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SENATE DRS15105-MC-88B (03/04)

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

Sponsors: Senators Barringer, Stein, and Alexander (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 "Article 21.

8 "Review and Appeals of Listings and Valuations.

9 "§ 105-322. County board of equalization and review.

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

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25 year for which it is to be effective and shall continue in effect until revised or rescinded.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

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

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

34 (c) Oath. – Each member of the board of equalization and review shall take the oath  
35 required by Article VI, § 7 of the North Carolina Constitution with the following phrase added  
36 to it: "that I will not allow my actions as a member of the board of equalization and review to



1 be influenced by personal or political friendships or obligations,". The oath must be filed with  
2 the clerk of the board of county commissioners.

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

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

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

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

- 36 (1) Duty to Review Tax Lists. – The board shall examine and review the tax  
37 lists of the county for the current year to the end that all taxable property  
38 shall be listed on the abstracts and tax records of the county and appraised  
39 according to the standard required by G.S. 105-283, and the board shall  
40 correct the abstracts and tax records to conform to the provisions of this  
41 Subchapter. In carrying out its responsibilities under this subdivision (g)(1),  
42 the board, on its own motion or on sufficient cause shown by any person,  
43 shall:
- 44 a. List, appraise, and assess any taxable real or personal property that  
45 has been omitted from the tax lists.
  - 46 b. Correct all errors in the names of persons and in the description of  
47 properties subject to taxation.
  - 48 c. Increase or reduce the appraised value of any property that, in the  
49 board's opinion, has been listed and appraised at a figure that is  
50 below or above the appraisal required by G.S. 105-283; however, the  
51 board shall not change the appraised value of any real property from

- 1 that at which it was appraised for the preceding year except in  
2 accordance with the terms of G.S. 105-286 and 105-287.
- 3 d. Cause to be done whatever else is necessary to make the lists and tax  
4 records comply with the provisions of this Subchapter.
- 5 e. Embody actions taken under the provisions of subdivisions (g)(1)a  
6 through (g)(1)d, above, in appropriate orders and have the orders  
7 entered in the minutes of the board.
- 8 f. Give written notice to the taxpayer at the taxpayer's last known  
9 address in the event the board, by appropriate order, increases the  
10 appraisal of any property or lists for taxation any property omitted  
11 from the tax lists under the provisions of this subdivision (g)(1).
- 12 (2) Duty to Hear Taxpayer Appeals. – On request, the board of equalization and  
13 review shall hear any taxpayer who owns or controls property taxable in the  
14 county with respect to the listing or appraisal of the taxpayer's property or  
15 the property of others.
- 16 a. A request for a hearing under this subdivision (g)(2) shall be made in  
17 writing to or by personal appearance before the board prior to its  
18 adjournment. However, if the taxpayer requests review of a decision  
19 made by the board under the provisions of subdivision (g)(1), above,  
20 notice of which was mailed fewer than 15 days prior to the board's  
21 adjournment, the request for a hearing thereon may be made within  
22 15 days after the notice of the board's decision was mailed.
- 23 b. Taxpayers may file separate or joint requests for hearings under the  
24 provisions of this subdivision (g)(2) at their election.
- 25 c. At a hearing under provisions of this subdivision (g)(2), the board, in  
26 addition to the powers it may exercise under the provisions of  
27 subdivision (g)(3), below, shall hear any evidence offered by the  
28 appellant, the assessor, and other county officials that is pertinent to  
29 the decision of the appeal. Upon the request of an appellant, the  
30 board shall subpoena witnesses or documents if there is a reasonable  
31 basis for believing that the witnesses have or the documents contain  
32 information pertinent to the decision of the appeal.
- 33 d. On the basis of its decision after any hearing conducted under this  
34 subdivision (g)(2), the board shall adopt and have entered in its  
35 minutes an order reducing, increasing, or confirming the appraisal  
36 appealed or listing or removing from the tax lists the property whose  
37 omission or listing has been appealed. The board shall notify the  
38 appellant by mail as to the action taken on the taxpayer's appeal not  
39 later than 30 days after the board's adjournment.
- 40 (3) Powers in Carrying Out Duties. – In the performance of its duties under  
41 subdivisions (g)(1) and (g)(2), above, the board of equalization and review  
42 may exercise the following powers:
- 43 a. It may appoint committees composed of its own members or other  
44 persons to assist it in making investigations necessary to its work. It  
45 may also employ expert appraisers in its discretion. The expense of  
46 the employment of committees or appraisers shall be borne by the  
47 county. The board may, in its discretion, require the taxpayer to  
48 reimburse the county for the cost of any appraisal by experts  
49 demanded by the taxpayer if the appraisal does not result in material  
50 reduction of the valuation of the property appraised and if the

1 appraisal is not subsequently reduced materially by the board or by  
2 the Department of Revenue.

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

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

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

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

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

- 30 a. To hear and decide all appeals relating to discovered property under  
31 G.S. 105-312(d) and (k).  
32 b. To hear and decide all appeals relating to the appraisal, situs, and  
33 taxability of classified motor vehicles under G.S. 105-330.2(b).  
34 c. To hear and decide all appeals relating to audits conducted under  
35 G.S. 105-296(j) and relating to audits conducted under  
36 G.S. 105-296(j) and (l) of property classified at present-use value and  
37 property exempted or excluded from taxation.  
38 d. To hear and decide all appeals relating to personal property under  
39 G.S. 105-317.1(c).  
40 e. To make any changes authorized by G.S. 105-325.  
41 f. To exercise its authority under G.S. 105-282.1(a1) to accept an  
42 application for exemption or exclusion that was filed after the  
43 statutory deadline."

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