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HOUSE JOINT RESOLUTION NO. 687
AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 18, 2019)

(Patron Prior to Substitute—Delegate Keam)

Establishing a joint subcommittee to study court models and streamlined procedures for appealing tax assessment decisions. Report.

WHEREAS, the Commonwealth ranks poorly in national ratings of real estate assessment appeal practices; and

WHEREAS, the prohibitive cost of circuit court appeals limits property owners' and taxpayers' access to justice with respect to real estate taxes, especially for property owners and taxpayers who have limited income; and

WHEREAS, the Commonwealth could reduce inefficiency, minimize costs to taxpayers, and make tax appeals more fair by establishing a tax court or, in the alternative, streamlined procedures for appealing decisions by a local board of zoning appeals or similar local body; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study court models and streamlined procedures for appealing tax assessment decisions. The joint subcommittee shall have a total membership of eight members that shall consist of six legislative members and two ex officio members. Members shall be appointed as follows: three members of the House Committee on Finance to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates and three members of the Senate Committee on Finance to be appointed by the Senate Committee on Rules. The Commissioner of the Department of Taxation or his designee and the Executive Secretary of the Supreme Court of Virginia or his designee shall serve ex officio with nonvoting privileges. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall (i) seek input from local government representatives, property ownership and management associations, the judicial branch, and state and local tax administrators; (ii) evaluate the tax court systems of other states; and (iii) evaluate other options and models for streamlining appeals of a local board of zoning appeals or similar local body, including options and models provided by research organizations.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of Taxation. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2019 interim and four meetings for the 2020 interim, and the direct costs of this study shall not exceed \$13,280 for each year without approval as set out in this resolution. Of this amount an estimated \$2,000 is allocated for experts and other speakers on tax courts or other streamlined procedures for appeals of real estate taxes as utilized in other states. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2019, and for the second year by November 30, 2020, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2019 or 2020

60 interim.