

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 1913

Short Title: Iredell E & R Board.

(Local)

Sponsors: Representatives Brawley and Mitchell.

Referred to: Finance.

May 31, 1994

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF
EQUALIZATION AND REVIEW FOR IREDELL COUNTY.

The General Assembly of North Carolina enacts:

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

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

(a) ~~Personnel.~~ — ~~Except as otherwise provided herein, the Board Composed of Commissioners if Special Board not Appointed. – If the board of county commissioners does not appoint a special board of equalization and review as provided in this section, 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. – 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 and one alternate member. The board of commissioners shall also designate the chairman a chair and a vice chair from the membership of the special board. To be eligible for appointment to the special board, a person must have resided in Iredell County for at least three years immediately preceding the appointment and the board of commissioners must find that the person has satisfactory knowledge of or experience in real estate, banking, farming, or other business management.

Members of the special board shall serve a term of one year. No member may serve more than six consecutive terms. Vacancies shall be filled by the board of county

1 commissioners; a successor appointed to fill a vacancy shall serve for the remainder of
2 the term.

3 ~~The resolution may also authorize a taxpayer to appeal a decision of the special~~
4 ~~board with respect to the listing or appraisal of his property or the property of others to~~
5 ~~the board of county commissioners.—The resolution shall be adopted not later than the~~
6 first Monday in March of the year for which it is to be effective and shall continue in
7 effect until for one year unless revised or rescinded. It shall be entered in the minutes of
8 the meeting of the board of commissioners and a copy thereof shall be forwarded to the
9 Department of Revenue within 15 days after its adoption.

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

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

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

22 (d) Clerk and Minutes. — The assessor or a deputy designated by the assessor
23 shall serve as clerk to the board of equalization and review, shall be present at all
24 meetings, shall maintain accurate minutes of the actions of the board, and shall give to
25 the board such information as ~~he the clerk~~ may have or can obtain with respect to the
26 listing and valuation of taxable property in the county.

27 (e) Time of Meeting. — ~~Each~~ Except as otherwise provided in this subsection,
28 each year the board of equalization and review shall hold its first meeting not earlier
29 than the first Monday in April and not later than the first Monday in May. In years in
30 which a county does not conduct a real property revaluation, the board shall complete its duties
31 on or before the third Monday following its first meeting unless, in its opinion, a longer period
32 of time is necessary or expedient to a proper execution of its responsibilities. In no event shall
33 the board sit later than July—The board shall complete its duties under subdivisions (g)(1)
34 and (g)(2) of this subsection by the advertised adjournment date except to hear and
35 determine requests made under the provisions of subdivision (g)(2), below, when such
36 requests are made within the time prescribed by law. Except in carrying out its duties
37 under subdivision (g)(5) of this section, the board shall not increase the assessment of
38 any property after July 31 of a year in which the county did not conduct a real property
39 revaluation or after December 1 of a year in which the county conducted a real property
40 revaluation. Following its adjournment upon completion of its duties under
41 subdivisions (g)(1) and (2) of this section, the board shall continue to meet to carry out
42 the authority granted to the board of county commissioners under G.S. 105-325 as
43 provided in subdivision (g)(5) of this section. In the year in which a county conducts a real
44 property revaluation, the board shall complete its duties on or before December 1, except that it

1 ~~may sit after that date to hear and determine requests made under the provisions of subdivision~~
2 ~~(g)(2), below, when such requests are made within the time prescribed by law. From the time~~
3 ~~of its first meeting until its adjournment, the~~ The board shall meet at such times as it deems
4 ~~reasonably necessary to perform its statutory duties and to receive requests and hear the~~
5 ~~appeals of taxpayers under the provisions of subdivision (g)(2), below. duties.~~

6 (f) Notice of Meetings and Adjournment. – A notice of the date, hours, place,
7 and purpose of the first meeting of the board of equalization and review shall be
8 published at least three times in some newspaper having general circulation in the
9 county, the first publication to be at least 10 days prior to the first meeting. The notice
10 shall also state ~~the dates and hours on which the board will meet following its first meeting~~
11 ~~and the date on which it expects to adjourn; it shall also carry a statement that in the event of~~
12 ~~earlier or later adjournment, notice to that effect will be published in the same newspaper.~~
13 ~~Should a notice be required on account of earlier adjournment, it shall be published at least~~
14 ~~once in the newspaper in which the first notice was published, such publication to be at least~~
15 ~~five days prior to the date fixed for adjournment. Should a notice be required on account of~~
16 ~~later adjournment, it shall be published at least once in the newspaper in which the first notice~~
17 ~~was published, such publication to be prior to the date first announced for adjournment. that~~
18 the board will meet at the dates and places necessary to fulfill its duties, and specify the
19 date on which it will adjourn except to carry out its duties under subdivision (g)(5) of
20 this section.

