

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an **INITIATIVE** or a **REFERENDUM** (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the **MEASURE** or **CONSTITUTIONAL AMENDMENT** (circle appropriate word) intended to be **INITIATED** or **REFERRED** (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

Many homeowners have seen valuations and tax bills increase in some cases doubling or tripling based on unrealized gains in value, under the present system next year it could be your turn. The solution, reinforce the existing 1% maximum residential tax rate, establish a baseline valuation system benefiting all current and future property owners with a valuation rollback to remove valuation increases caused by inflation throughout your county since 2003. Increases in taxable value are limited to 2% unless the market value of your property increases dramatically for instance due to improvements made. California's famous Prop 13 was our inspiration.

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Arizona Tax Revolt
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Date of Application	<u>July 27, 2007</u>
Signatures Required	<u>230,047</u>
Deadline for Filing	<u>July 3, 2008</u>
Serial Number Issued	<u>CF-10-2008</u>
FOR OFFICE USE ONLY	

Revised 11/92

CF ID # 200802904

RECEIVED
SECRETARY OF STATE

OFFICIAL TITLE
AN INITIATIVE MEASURE
PROPOSING AMENDMENTS TO ARTICLE IX, SECTION 18 OF THE ARIZONA CONSTITUTION, RELATING TO THE ARIZONA TAX REVOLT - PROPERTY TAX VALUATION ROLLBACK, RESIDENTIAL AD VALOREM TAX LIMITS, BASELINE VALUATION SYSTEM, REAL PROPERTY VALUATION LIMITATIONS, DISCLOSURE REQUIREMENTS, PROCEDURAL TIMELINE, EXCEPTIONS, DEFINITIONS.

TEXT OF PROPOSED MEASURE

Be it enacted by the People of the State of Arizona:

Sec. 1. **Short title.**
This measure shall be known as the Arizona Tax Revolt - Property Tax Valuation Rollback.

Sec. 2. **Purpose.**
The purpose of this measure is to redefine a system of real property taxation to correct for the recent run-up in valuations and the resultant tax increases. Effective in 2010 and applicable to all real property, the measure will among other things, strengthen the existing one percent maximum residential property tax cap while benefiting both current and future real property owners with a valuation rollback. The rollback, to the 2003 full cash valuation, establishes the 2003 valuation baseline to which all other parcels, including future purchases are valued. Increases in the taxable value are limited to protect property owners from double digit valuation increases, unless due to improvements made. To improve uniformity of taxation all real property valuations and tax billing statements are computed for, applicable to, and mailed in the same calendar year.

Sec. 3. **Article IX, Section 18, Arizona Constitution, is amended as follows.**

18. VALUATION ROLLBACK. BASELINE VALUATION SYSTEM. residential ad valorem tax limits. limit on increase in values. DISCLOSURE REQUIREMENTS. PROCEDURAL TIMELINE. EXCEPTIONS. definitions
Section 18. (1) The maximum amount of ad valorem taxes that may be collected from residential property in any tax year shall not exceed one percent per cent of the property's full cash value as limited by this section.

(2) THE FOLLOWING ARE THE ONLY ITEMS THAT THE limitation provided in subsection (1) does not apply to:

- (a) Ad valorem taxes or special assessments levied to pay the principal of and interest and redemption charges on bonded indebtedness or other lawful long-term obligations issued or incurred for a specific purpose.
- (b) Ad valorem taxes or assessments levied by or for property improvement assessment districts, improvement districts and other special purpose districts other than counties, cities, towns, school districts and community college districts.
- (c) Ad valorem taxes levied pursuant to an election to exceed a budget, expenditure or tax limitation.

