

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 739
House Committee Substitute Favorable 9/22/98

Short Title: Union Board of E & R.

(Local)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND
3 REVIEW.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 105-322 reads as rewritten:

6 **"§ 105-322. County board of equalization and review.**

7 (a) ~~Personnel.—Board Composed of Commissioners if Special Board Not~~
8 Appointed. —Except as otherwise provided herein, If the board of county commissioners
9 does not appoint a special board of equalization and review as provided in this section or
10 if the board of commissioners rescinds the resolution establishing a special board of
11 equalization and review pursuant to this section, then the board of equalization and
12 review of each the county shall be composed of the members of the board of county
13 commissioners.

14 (a1) Appointment of Special Board; Quorum. — Upon the adoption of a resolution
15 so providing, the board of commissioners is authorized to appoint a special board of
16 equalization and review to carry out the duties imposed under this section. The resolution
17 shall provide for the membership, qualifications, terms of office and the filling of vacancies on
18 the board. The special board shall be composed of five members, except that the board of
19 commissioners may appoint up to four additional members to serve solely during a

1 reappraisal year. Each year ~~The the~~ board of commissioners shall ~~also~~ designate the
2 ~~chairman~~ a chair of the special ~~board~~ board from the membership of the board, and the
3 special board shall elect a vice-chair from its membership. To be eligible for
4 appointment to the special board, a person must have resided in Union County for a
5 period of at least one year immediately preceding the appointment and must have such
6 other qualifications as are satisfactory to the board of commissioners. Members of the
7 special board shall serve a term of three years. Vacancies shall be filled by the board of
8 commissioners. A successor appointed to fill a vacancy shall serve for the remainder of
9 the term. Members of the special board shall serve at the pleasure of the board of
10 commissioners. ~~The resolution may also authorize a taxpayer to appeal a decision of the~~
11 ~~special board with respect to the listing or appraisal of his property or the property of others to~~
12 ~~the board of county commissioners.~~ The resolution establishing the special board of
13 equalization and review shall be adopted not later than the first Monday in March of the
14 year for which it is to be effective and shall continue in effect until revised or rescinded.
15 It shall be entered in the minutes of the meeting of the board of commissioners and a
16 copy thereof shall be forwarded to the Department of Revenue within 15 days after its
17 adoption.

18 ~~Nothing in this subsection (a) shall be construed as repealing any law creating a~~
19 ~~special board of equalization and review or creating any board charged with the duties of~~
20 ~~a board of equalization and review in any county.~~

21 Except as provided in subsection (h) of this section, a majority of the members of the
22 board of equalization and review shall constitute a quorum for the purpose of transacting
23 any business. A decision of the board shall be made by a majority of the members
24 present.

25 (b) Compensation. – The board of county commissioners shall fix the
26 compensation and allowances to be paid members of the board of equalization and
27 review for their services and expenses.

28 (c) Oath. – Each member of the board of equalization and review shall take the
29 oath required by Article VI, § 7 of the North Carolina Constitution with the following
30 phrase added to it: "that I will not allow my actions as a member of the board of
31 equalization and review to be influenced by personal or political friendships or
32 obligations.". The oath must be filed with the clerk of the board of county
33 commissioners.

34 (d) Clerk and Minutes. – The assessor or a person designated by the assessor shall
35 serve as clerk to the board of equalization and review, shall be present at all meetings,
36 shall maintain accurate minutes of the actions of the board, and shall give to the board
37 such information as he may have or can obtain with respect to the listing and valuation of
38 taxable property in the county.

39 (e) Time of Meeting. ~~Each~~ Except as otherwise provided in this section, each
40 year the board of equalization and review shall hold its first meeting not earlier than the
41 first Monday in April and not later than the first Monday in May. In years in which a
42 county does not conduct a real property revaluation, the board shall complete its duties on
43 or before the third Monday following its first meeting unless, in its opinion, a longer

