

**SUBJECT:** Payment of plumbing inspectors by political subdivisions

**COMMITTEE:** Licensing and Administrative Procedures — favorable without amendment

**VOTE:** 7 ayes — Flores, Geren, Goolsby, Hamilton, Miles, Quintanilla, Thompson  
0 nays  
2 absent — Isett, Jones

**WITNESSES:** For — Bill Graham, Bureau Veritas North America, Inc.  
  
Against — (*Registered, but did not testify:* Nancy Jones, Monty Lowell, Associated Plumbing, Heating, Cooling Contractors of Texas)

**BACKGROUND:** Occupations Code, sec. 1301.255 requires that the State Board of Plumbing Examiners adopt plumbing codes and that any plumbing installed in compliance with these codes be inspected by a plumbing inspector. Political subdivisions may contract with any plumbing inspector who is paid directly by that subdivision.

**DIGEST:** HB 1850 would eliminate the requirement in Occupations Code, sec. 1301.255 that plumbing inspectors be paid directly by a political subdivision.  
  
The bill would take effect September 1, 2007.

**SUPPORTERS SAY:** HB 1850 would help improve the quality of plumbing inspection by expanding the available pool of inspectors and eliminating an unnecessary accounting and insurance hurdle. Many small political subdivisions do not have sufficient construction activity to fund full-time positions for plumbing inspectors. The requirement that an inspector be paid directly limits the choices these subdivisions have in contracting with outside plumbing inspectors.  
  
Today, many inspections are performed by QHSE (quality, health, safety, and environment) companies. These companies provide a level of

expertise, oversight, and quality assurance not available to many political subdivisions. HB 1850 would allow political subdivisions to use such companies to perform inspections.

The requirement that inspectors be paid directly by a political subdivision is unique to the plumbing profession and unnecessary because the quality of the inspection does not depend on who paid the inspector's bill. In all but plumbing inspections, individuals providing the services can form companies and receive payment through that company. There is no reason why plumbing inspectors should not be able to conduct their business in this way.

The bill would not affect the quality of inspections or create liability concerns. Political subdivisions still would have to approve the selection of a plumbing inspector, even if the inspector was not an employee of the municipality. Liability would be the responsibility of QHSE companies, which maintain professional as well as commercial vehicle liability insurance.

**OPPONENTS  
SAY:**

HB 1850 would open the door to conflicts of interest if plumbing inspectors were hired by contractors that did the plumbing work under inspection, which could be detrimental to the health and welfare of the people who use these plumbing systems. Cities and counties currently have bidding procedures and training requirements for selecting plumbing inspectors, and these municipalities are liable for the inspectors they train. Removing this requirement could create liability issues if inspectors were not paid directly.