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# A BILL FOR AN ACT

RELATING TO BOARDS OF REVIEW.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 232-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§232-6 Appointment, removal, compensation.** There is  
4 created a board of review for each taxation district.

5 Additional boards may be created in any taxation district by the  
6 director of taxation where the number of disputes to be decided  
7 cannot be reasonably decided within one year. Each taxation  
8 district shall have no more than three boards. Each board shall  
9 consist of five members who shall be citizens of the State and  
10 residents of the district for which the board is appointed,  
11 shall have resided at the time of appointment for at least three  
12 years in the State, and shall be appointed and be removable by  
13 the governor as provided in section 26-34. The governor shall  
14 designate a member of each board to act as chairperson thereof.  
15 In addition, the governor shall designate a member of each board  
16 to act as vice chairperson who shall serve as the chairperson of  
17 the board during the temporary absence from the State, illness,  
18 or disqualification of the chairperson. Any vacancy in any



1 board shall be filled for the unexpired term. Each member shall  
2 receive and be paid out of the treasury compensation for the  
3 member's services at the rate of \$10 per day for each day's  
4 actual attendance and the member's actual traveling expenses.  
5 No officer or employee of the State shall be eligible for  
6 appointment to any such board."

7 SECTION 2. Section 232-7, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§232-7 Boards of review; duties, powers, procedure**  
10 **before.** (a) The board of review for each district shall hear  
11 informally all disputes between the assessor and any taxpayer in  
12 all cases in which appeals have been duly taken and the fact  
13 that a notice of appeal has been duly filed by a taxpayer shall  
14 be conclusive evidence of the existence of a dispute; provided  
15 that this provision shall not be construed to permit a taxpayer  
16 to dispute an assessment to the extent that it is in accordance  
17 with the taxpayer's return.

18 (b) Each board shall hold public meetings at some central  
19 location in its taxation district, commencing not later than  
20 April 9 of each year and shall hear, as speedily as possible,  
21 all appeals presented for each year. A taxpayer's identity and  
22 final documents submitted in support or opposition of an appeal



1 shall be public information; provided that an individual  
2 taxpayer is authorized to redact all but the last four digits of  
3 the taxpayer's social security number from any accompanying tax  
4 return. Each board shall have the power and authority to decide  
5 all questions of fact and all questions of law, excepting  
6 questions involving the Constitution or laws of the United  
7 States, necessary to the determination of the objections raised  
8 by the taxpayer in the notice of appeal; provided that no board  
9 shall have power to determine or declare an assessment illegal  
10 or void. Without prejudice to the generality of the foregoing,  
11 each board shall have power to allow or disallow exemptions  
12 pursuant to law whether or not previously allowed or disallowed  
13 by the assessor and to increase or lower any assessment.

14 (c) The board shall base its decision on the evidence  
15 before it, and, as provided in section 231-20, the assessment  
16 made by the assessor shall be deemed prima facie correct. The  
17 board shall file with the assessor concerned its decision in  
18 writing on each appeal decided by it, and a certified copy of  
19 the decision shall be furnished by the assessor to the taxpayer  
20 concerned by delivery or by mailing the copy addressed to the  
21 taxpayer's last known place of residence.



1 (d) Each board and each member thereof in addition to all  
2 other powers shall also have the power to subpoena witnesses,  
3 administer oaths, examine books and records, and hear and take  
4 evidence in relation to any subject pending before the board.  
5 The tax appeal court shall have the power, upon request of the  
6 boards, to enforce by proper proceedings the attendance of  
7 witnesses and the giving of testimony by them, and the  
8 production of books, records, and papers at the hearings of the  
9 boards.

10 (e) If there exists more than one board of review in a  
11 taxation district, the chair of one board, administratively and  
12 without requirement of any formal action, may assign a member of  
13 that board to serve as a temporary member of the requesting  
14 board for purposes of establishing a quorum at a designated  
15 meeting of the requesting board. The temporary member shall  
16 serve only for the specific board meeting for which the  
17 assignment is made and only for the period necessary to  
18 establish and maintain a quorum. A temporary member may  
19 participate in discussion and vote on all matters before the  
20 board. Nothing herein shall prevent a member from being  
21 assigned multiple times under this subsection."

22 SECTION 3. New statutory material is underscored.



**1** SECTION 4. This Act shall take effect on July 1, 2013.



**Report Title:**

Taxation District; Boards of Review

**Description:**

Allows for up to 3 boards of review per taxation district and allows members of one board to be temporarily assigned to another board within the same district for purposes of establishing and maintaining quorum. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