1 period of time is necessary or expedient to a proper execution of its responsibilities. ~~In no~~
2 ~~event shall the board~~ In performing its duties pursuant to subdivisions (g)(1) and (g)(2) of
3 this section, the board shall not sit later than July 1 except to hear and determine requests
4 made under the provisions of subdivision (g)(2), below, when such requests are made
5 within the time prescribed by law. In the year in which a county conducts a real property
6 revaluation, the board shall complete its duties pursuant to subdivisions (g)(1) and (g)(2)
7 of this section on or before December 1, except that it may sit after that date to hear and
8 determine requests made under the provisions of subdivision (g)(2), below, when such
9 requests are made within the time prescribed by law. Following adjournment upon
10 completion of its duties under subdivisions (g)(1) and (g)(2) of this section, the board
11 shall continue to meet to carry out the authority granted to the board of county
12 commissioners pursuant to G.S. 105-325 as provided in subdivision (g)(5) and subsection
13 (i) of this section. From the time of its first meeting until its adjournment, the ~~The~~ board shall
14 meet at such times as it deems reasonably necessary to perform its statutory duties and to
15 receive requests and hear the appeals of taxpayers under the provisions of subdivision
16 (g)(2), below.

17 (f) Notice of Meetings and Adjournment. – A notice of the date, hours, place, and
18 purpose of the first meeting of the board of equalization and review shall be published at
19 least three times in some newspaper having general circulation in the county, the first
20 publication to be at least 10 days prior to the first meeting. The notice shall also state the
21 dates and hours on which the board will meet following its first meeting and the date on
22 which it expects to adjourn; it shall also carry a statement that in the event of earlier or
23 later adjournment, notice to that effect will be published in the same newspaper. Should
24 a notice be required on account of earlier adjournment, it shall be published at least once
25 in the newspaper in which the first notice was published, such publication to be at least
26 five days prior to the date fixed for adjournment. Should a notice be required on account
27 of later adjournment, it shall be published at least once in the newspaper in which the first
28 notice was published, such publication to be prior to the date first announced for
29 adjournment.

- 30 (g) (1) Powers and Duties. – It shall be the duty of the board of
31 equalization and review to examine and review the tax lists of the
32 county for the current year to the end that all taxable property shall be
33 listed on the abstracts and tax records of the county and appraised
34 according to the standard required by G.S. 105-283, and the board
35 shall correct the abstracts and tax records to conform to the provisions
36 of this Subchapter. In carrying out its responsibilities under this
37 subdivision (g)(1), the board, on its own motion or on sufficient cause
38 shown by any person, shall:
- 39 a. List, appraise, and assess any taxable real or personal property
40 that has been omitted from the tax lists.
 - 41 b. Correct all errors in the names of persons and in the description
42 of properties subject to taxation.

- 1 c. Increase or reduce the appraised value of any property that, in the
2 board's opinion, shall have been listed and appraised at a figure
3 that is below or above the appraisal required by G.S. 105-283;
4 however, the board shall not change the appraised value of any
5 real property from that at which it was appraised for the
6 preceding year except in accordance with the terms of G.S. 105-
7 286 and 105-287.
- 8 d. Cause to be done whatever else shall be necessary to make the
9 lists and tax records comply with the provisions of this
10 Subchapter.
- 11 e. Embody actions taken under the provisions of subdivisions
12 (g)(1)a through (g)(1)d, above, in appropriate orders and have the
13 orders entered in the minutes of the board.
- 14 f. Give written notice to the taxpayer at his last-known address in
15 the event the board shall, by appropriate order, increase the
16 appraisal of any property or list for taxation any property omitted
17 from the tax lists under the provisions of this subdivision (g)(1).
- 18 (2) On request, the board of equalization and review shall hear any taxpayer
19 who owns or controls property taxable in the county with respect to the
20 listing or appraisal of his property or the property of others.
- 21 a. A request for a hearing under this subdivision (g)(2) shall be
22 made in writing to or by personal appearance before the board
23 prior to its adjournment. However, if the taxpayer requests
24 review of a decision made by the board under the provisions of
25 subdivision (g)(1), above, notice of which was mailed fewer than
26 15 days prior to the board's adjournment, the request for a
27 hearing thereon may be made within 15 days after the notice of
28 the board's decision was mailed.
- 29 b. Taxpayers may file separate or joint requests for hearings under
30 the provisions of this subdivision (g)(2) at their election.
- 31 c. At a hearing under provisions of this subdivision (g)(2), the
32 board, in addition to the powers it may exercise under the
33 provisions of subdivision (g)(3), below, shall hear any evidence
34 offered by the appellant, the assessor, and other county officials
35 that is pertinent to the decision of the appeal. Upon the request
36 of an appellant, the board shall subpoena witnesses or documents
37 if there is a reasonable basis for believing that the witnesses have
38 or the documents contain information pertinent to the decision of
39 the appeal.
- 40 d. On the basis of its decision after any hearing conducted under
41 this subdivision (g)(2), the board shall adopt and have entered in
42 its minutes an order reducing, increasing, or confirming the
43 appraisal appealed or listing or removing from the tax lists the

1 property whose omission or listing has been appealed. The board
2 shall notify the appellant by mail as to the action taken on his
3 appeal not later than 30 days after the board's adjournment.

