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HOUSE DRH10115-MC-92 (03/04)

Short Title: Wake Cty Local Board of Equalization/Review. (Local)

Sponsors: Representatives Pendleton, Malone, Dollar, and Avila (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT REGARDING A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR
3 WAKE COUNTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. This act applies only to Wake County.

6 SECTION 2. G.S. 105-322 reads as rewritten:

7 "§ 105-322. County board of equalization and review.

8 (a) Personnel. – Except as otherwise provided herein, the board of equalization and
9 review of each county shall be composed of the members of the board of county
10 commissioners.

11 Upon the adoption of a resolution so providing, the board of commissioners is authorized to
12 appoint a special board of equalization and review composed of at least five members to carry
13 out the duties imposed under this section. To be eligible for appointment, a person must have
14 resided in the county of appointment for a period of at least three years immediately preceding
15 appointment, must be at least 18 years of age, must own at least one parcel of real property in
16 the county of appointment, and must have knowledge of or experience in real estate, appraisal,
17 or another activity satisfactory to the board of county commissioners. The resolution shall
18 provide for the membership, qualifications, terms of office and the filling of vacancies on the
19 board. The board of commissioners shall also designate the chairman of the special board. The
20 resolution may also authorize a taxpayer to appeal a decision of the special board with respect
21 to the listing or appraisal of his property or the property of others to the board of county
22 commissioners. The resolution shall be adopted not later than the first Monday in March of the
23 year for which it is to be effective and shall continue in effect until revised or rescinded. It shall
24 be entered in the minutes of the meeting of the board of commissioners and a copy thereof shall
25 be forwarded to the Department of Revenue within 15 days after its adoption.

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

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

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



1 (d) Clerk and Minutes. – The assessor shall serve as clerk to the board of equalization
2 and review, shall be present at all meetings, shall maintain accurate minutes of the actions of
3 the board, and shall give to the board such information as he may have or can obtain with
4 respect to the listing and valuation of taxable property in the county.

5 (e) Time of Meeting. – Each year the board of equalization and review shall hold its
6 first meeting not earlier than the first Monday in April and not later than the first Monday in
7 May. In years in which a county does not conduct a real property revaluation, the board shall
8 complete its duties on or before the third Monday following its first meeting unless, in its
9 opinion, a longer period of time is necessary or expedient to a proper execution of its
10 responsibilities. Except as provided in subdivision (g)(5) of this section, the board may not sit
11 later than July 1 except to hear and determine requests made under the provisions of
12 subdivision (g)(2), below, when such requests are made within the time prescribed by law. In
13 the year in which a county conducts a real property revaluation, the board shall complete its
14 duties on or before December 1, except that it may sit after that date to hear and determine
15 requests made under the provisions of subdivision (g)(2), below, when such requests are made
16 within the time prescribed by law. From the time of its first meeting until its adjournment, the
17 board shall meet at such times as it deems reasonably necessary to perform its statutory duties
18 and to receive requests and hear the appeals of taxpayers under the provisions of subdivision
19 (g)(2), below.

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

32 (g) Powers and Duties. – The board of equalization and review has the following
33 powers and duties:

34 (1) Duty to Review Tax Lists. – The board shall examine and review the tax
35 lists of the county for the current year to the end that all taxable property
36 shall be listed on the abstracts and tax records of the county and appraised
37 according to the standard required by G.S. 105-283, and the board shall
38 correct the abstracts and tax records to conform to the provisions of this
39 Subchapter. In carrying out its responsibilities under this subdivision (g)(1),
40 the board, on its own motion or on sufficient cause shown by any person,
41 shall:

- 42 a. List, appraise, and assess any taxable real or personal property that
43 has been omitted from the tax lists.
- 44 b. Correct all errors in the names of persons and in the description of
45 properties subject to taxation.
- 46 c. Increase or reduce the appraised value of any property that, in the
47 board's opinion, has been listed and appraised at a figure that is
48 below or above the appraisal required by G.S. 105-283; however, the
49 board shall not change the appraised value of any real property from
50 that at which it was appraised for the preceding year except in
51 accordance with the terms of G.S. 105-286 and 105-287.

