

LEGISLATIVE HISTORY OF R. S. 54:2-43

(Conclusiveness of Judgment)

(1946 Act)

No similar bills were introduced in 1945.

Laws 1946, Chapter 161, sec. 14, A-68 - Introduced January 21, 1946 by Mr. Leonard.

No statement. The bill was amended during passage. However, section 14 was passed as originally introduced.

The Assembly amended and passed the bill on March 12, 1946. The following article appeared in the Trenton Evening Times, March 13, 1946:

House Approves Tax Appeals Bill

By strict party vote, the Assembly has adopted a bill amending procedure and increasing salaries of the State Division of Tax Appeals.

Objection was made by the Democrats to a provision making decisions of county tax boards binding upon municipalities for three years unless an appeal was brought within a month after the findings.

The following appeared in the Newark Evening News, March 13, 1946:

Tax Appeals Unit Bill is Approved

An administration bill calling for reorganization of the State Division of Tax Appeals and revising procedures under which appeals may be taken from tax assessments was approved by the Assembly yesterday and directed to the Senate.

Sponsored by House Majority Leader Leonard, Atlantic Republican, the bill increases the salaries ...

Assemblyman Artaserse, Hudson Democrat, opposed the bill, saying it perpetuated a decision by Waesche which bars taxing districts from appealing assessment reductions which have been granted to taxpayers by county tax boards until after a lapse of three years. Leonard replied that the bill had received the careful consideration of the Tax Appeals' Division members and expressed an opinion it would benefit both the taxpayers and the taxing districts.

In the Governor's Correspondence file for 1946 we located the following memorandum:

April 24, 1945

TO: Governor Edge
FROM: Attorney General Van Riper
RE: Assembly Bill No. 68

This is the bill carrying out the Murray report recommendations concerning the State Tax Board.

As you know, it is an administration bill. Outside of fixing the salary for the President at \$9,000 per annum, and \$8,000 for the other members, and providing that at least four members shall be attorneys at law, the rest of the bill is purely procedural and carries out the suggestions and recommendations made in the report.

The Murray report mentioned is:

974.90 New Jersey Report of the Examination and Investigation
162 of the Management of the Affairs of the State Board
1945 of Tax Appeals. May 28, 1945

(copy enclosed)

We searched the following without success: New Jersey Municipalities, 1945; New Jersey Counties, 1945, 1946; Annual Reports, New Jersey Division of Taxation, 1945-1946; New York Times Index, 1945, 1946; Reports and Hearings of New Jersey Tax Policy Commission, 1945, 1946.

RS/jmk

ASSEMBLY, No. 68

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1946

By Mr. LEONARD

Referred to Committee on Judiciary

AN ACT concerning taxation, amending sections 54:2-3, 54:2-8, 54:2-14, 54:2-18, 54:2-33, 54:2-34, 54:2-35, 54:2-39, 54:2-40, 54:2-41, 54:3-22 and 54:3-26 of the Revised Statutes, and supplementing chapter two of Title 54 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 54:2-3 of the Revised Statutes is amended to read as follows:

2 54:2-3. The **[board]** Division of Tax Appeals in the State Department
3 of Taxation and Finance shall consist, as heretofore, of seven members who
4 shall be citizens of the State and not more than four of whom shall belong
5 to the same political party. **[At least two members shall be counselors-at-**
6 **law.]** At least four members shall be counselors-at-law of the State of New
7 Jersey of at least ten years' standing. Members shall be chosen because of
8 their special qualifications, knowledge and experience in matters concerning
9 the valuation and taxation of property, particularly of real property.

1 2. Section 54:2-8 of the Revised Statutes is amended to read as follows:

2 54:2-8. **[Each member, except the president, shall receive an annual sal-**
3 **ary of four thousand five hundred dollars (\$4,500.00). The president shall**
4 **receive an annual salary of six thousand five hundred dollars (\$6,500.00).]**
5 Each member, except the president, shall receive an annual salary of eight
6 thousand dollars (\$8,000.00). The president shall receive an annual salary

7 of nine thousand dollars (\$9,000.00). The members, including the president,
8 shall devote their full time to the duties of the office.

