



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

February 21, 2017

The Honorable Michele Reagan  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bill from the Fifty-third Legislature, 1<sup>st</sup> Regular Session, which I signed on February 21, 2017:

H.B. 2088 – incorporation; urbanized areas

Sincerely,

A handwritten signature in dark ink that reads "Douglas A. Ducey".

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

House Engrossed

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

CHAPTER 1

# HOUSE BILL 2088

AN ACT

AMENDING SECTION 9-101.01, 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 9-101.01, Arizona Revised Statutes, is amended  
3 to read:

4 9-101.01. Incorporation; urbanized area

5 A. Notwithstanding any other ~~provisions~~ of law, all territory  
6 within six miles of an incorporated city or town, as the same now exists  
7 or may hereafter be established, having a population of five thousand or  
8 more persons, and all territory within three miles of any incorporated  
9 city or town, as the same now exists or may hereafter be established,  
10 having a population of less than five thousand persons is declared to be  
11 an urbanized area.

12 B. Through December 31, 2020, if the city or town causing the  
13 urbanized area to exist is in a county in which more than sixty ~~percent~~  
14 PERCENT of the population but less than sixty-five ~~percent~~ PERCENT of the  
15 population lives in an incorporated city or town and does not approve a  
16 legal and proper petition requesting annexation of the area proposed for  
17 incorporation by a valid ordinance of annexation within one hundred twenty  
18 days ~~of~~ AFTER its presentation:

19 1. Within one year after the date of the initial annexation causing  
20 the urbanized area to exist, all territory within five miles of an  
21 incorporated city or town, as the same now exists or may hereafter be  
22 established, having a population of five thousand or more persons is  
23 declared to be an urbanized area.

24 2. Within two years after the date of the initial annexation  
25 causing the urbanized area to exist, all territory within four miles of an  
26 incorporated city or town, as the same now exists or may hereafter be  
27 established, having a population of five thousand or more persons is  
28 declared to be an urbanized area.

29 3. Within three years after the date of the initial annexation  
30 causing the urbanized area to exist, all territory within three miles of  
31 an incorporated city or town, as the same now exists or may hereafter be  
32 established, having a population of five thousand or more persons is  
33 declared to be an urbanized area.

34 4. Within four years after the date of the initial annexation  
35 causing the urbanized area to exist, all territory within two miles of an  
36 incorporated city or town, as the same now exists or may hereafter be  
37 established, having a population of five thousand or more persons is  
38 declared to be an urbanized area.

39 5. Within five years after the date of the initial annexation  
40 causing the urbanized area to exist, all territory within one mile of an  
41 incorporated city or town, as the same now exists or may hereafter be  
42 established, having a population of five thousand or more persons is  
43 declared to be an urbanized area.

1           6. Within six years after the date of the initial annexation  
2 causing the urbanized area to exist, no territory bordering the  
3 incorporated city or town having a population of five thousand or more  
4 persons may be declared to be an urbanized area.

5           C. Except as provided in subsection E OR F OF THIS SECTION, ~~no~~  
6 territory within an urbanized area shall NOT hereafter be incorporated as  
7 a city or town, and the board of supervisors ~~shall~~ DOES NOT have ~~no~~  
8 jurisdiction to take any action on a petition PURSUANT TO SECTION 9-101 to  
9 incorporate a city or town within such area, unless either:

10           1. There is submitted with the petition for incorporation a  
11 resolution adopted by the city or town causing the urbanized area to exist  
12 approving the proposed incorporation.

13           2. There is filed with the board of supervisors an affidavit  
14 stating that a proper and legal petition has been presented to the city or  
15 town causing the urbanized area to exist requesting annexation of the area  
16 proposed for incorporation and ~~such~~ THE petition has not been approved by  
17 a valid ordinance of annexation within one hundred twenty days ~~of~~ AFTER  
18 its presentation.

19           D. If ~~such~~ A resolution or affidavit is filed with the board of  
20 supervisors PURSUANT TO SUBSECTION C OF THIS SECTION, the board shall  
21 ~~proceed with incorporation of the~~ TAKE ACTION ON THE PETITION PURSUANT TO  
22 SECTION 9-101 TO INCORPORATE THE PROPOSED area.

23           E. Through December 31, 2020, if the area proposed for  
24 incorporation has a population of fifteen thousand or more persons, is in  
25 a county in which more than sixty ~~per cent~~ PERCENT of the population but  
26 less than sixty-five ~~per cent~~ PERCENT of the population lives in an  
27 incorporated city or town and all of the area proposed for incorporation  
28 has a governing board, including a planned community board of directors or  
29 a special district board, the board of supervisors shall TAKE ACTION ON  
30 THE PETITION PURSUANT TO SECTION 9-101 TO INCORPORATE THE PROPOSED AREA OR  
31 ~~proceed with incorporation or~~ annexation of the area without a resolution  
32 adopted by the city or town causing the urbanized area to exist approving  
33 the proposed incorporation or an affidavit filed with the board of  
34 supervisors stating that a proper and legal petition has been presented to  
35 the city or town causing the urbanized area to exist requesting annexation  
36 of the area proposed for incorporation.

37           F. IF THE AREA PROPOSED FOR INCORPORATION HAS A POPULATION OF  
38 FIFTEEN THOUSAND OR MORE PERSONS AND THAT POPULATION IS MORE THAN THE  
39 POPULATION OF THE CITY OR TOWN THAT CAUSES THE URBANIZED AREA TO EXIST AND  
40 THAT OPPOSES THE PROPOSED INCORPORATION, THE BOARD OF SUPERVISORS SHALL  
41 TAKE ACTION ON THE PETITION PURSUANT TO SECTION 9-101 TO INCORPORATE THE  
42 PROPOSED AREA WITHOUT A RESOLUTION APPROVING THE PROPOSED INCORPORATION  
43 AND ADOPTED BY THE CITY OR TOWN CAUSING THE URBANIZED AREA TO EXIST.

1 F. G. Notwithstanding any other provisions of this section, no A  
2 portion of the territory of any city or town incorporated before June 20,  
3 1968 shall NOT be declared to be an urbanized area. If any such city or  
4 town is declared to have been unlawfully incorporated by the final  
5 judgment of a court of competent jurisdiction after June 20, 1968, all or  
6 any portion of the territory of the city or town may be incorporated  
7 without regard to ~~any of the provisions of~~ this section if petitions  
8 praying for the incorporation thereof or petitions praying for the calling  
9 of an election for such purpose are filed with the board of supervisors  
10 within one year ~~from~~ AFTER the date on which ~~such~~ THE judgment becomes  
11 final.

12 G. H. Through December 31, 2020, subsections B, ~~and~~ E AND F of  
13 this section do not apply to an area or a portion of an area covered by a  
14 planned community association as defined in section 33-1802 during the  
15 period of declarant control unless the declarant grants permission to the  
16 party seeking to submit a petition to incorporate pursuant to subsection C  
17 of this section.

APPROVED BY THE GOVERNOR FEBRUARY 21, 2017

FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 21, 2017

Passed the House February 7, 20 17

by the following vote: 40 Ayes,

20 Nays, 0 Not Voting

[Signature]  
Speaker of the House

Pro Tempore

[Signature]  
Chief Clerk of the House

Passed the Senate February 16, 2017

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

17 day of Feb., 20 17

at 10 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 21 day of

February

at 2:59 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 21<sup>st</sup> day of February, 20 17

at 4:43 o'clock P M.

[Signature]  
Secretary of State

H.B. 2088