

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 51

Short Title: Consolidate Property Tax Comm. Statutes.

(Public)

Sponsors: Representatives Rhodes, Brawley, Kennedy, Kerr, Loflin, Pope, and Wood.

Referred to: Finance.

February 11, 1991

A BILL TO BE ENTITLED

AN ACT TO CONSOLIDATE AND REVISE STATUTES CONCERNING THE PROPERTY TAX COMMISSION, TO REPEAL UNNECESSARY DUTIES OF THE DEPARTMENT OF REVENUE, TO REPEAL THE REQUIREMENT THAT ALL OF THE EMPLOYEES IN THE DEPARTMENT OF REVENUE TAKE AN OATH, AND TO CONFORM THE OATHS REQUIRED BY THE OFFICEHOLDERS IN THE DEPARTMENT OF REVENUE TO THE OATH REQUIRED BY THE CONSTITUTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-288 reads as rewritten:

**"§ 105-288. ~~Functions of Department and Property Tax Commission; oath; expenses.~~ Commission.**

(a) Creation and Membership. – The Property Tax Commission is created. It consists of five members, three of whom are appointed by the Governor and two of whom are appointed by the General Assembly. Of the two appointments by the General Assembly, one shall be made upon the recommendation of the Speaker of the House of Representatives and the other shall be made upon the recommendation of the President of the Senate. The terms of the members appointed by the Governor and of the member appointed upon the recommendation of the President of the Senate are for four years. Of the members appointed for four-year terms, two expire on June 30 of each odd-numbered year. The term of the member appointed upon the recommendation of the Speaker of the House of Representatives is for two years and it expires on June 30 of each odd-numbered year. The General Assembly shall make its appointments in accordance with G.S. 120-121 and shall fill a vacancy in accordance with G.S. 120-122.

1 A vacancy occurs on the Commission when a member resigns, is removed, or dies. The  
2 person appointed to fill a vacancy shall serve for the balance of the unexpired term. The  
3 Governor may remove any member for misfeasance, malfeasance, or nonfeasance.

4 The Commission shall have a chair and a vice-chair. The Governor shall designate  
5 one of the Commission members as the chair, to serve at the pleasure of the Governor.  
6 The members of the Commission shall elect a vice-chair from among its membership.  
7 The vice-chair serves until the member's regularly appointed term expires.

8 Duties of the Department of Revenue:

- 9 (1) ~~The Department shall exercise general and specific supervision over~~  
10 ~~the valuation and taxation of property by counties and municipalities~~  
11 ~~throughout the State.~~
- 12 (2) ~~The Department is responsible for appraising the property of public~~  
13 ~~service companies as defined in G.S. 105-333.~~

14 (b) Duties. – The Property Tax Commission constitutes the State board of  
15 equalization and review for the valuation and taxation of property in the State. It shall  
16 hear appeals from the appraisal and assessment of the property of public service  
17 companies as defined in G.S. 105-333. The Commission may adopt rules needed to  
18 fulfill its duties.

19 Duties of the Property Tax Commission:

- 20 (1) ~~The Commission is constituted as the State board of equalization and~~  
21 ~~review for the valuation and taxation of property in the State.~~
- 22 (2) ~~The Commission shall hear appeals from the appraisal and assessment~~  
23 ~~of the property of public service companies as defined in G.S. 105-~~  
24 ~~333.~~

25 (c) Oath. – Each member of the Property Tax Commission, as the appointed  
26 holder of an office, shall take the oath required by Article VI, § 7 of the North Carolina  
27 Constitution with the following sentence added to it: 'That I will not allow my actions  
28 as a member of the Property Tax Commission to be influenced by personal or political  
29 friendships or obligations'. ~~the Secretary of Revenue, and the employees of the Department~~  
30 assigned duties and responsibilities enumerated in this Chapter shall take and subscribe the oath  
31 set up below and file it with the Secretary of State:

32 I, ....., ~~do solemnly swear, or affirm, that I will support and maintain the~~  
33 ~~Constitution and laws of the United States, and the Constitution and laws of North~~  
34 ~~Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my~~  
35 ~~office and that I will not allow my actions in such office to be influenced by personal or~~  
36 ~~political friendships or obligations, so help me, God.~~

37 .....,  
38 Signature

39 (d) Expenses. – The members of the Property Tax Commission shall receive  
40 travel and subsistence expenses in accordance with G.S. 138-5 and a salary of two  
41 hundred dollars (\$200.00) a day when hearing cases. The Secretary of Revenue shall  
42 supply all the clerical and other services required by the Commission. All expenses of  
43 the Commission, ~~Commission~~ and the Department of Revenue in performing the duties

1 enumerated in this Article shall be paid from funds appropriated out of revenue derived  
2 from the tax on intangible personal property as provided by G.S. 105-213.

3 (e) Meetings. – The Property Tax Commission shall meet at least once in each  
4 quarter and may hold special meetings at any time and place within the State at the call  
5 of the Chair or upon the written request of at least three members. At least 15 days'  
6 notice shall be given to each member with respect to each special meeting. A majority  
7 of the Commission members constitutes a quorum for the transaction of business."

