

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

House Engrossed Senate Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 153

SENATE BILL 1187

AN ACT

AMENDING SECTION 9-511.03, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-511.03, Arizona Revised Statutes, is amended to
3 read:

4 9-511.03. Outside waste or garbage collection, landfill or
5 recycling collection or processing services;
6 requirements; exceptions

7 A. If a city or town provides waste or garbage collection services,
8 LANDFILL SERVICES OR RECYCLING COLLECTION OR PROCESSING SERVICES outside of
9 its boundaries, for those services the city or town shall:

10 1. Keep all records of the services separate from all other city or
11 town municipal records.

12 2. FOR LAND AND EQUIPMENT DEDICATED TO PROVIDING SERVICES OUTSIDE OF
13 ITS BOUNDARIES AND FOR ANY NET INCOME GENERATED FROM PROVIDING SERVICES
14 OUTSIDE ITS BOUNDARIES, make an in-lieu contribution to all state, city,
15 town, county and other taxing districts equal to the taxes that would be
16 required of private ~~garbage collection and disposal~~ companies performing the
17 same service.

18 3. FOR THE PORTION OF EQUIPMENT OR LAND USED BY A CITY OR TOWN TO
19 PROVIDE SERVICES OUTSIDE ITS BOUNDARIES, MAKE AN IN-LIEU CONTRIBUTION TO ALL
20 STATE, CITY, TOWN, COUNTY AND OTHER TAXING DISTRICTS EQUAL TO THE TAXES THAT
21 WOULD BE REQUIRED OF PRIVATE COMPANIES PERFORMING THE SAME SERVICES,
22 INCLUDING ANY INCOME TAX OBLIGATION THAT WOULD BE INCURRED BY A PRIVATE
23 COMPANY FOR SERVICES PROVIDED BY THE CITY OR TOWN OUTSIDE OF THE CITY OR
24 TOWN.

25 ~~3-~~ 4. Pay an in-lieu contribution to the recycling fund established
26 by section 49-837 equal to the federal taxes that would be required of
27 private ~~garbage collection and disposal~~ companies performing the same
28 service.

29 ~~4-~~ 5. Pay all fees and costs that are applicable to private
30 companies, including landfill fees.

31 ~~5-~~ 6. Ensure that no city or town taxes, fees or revenues are used to
32 subsidize the ~~waste or garbage collection and disposal~~ THOSE services outside
33 the city or town.

34 B. This section does not restrict the ability of a city or town to
35 enter into mutual aid or intergovernmental agreements with other cities or
36 towns to respond to requests for emergency assistance.

37 C. This section ~~shall~~ DOES not apply to a city or town if all of the
38 following apply:

39 1. The city or town provides waste or garbage collection services,
40 LANDFILL SERVICES OR RECYCLING COLLECTION OR PROCESSING SERVICES outside its
41 boundaries in an unincorporated territory that is within three miles of its
42 boundaries and within its municipal planning area as designated in the land
43 use map of the municipality's general plan.

1 2. The city or town does not provide waste or garbage COLLECTION
2 services, LANDFILL SERVICES OR RECYCLING COLLECTION OR PROCESSING SERVICES in
3 an incorporated area other than its own.

4 3. The city or town is located in a county with a population exceeding
5 two million persons or the city or town has a population of less than two
6 thousand five hundred persons and allows private enterprise to provide
7 commercial and residential waste or garbage collection services, LANDFILL
8 SERVICES OR RECYCLING COLLECTION OR PROCESSING SERVICES in the city or town.

9 D. FOR A CITY OR TOWN THAT HAS ENTERED INTO A CONTRACT OR MUTUAL AID,
10 RECIPROCAL ASSISTANCE OR INTERGOVERNMENTAL AGREEMENT WITH ANOTHER ENTITY
11 BEFORE JANUARY 1, 2015 FOR LANDFILL SERVICES OR RECYCLING COLLECTION OR
12 PROCESSING SERVICES OUTSIDE OF ITS BOUNDARIES, THIS SECTION DOES NOT APPLY
13 UNTIL THE CONTRACT OR MUTUAL AID, RECIPROCAL ASSISTANCE OR INTERGOVERNMENTAL
14 AGREEMENT EXPIRES OR TERMINATES OR JANUARY 1, 2020, WHICHEVER IS EARLIER.

15 E. THIS SECTION DOES NOT APPLY TO THE DISPOSAL OF NONCOMMERCIAL SOLID
16 WASTE FROM A SINGLE-FAMILY RESIDENCE BROUGHT TO A MUNICIPAL LANDFILL BY A
17 PRIVATE PERSON WHO RESIDES OUTSIDE OF THE MUNICIPAL BOUNDARIES.

18 F. THIS SECTION DOES NOT APPLY TO A CITY OR TOWN WITH A POPULATION OF
19 LESS THAN FIVE THOUSAND PERSONS AND THAT ONLY PROVIDES LANDFILL SERVICES OR
20 RECYCLING COLLECTION OR PROCESSING SERVICES OUTSIDE OF ITS BOUNDARIES.

APPROVED BY THE GOVERNOR APRIL 1, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 2015.

Passed the House March 24, 2015,

by the following vote: 56 Ayes,

2 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 10, 2015,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1187

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 24, 2015

by the following vote: 34 Ayes,

3 Nays, 1 Not Voting

ASong
President of the Senate

Chamin Ballesteros
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

26th day of March, 2015

at 4:28 o'clock P. M.

Mista Bryman
Secretary to the Governor

Approved this 1st day of

April

at 4:11 o'clock P. M.

Fongel Ducey
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 2 day of April, 2015

at 9:00 o'clock A M.

Michelle Reagan
Secretary of State