- 1 d. Cause to be done whatever else is necessary to make the lists and tax
2 records comply with the provisions of this Subchapter.
- 3 e. Embody actions taken under the provisions of subdivisions (g)(1)a
4 through (g)(1)d, above, in appropriate orders and have the orders
5 entered in the minutes of the board.
- 6 f. Give written notice to the taxpayer at the taxpayer's last known
7 address in the event the board, by appropriate order, increases the
8 appraisal of any property or lists for taxation any property omitted
9 from the tax lists under the provisions of this subdivision (g)(1).
- 10 (2) Duty to Hear Taxpayer Appeals. – On request, the board of equalization and
11 review shall hear any taxpayer who owns or controls property taxable in the
12 county with respect to the listing or appraisal of the taxpayer's property or
13 the property of others.
- 14 a. A request for a hearing under this subdivision (g)(2) shall be made in
15 writing to or by personal appearance before the board prior to its
16 adjournment. However, if the taxpayer requests review of a decision
17 made by the board under the provisions of subdivision (g)(1), above,
18 notice of which was mailed fewer than 15 days prior to the board's
19 adjournment, the request for a hearing thereon may be made within
20 15 days after the notice of the board's decision was mailed.
- 21 b. Taxpayers may file separate or joint requests for hearings under the
22 provisions of this subdivision (g)(2) at their election.
- 23 c. At a hearing under provisions of this subdivision (g)(2), the board, in
24 addition to the powers it may exercise under the provisions of
25 subdivision (g)(3), below, shall hear any evidence offered by the
26 appellant, the assessor, and other county officials that is pertinent to
27 the decision of the appeal. Upon the request of an appellant, the
28 board shall subpoena witnesses or documents if there is a reasonable
29 basis for believing that the witnesses have or the documents contain
30 information pertinent to the decision of the appeal.
- 31 d. On the basis of its decision after any hearing conducted under this
32 subdivision (g)(2), the board shall adopt and have entered in its
33 minutes an order reducing, increasing, or confirming the appraisal
34 appealed or listing or removing from the tax lists the property whose
35 omission or listing has been appealed. The board shall notify the
36 appellant by mail as to the action taken on the taxpayer's appeal not
37 later than 30 days after the board's adjournment.
- 38 (3) Powers in Carrying Out Duties. – In the performance of its duties under
39 subdivisions (g)(1) and (g)(2), above, the board of equalization and review
40 may exercise the following powers:
- 41 a. It may appoint committees composed of its own members or other
42 persons to assist it in making investigations necessary to its work. It
43 may also employ expert appraisers in its discretion. The expense of
44 the employment of committees or appraisers shall be borne by the
45 county. The board may, in its discretion, require the taxpayer to
46 reimburse the county for the cost of any appraisal by experts
47 demanded by the taxpayer if the appraisal does not result in material
48 reduction of the valuation of the property appraised and if the
49 appraisal is not subsequently reduced materially by the board or by
50 the Department of Revenue.

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

6 A subpoena issued by the board shall be signed by the chair of
7 the board, directed to the witness or to the person having custody of
8 the document, and served by an officer authorized to serve
9 subpoenas. Any person who willfully fails to appear or to produce
10 documents in response to a subpoena or to testify when appearing in
11 response to a subpoena shall be guilty of a Class 1 misdemeanor.

12 c. In any year of general reappraisal, the chair of the board may divide
13 the board into two or more separate panels with a minimum of three
14 members each. The board members on each panel may be
15 interchanged during the year. A decision by a panel has the same
16 effect as a decision by the entire board.

17 (4) Power to Submit Reports. – Upon the completion of its other duties, the
18 board may submit to the Department of Revenue a report outlining the
19 quality of the reappraisal, any problems it encountered in the reappraisal
20 process, the number of appeals submitted to the board and to the Property
21 Tax Commission, the success rate of the appeals submitted, and the name of
22 the firm that conducted the reappraisal. A copy of the report should be sent
23 by the board to the firm that conducted the reappraisal.

24 (5) ~~Duty to Change Abstracts and Records~~ Powers After Adjournment. –
25 Following adjournment upon completion of its duties under subdivisions
26 (g)(1) and (g)(2) of this subsection, the board may continue to meet to carry
27 out the following duties:

28 a. To hear and decide all appeals relating to discovered property under
29 G.S. 105-312(d) and (k).

30 b. To hear and decide all appeals relating to the appraisal, situs, and
31 taxability of classified motor vehicles under G.S. 105-330.2(b).

32 c. To hear and decide all appeals relating to audits conducted under
33 G.S. 105-296(j) and relating to audits conducted under
34 G.S. 105-296(j) and (l) of property classified at present-use value and
35 property exempted or excluded from taxation.

36 d. To hear and decide all appeals relating to personal property under
37 G.S. 105-317.1(c).

38 e. To make any changes authorized by G.S. 105-325.

39 f. To exercise its authority under G.S. 105-282.1(a1) to accept an
40 application for exemption or exclusion that was filed after the
41 statutory deadline."

42 **SECTION 2.** This act is effective when it becomes law.