

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2193

AN ACT

AMENDING SECTION 9-511.01, ARIZONA REVISED STATUTES; RELATING TO CITIES AND TOWNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-511.01, Arizona Revised Statutes, is amended to
3 read:

4 9-511.01. Water and wastewater business; rates; procedures;
5 responsibility for payments

6 A. A municipality engaging in a domestic water or wastewater business
7 shall not increase any water or wastewater rate or rate component, fee or
8 service charge without complying with the following:

9 1. Prepare a written report or supply data supporting the increased
10 rate or rate component, fee or service charge. A copy of the report shall be
11 made available to the public by filing a copy in the office of the clerk of
12 the municipality governing board at least thirty days before the public
13 hearing described in paragraph 2.

14 2. Adopt a notice of intention by motion at a regular council meeting
15 to increase water or wastewater rates or rate components, fees or service
16 charges and set a date for a public hearing on the proposed increase that
17 shall be held not less than thirty days after adoption of the notice of
18 intention. A copy of the notice of intention showing the date, time and
19 place of the hearing shall be published one time in a newspaper of general
20 circulation within the boundaries of the municipality not less than twenty
21 days before the public hearing date.

22 B. After holding the public hearing, the governing body may adopt, by
23 ordinance or resolution, the proposed rate or rate component, fee or service
24 charge increase or any lesser increase.

25 C. Notwithstanding section 19-142, subsection B, the increased rate or
26 rate component, fee or service charge shall become effective thirty days
27 after adoption of the ordinance or resolution.

28 D. Any proposed water or wastewater rate or rate component, fee or
29 service charge adjustment or increase shall be just and reasonable.

30 E. Rates and charges demanded or received by municipalities for water
31 and wastewater service shall be just and reasonable. Every unjust or
32 unreasonable rate or charge demanded or received by a municipality is
33 prohibited and unlawful.

34 F. For residential property of four or fewer units, a municipality
35 shall not require payment of unpaid water and wastewater service rates and
36 charges by anyone other than the person who the municipality has contracted
37 with to provide the service, **WHO PHYSICALLY RESIDES OR RESIDED AT THE**
38 **PROPERTY AND WHO RECEIVES OR RECEIVED THE SERVICE. A PROPERTY OWNER, AN**
39 **IMMEDIATE FAMILY MEMBER OF THE PERSON WHO DOES NOT RESIDE AT THE PROPERTY OR**
40 **ANY OTHER ENTITY, AT ITS SOLE DISCRETION, MAY CONTRACT FOR WATER AND**
41 **WASTEWATER SERVICE WITH A MUNICIPALITY AND SHALL PROVIDE PAYMENT.**

1 G. For residential property of four or fewer units, a municipality
2 shall not refuse service within the ~~municipalities~~ MUNICIPALITY'S service
3 area for the unpaid water and wastewater rates and charges to anyone other
4 than the person who ~~the municipality has contracted with to provide~~
5 PHYSICALLY RESIDED AND RECEIVED the service AT THE PROPERTY. A PROPERTY
6 OWNER, AT THE OWNER'S SOLE DISCRETION, MAY CONTRACT FOR WATER AND WASTEWATER
7 SERVICE WITH A MUNICIPALITY AND SHALL PROVIDE PAYMENT FOR THAT SERVICE.