

Senate Engrossed

property tax exemptions; statutory conformity

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SENATE BILL 1260

AN ACT

AMENDING SECTIONS 15-972, 42-11111, 42-11127, 42-11152 AND 42-15053,
ARIZONA REVISED STATUTES; RELATING TO PROPERTY TAX EXEMPTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-972, Arizona Revised Statutes, is amended to
3 read:

4 15-972. State limitation on homeowner property taxes;
5 additional state aid to school districts;
6 definitions

7 A. Notwithstanding section 15-971, there shall be additional state
8 aid for education computed for school districts as provided in subsection
9 B of this section.

10 B. The clerk of the board of supervisors shall compute such
11 additional state aid for education as follows:

12 1. For a high school district or for a common school district
13 within a high school district that does not offer instruction in high
14 school subjects as provided in section 15-447:

15 (a) Determine the qualifying tax rate pursuant to section 41-1276
16 for the school district.

17 (b) Determine 47.19 percent of the qualifying tax rate determined
18 in subdivision (a) of this paragraph.

19 (c) Select the lesser of the amount determined in subdivision (b)
20 of this paragraph or 47.19 percent of the primary property tax rate that
21 would be levied in lieu of this section for the district.

22 (d) Multiply the rate selected in subdivision (c) of this paragraph
23 as a rate per \$100 assessed valuation by the assessed valuation used for
24 primary property taxes of the residential property in the school district.

25 2. For a unified school district, for a common school district not
26 within a high school district or for a common school district that offers
27 instruction in high school subjects as provided in section 15-447:

28 (a) Determine the qualifying tax rate pursuant to section 41-1276
29 for the school district.

30 (b) Determine 47.19 percent of the qualifying tax rate determined
31 in subdivision (a) of this paragraph.

32 (c) Select the lesser of the amount determined in subdivision (b)
33 of this paragraph or 47.19 percent of the primary property tax rate that
34 would be levied in lieu of this section for the district.

35 (d) Multiply the rate selected in subdivision (c) of this paragraph
36 as a rate per \$100 assessed valuation by the assessed valuation used for
37 primary property taxes of the residential property in the district.

38 C. The clerk of the board of supervisors shall report to the
39 department of revenue not later than the Friday following the third Monday
40 in August of each year the amount by school district of additional state
41 aid for education and the data used for computing the amount as provided
42 in subsection B of this section. The department of revenue shall verify
43 all of the amounts and report to the county board of supervisors not later
44 than August 30 of each year the property tax rate or rates that shall be

1 used for property tax reduction as provided in subsection E of this
2 section.

3 D. The board of supervisors shall reduce the property tax rate or
4 rates that would be levied in lieu of this section by the school district
5 or districts on the assessed valuation used for primary property taxes of
6 the residential property in the school district or districts by the rate
7 or rates selected in subsection B, paragraph 1, subdivision (c) and
8 paragraph 2, subdivision (c) of this section. The excess of the reduction
9 in property taxes for a parcel of property resulting from the reduction in
10 the property tax rate pursuant to this subsection over the amounts listed
11 in this subsection shall be deducted from the amount of additional state
12 aid for education. The reduction in property taxes on a parcel of
13 property resulting from the reduction in the property tax rate pursuant to
14 this subsection shall not exceed \$600, except as provided in subsection I
15 of this section.

16 E. Before levying taxes for school purposes, the board of
17 supervisors shall determine whether the total primary property taxes to be
18 levied for all taxing jurisdictions on each parcel of residential
19 property, in lieu of this subsection, violate article IX, section 18,
20 Constitution of Arizona. For those properties that qualify for property
21 tax exemptions pursuant to article IX, ~~sections SECTION 2, 2.1 and 2.2,~~
22 Constitution of Arizona, eligibility for the credit is determined on the
23 basis of the limited property value that corresponds to the taxable
24 assessed value after reduction for the applicable exemption. If the board
25 of supervisors determines that such a situation exists, the board shall
26 apply a credit against the primary property taxes due from each such
27 parcel in the amount in excess of article IX, section 18, Constitution of
28 Arizona. Such excess amounts shall also be additional state aid for
29 education for the school district or districts in which the parcel of
30 property is located.