8 Sec. 2. G.S. 105-289(a) reads as rewritten:

9 "(a) It shall be the duty of the Department of Revenue:

10 (1) To discharge the duties prescribed by law and ~~to take such action and to~~  
11 ~~do such things as may be needful and proper to enforce the provisions of~~  
12 ~~this Subchapter.~~

13 (2) To exercise general and specific supervision over the valuation and  
14 taxation of property by counties and municipalities throughout the  
15 State. To report in reasonably durable form to the General Assembly at  
16 each regular session or at such other times as the General Assembly may  
17 direct:

18 a. ~~The proceedings of the Property Tax Commission during the~~  
19 ~~preceding biennium.~~

20 b. ~~Recommendations concerning revision of this Subchapter and~~  
21 ~~information concerning the public revenues that may be~~  
22 ~~required by the General Assembly or that the Commission~~  
23 ~~deems expedient and wise.~~

24 (3) To appraise the property of public service companies. To report to the  
25 Governor on or before the first day of January each year:

26 a. ~~The proceedings of the Commission during the preceding year.~~

27 b. ~~Any recommendations the Commission desires to submit with~~  
28 ~~respect to any matter relating to this Subchapter.~~

29 (4) To keep full and accurate records of the Commission's official  
30 proceedings.

31 (5) To prepare and distribute annually to each assessor a manual that  
32 establishes five expected net income per acre ranges for agricultural  
33 land, horticultural land, and forestland, and establishes a method for  
34 appraising nonproductive land as a percentage of the lowest use-value  
35 established for productive land. The high and low net income amount  
36 in each range may differ by no more than fifteen dollars (\$15.00). The  
37 basis for establishing each range shall be soil productivity.

38 For agricultural land, the expected net income per acre ranges shall  
39 be based on the actual yields and prices of corn and soybeans over a  
40 period of at least the five previous years, and the actual fixed and  
41 variable costs, including an imputed management cost, incurred in  
42 growing corn and soybeans over the same period of time. The manual  
43 shall contain recommended adjustments to the net income per acre

1 ranges for the growing of crops subject to acreage or poundage  
2 allotments.

3 Expected net income per acre ranges shall be similarly established  
4 for horticultural land and forestland, using typical horticultural or  
5 forest products in various growing regions of the State instead of corn  
6 and soybeans.

7 (6) To establish requirements for horticultural land, used to produce  
8 evergreens intended for use as Christmas trees, in lieu of a gross  
9 income requirement until evergreens are harvested from the land, and  
10 to establish a gross income requirement for this type horticultural land,  
11 that differs from the income requirement for other horticultural land,  
12 when evergreens are harvested from the land."

13 Sec. 3. G.S. 143B-222 through G.S. 143B-225 are repealed.

14 Sec. 4. G.S. 105-295 reads as rewritten:

15 "§ 105-295. Oath of office for assessor. ~~Before entering upon his duties, the assessor~~  
16 ~~shall take and subscribe the following oath and file it with the clerk of the~~  
17 ~~board of county commissioners:~~

18 I, ....., do solemnly swear (or affirm) that I will support and maintain the  
19 Constitution and laws of the United States, and the Constitution and laws of North  
20 Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my  
21 office as assessor of ..... County, North Carolina, and that I will not allow my  
22 actions as assessor to be influenced by personal or political friendships or obligations,  
23 so help me God.

24 .....  
25 (Signature)

26 The assessor, as the holder of an appointed office, shall take the oath required by Article  
27 VI, § 7 of the North Carolina Constitution with the following sentence added to it: 'That  
28 I will not allow my actions as assessor to be influenced by personal or political  
29 friendships or obligations.' The oath must be filed with the clerk of the board of county  
30 commissioners."

31 Sec. 5. G.S. 105-322(c) reads as rewritten:

32 "(c) Oath. - ~~Before entering upon his duties, each member of the board of~~  
33 ~~equalization and review shall take and subscribe the following oath and file it with the~~  
34 ~~clerk of the board of county commissioners:~~

35 I, ....., do solemnly swear (or affirm) that I will support and maintain the  
36 Constitution and laws of the United States, and the Constitution and laws of North  
37 Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my  
38 office as a member of the Board of Equalization and Review of ..... County, North  
39 Carolina, and that I will not allow my actions as a member of the Board of Equalization  
40 and Review to be influenced by personal or political friendships or obligations, so help  
41 me God.

42 .....  
43 (Signature)

1 Each member of the board of equalization and review shall take the oath required by  
2 Section VI, § 7 of the North Carolina Constitution with the following sentence added to  
3 it: 'That I will not allow my actions as a member of the Board of Equalization and  
4 Review to be influenced by personal or political friendships or obligations.' The oath  
5 must be filed with the clerk of the board of county commissioners."

6 Sec. 6. G.S. 105-349(g) reads as rewritten:

7 "~~(g) Oath. – Every tax collector and deputy tax collector shall take and subscribe the~~  
8 ~~oath set out below and file it with the clerk of the governing body of the taxing unit:~~

9 ~~I,....., do solemnly swear (or affirm) that I will support and maintain the~~  
10 ~~Constitution and laws of the United States, and the Constitution and laws of North~~  
11 ~~Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my~~  
12 ~~office as (deputy) tax collector of the County (City, Town, or other appropriate unit of~~  
13 ~~local government) of ....., North Carolina, and that I will not allow my actions as tax~~  
14 ~~collector to be influenced by personal or political friendships or obligations, so help me~~  
15 ~~God.~~

16 .....  
17 (Signature)

18 Every tax collector and deputy tax collector, as the holder of an appointed office, shall  
19 take the oath required by Article VI, § 7 of the North Carolina Constitution with the  
20 following sentence added to it: 'That I will not allow my actions as tax collector to be  
21 influenced by personal or political friendships or obligations.' The oath must be filed  
22 with the clerk of the governing body of the taxing unit."

23 Sec. 7. This act is effective upon ratification. It does not affect the terms of  
24 the Property Tax Commission members.