GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-174
SENATE BILL 1360

AN ACT TO REVISE THE UNION COUNTY BOARD OF EQUALIZATION AND REVIEW.

The General Assembly of North Carolina enacts:

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

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

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

(a1) Appointment of Special Board; Quorum. – Upon the adoption of a resolution so providing, the board of commissioners is authorized to appoint a special board of equalization and review to carry out the duties imposed under this section. ~~The resolution shall provide for the membership, qualifications, terms of office and the filling of vacancies on the board.~~ The special board shall be composed of five members, except that the board of commissioners may appoint up to four additional members to serve solely during a reappraisal year. Each year ~~The~~ the board of commissioners shall ~~also~~ designate ~~the chairman~~ a chair of the special ~~board.~~ board from the membership of the board, and the special board shall elect a vice-chair from its membership. To be eligible for appointment to the special board, a person must have resided in Union County for a period of at least one year immediately preceding the appointment and must have such other qualifications as are satisfactory to the board of commissioners. Members of the special board shall serve a term of three years. Vacancies shall be filled by the board of commissioners. A successor appointed to fill a vacancy shall serve for the remainder of the term. Members of the special board shall serve at the pleasure of the board of commissioners. ~~The resolution may also authorize a taxpayer to appeal a decision of the special board with respect to the listing or appraisal of his property or the property of others to the board of county commissioners.~~ The resolution establishing the special board of equalization and review shall be adopted not later than the first Monday in March of the year for which it is to be effective and shall continue in effect until revised or rescinded. It shall be entered in the minutes of the meeting of the board of commissioners and a copy thereof shall be forwarded to the Department of Revenue within 15 days after its adoption.

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

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

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

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

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

(e) Time of Meeting. ~~Each~~ <u>Except as otherwise provided in this section, each</u> year the board of equalization and review shall hold its first meeting not earlier than the first Monday in April and not later than the first Monday in May. In years in which a county does not conduct a real property revaluation, the board shall complete its duties on or before the third Monday following its first meeting unless, in its opinion, a longer period of time is necessary or expedient to a proper execution of its responsibilities. ~~In no event shall the board~~ <u>In performing its duties pursuant to subdivisions (g)(1) and (g)(2) of this section, the board shall not</u> sit later than July 1 except to hear and determine requests made under the provisions of subdivision (g)(2), below, when such requests are made within the time prescribed by law. In the year in which a county conducts a real property revaluation, the board shall complete its duties <u>pursuant to subdivisions (g)(1) and (g)(2) of this section</u> on or before December 1, except that it may sit after that date to hear and determine requests made under the provisions of subdivision (g)(2), below, when such requests are made within the time prescribed by law. <u>Following adjournment upon completion of its duties under subdivisions (g)(1) and (g)(2) of this section, the board shall continue to meet to carry out the authority granted to the board of county commissioners pursuant to G.S. 105-325 as provided in subdivision (g)(5) and subsection (i) of this section.</u> ~~From the time of its first meeting until its adjournment, the~~ <u>The</u> board shall meet at such times as it deems reasonably necessary to perform its statutory duties and to receive requests and hear the appeals of taxpayers under the provisions of subdivision (g)(2), below.

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

(g) (1) Powers and Duties. – It shall be the duty of the board of equalization and review to examine and review the tax lists of the county for the current year to the end that all taxable property shall be listed on the abstracts and tax records of the county and appraised according to the standard required by G.S. 105-283, and the board shall correct the abstracts and tax records to conform to the provisions of this Subchapter. In carrying out its responsibilities under this subdivision (g)(1), the board, on its own motion or on sufficient cause shown by any person, shall:

a. List, appraise, and assess any taxable real or personal property that has been omitted from the tax lists.
b. Correct all errors in the names of persons and in the description of properties subject to taxation.
c. Increase or reduce the appraised value of any property that, in the board's opinion, shall have been listed and appraised at a figure that is below or above the appraisal required by G.S. 105-283; however, the board shall not change the appraised value of any real property from that at which it was appraised for the preceding year except in accordance with the terms of G.S. 105-286 and 105-287.
d. Cause to be done whatever else shall be necessary to make the lists and tax records comply with the provisions of this Subchapter.
e. Embody actions taken under the provisions of subdivisions (g)(1)a through (g)(1)d, above, in appropriate orders and have the orders entered in the minutes of the board.
f. Give written notice to the taxpayer at his last-known address in the event the board shall, by appropriate order, increase the appraisal of any property or list for taxation any property omitted from the tax lists under the provisions of this subdivision (g)(1).

(2) On request, the board of equalization and review shall hear any taxpayer who owns or controls property taxable in the county with respect to the listing or appraisal of his property or the property of others.

a. A request for a hearing under this subdivision (g)(2) shall be made in writing to or by personal appearance before the board prior to its adjournment. However, if the taxpayer requests review of a decision made by the board under the provisions of subdivision (g)(1), above, notice of which was mailed fewer than 15 days prior to the board's adjournment, the request for a hearing thereon may be made within 15 days after the notice of the board's decision was mailed.

b. Taxpayers may file separate or joint requests for hearings under the provisions of this subdivision (g)(2) at their election.

c. At a hearing under provisions of this subdivision (g)(2), the board, in addition to the powers it may exercise under the provisions of subdivision (g)(3), below, shall hear any evidence offered by the appellant, the assessor, and other county officials that is pertinent to the decision of the appeal. Upon the request of an appellant, the board shall subpoena witnesses or documents if there is a reasonable basis for believing that the witnesses have or the documents contain information pertinent to the decision of the appeal.

d. On the basis of its decision after any hearing conducted under this subdivision (g)(2), the board shall adopt and have entered in its minutes an order reducing, increasing, or confirming the appraisal appealed or listing or removing from the tax lists the property whose omission or listing has been appealed. The board shall notify the appellant by mail as to the action taken on his appeal not later than 30 days after the board's adjournment.

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

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

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

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

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

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

(h) Reappraisal Year Panels. – If during a reappraisal year the board of county commissioners has appointed additional members to the special board of equalization and review, the chair of the special board may divide the board into separate panels comprised of not fewer than three members in each panel. The chair shall designate one member of each panel to serve as its chair and may change the members of the panels during the year. Three members or a majority of the members of each panel, whichever is greater, shall constitute a quorum for the purpose of transacting any business. A decision of the panel shall be made by a majority of the members. A decision of a panel constitutes a decision of the board of equalization and review.

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

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

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

Section 4. This act applies only to Union County.

Section 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 7th day of October, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives