund (Fund 556) may gain fee revenue corresponding to the number of county building department personnel that apply for plumbing inspection certification. Consequently, there may be an increase in administrative costs to certify these individuals, likely to be absorbed within existing resources. As noted above, DIC currently certifies plumbing inspectors employed by health departments. DIC certified 265 such persons in FY 2007. The initial

¹ Ohio Attorney General Opinion No. 2006-040.

application, examination, and certification fee for health department plumbing inspectors is \$100 while the triennial renewal fee is \$60.

Local fiscal effects

Any costs incurred by local governments as a result of this bill would be considered permissive. For those counties that already had building departments perform plumbing inspections and choose to enter into plumbing inspection contracts, the bill would return the situation to the status quo. City and general health districts entering into such contracts with boards of county commissioners may lose plumbing inspection fee revenue while counties (through the building department) would gain such fee revenue. However, there would also be a decrease in expenses corresponding to fewer inspection duties and responsibilities for the health districts while county building departments could experience an increase in expenses to perform the plumbing inspections.

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