
Commerce & Labor Committee

HB 1410

Brief Description: Authorizing certain PUDs to operate an electrical appliance repair service.

Sponsors: Representatives Fromhold, Delvin, Conway, Moeller, Wallace, Sullivan and Kenney.

Brief Summary of Bill

- Authorizes certain public utility districts to operate electrical appliance repair services.

Hearing Date: 2/12/03

Staff: Jill Reinmuth (786-7134).

Background:

In 1998 the Attorney General issued an opinion in response to a request from the State Auditor regarding the statutory authority of public utility districts (PUDs) to engage in certain activities. The opinion examined whether PUDs have statutory authority to provide electrical appliance repair services as well as several other activities.

The opinion concluded that the sale of electrical appliances by municipal utilities, including PUDs, has been a long-standing practice known to the Legislature and is within their express authority. It also concluded that a PUD selling or leasing electrical appliances would have the implied authority to provide for the repair of such appliances.

The opinion found that PUDs lack statutory authority to engage in the business of repairing electrical appliances other than those sold or leased by the district. The Attorney General explained that such activity would be a separate business beyond the authority of a PUD.

In 2002 a superior court granted summary judgment in favor of the plaintiffs in an action against Clark Public Utilities. The superior court declared that Clark Public Utilities does not have statutory authority to engage in the business of repairing electrical appliances other than those it sells or leases, and permanently enjoined Clark Public Utilities from engaging in this business. Clark Public Utilities subsequently appealed the superior court's decision. The appeal is currently pending.

Summary of Bill:

Certain PUDs are authorized to operate an electrical appliance repair service. These PUDs must be located in a county that has a contiguous border with Oregon, and a population of 340,000 or more. These PUDS also must provide electrical, water, and sewer services.

Rules Authority: The bill does not address the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.