

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 197

HOUSE BILL 2092

AN ACT

AMENDING SECTIONS 12-172, 42-16162 AND 42-16205.01, ARIZONA REVISED STATUTES;
RELATING TO PROPERTY TAX APPEALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-172, Arizona Revised Statutes, is amended to
3 read:

4 12-172. Small claims procedures; election; judge

5 A. A taxpayer may elect to use simplified, small claims procedures in
6 the following cases:

7 1. Disputes concerning the valuation or classification of property in
8 which the property is class three property as described in section 42-12003
9 or in which the full cash value of all real ~~and~~ OR personal property does not
10 exceed ~~one~~ TWO million dollars. IF THE CASE UNDER THIS PARAGRAPH IS BASED ON
11 THE INCOME APPROACH TO VALUE, THE TAXPAYER SHALL COMPLY WITH SECTION 42-16052
12 NO LATER THAN TEN BUSINESS DAYS BEFORE THE HEARING.

13 2. Disputes concerning all other taxes in which the amount of the
14 taxes, interest at the time of assessment and penalties in dispute is less
15 than five thousand dollars.

16 B. A taxpayer elects to use small claims procedures by indicating in
17 the caption of the complaint that the matter is a small claims procedure in
18 the tax court.

19 C. The judge or a commissioner of the tax court shall hear small
20 claims cases.

21 Sec. 2. Section 42-16162, Arizona Revised Statutes, is amended to
22 read:

23 42-16162. Decision of the state board

24 A. Based on THE evidence presented at a hearing on an appeal, the
25 state board ~~may increase or decrease a valuation or change a classification~~
26 ~~in any proceeding in order to properly reflect the full cash value or the~~
27 ~~proper~~ SHALL EITHER GRANT OR REFUSE THE REQUEST OF THE PETITION, IN WHOLE OR
28 IN PART, AS THE STATE BOARD CONSIDERS JUST AND PROPER. THE DECISION OF THE
29 STATE BOARD SHALL NOT EXCEED THE ASSESSOR'S NOTICED VALUATION AND RECOMMENDED
30 ✓ classification. A DECISION BY THE STATE BOARD DOES NOT LIMIT A PARTY FROM
31 APPEALING THE DECISION IN A MANNER PRESCRIBED BY LAW. THE STATE BOARD MAY
32 INCREASE INDIVIDUAL PARCELS WITHIN AN ECONOMIC UNIT IN A MULTIPLE PARCEL
33 APPEAL WHEN CONSIDERING THE EQUITABLE VALUATION OF AN ECONOMIC UNIT NOT TO
34 EXCEED THE TOTAL AGGREGATE VALUATION OF THE MULTIPLE PARCEL APPEAL ON THE
35 AGREEMENT OF BOTH PARTIES.

36 ~~B. At least seven days before the hearing on an appeal any party that~~
37 ~~requests an increase in full cash value shall inform by mail all parties of~~
38 ~~the request and shall provide a description of the evidence that is proposed~~
39 ~~to be introduced to support the increase.~~

40 ~~G.~~ B. In considering any petition filed by any person, the state
41 board shall review and consider all competent evidence relating to full cash
42 value, including, if presented, the valuation of similar property that is
43 similarly situated.

1 Sec. 3. Section 42-16205.01, Arizona Revised Statutes, is amended to
2 read:

3 42-16205.01. New owner of property; review and appeal

4 A. IF A FORMER OWNER OF PROPERTY DID NOT HAVE A PENDING COURT APPEAL
5 OR RECEIVE FINAL JUDGMENT OR DISMISSAL IN COURT REGARDING THE APPEAL OF THE
6 VALUATION OR LEGAL CLASSIFICATION, BOTH OF THE FOLLOWING APPLY TO THE NEW
7 OWNER OF PROPERTY:

8 1. A new owner of property that was valued by the assessor ~~and whose~~
9 ~~valuation or legal classification was not appealed by the former owner of the~~
10 ~~property~~ AND THAT CHANGED OWNERSHIP BEFORE DECEMBER 15 OF THE VALUATION YEAR
11 may appeal the valuation or legal classification to court on or before
12 December 15 of the VALUATION year. ~~in which the taxes are levied.~~

13 2. IF THE CHANGE OF OWNERSHIP OCCURS AFTER DECEMBER 15 OF THE
14 VALUATION YEAR, THE NEW OWNER MAY APPEAL TO TAX COURT BY DECEMBER 15 OF THE
15 YEAR IN WHICH THE TAXES ARE LEVIED.

16 B. A NEW OWNER MAY INTERVENE, ASSUME, CONSOLIDATE, MAINTAIN OR
17 CONTINUE THE FORMER OWNER'S POSITION IN ANY PENDING PETITION FOR REVIEW OR
18 TAX APPEAL UNDER THIS ARTICLE FOR THE TAX YEARS IN WHICH THE NEW OWNER OWNS
19 THE PROPERTY.

20 C. THIS SECTION DOES NOT LIMIT THE NEW OWNER'S RIGHT TO FILE IN TAX
21 COURT UNDER SUBSECTION A OR B OF THIS SECTION.

APPROVED BY THE GOVERNOR APRIL 5, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2012.

Passed the House February 6, 2012

Passed the Senate March 28, 2012

by the following vote: 57 Ayes,

by the following vote: 30 Ayes,

0 Nays, 2 Not Voting
1 vacant

0 Nays, 0 Not Voting

Leah Meyer

Speaker of the House

Steve Fierce

President of the Senate

Cheryl Laube

Chief Clerk of the House

Charmine Bellinger

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2092

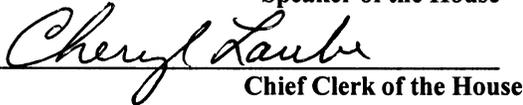
HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 3, 2012,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting


Speaker of the House


Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3 day of April, 2012,

at 12:50 o'clock P M.


Secretary to the Governor

Approved this 5th day of

April, 2012,

at 10:30 o'clock A. M.


Janice K. Brewer
Governor of Arizona

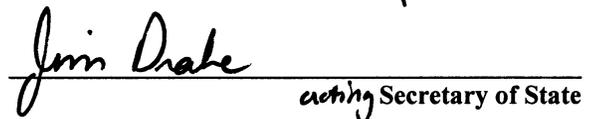
H.B. 2092

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 5th day of April, 2012,

at 4:20 o'clock P M.


Acting Secretary of State