1 3. Section 54:2-14 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-14. The **[board]** Division of Tax Appeals in the State Department
4 of Taxation and Finance shall keep a full record of its proceedings, may
5 make rules, orders and directions as it may deem necessary to carry into
6 effect the objects of this chapter and may make reasonable rules regulating
7 the manner, form, time, terms and conditions of appeals made to it. It may
8 make such reasonable orders upon the final determination of such appeals as
9 will effectuate the final determination thereof according to law. Such de-
10 termination shall be evidenced by a judgment signed by at least **[three]** four
11 members, and filed with its secretary. Copies thereof, duly certified by the
12 secretary, shall be in evidence in any cause or proceeding.

1 4. Section 54:2-18 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-18. **[The board may, as occasion shall require, by order, refer to**
4 **one or more of its members the duty of taking testimony in a matter pend-**
5 **ing before it, and to report thereon to the board, but no determination shall**
6 **be made therein except by the board.]** The Division of Tax Appeals in the
7 State Department of Taxation and Finance may, as occasion shall require, by
8 order, refer to two or more of its members, at least one of whom shall be a
9 counselor-at-law, the duty of taking testimony in a matter pending before it,
10 and to report on such matter and the testimony so taken, to the division, but
11 no determination shall be made therein except by the division. Said reports
12 shall be in writing and signed by the members, and shall include, in sub-
13 stance, the facts and particulars of the testimony so taken, which written
14 reports shall be public records and open to the inspection of the public.
15 Stenographic notes shall be made of all testimony so taken, but the mem-
16 bers of the board shall be qualified to make their determination after receiv-

17 ing the report of the members hearing the testimony, and without the
 18 necessity that the stenographic notes so taken shall have been reduced to
 19 writing; *provided, however*, that the testimony shall be reduced to writing
 20 at the request of any member of the [board] division required to make a
 21 determination in any such matter.

1 5. Section 54:2-33 of the Revised Statutes is amended to read as fol-
 2 lows:

3 54:2-33. The [board] Division of Tax Appeals in the State Depart-
 4 ment of Taxation and Finance shall succeed to and exercise exclusively all
 5 the powers and perform all the duties concerning the review, hearing and
 6 determination of appeals concerning the assessment, collection, apportion-
 7 ment or equalization of taxes, formerly exercised or performed by, or con-
 8 ferred and charged upon, the State Board of Taxes and Assessment, and
 9 each member of the division shall be entitled to use his personal knowledge
 10 and judgment as to the value of the property involved, and shall have such
 11 other and further powers and perform such other and further duties in con-
 12 nection with the hearing and determination of tax appeals, as may be con-
 13 ferred or imposed upon it, from time to time.

1 6. Section 54:2-34 of the Revised Statutes is amended to read as fol-
 2 lows:

3 54:2-34. The [board] Division of Tax Appeals in the State Department
 4 of Taxation and Finance shall review, hear and determine all appeals by any
 5 person, taxing district, municipality or county aggrieved by any act, proceed-
 6 ing, ruling, decision or determination of the State Tax Department or of the
 7 State Tax Commissioner. Each member of the Division of Tax Appeals in
 8 the State Department of Taxation and Finance shall be entitled to use his
 9 personal knowledge and judgment as to the value of the property involved.

1 7. Section 54:2-35 of the Revised Statutes is amended to read as fol-
 2 lows:

3 54:2-35. Any action or determination of a county board of taxation may
 4 be appealed for review to the [State Board of Tax Appeals] Division of Tax

5 Appeals in the State Department of Taxation and Finance, under such rules
6 and regulations as it may from time to time prescribe, and it may review
7 such action and proceedings and give such judgment therein as it may think
8 proper. Nothing herein contained shall apply to any appeal to the Division
9 of Tax Appeals in the State Department of Taxation and Finance provided
10 for by sections 54:2-37 and 54:2-39 of the Revised Statutes.

