

14102414D

## HOUSE BILL NO. 149

Offered January 8, 2014

Prefiled December 20, 2013

A *BILL to amend and reenact §§ 58.1-3370, 58.1-3371, and 58.1-3373 of the Code of Virginia, relating to boards of equalization; alternate members.*

\_\_\_\_\_  
Patron—Minchew

\_\_\_\_\_  
Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 58.1-3370, 58.1-3371, and 58.1-3373 of the Code of Virginia are amended and reenacted as follows:**

**§ 58.1-3370. Appointment.**

A. The circuit court having jurisdiction within each city and each county other than those counties operating under § 58.1-3371 shall, in each tax year immediately following the year a general reassessment or annual or biennial assessment is conducted in such city or county, appoint for such city or county a board of equalization of real estate assessments, unless such county or city has a permanent board of equalization appointed according to law. *In addition, at the request of the local governing body, the circuit court may appoint alternate members as provided in subsection B of § 58.1-3373, and the provisions of that subsection shall apply mutatis mutandis.*

B. The term of any board of equalization appointed under the authority of this section shall expire one year after the effective date of the assessment for which they were appointed.

**§ 58.1-3371. Appointment in counties with county executive or county manager form of government.**

Unless the county has a permanent board of equalization appointed according to law, the board of supervisors or other governing body of any county operating under the county executive form of government, or the county manager form of organization and government provided for in Chapter 5 (§ 15.2-500 et seq.) or Chapter 6 (§ 15.2-600 et seq.) of Title 15.2, shall for the year following any year a general reassessment or annual or biennial assessment is conducted create and appoint for the county a board of equalization of real estate assessments. For any county operating under the county executive form of government, the board shall be composed of not less than three nor more than the number of districts for the election of members of the board of supervisors in the county. In addition to such members, at the request of the local governing body, the circuit court for the locality may appoint not more than two alternate members. The qualifications, terms, and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any proceeding at a meeting shall notify the chairman of the board of equalization at least 24 hours prior to the meeting of such fact. The chairman may select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any proceeding in which a regular member is absent or abstains. *A regular member shall have the right to apply to the board of equalization for relief the same as any other taxpayer. If a regular member applies for relief, and one or more alternate members has been appointed pursuant to this section, then the chairman shall appoint an alternate member to hear and vote on such regular member's application for relief. If the chairman applies for relief, then the vice chairman shall appoint an alternate member to hear and vote on the chairman's application for relief.*

The terms of the regular and alternate members of any board so appointed shall expire on December 31 of the year in which they are appointed. Members of any board shall have the qualifications prescribed by § 58.1-3374 and shall conduct their business as required by § 58.1-3378.

**§ 58.1-3373. Permanent board of equalization.**

A. Any county or city which uses the annual assessment method or the biennial assessment method authorized under § 58.1-3253 in lieu of periodic general assessments, may elect to create a permanent board of equalization in lieu of the board of equalization required under §§ 58.1-3370 and 58.1-3371. Such board shall consist of three or five members to be appointed by the circuit court of such county or city, or the circuit court having jurisdiction within such city, as follows: In the case of a three-member board, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, and one member shall be appointed for a term of three years. In the case of a five-member board, one member shall be appointed for a one-year term, one member shall be appointed for a two-year term, and three members shall be appointed for a three-year term. However, for any county operating under the county executive form of government, the number of members of the

59 permanent board of equalization shall be no less than three nor more than the number of districts for the  
60 election of members of the board of supervisors in the county, and the members of the permanent board  
61 of equalization shall be appointed by the circuit court of such county for three-year terms. As the terms  
62 of the initial appointees expire, their successors shall be appointed for terms of three years. Members of  
63 such boards shall have the qualifications prescribed by § 58.1-3374, and shall conduct their business as  
64 required by § 58.1-3378. The compensation of the members of any such boards shall be fixed by the  
65 governing body.

66 B. In addition to regular members appointed under subsection A, at the request of the local  
67 governing body, the circuit court for any locality may appoint one alternate member in the case of a  
68 three-member board and two alternate members in the case of a five-member board. The qualifications  
69 and compensation of alternate members shall be the same as those of regular members. In the case of a  
70 three-member board, the alternate shall be appointed for a two-year term. In the case of a five-member  
71 board, one alternate shall be appointed for a term of one year and one alternate shall be appointed for a  
72 term of two years. Thereafter, the terms for alternate members of five-member boards shall be for  
73 three-year terms.

74 A regular member when he knows he will be absent from or will have to abstain from any  
75 proceeding at a meeting shall notify the chairman of the board of equalization at least 24 hours prior to  
76 the meeting of such fact. The chairman may select an alternate to serve in the absent or abstaining  
77 member's place and the records of the board shall so note. Such alternate member may vote on any  
78 proceeding in which a regular member is absent or abstains. *A regular member shall have the right to*  
79 *apply to the board of equalization for relief the same as any other taxpayer. If a regular member*  
80 *applies for relief, and one or more alternate members has been appointed pursuant to this section, then*  
81 *the chairman shall appoint an alternate member to hear and vote on such regular member's application*  
82 *for relief. If the chairman applies for relief, then the vice chairman shall appoint an alternate member*  
83 *to hear and vote on the chairman's application for relief.*

84 C. Notwithstanding the provisions of subsections A and B concerning appointment of members and  
85 alternate members by the circuit court, the board of supervisors of Loudoun County may elect to appoint  
86 the members and alternate members of its board of equalization of real estate assessments.