(3) BEGINNING IN 2010, AND SUBJECT TO APPEAL, except as otherwise provided by subsections (5), (6) and (7) of this section the value of ALL real property and improvements and the value of mobile homes CLASSIFIED BY LAW AS REAL PROPERTY AND used for all ad valorem taxes ~~except those specified in subsection (2)~~ shall be KNOWN AS THE UNIFORM PROPERTY VALUE, WHICH SHALL NEVER EXCEED THE lesser of the full cash value of the property, or an amount ten percent greater than the value of property determined pursuant to this subsection for the prior year or an amount equal to the value of property determined pursuant to this subsection for the prior year plus one fourth of the difference between such value and The COMPUTATIONS PRESCRIBED BY THIS SUBSECTION (3) ARE APPLICABLE TO AND BASED ON ALL SUCH PARCELS WITHIN THE GEOGRAPHIC BOUNDARY OF THE COUNTY AND, TO THE EXTENT THAT EACH PARAGRAPH IS APPLICABLE, MUST BE CALCULATED SEQUENTIALLY PURSUANT TO PARAGRAPHS (a) THROUGH (d) OF SUBSECTION (3).

(a) THE full cash value of the property for THE current tax year, ~~whether is greater~~ INCLUDING THE VALUE OF IMPROVEMENTS MADE AND NOT PREVIOUSLY REFLECTED IN THE VALUATION OF EACH PARCEL, SHALL BE COMPUTED TO REFLECT THE PARCEL'S CURRENT MARKET VALUE USING APPRAISAL METHODS PRESCRIBED BY AND IN CONFORMANCE WITH ALL STATUTORY REQUIREMENTS, ALL SUCH COMPUTATIONS SHALL BE COMPLETED WITHIN EACH COUNTY PRIOR TO COMPUTING THE UNIFORM PROPERTY VALUE OF ANY PARCEL IN THAT COUNTY.

(b) IN TAX YEAR 2010, IF THE FULL CASH VALUE SHOWN ON THE PARCEL'S 2003 TAX BILL WAS DEEMED BY THE ASSESSOR TO HAVE MET THE STATUTORY REQUIREMENTS APPLICABLE IN THAT YEAR AND THE PARCEL WAS NOT SUBSEQUENT TO THE 2003 VALUATION AND PRIOR TO JANUARY 1, 2010, EITHER SPLIT, COMBINED, SUBDIVIDED OR HAD A CHANGE OF LEGAL CLASSIFICATION OR LEGAL SUB-CLASSIFICATION, OR AN ALTERATION, DELETION, OR NEW CONSTRUCTION THAT WOULD AFFECT THE MARKET VALUE OF THE PARCEL, THE UNIFORM PROPERTY VALUE OF EACH PARCEL SHALL BE COMPUTED AS THE LESSER OF THE FULL CASH VALUE SHOWN ON THE PARCEL'S 2003 TAX BILLING STATEMENT, AND THE FULL CASH VALUE COMPUTED FOR THIS PARCEL IN PARAGRAPH (a) OF SUBSECTION (3). THE FOREGOING PARCEL STATUS SHALL BE DETERMINED USING ALL AVAILABLE HISTORICAL PROPERTY VALUATION DATA AND TO THE EXTENT POSSIBLE BY RECALCULATING NECESSARY DATA IF INSUFFICIENT HISTORICAL DATA IS AVAILABLE TO DETERMINE THAT ONE OR MORE OF THE FOREGOING ITEMS HAD AFFECTED MARKET VALUE, THOSE ITEMS ARE PRESUMED TO NOT HAVE OCCURRED.