4 (3) In the performance of its duties under subdivisions (g)(1) and (g)(2),
5 above, the board of equalization and review may exercise the following
6 powers:

7 a. It may appoint committees composed of its own members or
8 other persons to assist it in making investigations necessary to its
9 work. It may also employ expert appraisers in its discretion. The
10 expense of the employment of committees or appraisers shall be
11 borne by the county. The board may, in its discretion, require the
12 taxpayer to reimburse the county for the cost of any appraisal by
13 experts demanded by him if the appraisal does not result in
14 material reduction of the valuation of the property appraised and
15 if the appraisal is not subsequently reduced materially by the
16 board or by the Department of Revenue.

17 b. The board, in its discretion, may examine any witnesses and
18 documents. It may place any witnesses under oath administered
19 by any member of the board. It may subpoena witnesses or
20 documents on its own motion, and it must do so when a request
21 is made under the provisions of subdivision (g)(2)c, above.

22 A subpoena issued by the board shall be signed by the
23 chairman of the board, directed to the witness or to the person
24 having custody of the document, and served by an officer
25 authorized to serve subpoenas. Any person who willfully fails to
26 appear or to produce documents in response to a subpoena or to
27 testify when appearing in response to a subpoena shall be guilty
28 of a Class 1 misdemeanor.

29 (4) Upon the completion of its other duties, the board may submit to the
30 Department of Revenue a report outlining the quality of the reappraisal,
31 any problems it encountered in the reappraisal process, the number of
32 appeals submitted to the board and to the Property Tax Commission, the
33 success rate of the appeals submitted, and the name of the firm that
34 conducted the reappraisal. A copy of the report should be sent by the
35 board to the firm that conducted the reappraisal.

36 (5) After adjournment upon completion of its duties under subdivisions
37 (g)(1) and (g)(2) of this section, the special board of equalization and
38 review shall exercise the authority granted to the board of county
39 commissioners under G.S. 105-325. This duty includes hearing appeals
40 of the appraisal, situs, and taxability of classified motor vehicles
41 pursuant to G.S. 105-330.2(b).

42 (h) Reappraisal Year Panels. – If during a reappraisal year the board of county
43 commissioners has appointed additional members to the special board of equalization and

1 review, the chair of the special board may divide the board into separate panels
2 comprised of not fewer than three members in each panel. The chair shall designate one
3 member of each panel to serve as its chair and may change the members of the panels
4 during the year. Three members or a majority of the members of each panel, whichever
5 is greater, shall constitute a quorum for the purpose of transacting any business. A
6 decision of the panel shall be made by a majority of the members. A decision of a panel
7 constitutes a decision of the board of equalization and review.

8 (i) Motor Vehicle Review Subcommittee. – The chair of the special board of
9 equalization and review shall appoint a subcommittee at the board's first meeting of the
10 calendar year. The subcommittee shall hear and decide all appeals relating to the
11 appraisal, situs, and taxability of the classified motor vehicles under G.S. 105-330.2(b)
12 and may meet as needed to exercise this authority. The subcommittee shall consist of
13 three board members, and three members shall constitute a quorum for the purpose of
14 transacting business. Once the chair has appointed the subcommittee, the remaining
15 members of the special board of equalization and review shall serve as alternate members
16 of the subcommittee. A decision of the subcommittee shall be made by a majority of the
17 members."

18 Section 2. Of the initial five appointees to the special board of equalization
19 and review, one shall be appointed to serve a one-year term; two shall be appointed to
20 serve a two-year term; and two shall be appointed to serve a three-year term.

21 Section 3. Chapter 275 of the 1977 Session Laws is repealed.

22 Section 4. This act becomes effective on January 1, 1999.