

FINAL BILL REPORT

HB 2902

C 102 L 02

Synopsis as Enacted

Brief Description: Affirming the authority of cities and towns to operate fire hydrants and streetlights.

Sponsors: By Representatives Santos, McDermott and Kenney.

House Committee on Local Government & Housing
Senate Committee on State & Local Government

Background:

Cities and towns are authorized to operate as utilities and set the rates and charges for providing the service of water, sewer, electric power, heating fuel, solid waste removal, and transportation facilities.

City legislative authorities may order any local improvement to be constructed for a number of services, including street lighting systems together with the expense of furnishing electrical energy, maintenance, and operation, and water mains, hydrants, and apparatuses to trunk water.

The Attorney General's Office issued an opinion on January 17, 2001, which answered the question brought by the State Auditor's Office of whether or not cities and towns have the authority to impose a charge on their utility customers for the maintenance and operation of street lights. The answer was in the negative.

The answer is predicated on the fact that street lighting is not specifically mentioned in the municipal utility statutes as a utility a city or town might operate. The opinion further states that street lighting cannot be easily matched with current authorized utility functions due to the fact that no one can use less of a street light, whereas a customer can regulate the use of any other utility function. The opinion goes on to state that a utility necessarily involves the furnishing of a measurable service to particular persons and does not include services which benefit the general public.

Summary:

Fire hydrants are included in the municipal utility authority for water service as an integral utility service incorporated within general rates.

Streetlights are included in the municipal utility authority for electricity service as an

integral utility service incorporated within general rates.

Votes on Final Passage:

House 65 32

Senate 27 22

Senate 25 24 (Senate reconsidered)

Effective: June 13, 2002