

COMMITTEE ON HEALTH & HUMAN SERVICES
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1278
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 9-810, Arizona Revised Statutes, is amended to
3 read:

4 9-810. State preemption; utilities; appliances; restrictions;
5 prohibition; limitation; definitions

6 A. The regulation of a utility provider's authority to operate and
7 serve customers ~~is~~ AND THE CUSTOMER'S RIGHT TO OWN AND OPERATE APPLIANCES
8 THAT USE A UTILITY PROVIDER'S SERVICES ARE a matter of statewide
9 concern. A person's or entity's ability to use the services of a utility
10 provider that is capable and authorized to provide utility service ~~is~~ AND A
11 PERSON'S OR ENTITY'S RIGHT TO OWN AND OPERATE APPLIANCES THAT USE A UTILITY
12 PROVIDER'S SERVICES ARE not subject to further regulation by a municipality
13 pursuant to this section.

14 B. Any code, ordinance, land use regulation or general or specific
15 plan provision or part of a code, ordinance, land use regulation or general
16 or specific plan provision adopted by a municipality may not:

17 1. Prohibit or have the effect of restricting a person's or entity's
18 ability to use the services of a utility provider that is capable and
19 authorized to provide utility service at ~~a~~ THE person's or entity's
20 property.

21 2. PROHIBIT THE MANUFACTURE, SALE OR OWNERSHIP OF AN APPLIANCE THAT
22 USES THE SERVICES OF A UTILITY PROVIDER.

23 C. A municipality may not impose a fine, penalty or other
24 requirement that has the effect of restricting a utility provider's
25 authority to operate or serve customers OR THAT RESTRICTS THE MANUFACTURE,

1 SALE OR OWNERSHIP OF AN APPLIANCE THAT USES THE SERVICES OF A UTILITY
2 PROVIDER.

3 D. This section does not affect any authority of a municipality to
4 manage the public highways within the municipality's boundaries or to
5 exercise the municipality's police powers to review and approve an
6 application before issuing a permit to perform work in the public highways
7 or to enforce associated permit conditions.

8 E. This section does not affect any authority of a municipality to
9 manage or operate a municipally owned utility.

10 F. For the purposes of this section: ~~;~~

11 1. "APPLIANCE" MEANS A STOVE, RANGE, AIR CONDITIONER, FURNACE,
12 HEATER, REFRIGERATOR, DISHWASHER, DRYER, FIREPLACE, GRILL OR OTHER
13 APPLIANCE THAT IS DESIGNED TO USE THE SERVICES OF A UTILITY PROVIDER AND
14 THAT COMPLIES WITH TITLE 40, CHAPTER 7.

15 2. "Utility service" means water, wastewater, natural gas, including
16 propane gas, or electric service provided to an end user.

17 Sec. 2. Section 11-867, Arizona Revised Statutes, is amended to
18 read:

19 11-867. State preemption; utilities; appliances; restrictions;
20 prohibition; limitation; definitions

21 A. The regulation of a utility provider's authority to operate and
22 serve customers ~~is~~ AND THE CUSTOMER'S RIGHT TO OWN AND OPERATE APPLIANCES
23 THAT USE A UTILITY PROVIDER'S SERVICES ARE a matter of statewide concern.
24 A person's or entity's ability to use the services of a utility provider
25 that is capable and authorized to provide utility service ~~is~~ AND A PERSON'S
26 OR ENTITY'S RIGHT TO OWN AND OPERATE APPLIANCES THAT USE A UTILITY
27 PROVIDER'S SERVICES ARE not subject to further regulation by a county
28 pursuant to this section.

29 B. Any code, ordinance, land use restriction or general or specific
30 plan provision or part of a code, ordinance, land use regulation or general
31 or specific plan provision adopted by a county may not:

1 1. Prohibit or have the effect of restricting a person's or entity's
2 ability to use the services of a utility provider that is capable and
3 authorized to provide utility service at ~~a~~ THE person's or entity's
4 property.

5 2. PROHIBIT THE MANUFACTURE, SALE OR OWNERSHIP OF AN APPLIANCE THAT
6 USES THE SERVICES OF A UTILITY PROVIDER.

7 C. A county may not impose a fine, penalty~~,~~ or other requirement
8 that has the effect of restricting a utility provider's authority to
9 operate or serve customers OR THAT RESTRICTS THE MANUFACTURE, SALE OR
10 OWNERSHIP OF AN APPLIANCE THAT USES THE SERVICES OF A UTILITY PROVIDER.

11 D. This section does not affect any authority of a county to manage
12 the public highways within the county's boundaries or to exercise the
13 county's police powers to review and approve an application before issuing
14 a permit to perform work in the public highways or to enforce associated
15 permit conditions.

16 E. This section does not affect any authority of a county to manage
17 or operate a county-owned utility.

18 F. For the purposes of this section: ~~,~~

19 1. "APPLIANCE" MEANS A STOVE, RANGE, AIR CONDITIONER, FURNACE,
20 HEATER, REFRIGERATOR, DISHWASHER, DRYER, FIREPLACE, GRILL OR OTHER
21 APPLIANCE THAT IS DESIGNED TO USE THE SERVICES OF A UTILITY PROVIDER AND
22 THAT COMPLIES WITH TITLE 40, CHAPTER 7.

23 2. "Utility service" means water, wastewater, natural gas, including
24 propane gas, or electric service provided to an end user."

25 Amend title to conform

And, as so amended, it do pass

STEVE MONTENEGRO
CHAIRMAN

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