

Senate Engrossed House Bill

~~state tree; residential planning~~
(now: standpipe service; continuation; emergency)

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2441

AN ACT

RELATING TO MUNICIPAL WATER SERVICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. City or town water service outside city or town;
3 requirements; delayed repeal

4 A. On the effective date of this section, a city or town that
5 provides water service in a county with a population of more than one
6 million five hundred thousand persons shall execute a treat and transport
7 agreement with one or more third parties and, for a period of not more
8 than three years, shall treat and transport water to a standpipe and allow
9 use of the standpipe for water to be hauled to residences that are outside
10 the city's or town's water service area if all of the following apply:

11 1. The number of residences to be served is not more than seven
12 hundred fifty, and the residences are in an area that is an unincorporated
13 community within the county and adjacent to the city or town.

14 2. The city or town previously provided standpipe service to water
15 haulers that deliver water to the residences and the city or town ceased
16 providing that service pursuant to a drought management plan adopted by
17 the city or town.

18 3. Before ceasing standpipe service, the city or town had an
19 opportunity to execute a treat and transport agreement with one or more
20 third parties that would have allowed the city or town to continue
21 providing standpipe service to the water haulers at no cost to the city or
22 town but the city or town did not execute the agreement before the
23 effective date of this section.

24 4. There is no other source of water for those persons within ten
25 miles of their residences.

26 5. The city or town is reimbursed for the full reasonable costs of
27 treating and transporting the water and allowing the water to be hauled
28 from the standpipe as prescribed by this section. The city or town shall
29 not charge residences, water haulers or other third parties prescribed by
30 this section for water-related costs, expenses and acre-feet of water that
31 do not provide a direct benefit to the residences.

32 6. Treating and transporting the water to and allowing the water to
33 be hauled from the standpipe does not, without the city's or town's
34 consent, reduce the amount of water available to residences and businesses
35 within the city's or town's water service area or to residences and
36 businesses outside of the city's or town's water service area with whom
37 the city or town has directly contracted to provide water through means
38 other than water hauling.

39 B. A city or town that treats and transports water and that allows
40 water to be hauled from a standpipe pursuant to subsection A of this
41 section shall do all of the following either directly or by way of a
42 contract with one or more third parties:

43 1. Treat and transport water to the standpipe.

44 2. Allow the water to be received at the standpipe and delivered
45 pursuant to this section through water haulers that have established a

1 water hauling account with the city or town or its contractors. Self
2 hauling of water is allowed.

3 3. Bill and collect from the water haulers the reasonable cost of
4 treating and transporting the water to and allowing the water to be hauled
5 from the standpipe pursuant to this section, which shall not exceed \$20
6 per each one thousand gallons.

7 4. Provide annually not less than one hundred fifty acre-feet of
8 water at the standpipe.

9 C. A city, town or third party that secures, procures or provides
10 water for treatment, transportation and water hauling pursuant to this
11 section shall disclose to the public the source and quantity of the water
12 provided.

13 D. A city or town that treats and transports water and that allows
14 water to be hauled from a standpipe pursuant to subsection A of this
15 section is not liable for any actions taken or omissions after water is
16 received by a water hauler at the standpipe.

17 E. A city, town or third party that secures, procures or provides
18 water for treatment, transportation and water hauling pursuant to
19 subsection A of this section may not reduce or suspend the amount of water
20 provided pursuant to this section for any reason except if the city, town
21 or third party has disclosed the source and quantity of the water pursuant
22 to subsection C of this section and that source has been reduced or
23 suspended by a proportionate amount outside the city's, town's or third
24 party's control.

25 F. A city or town drought management plan shall not prohibit the
26 city or town from entering into contracts with private entities, including
27 private water companies, to ensure the integration of stable and secure
28 water supplies.

29 G. If a city or town has fulfilled its obligations under this
30 section, the city or town is not liable to any person or entity for
31 providing or failing to provide water pursuant to this section.

32 H. For the purposes of section 9-516, Arizona Revised Statutes,
33 standpipe service prescribed by this section does not constitute utility
34 service. For the purposes of section 45-402, paragraph 31, subdivision
35 (a), Arizona Revised Statutes, the area outside of a city's or town's
36 utility service area where a water hauler may deliver water pursuant to
37 this section does not constitute a part of the city's or town's service
38 area. A city or town is not obligated to provide standpipe service
39 outside of its service area unless required by law or contract.

40 I. This section does not:

41 1. Preclude the execution or implementation of a voluntary
42 agreement before the effective date of this section.

43 2. Apply if a voluntary treat and transport agreement or other
44 agreement that results in adequate water being supplied to the residences
45 that would otherwise receive water pursuant to this section on or before

1 the effective date of this section is executed and implemented before the
2 effective date of this section.

3 J. This section is repealed from and after December 31, 2025.

4 (EMERGENCY NOT ENACTED)

5 Sec. 2. Emergency

6 This act is an emergency measure that is necessary to preserve the
7 public peace, health or safety and is operative immediately as provided by
8 law.