

# HOUSE OF REPRESENTATIVES

## HB 2604

solid waste; private enterprise.

Sponsors: Representatives Kavanagh; Antenori, Biggs, et al.

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**DPA** Committee on Government

**DP** Caucus and COW

**X** House Engrossed

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HB 2604 prevents all municipalities from prohibiting or restraining the private delivery of commercial or industrial recycling or solid waste management services.

### History

Current statute prohibits a municipality with a population of more than 60,000 persons from unreasonably restraining the private delivery of commercial or industrial recycling or solid waste management services within that municipality. The municipality is required to prescribe rules which promote competition and delivery for these services. It is not considered an unreasonable restraint if the municipality limits the number of commercial or industrial solid waste service providers to one company per 60,000 persons, provided that at least seven companies are permitted (Arizona Revised Statutes (A.R.S.) § 49-746).

*Solid waste* means any garbage, trash, rubbish, waste tire, refuse, sludge from a waste treatment plant, water supply treatment plant or pollution control facility, and other discarded material, including solid, liquid, semisolid or contained gaseous material (A.R.S. § 49-701.01). *Recycling* means the process of collecting, separating, cleansing, treating and reconstituting post-consumer materials that would otherwise become solid waste and returning them to the economic stream in the form of raw material for reconstituted products which meet the quality standards necessary to be used in the marketplace, but does not include incineration or other similar processes (A.R.S. § 49-831).

### Provisions

- Expands the prohibition against municipalities unreasonably restraining the private delivery of commercial or industrial recycling or solid waste management services to include municipalities with a population of less than 60,000 persons.
- Removes language allowing a municipality to limit the number of commercial or industrial solid waste service providers to one for every 60,000 persons.
- Makes technical and conforming changes.
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• ----- DOCUMENT FOOTER -----

- Forty-ninth Legislature
- Second Regular Session 2 March 2, 2010•

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

# HOUSE BILL 2604

AN ACT

AMENDING SECTION 49-746, ARIZONA REVISED STATUTES; RELATING TO SOLID WASTE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 49-746, Arizona Revised Statutes, is amended to  
3 read:

4 49-746. Private enterprise recycling and solid waste management

5 A. A municipality of this state, ~~with a population exceeding sixty~~  
6 ~~thousand,~~ shall not prohibit or unreasonably restrain a private enterprise  
7 from delivering commercial or industrial recycling services or commercial or  
8 industrial solid waste management services within or to the municipality.

9 B. The municipality shall prescribe rules for the delivery of  
10 recycling services and commercial or industrial solid waste management  
11 services that promote availability of these services and promote competition  
12 in the delivery of these services.

13 ~~C. It shall not be presumed to be an unreasonable restraint for a~~  
14 ~~municipality to have limited the number of commercial or industrial solid~~  
15 ~~waste management service companies to one company for each sixty thousand or~~  
16 ~~fewer persons in order to facilitate the regulation of solid waste collection~~  
17 ~~pursuant to section 49-765 provided that at least seven companies are~~  
18 ~~permitted under such an ordinance.~~

19 ~~D. For purposes of this section, the population of a municipality is~~  
20 ~~deemed to be the official estimate as last determined by the department of~~  
21 ~~economic security pursuant to section 41-1954.~~