31 F. The clerk of the board of supervisors shall report to the
32 department of revenue not later than September 5 of each year the amount
33 by school district of additional state aid for education and the data used
34 for computing the amount as provided in subsection B of this section. The
35 department of revenue shall verify all of the amounts and report to the
36 board of supervisors not later than September 10 of each year the property
37 tax rate that shall be used for property tax reduction as provided in
38 subsection E of this section.

39 G. The clerk of the board of supervisors shall report to the
40 department of revenue not later than September 30 of each year in writing
41 the following:

42 1. The data processing specifications used in the calculations
43 provided for in subsections B and E of this section.

44 2. At a minimum, copies of two actual tax bills for residential
45 property for each distinct tax area.

1 H. The department of revenue shall report to the state board of
2 education not later than October 12 of each year the amount by school
3 district of additional state aid for education as provided in this
4 section. The additional state aid for education provided in this section
5 shall be apportioned as provided in section 15-973.

6 I. If a parcel of property is owned by a cooperative apartment
7 corporation or is owned by the tenants of a cooperative apartment
8 corporation as tenants in common, the reduction in the property taxes
9 prescribed in subsection D of this section shall not exceed the amounts
10 listed in subsection D of this section for each owner-occupied housing
11 unit on the property. The assessed value used for determining the
12 reduction in taxes for the property is equal to the total assessed value
13 of the property times the ratio of the number of owner-occupied housing
14 units to the total number of housing units on the property. For the
15 purposes of this subsection, "cooperative apartment corporation" means a
16 corporation:

17 1. Having only one class of outstanding stock.

18 2. Of which all of the stockholders are entitled, solely by reason
19 of their ownership of stock in the corporation, to occupy for dwelling
20 purposes apartments in a building owned or leased by the corporation and
21 that are not entitled, either conditionally or unconditionally, except on
22 a complete or partial liquidation of the corporation, to receive any
23 distribution not out of earnings and profits of the corporation.

24 3. Of which eighty percent or more of the gross income is derived
25 from tenant-stockholders. For the purposes of this paragraph, "gross
26 income" means gross income as defined by the United States internal
27 revenue code, as defined in section 43-105.

28 J. The total amount of state monies that may be spent in any fiscal
29 year for state aid for education in this section shall not exceed the
30 amount appropriated or authorized by section 35-173 for that purpose.
31 This section does not impose a duty on an officer, agent or employee of
32 this state to discharge a responsibility or create any right in a person
33 or group if the discharge or right would require an expenditure of state
34 monies in excess of the expenditure authorized by legislative
35 appropriation for that specific purpose.

36 K. Notwithstanding subsection E of this section, the maximum amount
37 of additional state aid for education that will be funded by this state
38 pursuant to subsection E of this section shall be \$1,000,000 per county.
39 For any county with a school district or districts that collectively would
40 otherwise receive more than \$1,000,000 in additional state aid for
41 education pursuant to subsection E of this section, the property tax
42 oversight commission established by section 42-17002 shall determine the
43 proportion of the violation of article IX, section 18, Constitution of
44 Arizona, that is attributable to each taxing jurisdiction within the
45 affected school district or districts. Based on those proportions, the

1 property tax oversight commission shall determine an amount that each
2 taxing jurisdiction within the affected school district or districts shall
3 transfer to the affected school district or districts during the fiscal
4 year in order to compensate the affected school district or districts for
5 its pro rata share of the reduction in additional state aid for education
6 funding required by this subsection. In determining the proportion of the
7 violation of article IX, section 18, Constitution of Arizona, that is
8 attributable to each taxing jurisdiction within the affected school
9 district or districts, the property tax oversight commission shall assume
10 a proportion of zero for any taxing jurisdiction that has a tax rate for
11 the fiscal year that is equal to or less than the tax rate of peer
12 jurisdictions, as determined by the property tax oversight commission.