(c) TO QUALIFY FOR USE IN THE COMPUTATION OF THE FIRST RATIO AS DEFINED IN THE SECOND TERM OF THE FOLLOWING EQUATION, SUCH PARCELS MUST BE ON THE COUNTY VALUATION ROLL IN BOTH THE CURRENT AND PRIOR TAX YEAR, AND DURING THIS PERIOD MUST NOT HAVE BEEN SPLIT, COMBINED, SUBDIVIDED, OR HAD A CHANGE OF LEGAL CLASSIFICATION OR LEGAL SUB-CLASSIFICATION. BEGINNING IN TAX YEAR 2011, AND APPLICABLE TO EACH PARCEL WITH A UNIFORM PROPERTY VALUE COMPUTED IN THE PRIOR TAX YEAR, THE UNIFORM PROPERTY VALUE OF THE PARCEL IN THE CURRENT TAX YEAR SHALL BE COMPUTED AS THE PRODUCT OF THREE TERMS. THE FIRST TERM IS THE UNIFORM PROPERTY VALUE OF THE PARCEL IN THE PRIOR TAX YEAR, THE SECOND TERM IS THE RATIO OF THE SUM OF THE FULL CASH VALUE OF ALL QUALIFIED PARCELS IN THE PRIOR TAX YEAR TO THE SUM OF ALL QUALIFIED PARCELS IN THE CURRENT TAX YEAR, AND THE THIRD TERM IS THE RATIO OF THE PARCEL'S FULL CASH VALUE IN THE CURRENT TAX YEAR TO THE PARCEL'S FULL CASH VALUE IN THE PRIOR TAX YEAR, EXCEPT THAT THE UNIFORM PROPERTY VALUE OF THE PARCEL IN THE CURRENT TAX YEAR SHALL NOT INCREASE FROM THE UNIFORM PROPERTY VALUE OF THE PARCEL IN THE PRIOR YEAR BY MORE THAN THE GREATER OF:

- (i) TWO PERCENT.
- (ii) THE VALUE OF IMPROVEMENTS MADE AND NOT INCLUDED IN THE PARCEL'S FULL CASH VALUATION IN THE PRIOR YEAR.
- (iii) FIVE PERCENT, ONLY IF THE PARCEL'S FULL CASH VALUE INCREASED AT LEAST THIRTY-FIVE PERCENT FROM THE PRIOR YEAR.

(d) THE UNIFORM PROPERTY VALUE OF EACH PARCEL, THAT COULD NOT BE COMPUTED EITHER IN TAX YEAR 2010 AS PRESCRIBED IN PARAGRAPH (b) OF SUBSECTION (3), OR BEGINNING IN TAX YEAR 2011 AS PRESCRIBED IN PARAGRAPH (c) OF SUBSECTION (3), SHALL BE COMPUTED AS THE PRODUCT OF THE PARCEL'S FULL CASH VALUE IN THE CURRENT TAX YEAR AND THE RATIO OF THE SUM OF THE UNIFORM PROPERTY VALUE OF ALL PARCELS, TO THE SUM OF THE FULL CASH VALUE OF ALL PARCELS, EXCEPT THAT IF THE ASSESSOR DEEMS THAT THERE ARE SUFFICIENT COMPARABLE PARCELS WITHIN THE SAME LEGAL CLASSIFICATION OR LEGAL SUB-CLASSIFICATION, HAVING BOTH A FULL CASH VALUE WITHIN TWENTY PERCENT OF THE FULL CASH VALUE OF THE PARCEL BEING VALUED, AND A UNIFORM PROPERTY VALUE COMPUTED BY THE PROVISIONS OF EITHER PARAGRAPHS (b) OR (c) OF SUBSECTION (3), THE UNIFORM PROPERTY VALUE OF THE PARCEL SHALL ALSO BE COMPUTED USING SUCH COMPARABLE PARCELS, WITH A PREFERENCE FOR SELECTING PARCELS LOCATED IN CLOSE PROXIMITY TO THE PARCEL BEING VALUED, A WEIGHTED MEAN USING A METHOD SUCH AS LINEAR LEAST SQUARES REGRESSION SHALL BE USED TO COMPUTE THE PARCEL'S UNIFORM PROPERTY VALUE FROM THE COMPARABLE

PARCEL VALUATIONS, AND THE ASSESSOR SHALL CHOOSE THE LESSER OF THE VALUATIONS COMPUTED PURSUANT TO THE FOREGOING COMPUTATIONS AS THE UNIFORM PROPERTY VALUE OF THE PARCEL. VALUATION DATA USED IN COMPUTING THE FOREGOING RATIO IS FROM ALL PARCELS IN THE COUNTY THAT ARE SUBJECT TO, AND HAVE IN THE CURRENT TAX YEAR BEEN VALUED PURSUANT TO, EITHER PARAGRAPHS (b) OR (c) OF SUBSECTION (3).