1 8. Section 54:2-39 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-39. Any appellant who is dissatisfied with the judgment of the
4 county board of taxation upon his appeal may appeal from that judgment to
5 the **[State Board of Tax Appeals]** Division of Tax Appeals in the State
6 Department of Taxation and Finance by filing a petition of appeal to the
7 **[board]** division, in manner and form to be by said **[board]** division
8 prescribed, within one month from the date on which the county board
9 of taxation shall have published the entry of judgment or within one
9A month from the date fixed for final decisions by the county boards, which-
10 ever date shall be earlier, and the division shall proceed summarily to hear
11 and determine all such appeals and render its judgment thereon as soon as
12 may be. [Within one month from the date fixed for final decisions by the
13 county boards, and the State board shall proceed summarily to hear and de-
14 termine all such appeals and render its judgment thereon as soon as may be.]

15 Each petition of appeal shall be verified and shall contain full and com-
16 plete information as to the land, including the size of the lot, a description of
17 the buildings and structures thereon, if any, and the use thereof and further
18 shall detail the income and expense of operation in cases of income producing
19 property. No petition of appeal shall fix any sum as the value of said prop-
20 erty in question, but shall contain a general prayer that the assessment be
21 increased or decreased (as the case may be) to the true value thereof.

22 No appeal, however, shall lie **[with]** to the [State Board of Tax
23 Appeals] Division of Tax Appeals in the State Department of Taxation and

24 Finance where the appeal to the county board of taxation has been (a) with-
25 drawn at the hearing, or previously thereto in writing by the appellant or
26 his agent; (b) dismissed because of appellant's failure to prosecute the
27 appeal at a hearing called by the county tax board; (c) settled by mutual
28 consent of the taxpayer and assessor of the taxing district. This [amend-
29 ment] provision [however, shall not waive the right of the appellant or his
30 agent to appeal before the State Board of Tax Appeals] shall not preclude
31 an appeal to the Division of Tax Appeals in the State Department of
32 Taxation and Finance in the event that the appeal was "dismissed without
33 prejudice" by the county board of taxation.

1 9. Section 54:2-40 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-40. A copy of the petition of appeal shall be served by the appellant
4 upon the county board of taxation whose judgment is appealed from, or its
5 secretary, and upon the assessor, clerk or attorney of the taxing district.
6 Service of such copies shall be evidenced by affidavit upon the original peti-
7 tion of appeal filed with the [State board] Division of Tax Appeals in the
8 State Department of Taxation and Finance or service thereon acknowledged.
9 [A copy of the judgment of the board shall be sent to the taxpayer, and,
10 when the judgment causes a change in the amount of taxes to be paid, to the
11 secretary of the county board of taxation in whose county the appeal was
12 originally filed, to the assessor and the collector of the taxing district.] A
13 copy of the judgment of the division shall be sent to the taxpayer, and when
14 the judgment causes a change in the amount of taxes to be paid, at the same
15 time, to the collector of the taxing district and the secretary of the county
16 board of taxation in which said taxing district is situated. The division shall
17 also give prompt notice to the taxpayer and, at the same time, to the collector
18 of the taxing district and to the secretary of the county board of taxation,
19 in whose county the taxing district is situated, of the withdrawal and dis-
20 missal of petitions of appeal filed with the division.

1 10. Section 54:2-41 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-41. [The board may at any time on application by a property
4 owner, with the consent of the mayor or assessor of the municipality affected,
5 correct errors and mistakes in tax assessments.] The Division of Tax Ap-
6 peals in the State Department of Taxation and Finance may, at any time, on
7 written application by a property owner, with the consent of the majority of
8 the governing body of the municipality affected, to be evidenced by a true
9 copy of a resolution adopted by such governing body certified by its clerk,
10 correct errors and mistakes in tax assessments; provided, that such applica-
11 tion and resolution shall set forth the facts causing and constituting the error
12 and mistake sought to be corrected, and that such facts be verified by affi-
13 davits of the property owner and the assessor of such municipality, respec-
14 tively. The division may require such further proof and grant or deny such
15 application as it may deem necessary or proper.