21 (g) Powers and Duties. – The board of equalization and review shall have the
22 following powers and duties:

23 (1) ~~Powers and Duties.~~ — ~~It shall be the duty of the board of equalization and~~
24 ~~review to~~ Duty to Review Tax Lists. – The board shall examine and
25 review the tax lists of the county for the current year to the end that all
26 taxable property shall be listed on the abstracts and tax records of the
27 county and appraised according to the standard required by G.S. 105-
28 283, and the board shall correct the abstracts and tax records to
29 conform to the provisions of this Subchapter. In carrying out its
30 responsibilities under this subdivision (g)(1), the board, on its own
31 motion or on sufficient cause shown by any person, shall:

- 32 a. List, appraise, and assess any taxable real or personal property
33 that has been omitted from the tax lists.
- 34 b. Correct all errors in the names of persons and in the description
35 of properties subject to taxation.
- 36 c. Increase or reduce the appraised value of any property that, in
37 the board's opinion, shall have been listed and appraised at a
38 figure that is below or above the appraisal required by G.S. 105-
39 283; however, the board shall not change the appraised value of
40 any real property from that at which it was appraised for the
41 preceding year except in accordance with the terms of G.S. 105-
42 286 and 105-287.
- 43 d. Cause to be done whatever else shall be necessary to make the
44 lists and tax records comply with the provisions of this
45 Subchapter.

- 1 e. Embody actions taken under the provisions of subdivisions
2 (g)(1)a through (g)(1)d, above, in appropriate orders and have
3 the orders entered in the minutes of the board.
4 f. Give written notice to the taxpayer at his last-known address in
5 the event the board shall, by appropriate order, increase the
6 appraisal of any property or list for taxation any property
7 omitted from the tax lists under the provisions of this
8 subdivision (g)(1).

9 (2) Duty to Hear Taxpayer Appeals. – On request, the board of
10 equalization and review shall hear any taxpayer who owns or controls
11 property taxable in the county with respect to the listing or appraisal of
12 his property or the property of others.

- 13 a. A request for a hearing under this subdivision (g)(2) shall be
14 made in writing to or by personal appearance before the board
15 prior to its adjournment. However, if the taxpayer requests
16 review of a decision made by the board under the provisions of
17 subdivision (g)(1), above, notice of which was mailed fewer
18 than 15 days prior to the board's adjournment, the request for a
19 hearing thereon may be made within 15 days after the notice of
20 the board's decision was mailed.
21 b. Taxpayers may file separate or joint requests for hearings under
22 the provisions of this subdivision (g)(2) at their election.
23 c. At a hearing under provisions of this subdivision (g)(2), the
24 board, in addition to the powers it may exercise under the
25 provisions of subdivision (g)(3), below, shall hear any evidence
26 offered by the appellant, the assessor, and other county officials
27 that is pertinent to the decision of the appeal. Upon the request
28 of an appellant, the board shall subpoena witnesses or
29 documents if there is a reasonable basis for believing that the
30 witnesses have or the documents contain information pertinent
31 to the decision of the appeal.
32 d. On the basis of its decision after any hearing conducted under
33 this subdivision (g)(2), the board shall adopt and have entered
34 in its minutes an order reducing, increasing, or confirming the
35 appraisal appealed or listing or removing from the tax lists the
36 property whose omission or listing has been appealed. The
37 board shall notify the appellant by mail as to the action taken on
38 his appeal not later than 30 days after the board's adjournment.

39 (3) Powers in Carrying Out Duties. – In the performance of its ~~duties under~~
40 ~~subdivisions (g)(1) and (g)(2), above, duties,~~ the board of equalization
41 and review may exercise the following powers:

- 42 a. It may appoint committees composed of its own members or
43 other persons to assist it in making investigations necessary to
44 its work. It may also employ expert appraisers in its discretion.

1 The expense of the employment of committees or appraisers
2 shall be borne by the county. The board may, in its discretion,
3 require the taxpayer to reimburse the county for the cost of any
4 appraisal by experts demanded by him if the appraisal does not
5 result in material reduction of the valuation of the property
6 appraised and if the appraisal is not subsequently reduced
7 materially by the board or by the Department of Revenue.

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

13 A subpoena issued by the board shall be signed by the
14 chairman of the board, directed to the witness or to the person
15 having custody of the document, and served by an officer
16 authorized to serve subpoenas. Any person who willfully fails
17 to appear or to produce documents in response to a subpoena or
18 to testify when appearing in response to a subpoena shall be
19 guilty of a misdemeanor and punished by a fine or by
20 imprisonment or by both in the discretion of the court.

- 21 c. The board may compromise, settle, and adjust the county's
22 claim for taxes arising under G.S. 105-312 as provided in G.S.
23 105-312(k). In addition, if the governing body of a
24 municipality adopts a resolution delegating to the county its
25 power of compromise, the board may compromise, settle, and
26 adjust the municipality's claim for taxes arising under G.S. 105-
27 312.

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

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

43 (h) Quorum; Reappraisal Year Panels. – Except as provided in this subsection, a
44 majority of the board members shall constitute a quorum for the purpose of transacting

1 any business. In any reappraisal year, the chair of the board of equalization and review
2 may divide the board into two separate panels with a minimum of three members, which
3 may include the alternate board member. The chair shall designate one member of each
4 panel to serve as its chair and may change the members of the panels during the year. A
5 majority of the members of each panel shall constitute a quorum for the purpose of
6 transacting any business. A decision of a panel constitutes a decision of the board of
7 equalization and review.

8 (i) Appeals. – Decisions of the board of equalization and review may be
9 appealed directly to the Property Tax Commission pursuant to G.S. 105-290."

10 Sec. 2. This act applies only to Iredell County.

11 Sec. 3. This act is effective upon ratification.