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Am. S. B. No. 192

Senator Gardner

**Cosponsors: Senators Carey, Niehaus, Coughlin, Harris, Spada
Representatives Wolpert, Combs, McGregor, J., Flowers**

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A B I L L

To amend sections 3703.01, 3703.08, and 3781.03 of 1
the Revised Code to permit the board of health of 2
a health district to enter into a contract with a 3
board of county commissioners to authorize the 4
county building department to inspect plumbing in 5
any type of building for which the county 6
department is certified, to permit the board of 7
health of a health district to enter into a 8
contract with the board of health of another 9
health district for the inspection of plumbing 10
within the first board's district, to require the 11
Treasurer of State to liquidate the Tobacco Use 12
Prevention and Control Foundation Endowment Fund 13
in a prudent manner, to create the Jobs Fund, and 14
to declare an emergency. 15

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3703.01, 3703.08, and 3781.03 of the 16
Revised Code be amended to read as follows: 17

Sec. 3703.01. (A) ~~The~~ Except as otherwise provided in this 18

section, the division of industrial compliance in the department 19
of commerce shall do all of the following: 20

(1) Inspect all nonresidential buildings within the meaning 21
of section 3781.06 of the Revised Code; 22

(2) Condemn all unsanitary or defective plumbing that is 23
found in connection with those places; 24

(3) Order changes in plumbing necessary to insure the safety 25
of the public health. 26

(B)(1)(a) ~~The division of industrial compliance and, boards~~ 27
~~of health of city and general health districts, and county~~ 28
~~building departments shall not inspect plumbing or collect fees~~ 29
~~for inspecting plumbing in particular types of buildings in any~~ 30
~~municipal corporation that has been is certified by the board of~~ 31
~~building standards under section 3781.10 of the Revised Code to~~ 32
~~exercise enforcement authority for plumbing in such those types of~~ 33
~~buildings.~~ 34

~~(2)(b)~~ The division shall not inspect plumbing or collect 35
fees for inspecting plumbing in particular types of buildings in 36
any health district that ~~has employed~~ employs one or more ~~approved~~ 37
plumbing inspectors certified pursuant to division (D) of this 38
section to enforce Chapters 3781. and 3791. of the Revised Code 39
and the rules adopted pursuant to those chapters relating to 40
plumbing in ~~such those~~ types of buildings. 41

~~(3) A~~ (c) The division shall not inspect plumbing or collect 42
fees for inspecting plumbing in particular types of buildings in 43
any health district where the county building department is 44
authorized to inspect those types of buildings pursuant to a 45
contract described in division (C)(1) of this section. 46

(d) The division shall not inspect plumbing or collect fees 47
for inspecting plumbing in particular types of buildings in any 48
health district where the board of health has entered into a 49

contract with the board of health of another district to conduct 50
inspections pursuant to division (C)(2) of this section. 51

(2) No county building department shall inspect plumbing or 52
collect fees for inspecting plumbing in any type of building in a 53
health district unless the department is authorized to inspect 54
that type of building pursuant to a contract described in division 55
(C)(1) of this section. 56

(3) No municipal corporation ~~does not have jurisdiction to~~ 57
shall inspect plumbing or collect fees for ~~the inspection of~~ 58
inspecting plumbing in types of buildings for which it ~~has~~ is not 59
been certified by the board of building standards under section 60
3781.10 of the Revised Code to exercise enforcement authority. 61

(4) A ~~No~~ board of health of a health district ~~does not have~~ 62
jurisdiction to ~~shall~~ inspect plumbing or collect fees for ~~the~~ 63
inspection of ~~inspecting~~ plumbing in types of buildings for which 64
it does not have an ~~approved~~ a plumbing inspector ~~certified~~ 65
pursuant to division (D) of this section. 66

(C)(1) The board of health of a health district may enter 67
into a contract with a board of county commissioners to authorize 68
the county building department to inspect plumbing in buildings 69
within the health district. The contract may designate that the 70
department inspect either residential or nonresidential buildings, 71
as those terms are defined in section 3781.06 of the Revised Code, 72
or both types of buildings, so long as the department employs a 73
plumbing inspector certified pursuant to division (D) of this 74
section to inspect the types of buildings the contract designates. 75
The board of health may enter into a contract regardless of 76
whether the health district employs any certified plumbing 77
inspectors to enforce Chapters 3781. and 3791. of the Revised 78
Code. 79

(2) The board of health of a health district, regardless of 80

whether it employs any certified plumbing inspectors to enforce 81
Chapters 3781. and 3791. of the Revised Code, may enter into a 82
contract with the board of health of another health district to 83
authorize that board to inspect plumbing in buildings within the 84
contracting board's district. The contract may designate the 85
inspection of either residential or nonresidential buildings as 86
defined in section 3781.06 of the Revised Code, or both types of 87
buildings, so long as the board that performs the inspections 88
employs a plumbing inspector certified pursuant to division (D) of 89
this section to inspect the types of buildings the contract 90
designates. 91

(D) The superintendent of industrial compliance shall adopt 92
rules prescribing minimum qualifications based on education, 93
training, experience, or demonstrated ability, ~~which~~ that the 94
superintendent shall use in certifying or recertifying plumbing 95
inspectors to do plumbing inspections for health districts and 96
county building departments that are authorized to perform 97
inspections pursuant to a contract under division (C)(1) of this 98
section, and for continuing education of plumbing inspectors. ~~Such~~ 99
Those minimum qualifications shall be related to the types of 100
buildings for which a person seeks ~~approval~~ certification. 101

~~(D)~~(E) The superintendent may enter into reciprocal 102
registration, licensure, or certification agreements with other 103
states and other agencies of this state relative to plumbing 104
inspectors if both of the following apply: 105

(1) The requirements for registration, licensure, or 106
certification of plumbing inspectors under the laws of the other 107
state or laws administered by the other agency are substantially 108
equal to the requirements the superintendent adopts under division 109
~~(C)~~(D) of this section for certifying plumbing inspectors. 110

(2) The other state or agency extends similar reciprocity to 111
persons certified under this chapter. 112

~~(E)~~(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to comply with division ~~(E)~~(F)(1) of this section;

(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;

(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.