(4) **DISCLOSURE.**
BEGINNING IN CALENDAR YEAR 2010, A NOTATION IN AT LEAST TEN POINT TYPE SHALL BE PRINTED ON ALL VALUATION NOTICES AND REAL PROPERTY TAX BILLING STATEMENTS, STATING: "PURSUANT TO THE 'ARIZONA TAX REVOLT - PROPERTY TAX VALUATION ROLLBACK' CONSTITUTIONAL AMENDMENT ALL AD VALOREM TAXES ARE COMPUTED FROM 'UNIFORM PROPERTY VALUE' WHICH REPRESENTS THE 2003 BASELINE VALUATION OF THIS PARCEL." ~~The legislature shall by law provide a method of determining the value, subject to the provisions of subsection (2), of new property.~~

(5) The limitation on increases in the value of property prescribed in subsection (3) does not apply to equalization orders that the legislature specifically exempts by law from such limitation.

(6) THE UNIFORM PROPERTY VALUE COMPUTED PURSUANT TO Subsection (3) does not apply to:

- (a) Property used in the business of patented or unpatented producing mines and the mills and the smelters operated in connection with the mines.
- (b) Producing oil, gas and geothermal interests.
- (c) Real property, improvements thereto and personal property used thereon used in the operation of telephone, telegraph, gas, water and electric utility companies.
- (d) Aircraft that is regularly scheduled and operated by an airline company for the primary purpose of carrying persons or property for hire in interstate, intrastate or international transportation.
- (e) Standing timber.
- (f) Property used in the operation of pipelines.
- (g) Personal property regardless of use except mobile homes.

(7) A resident of this state who is sixty-five years of age or older may apply to the county assessor for a property valuation protection option on the person's primary residence, including not more than ten acres of undeveloped appurtenant land. To be eligible for the property valuation protection option, the resident shall make application and furnish documentation required by the assessor on or before September 1. If the resident fails to file the application on or before September 1, the assessor shall process the application for the subsequent year. If the resident files an application with the assessor on or before September 1, the assessor shall notify the resident whether the application is accepted or denied on or before December 1. The resident may apply for a property valuation protection option after residing in the primary residence for two years. If one person owns the property, the person's total income from all sources including nontaxable income shall not exceed four hundred PERCENT~~per-cent~~ of the supplemental security income benefit rate established by section 1611(b)(1) of the social security act. If the property is owned by two or more persons, including a husband and wife, at least one of the owners must be sixty-five years of age or older and the owners' combined total income from all sources including nontaxable income shall not exceed five hundred PERCENT~~per-cent~~ of the supplemental security income benefit rate established by section 1611(b)(1) of the social security act. The assessor shall review the owner's income qualifications on a triennial basis and shall use the owner's average total income during the previous three years for the review. If the county assessor approves a property valuation protection option, the value of the primary residence shall remain fixed at the full cash value in effect during the year the property valuation protection option is filed and as long as the owner remains eligible, EXCEPT THAT THE VALUE OF THE PRIMARY RESIDENCE IN ANY YEAR SHALL BE REDUCED SO AS NOT TO EXCEED THE CURRENT FULL CASH VALUE. To remain eligible, the county assessor shall require a qualifying resident to reapply for the property valuation protection option every three years and shall send a notice of reapplication to qualifying residents six months before the three year reapplication requirement. If title to the property is conveyed to any person who does not qualify for the property valuation protection option, the property valuation protection option terminates, and the property shall revert to its current full cash value.

(8) The legislature shall provide by law a system of property taxation consistent with the provisions of this section.