13 L. For the purposes of this section:

14 1. "Owner" includes any purchaser under a contract of sale or under
15 a deed of trust.

16 2. "Residential property" includes owner-occupied real property and
17 improvements to the property and owner-occupied mobile homes that are used
18 as the owner's primary residence and classified as class three property
19 pursuant to section 42-12003.

20 Sec. 2. Section 42-11111, Arizona Revised Statutes, is amended to
21 read:

22 42-11111. Exemption for property; widows and widowers; persons
23 with a total and permanent disability; veterans
24 with a disability; definitions

25 A. The property of widows, ~~AND~~ widowers, ~~and~~ OF persons with TOTAL
26 AND PERMANENT disabilities AND OF VETERANS WITH SERVICE OR NONSERVICE
27 CONNECTED DISABILITIES who are residents of this state is exempt from
28 taxation ~~to the extent allowed AS PROVIDED~~ by article IX, ~~sections~~ SECTION
29 2, ~~2.1, 2.2 and 2.3~~, Constitution of Arizona, and subject to the
30 conditions and ~~limitations~~ LIMITS prescribed by this section.

31 B. Pursuant to article IX, section ~~2.3~~ 2, SUBSECTION F,
32 Constitution of Arizona, the exemptions from taxation under this section
33 are allowed in the amount of:

34 1. ~~Three thousand dollars~~ \$4,117 if the person's total assessment
35 does not exceed ~~twenty thousand dollars~~ \$27,970. FOR A VETERAN WITH A
36 SERVICE OR NONSERVICE CONNECTED DISABILITY, THE \$4,117 LIMIT UNDER THIS
37 PARAGRAPH IS FURTHER LIMITED BY MULTIPLYING THE TOTAL EXEMPTION AMOUNT BY
38 THE PERCENTAGE OF THE VETERAN'S DISABILITY, AS RATED BY THE UNITED STATES
39 DEPARTMENT OF VETERANS AFFAIRS.

40 2. No exemption if the person's total assessment exceeds ~~twenty~~
41 ~~thousand dollars~~ \$27,970.

42 C. On or before December 31 of each year, the department shall
43 increase the following amounts based on the average annual percentage
44 increase, if any, in the GDP price deflator in the two most recent
45 complete state fiscal years:

1 1. The total allowable exemption amount and the total assessment
2 ~~limitation~~ LIMIT amount under subsection B of this section.

3 2. The total income ~~limitation~~ LIMIT amounts under subsection E,
4 paragraphs 1 and 2 of this section.

5 ~~For the purposes of this subsection, "GDP price deflator" means the~~
6 ~~average of the four implicit price deflators for the gross domestic~~
7 ~~product reported by the United States department of commerce or its~~
8 ~~successor for the four quarters of the state fiscal year.~~

9 D. For the purpose of determining the amount of the allowable
10 exemption pursuant to subsection B of this section, the person's total
11 assessment shall not include the value of any vehicle that is taxed under
12 title 28, chapter 16, article 3.

13 E. Pursuant to article IX, section ~~2.3~~ 2, SUBSECTION F,
14 Constitution of Arizona, to qualify for this exemption, the total income
15 from all sources of the claimant and the claimant's spouse and the income
16 from all sources of all of the claimant's children who resided with the
17 claimant in the claimant's residence in the year immediately preceding the
18 year for which the claimant applies for the exemption shall not exceed:

19 1. ~~Twenty-five thousand dollars~~ \$34,301 if none of the claimant's
20 children under eighteen years of age resided with the claimant in the
21 claimant's residence.

22 2. ~~Thirty thousand dollars~~ \$41,151 if one or more of the claimant's
23 children residing with the claimant in the claimant's residence ~~were~~
24 either:

25 (a) WERE under eighteen years of age.

26 (b) ~~Totally and permanently,~~ HAD A TOTAL AND PERMANENT physical or
27 mental ~~disabilities~~ DISABILITY, as certified by competent medical
28 authority as provided by law.

