

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2416

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 9, chapter 5, article 2, Arizona Revised Statutes,  
3 is amended by adding section 9-511.04, to read:

4 9-511.04. Denial of water and wastewater prohibited;  
5 definitions

6 A. A CITY OR TOWN LOCATED IN A COUNTY WITH A POPULATION OF MORE THAN  
7 FIVE HUNDRED THOUSAND PERSONS THAT PROVIDES DOMESTIC WATER OR WASTEWATER  
8 SERVICES, PURSUANT TO SECTION 9-511, OUTSIDE OF ITS MUNICIPAL BOUNDARIES  
9 SHALL NOT DENY THOSE SERVICES TO THE OWNERS OF LAND OUTSIDE OF ITS MUNICIPAL  
10 BOUNDARIES IF ALL OF THE FOLLOWING APPLY:

11 1. THE LAND OUTSIDE OF ITS MUNICIPAL BOUNDARIES IS NOT INCLUDED WITHIN  
12 THE TERRITORY TO BE SERVED BY A UTILITY THAT HAS BEEN ISSUED A CERTIFICATE OF  
13 PUBLIC CONVENIENCE AND NECESSITY PURSUANT TO TITLE 40, CHAPTER 2, ARTICLE 4.

14 2. THE CITY OR TOWN DISTRIBUTES OR SELLS POTABLE WATER THROUGH A  
15 MUNICIPAL WATER DELIVERY SYSTEM AS DEFINED IN SECTION 42-5301.

16 3. THE PROPERTY OWNER AGREES TO PAY JUST AND REASONABLE RATES, FEES  
17 AND CHARGES FOR THOSE SERVICES AS PERMITTED BY THIS ARTICLE.

18 4. THE LAND OUTSIDE OF THE MUNICIPAL BOUNDARIES OF THE CITY OR TOWN  
19 SATISFIES ANY OF THE FOLLOWING:

20 (a) IS SUBSTANTIALLY ADJACENT TO THE CITY OR TOWN.

21 (b) IS NEAR THE PIPELINE DELIVERY SYSTEM OR OTHER INFRASTRUCTURE THAT  
22 IS OWNED BY THE CITY OR TOWN TO PROVIDE WATER OR WASTEWATER SERVICES TO ANY  
23 EXISTING WATER OR WASTEWATER CUSTOMERS OF THE CITY OR TOWN.

24 (c) IS ACCESSIBLE TO THE PIPELINE DELIVERY SYSTEM OR OTHER  
25 INFRASTRUCTURE THAT IS OWNED BY THE CITY OR TOWN TO PROVIDE THOSE SERVICES TO  
26 EXISTING CUSTOMERS OF THE CITY OR TOWN, INCLUDING OWNERS OF LAND INSIDE ITS  
27 MUNICIPAL BOUNDARIES AND OUTSIDE ITS MUNICIPAL BOUNDARIES.

28 B. FOR THE PURPOSES OF THIS SECTION:

29 1. "ACCESSIBLE" MEANS LAND THAT MAY BE ACCESSED BY USING A PUBLIC  
30 RIGHT-OF-WAY, OR WITHIN THE EASEMENT, THAT CONTAINS THE PIPELINE DELIVERY

1 SYSTEM OR OTHER INFRASTRUCTURE THAT IS OWNED BY THE CITY OR TOWN TO PROVIDE  
2 WATER OR WASTEWATER SERVICES TO ANY EXISTING WATER OR WASTEWATER CUSTOMERS OF  
3 THE CITY OR TOWN.

4 2. "NEAR THE PIPELINE DELIVERY SYSTEM OR OTHER INFRASTRUCTURE" MEANS  
5 THAT ANY PORTION OF THE LAND TO BE SERVED IS LOCATED WITHIN FIFTEEN HUNDRED  
6 FEET OF THE PIPELINE DELIVERY SYSTEM OR OTHER INFRASTRUCTURE THAT IS OWNED BY  
7 THE CITY OR TOWN TO PROVIDE WATER OR WASTEWATER SERVICES TO ANY EXISTING  
8 WATER OR WASTEWATER CUSTOMERS OF THE CITY OR TOWN.

9 3. "PIPELINE DELIVERY SYSTEM OR OTHER INFRASTRUCTURE" MEANS THE LINES,  
10 SEWERS, WATER MAINS OR STORM DRAINS USED BY THE CITY OR TOWN TO PROVIDE WATER  
11 OR WASTEWATER SERVICES TO ITS CUSTOMERS.

12 4. "SUBSTANTIALLY ADJACENT" MEANS LAND TO BE SERVED THAT IS OUTSIDE  
13 THE MUNICIPAL BOUNDARIES OF THE CITY OR TOWN IF ANY PORTION OF THAT LAND  
14 ABUTS OR IS LOCATED WITHIN ONE THOUSAND FIVE HUNDRED FEET OF THE MUNICIPAL  
15 BOUNDARIES OF THE CITY OR TOWN."

16 Amend title to conform

MICHELLE UGENTI

2416-se-ugenti  
2/10/12  
3:05 PM  
H:ac

2416ds.doc  
01/26/2012  
01:08 PM  
C: mo