



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED

FACT SHEET FOR S.B. 1429

solid waste services; private provider

Purpose

Prohibits a county or municipality from providing for a criminal penalty against a person for violating local ordinance or regulation of solid waste collection services, unless a contracted private service provider provides solid waste collection services billed through the municipality or county.

Background

Solid waste is statutorily defined as any garbage, trash, rubbish, waste tire, refuse, sludge from a waste treatment plant, water supply treatment plant or pollution control facility or other discarded material, including solid, liquid, semisolid or contained gaseous material. Statute provides exemptions from the statutory requirements and prohibitions that apply to *solid waste* for various forms of substances, materials and discharges ([A.R.S. § 49-701.01](#)).

Each county, city or town may establish regulations for private collection of solid waste, including standards for equipment, hours of operation, license fees and insurance requirements, that are necessary and appropriate to operate a solid waste collection program. Current statute allows the county or municipality, if authorized by statute, to provide for criminal or civil penalties for violation of local ordinances or regulations, provided that the local ordinances or regulations are equal to or more stringent than statute and the penalties do not exceed statutorily authorized penalties ([A.R.S. § 49-765](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Removes the authorization for a county, city or town to provide for criminal penalties for violation of local ordinance or regulation of solid waste collection.
2. Prohibits a county, city or town from providing for or enforcing a criminal penalty against a person who refuses to purchase solid waste collection services from a private service provider, unless the private service provider contracts with the county, city or town to provide solid waste collection services and the solid waste collection service is billed through the county, city or town.
3. Makes technical changes.
4. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Provides an exception to the criminal penalty prohibition against a person who refuses to purchase solid waste collection services from a private service provider, if the contracted solid waste collection service is billed through the county or municipality.

Senate Action

NREW 2/17/21 DPA 9-0-0

Prepared by Senate Research

February 18, 2021

KN/gs