(9) **DEFINITIONS.** For purposes of this section:

- (a) "IMPROVEMENTS MADE" MEANS THE CONSTRUCTION OF STRUCTURES, FIXTURES OR OTHER ITEM(S) ON OR PERMANENTLY ATTACHED TO REAL PROPERTY INCLUDING REASONABLE BUILDERS ENTREPRENEURIAL PROFIT, AND MANUFACTURED HOUSING AND ITS ASSOCIATED MOVING AND SETUP COSTS, EXCEPT:
- (i) REPAIRS OR RECONSTRUCTION USING MATERIALS OF SIMILAR QUALITY OR VALUE.
- (ii) RENEWABLE ENERGY SYSTEMS POWERED BY SOLAR ENERGY, WIND, OR MOVING WATER LOCATED ON A SINGLE PARCEL THAT ARE CAPABLE OF GENERATING NO MORE THAN FIVE THOUSAND KILOWATT HOURS OF ELECTRICAL ENERGY PER MONTH.
- (iii) CONSTRUCTION MADE SPECIFICALLY TO FACILITATE OR IMPROVE HANDICAPPED ACCESSIBILITY TO RESIDENTIAL PROPERTY.
- (iv) MANUFACTURED HOMES BEING TAXED AS PERSONAL PROPERTY ON A PERSONAL PROPERTY TAX BILL.
- (v) ITEMS AS MAY BE EXEMPTED BY STATUTE.
- (b) "LEGAL SUB-CLASSIFICATION" MEANS ANY LEGAL PROPERTY CLASSIFICATION WITH MORE THAN ONE TYPE OF PROPERTY USE, OR DIFFERENT ASSESSMENT RATIOS.
- (c) "LINEAR LEAST SQUARES REGRESSION" MEANS A MATHEMATICAL PROCEDURE FOR FINDING THE BEST-FITTING LINE TO A SET OF DATA POINTS.
- (d) "Owner" means the owner of record of the property and includes a person who owns the majority beneficial interest of a living trust.
- (eb) "Primary residence" means all owner occupied real property and improvements to that real property in this state that is a single family home, condominium, townhouse or an owner occupied mobile home and that is used for residential purposes.
- (f) "TAXING ENTITY" MEANS THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE, INCLUDING WITHOUT LIMITATION ANY GOVERNMENTAL BODY OR ENTITY AUTHORIZED TO LEVY A TAX ON REAL PROPERTY.
- (g) "UNIFORM PROPERTY VALUE" MEANS THE VALUE OF REAL PROPERTY AS CALCULATED PURSUANT TO SUBSECTION (3).

(10) **VALUATION TIMELINE TO IMPROVE UNIFORMITY OF TAXATION: APPEALS**
BEGINNING IN 2010, ALL REAL PROPERTY VALUATIONS AND TAX BILLING STATEMENTS SHALL BE COMPUTED FOR, APPLICABLE TO, AND MAILED IN THE SAME CALENDAR YEAR. THE LEGISLATURE SHALL ESTABLISH A TIMELINE FOR VALUATIONS, APPEALS, AND BILLING CONSISTENT WITH THE PROVISIONS OF THIS SUBSECTION. APPEALS MAY ONLY BE INITIATED AT THE REQUEST OF ONE OR MORE OF THE OWNERS OF THE PARCEL.

(11) THE PROVISIONS OF THIS SECTION SHALL BE LIBERALLY CONSTRUED AND SHALL APPLY NOTWITHSTANDING ARTICLE IX SECTION 23 OF THIS CONSTITUTION.

Sec. 4. Severability.

If any provision of this amendment or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the amendment that can be given effect without the invalid provision or application; and to this end the provisions of this amendment are severable.

Sec. 5. Legislative Authority.

Subject to the provisions of this amendment if adopted, the Legislature or any other taxing entity so empowered may enact any measure designed to further the purpose of this amendment.

Sec. 6. Submission to Voters.

The Secretary of State shall submit this proposition to the voters at the next general election as provided by Article XXI of the Arizona Constitution.