

OPINION
49-58

September 30, 1949 (OPINION)

ELECTRICAL COOPERATIVES

RE: Emergency

When you were in the office on September 28, you asked me to pass on the legality of action taken by the Baker Electric Cooperative in declaring an emergency as provided in section 9 of House Bill No. 288 of the 1949 Legislative Session.

The excerpts from the minutes show that a motion was made, seconded, and carried that certain people be allowed to do electrical wiring under the emergency clause. This motion took place at the directors meeting on August 25, 1949. The minutes of the meeting do not show a compliance with section 9 of House Bill No. 288 of the 1949 Session laws. The minutes must show either by motion or by resolution at a meeting of the board of directors and the manager that there are not sufficient licensed electricians available for the installation, maintenance, or repair of farmstead electrical wiring where current is being supplied by the Baker Electric Cooperative. The minutes or resolution must also state that any competent worker in such a case, if an emergency is declared, who has had at least eighteen months of experience in farmstead wiring, may enter into a contract to do electrical wiring for electrical installation, maintenance, or repair of farmstead electrical wiring.

The board of directors of rural electrical cooperatives have no authority to designate certain persons who may operate without a license when an emergency is declared. In the event an emergency is declared by a rural electrical cooperative, any person who has the requirements set forth in section 9 of House Bill No. 288 may do electrical wiring.

The minutes of the meeting must also show that the manager along with the board of directors, determined that a special emergency existed. In the event an emergency is declared, each contract for electrical wiring entered into by a person doing electrical wiring under section 9 must have the formal approval of the manager and the directors of the cooperative.

It is, therefore, my opinion that the excerpts from the minutes of the meeting of the Baker Electric Cooperative held August 25, 1949, do not show a sufficient compliance with section 9 of House Bill No. 288 to declare a special emergency.

P. O. SATHRE

Attorney General