

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 63

Short Title: Modify Property Tax Appeals.

(Public)

Sponsors: Senator Martin of Pitt.

Referred to: Judiciary III.

January 26, 1989

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A COUNTY TO PERMIT TAXPAYERS TO APPEAL
DECISIONS OF THE BOARD OF EQUALIZATION AND REVIEW TO THE
BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina enacts:

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

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

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 board of commissioners shall also designate the chairman of the special board. 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 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the first Monday in March of the year for which it is to be effective and shall continue in effect until revised or rescinded.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."

1 Sec. 2. G.S. 105-325(a) reads as rewritten:

2 "(a) After the board of equalization and review has finished its work and the changes
3 it effected or ordered have been entered on the abstracts and tax records as required by
4 G.S. 105-323, the board of county commissioners shall not authorize any changes to be
5 made on the abstracts and tax records except as follows:

6 (1) To give effect to decisions of the Property Tax Commission on appeals
7 taken under G.S. 105-290.

8 (2) To add to the tax records any valuation certified by the Department of
9 Revenue for property appraised in the first instance by the Department
10 or to give effect to corrections made in such appraisals by the
11 Department.

12 (3) Subject to the provisions of subdivisions (a)(3)a and (a)(3)b, below, to
13 correct the name of any taxpayer appearing on the abstract or tax
14 records erroneously; to substitute the name of the person who should
15 have listed property for the name appearing on the abstract or tax
16 records as having listed the property; and to correct an erroneous
17 description of any property appearing on the abstract or tax records.

18 a. Any correction or substitution made under the provisions of this
19 subdivision (a)(3) shall have the same force and effect as if the
20 name of the taxpayer or description of the property had been
21 correctly listed in the first instance, but the provisions of this
22 subdivision (a)(3)a shall not be construed as a limitation on the
23 taxation and penalization of discovered property required by
24 G.S. 105-312.

25 b. If a correction or substitution under this subdivision (a)(3) will
26 adversely affect the interests of any taxpayer, he shall be given
27 written notice thereof and an opportunity to be heard before the
28 change is entered on the abstract or tax records.

29 (4) To correct appraisals, assessments, and amounts of taxes appearing
30 erroneously on the abstracts or tax records as the result of clerical or
31 mathematical errors. (If the clerical or mathematical error was made by
32 the taxpayer, his agent, or an officer of the taxpayer and if the
33 correction demonstrates that the property was listed at a substantial
34 understatement of value, quantity, or other measurement, the
35 provisions of G.S. 105-312 shall apply.)

36 (5) To add to the tax records and abstracts or to correct the tax records and
37 abstracts to include property discovered under the provisions of G.S.
38 105-312 or property exempted or excluded from taxation pursuant to
39 G.S. 105-282.1(a)(4).

40 (6) Subject to the provisions of subdivisions (a)(6)a, (a)(6)b, (a)(6)c, and
41 (a)(6)d, below, to appraise or reappraise property when the assessor
42 reports to the board that, since adjournment of the board of
43 equalization and review, facts have come to his attention that render it

1 advisable to raise or lower the appraisal of some particular property of
2 a given taxpayer in the then current calendar year.

3 a. The power granted by this subdivision (a)(6) shall not authorize
4 appraisal or reappraisal because of events or circumstances that
5 have taken place or arisen since the day as of which property is
6 to be listed.

7 b. No appraisal or reappraisal shall be made under the authority of
8 this subdivision (a)(6) unless it could have been made by the
9 board of equalization and review had the same facts been
10 brought to the attention of that board.

11 c. If a reappraisal made under the provisions of this subdivision
12 (a)(6) demonstrates that the property was listed at a substantial
13 understatement of value, quantity, or other measurement, the
14 provisions of G.S. 105-312 shall apply.

15 d. If an appraisal or reappraisal made under the provisions of this
16 subdivision (a)(6) will adversely affect the interests of any
17 taxpayer, he shall be given written notice thereof and an
18 opportunity to be heard before the appraisal or reappraisal shall
19 become final.

20 (7) To give effect to decisions of the board of county commissioners on
21 appeals taken under G.S. 105-322(a)."

22 Sec. 3. This act shall become effective for taxable years beginning on or after
23 January 1, 1990.