29 F. For the purposes of subsection E of this section, "income from
30 all sources" means the sum of the following, ~~but~~ excluding the items
31 listed in subsection G of this section:

32 1. Adjusted gross income as defined by the department.

33 2. The amount of capital gains excluded from adjusted gross income.

34 3. Nontaxable strike benefits.

35 4. Nontaxable interest that is received from the federal government
36 or any of its instrumentalities.

37 5. Payments that are received from a retirement program and paid
38 by:

39 (a) This state or any of its political subdivisions.

40 (b) The United States through any of its agencies,
41 instrumentalities or programs, except as provided in subsection G of this
42 section.

43 6. The gross amount of any pension or annuity that is not otherwise
44 exempted.

1 G. Notwithstanding subsection F of this section, ~~the~~ income from all
2 sources ~~is~~ does not include monies received from:

- 3 1. Cash public assistance and relief.
- 4 2. Railroad retirement benefits.
- 5 3. Payments under the federal social security act (49 Stat. 620).
- 6 4. Payments under the unemployment insurance laws of this state.
- 7 5. Payments from veterans disability pensions.
- 8 6. Workers' compensation payments.
- 9 7. "Loss of time" insurance.

10 8. Gifts from nongovernmental sources, surplus foods or other
11 relief in kind supplied by a governmental agency.

12 H. A widow, ~~OR~~ widower, ~~OR~~ a person with a TOTAL AND PERMANENT
13 disability OR A VETERAN WITH A DISABILITY shall initially establish
14 eligibility for exemption under this section by filing an affidavit with
15 the county assessor under section 42-11152. Thereafter, the person is not
16 required to file an affidavit under section 42-11152, but the person or
17 the person's representative shall annually calculate income from the
18 preceding year to ensure that the person still qualifies for the exemption
19 and shall notify the county assessor in writing of any event that
20 disqualifies the ~~widow, widower or person with a disability~~ PERSON from
21 further exemption. Regardless of whether the person or representative
22 notifies the assessor as required by this subsection, the property is
23 subject to tax as provided by law from the date of disqualification,
24 including interest, penalties and proceedings for tax delinquencies.
25 Disqualifying events include:

- 26 1. The person's death.
- 27 2. The remarriage of a widow or widower.
- 28 3. The person's income from all sources exceeding the limits
29 prescribed by subsection E of this section.
- 30 4. The conveyance of title to the property to another owner.

31 I. Any dollar amount of exemption that is unused in a tax year
32 against the limited property value of property and improvements owned by
33 the individual may be applied for the tax year against the value of
34 personal property subject to special property taxes, including the taxes
35 collected pursuant to title 5, chapter 3, article 3 and title 28, chapter
36 16, article 3.

37 J. An individual is not entitled to property tax exemptions in the
38 aggregate that exceed the maximum allowed to a widow, ~~OR~~ widower, ~~OR~~ A
39 person with a TOTAL AND PERMANENT disability OR A VETERAN WITH A
40 DISABILITY even if the ~~person~~ INDIVIDUAL is eligible for an exemption in
41 more than one category.

42 K. FOR THE PURPOSES OF THIS SECTION:

43 1. "GDP PRICE DEFLATOR" MEANS THE AVERAGE OF THE FOUR IMPLICIT
44 PRICE DEFLATORS FOR THE GROSS DOMESTIC PRODUCT REPORTED BY THE UNITED

1 STATES DEPARTMENT OF COMMERCE OR ITS SUCCESSOR FOR THE FOUR QUARTERS OF
2 THE STATE FISCAL YEAR.

3 2. "VETERAN" MEANS AN INDIVIDUAL WHO HAS SERVED IN, AND BEEN
4 DISCHARGED, SEPARATED OR RELEASED UNDER HONORABLE CONDITIONS FROM, ACTIVE
5 OR INACTIVE SERVICE IN THE UNIFORMED SERVICES OF THE UNITED STATES,
6 INCLUDING:

7 (a) ALL REGULAR, RESERVE AND NATIONAL GUARD COMPONENTS OF THE
8 UNITED STATES ARMY, NAVY, AIR FORCE, MARINE CORPS AND COAST GUARD.

