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# A BILL FOR AN ACT

RELATING TO THE STATE TAXATION BOARD OF REVIEW.

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

1       SECTION 1. Section 232-7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§232-7 Taxation board of review; duties, powers,**  
4 **procedure before.** (a) The taxation board of review shall hear  
5 informally all disputes between the assessor and any taxpayer in  
6 all cases in which appeals have been duly taken and the fact  
7 that a notice of appeal has been duly filed by a taxpayer shall  
8 be conclusive evidence of the existence of a dispute; provided  
9 that this subsection shall not be construed to permit a taxpayer  
10 to dispute an assessment to the extent that it is in accordance  
11 with the taxpayer's return.

12       (b) At least three board members shall be present at any  
13 meeting or proceeding of the board to constitute a quorum.

14 Notwithstanding sections 91-11 and 92-15, the board shall  
15 validate its actions by a concurrence of a majority of the  
16 members who heard the appeal. The board shall ~~[hold public~~  
17 ~~meetings at some central location in each taxation district at~~



1 ~~least once annually and shall]~~ hear, as speedily as possible,  
2 all appeals presented for each year. The hearings shall be  
3 considered contested case hearings under section 91-9. Written  
4 notice of the hearing shall meet the requirements of section 91-  
5 9.5; provided that, if the notice is sent to the taxpayer's last  
6 known address, a return receipt shall not be required. In lieu  
7 of a return receipt, the department shall post the notice on its  
8 website for a minimum of fifteen consecutive days before the  
9 scheduled hearing date and provide confirmation that the notice  
10 was mailed. Taxpayers and others appearing before the board may  
11 also participate via teleconference or any other cost-efficient  
12 means of the board's choosing.

13 (c) A taxpayer's identity and final documents submitted in  
14 support or opposition of an appeal shall be public information;  
15 provided that an individual taxpayer shall be authorized to  
16 redact all but the last four digits of the taxpayer's social  
17 security number from any accompanying tax return. The board may  
18 decide all questions of fact and all questions of law, excepting  
19 questions involving the Constitution or laws of the United  
20 States, necessary to the determination of the objections raised  
21 by the taxpayer in the notice of appeal; provided that the board



1 shall not have the power to determine or declare an assessment  
2 illegal or void. Without prejudice to the generality of the  
3 foregoing, the board shall have the power to allow or disallow  
4 exemptions pursuant to law, whether ~~[or not]~~ previously allowed  
5 or disallowed by the assessor, and to increase or lower any  
6 assessment.

7 (d) The board shall base its decision solely on the law  
8 and evidence ~~[before]~~ presented directly to it~~[7]~~ by the  
9 parties, and, as provided in section 231-20, the assessment made  
10 by the assessor shall be deemed prima facie correct. All  
11 decisions of the board shall be reduced to writing and shall  
12 state separately the board's findings of fact and conclusions of  
13 law. The board shall file with the assessor concerned its  
14 decision in writing on each appeal decided by it, and a  
15 certified copy of the decision shall be furnished by the  
16 assessor to the taxpayer concerned by delivery or by mailing the  
17 copy addressed to the taxpayer's last known place of residence.

18 (e) The board and each member thereof, in addition to all  
19 other powers, shall also have the power to subpoena witnesses,  
20 administer oaths, examine books and records, and hear and take  
21 evidence in relation to any subject ~~[pending before the board.]~~



1 raised by the parties. The tax appeal court shall have the  
2 power, upon request of the board, to enforce by proper  
3 proceedings the attendance of witnesses, giving of testimony by  
4 witnesses, and production of books, records, and papers at the  
5 hearings of the board."

6 SECTION 2. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, or proceedings that were  
8 begun before its effective date. This Act also does not affect  
9 county real property tax appeals and the respective county  
10 boards of review to which they are appealed, nor does it  
11 abrogate any county ordinance relating to a county's real  
12 property tax appeal procedures.

13 SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on January 1, 2050.

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**Report Title:**

State Taxation Board of Review; Decision Making; Meeting  
Requirements; Notice Requirements

**Description:**

Authorizes the members of the State Taxation Board of Review to validate the board's actions with a concurrence of the majority of members who heard the appeal. Clarifies that board meetings are contested case hearings and provides notice requirements. Clarifies the legal and evidentiary framework the board may use in reaching its decisions. Effective 1/1/2050. (HD1)

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

