House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

HOUSE CONCURRENT RESOLUTION 2038

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 18, CONSTITUTION OF ARIZONA; RELATING TO RESIDENTIAL PROPERTY TAX VALUATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

STATE OF HOUSE ARIZONA

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:
3 1. Article IX, section 18, Constitution of Arizona, is proposed to be
4 amended as follows if approved by the voters and on proclamation of the
5 Governor:
6 18. Residential ad valorem tax limits; limit on
7 increase in values; definitions
8 Section 18. (1) The maximum amount of ad valorem taxes
9 that may be collected from residential property in any tax year
10 shall not exceed one per cent of the property's full cash value
11 as limited by this section.
12 (2) The limitation provided in subsection (1) does not
13 apply to:
14 (a) Ad valorem taxes or special assessments levied to pay
15 the principal of and interest and redemption charges on bonded
16 indebtedness or other lawful long-term obligations issued or
17 incurred for a specific purpose.
18 (b) Ad valorem taxes or assessments levied by or for
19 property improvement assessment districts, improvement districts
20 and other special purpose districts other than counties, cities,
21 towns, school districts and community college districts.
22 (c) Ad valorem taxes levied pursuant to an election to
23 exceed a budget, expenditure or tax limitation.
24 (3) Except as otherwise provided by subsections (5), (6)
25 and (7) of this section the value of real property and
26 improvements and the value of mobile homes used for all ad
27 valorem taxes except those specified in subsection (2) shall be
28 the lesser of the full cash value of the property or an amount
29 ten per cent greater than the value of property determined
30 pursuant to this subsection for the prior year or an amount
31 equal to the value of property determined pursuant to this
32 subsection for the prior year plus one-fourth of the difference
33 between such value and the full cash value of the property for
34 current tax year, whichever is greater.
35 (4) The legislature shall by law provide a method of
36 determining the value, subject to the provisions of subsection
37 (3), of new property.
38 (5) The limitation on increases in the value of property
39 prescribed in subsection (3) does not apply to equalization
40 orders that the legislature specifically exempts by law from
41 such limitation.
42 (6) Subsection (3) does not apply to:
43 (a) Property used in the business of patented or
44 unpatented producing mines and the mills and the smelters
45 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 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 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. To remain eligible, the county assessor shall require a qualifying

1 resident to reapply for the property valuation protection option
2 every three years and shall send a notice of reapplication to
3 qualifying residents six months before the three year
4 reapplication requirement. If title to the property is conveyed
5 to any person who does not qualify for the property valuation
6 protection option, the property valuation protection option
7 terminates, and the property shall revert to its current full
8 cash value.
9 (8) The legislature shall provide by law a system of
10 property taxation consistent with the provisions of this
11 section.
12 (9) For purposes of this section:
13 (a) "Owner" means the owner of record of the property and
14 includes a person who owns the majority beneficial interest of
15 a living trust.
16 (b) "Primary residence" means all owner occupied real
17 property and improvements to that real property in this state
18 that is a single family home, condominium, townhouse or an owner
19 occupied mobile home and that is used for residential purposes.
20 2. The Secretary of State shall submit this proposition to the voters
21 at the next general election as provided by article XXI, Constitution of
22 Arizona.

PASSED BY THE HOUSE APRIL 8, 2002.

PASSED BY THE SENATE APRIL 23, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2002.

Passed the House April 8, 2002

by the following vote: 50 Ayes

0 Nays, 10 Not Voting

Speaker of the House

Norman L. Moore

Chief Clerk of the House

Passed the Senate April 23, 2002

by the following vote: 26 Ayes

1 Nays, 3 Not Voting

President of the Senate

Charmin Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Resolution was received by the Secretary of State

H.C.R. 2038

this 24 day of April, 2002

at 11:05 o'clock A. M.

Betsey Bayless

Secretary of State