9 (b) THE COMMISSIONED CORPS OF THE NATIONAL OCEANIC AND ATMOSPHERIC
10 ADMINISTRATION.

11 (c) THE COMMISSIONED CORPS OF THE UNITED STATES PUBLIC HEALTH
12 SERVICE.

13 (d) A NURSE IN THE SERVICE OF THE AMERICAN RED CROSS OR IN THE ARMY
14 AND NAVY NURSE CORPS.

15 (e) ANY OTHER CIVILIAN SERVICE THAT IS AUTHORIZED BY FEDERAL LAW TO
16 BE CONSIDERED ACTIVE MILITARY DUTY FOR THE PURPOSE OF LAWS ADMINISTERED BY
17 THE UNITED STATES SECRETARY OF VETERANS AFFAIRS.

18 Sec. 3. Section 42-11127, Arizona Revised Statutes, is amended to
19 read:

20 42-11127. Exempt personal property

21 A. Pursuant to article IX, section 2, subsection ~~(6)~~ F,
22 Constitution of Arizona, personal property that is class two property
23 pursuant to section 42-12002, paragraph 2, subdivision (a) or (b) AND that
24 is used for agricultural purposes or personal property that is class one
25 property pursuant to section 42-12001 AND that is used in a trade or
26 business as described in section 42-12001, paragraphs 8 through 11 or 13
27 is exempt from taxation up to a maximum amount of ~~fifty thousand dollars~~
28 \$195,878 of full cash value for each taxpayer.

29 B. On or before December 31 of each year, the department shall
30 increase the maximum amount of the exemption for the following tax year
31 based on the percentage increase, if any, in the employment cost index for
32 total compensation for private industry workers in the two most recent
33 complete state fiscal years. For the purposes of this subsection,
34 "employment cost index" means the average of the employment cost indices
35 reported by the bureau of labor statistics of the United States department
36 of labor or its successor for the eight quarters of the two most recent
37 state fiscal years.

38 Sec. 4. Section 42-11152, Arizona Revised Statutes, is amended to
39 read:

40 42-11152. Affidavit; false statements

41 A. Except as provided in sections 42-11104, 42-11109, 42-11110,
42 42-11111 and 42-11131 and except for property described in sections
43 42-11125, 42-11127, 42-11132 and 42-11132.01, a person who claims
44 exemption from taxation under article IX, section 2, ~~2.1 or 2.2,~~
45 Constitution of Arizona, shall:

1 2. The personal property that is class two (P) property pursuant to
2 section 42-12002, paragraph 2 and that is used for agricultural purposes
3 or that is class one, subclasses 8 through 11 and 13 property pursuant to
4 section 42-12001 and that is used in a trade or business that is exempt
5 from taxation pursuant to article IX, section 2, subsection ~~(6)~~ E,
6 Constitution of Arizona.

7 E. Every assessment made against property that is subject to
8 taxation is valid whether or not the form, notice or demand was sent or
9 received.

10 F. The department shall prescribe in detail the contents of
11 property reports including the specific wording to be used by county
12 assessors and the method of reporting property. The report shall not
13 include any question that is not germane to the valuation function.

14 G. A report that is furnished under this section:

15 1. Is not open to public inspection, but the report may be used as
16 evidence in any prosecution brought under section 42-15055.

17 2. May be subject to audit. On completing an audit or on
18 discovering property that has not been reported, any property that was
19 found to have escaped taxation is liable for the amount of taxes due
20 determined under chapter 16, article 6 of this title, plus a penalty equal
21 to ten percent of that amount. The county treasurer shall credit monies
22 received as penalties under this paragraph to the county general fund.

23 Sec. 6. Conditional enactment

24 This act does not become effective unless the Constitution of
25 Arizona is amended by vote of the people at the next general election by
26 passage of Senate Concurrent Resolution 1019, fifty-fifth legislature,
27 first regular session, relating to consolidating and reorganizing
28 provisions relating to property tax exemptions.