



PRICE DANIEL
ATTORNEY GENERAL

THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

November 18, 1948

Hon. C. E. Belk, Administrator
Board of Plumbing Examiners
Austin, Texas

Opinion No. V-720.

Re: The authority of the State Board of Plumbing Examiners to sponsor and defray the expenses of instructional institutes for plumbing inspectors.

Dear Mr. Belk:

Reference is made to your recent opinion request as follows:

"This office has started preliminary planning for the holding of several Plumbing Inspectors' Institutes. These Institutes are to be conducted solely for the benefit of the Plumbing Inspectors in the State of Texas concerning accepted sanitary plumbing practices. The Institute would be conducted under the sponsorship of The University of Texas and would be taught by instructors selected by the University. The following groups will be asked to co-sponsor this Institute along with the Board:

- "1. American Institute of Architects
- "2. The Associated General Contractors
- "3. Associated Plumbing Contractors of Texas, Inc.
- "4. Texas Public Health Association
- "5. Texas Home Builders Association

"6. Texas State Association of Journeyman of the Plumbing and Pipe Fitting Industry

"These Institutes will be conducted in Austin, Texas, and it would be necessary to conduct some eight or ten Institutes in order to reach all Plumbing Inspectors in the State. The purpose of the Institute is to first gain a uniformity of inspection technique over the State through education and training; and, second, to improve the caliber of inspections in many of the smaller cities over the State where the local Inspectors are not fully cognizant of accepted sanitary practices. As you know, the construction of the Act makes the local Plumbing Inspector the enforcement arm of the Board. It is through their knowledge and vigilance that safe and sanitary plumbing installations are assured. The expense for instructors, manuals, plumbing exhibits, materials, and other miscellaneous items would be borne by the Board.

"Will you therefore give us your opinion as to whether the broad grant of authority and discretion given the Board in the Plumbing License Law of 1947 includes the necessary authority to make such expenditures for the purpose of improving the standards of plumbing inspections carried on by individual city governments and the resultant effect of greater protection for the health, safety and welfare of the citizens of the State."

The sole responsibility and authority of the Board of Plumbing Examiners, under the Plumbing License Law of 1947, codified as Article 6243-101, Vernon's Civil Statutes, is to issue or revoke licenses of plumbers and plumbing inspectors, upon ascertaining the subject's fitness or unfitness to engage in such occupation. While the Act is designed to improve generally the standards of plumbing work and plumbing inspections, the only function of the Board in furtherance of that design is to examine applicants and to conduct investigations and hearing as

to those charged with incompetency or misconduct as defined in the Act, to determine whether license should be issued or revoked. The Board, as an official agency, has no authority or duty to extend its activities beyond the field of responsibility outlined in the Act.

Bearing in mind the limited function of the Board, it appears to be clear that the Board may not under the wording of the present law expend its official funds on expenses of such institutes.

SUMMARY

The Board of Plumbing Examiners may not expend its funds to pay the expenses of instructional institutes for Plumbing Inspectors.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By



Ned McDaniel
Assistant

APPROVED:



ATTORNEY GENERAL.

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