~~(F)~~(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters.

~~(G)~~(H) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is reason to believe is in a condition to be a menace to the public health.

Sec. 3703.08. Any owner, agent, or manager⁷ of a building in which an inspection is made by the division of industrial compliance, a board of health of a health district, or a certified department of building inspection of a municipal corporation or a county shall have the entire system of drainage and ventilation repaired, as the division, board of health, or department of building inspection directs by its order. After due notice to repair ~~such~~ that work is given, the owner, agent, or manager shall notify the public authority that issued the order when the work is ready for its inspection. No person shall fail to have the work

ready for inspection at the time specified in the notice. 143

Sec. 3781.03. (A) The fire marshal ~~or~~, the fire chief of a 144
municipal corporation that has a fire department, or the fire 145
chief of a township that has a fire department shall enforce the 146
provisions of ~~Chapters 3781.~~ this chapter and Chapter 3791. of the 147
Revised Code that relate to fire prevention. 148

(B) The superintendent of the division of industrial 149
compliance, or the building inspector, or commissioner of 150
buildings in a municipal corporation, county, or township in which 151
the building department is certified by the board of building 152
standards under section 3781.10 of the Revised Code shall enforce 153
in the jurisdiction of each entity all the provisions in ~~those~~ 154
~~chapters~~ this chapter and Chapter 3791. of the Revised Code and 155
any rules adopted pursuant to those chapters that relate to the 156
construction, arrangement, and erection of all buildings or parts 157
of buildings, as defined in section 3781.06 of the Revised Code, 158
including the sanitary condition of those buildings in relation to 159
heating and ventilation. 160

(C) The division of industrial compliance in the department 161
of commerce, ~~the~~ boards of health of health districts, ~~and the~~ 162
certified departments of building inspection of municipal 163
corporations, and county building departments that have authority 164
to perform inspections pursuant to a contract under division 165
(C)(1) of section 3703.01 of the Revised Code, subject to Chapter 166
3703. of the Revised Code, shall enforce ~~Chapters 3781.~~ this 167
chapter and Chapter 3791. of the Revised Code and the rules 168
adopted pursuant to those chapters that relate to plumbing. 169
Building drains are considered plumbing for the purposes of 170
enforcement of those chapters. 171

(D)(1) In accordance with Chapter 3703. of the Revised Code, 172
the department of the city engineer, in cities having such 173

departments, the boards of health of health districts, or the 174
sewer purveyor, as appropriate, shall have complete authority to 175
supervise and regulate the entire sewerage and drainage system in 176
the jurisdiction in which it is exercising the authority described 177
in this division, including the building sewer and all laterals 178
draining into the street sewers. 179

(2) In accordance with Chapter 3703. of the Revised Code, the 180
department of the city engineer, the boards of health of health 181
districts, or the sewer purveyor, as appropriate, shall control 182
and supervise the installation and construction of all drains and 183
sewers that become a part of the sewerage system and shall issue 184
all the necessary permits and licenses for the construction and 185
installation of all building sewers and of all other lateral 186
drains that empty into the main sewers. The department of the city 187
engineer, the boards of health of health districts, and the sewer 188
purveyor, as appropriate, shall keep a permanent record of the 189
installation and location of every drain and sewer of the drainage 190
and sewerage system of the jurisdiction in which it has exercised 191
the authority described in this division. 192

(E) This section does not exempt any officer or department 193
from the obligation to enforce ~~Chapters 3781.~~ this chapter and 194
Chapter 3791. of the Revised Code. 195

Section 2. That existing sections 3703.01, 3703.08, and 196
3781.03 of the Revised Code are hereby repealed. 197

Section 3. Notwithstanding any provision of law to the 198
contrary, on the effective date of this section, the Treasurer of 199
State shall liquidate the Tobacco Use Prevention and Control 200
Foundation Endowment Fund created by section 183.08 of the Revised 201
Code in a prudent manner. The first \$40 million in proceeds from 202
liquidation shall be held in the custody of the Treasurer of 203

State, but shall not be part of the state treasury. Those moneys 204
shall be made available to the Tobacco Use Prevention and Control 205
Foundation for the sole purpose of paying contractual or other 206
legally binding obligations that were entered into by the 207
Foundation on or before the effective date of this section. The 208
Treasurer of State shall deposit the remaining proceeds from 209
liquidation into the state treasury to the credit of the Jobs Fund 210
(Fund 5Z30), which is hereby created. 211

Section 4. This act is hereby declared to be an emergency 212
measure necessary for the immediate preservation of the public 213
peace, health, and safety. The reason for such necessity is to 214
promote public health and safety by increasing the efficiency of 215
plumbing inspection procedures under county government as well as 216
to minimize the impact of current economic stresses by using state 217
funds in a prudent manner to increase employment and job security. 218
Therefore, this act shall go into immediate effect. 219