1 11. Petitions of appeals, filed pursuant to the provisions of chapter two
2 of Title 54 of the Revised Statutes may be amended and amended petitions of
3 appeal may be further amended, at any time, at or before the hearing of the
4 appeal, without notice and as a matter of course.

1 12. Any such petition of appeal, or amended petition of appeal, or any
2 pleading, paper or document of any taxpayer, whether an individual or a
3 corporation, may be executed and filed by an attorney-at-law of New Jersey,
4 without the requirement of any affidavit or other evidence of his authority to
5 act for such taxpayer.

1 13. No judgment shall be entered by the Division of Tax Appeals in the
2 State Department of Taxation and Finance in any appeal from a county
3 board, upon the oral consent or agreement of the taxpayer with the taxing
4 district, municipality or county concerned in such appeal, or their respective
5 attorneys, but the division may enter judgment on such appeals, upon such
6 proof and under such rules and regulations as it may from time to time pre-

7 scribe, upon the written consents or agreements of the taxpayer and the tax-
8 ing district, municipality or county concerned, or their respective attorneys,
9 verified by qualified experts as to the facts therein alleged in support of the
10 valuations therein consented to.

1 14. Where a judgment final has been rendered by the Division of Tax
2 Appeals in the State Department of Taxation and Finance involving real
3 property such judgment shall be conclusive and binding upon the munici-
4 pal assessor and the taxing district, parties to such appeal, for the assessment
5 year and for the two assessment years succeeding the assessment year
6 covered by the final judgment, except as to changes in the value of the prop-
7 erty occurring after the assessment date. Where such changes are alleged,
8 the petition of appeal shall specifically set forth the nature of the changes
9 relied upon as the basis for such appeal.

1 15. In any proceeding before the Division of Tax Appeals in the State
2 Department of Taxation and Finance where deeds or other instruments of
3 conveyance do not state the true consideration or sales price of the property,
4 which is the subject of appeal, the United States documentary stamps, if any,
5 attached to such deeds or instruments shall be admitted as prima facie evi-
6 dence of the true consideration or sales price of the said property.

1 16. Upon the filing of a petition of appeal by any taxpayer, or taxing
2 district, with the Division of Tax Appeals in the State Department of Taxa-
3 tion and Finance, pursuant to section 54:2-35, or section 54:2-37 or section
4 54:2-39 of the Revised Statutes, such taxpayer or taxing district filing such
5 petition shall pay to the secretary of the division a fee of one dollar (\$1.00)
6 for each petition where the assessed valuation of the property described in
7 such petition is ten thousand dollars (\$10,000.00) or less, and a fee of two
8 dollars (\$2.00) for each petition where the assessed valuation of such prop-
9 erty is more than ten thousand dollars (\$10,000.00).

1 17. Section 54:3-22 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:3-22. The board shall thereupon make such order respecting the time
4 and manner for hearing the appeal as it may deem just, and shall summarily

5 hear and determine the appeal, and revise and correct the assessment in ac-
6 cordance with the true value of the taxable property. All appeals filed pur-
7 suant to the provisions of chapter three of Title 54 of the Revised Statutes
8 shall be heard and determined by the board. It may compel the attendance
9 of witnesses, the production of books and papers before it, examine wit-
10 nesses or cause witnesses to be examined under oath before it, which oath
11 may be administered by a member of the board.

12 In any proceeding before the board where deeds or other instruments
13 of conveyance do not state the true consideration or sales price of the prop-
14 erty, which is the subject of appeal, the United States documentary stamps
15 attached, if any, to such deeds or instruments shall be admitted as prima
16 facie evidence of the true consideration or sales price of the said property.

1 18. Section 54:3-26 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:3-26. The county board of taxation shall hear and determine all
4 such appeals within three months after the last day for filing such appeals,
5 and shall keep a record of its judgments thereon in permanent form, and
6 shall transmit a memorandum of its judgment to the taxpayer, and in all
7 cases where the amount of tax to be paid shall be changed as a result of an
8 appeal, to the collector of the taxing district.

9 Where no appeal is taken to the Division of Tax Appeals in the State
10 Department of Taxation and Finance to review the action or determination
11 of the county board involving real property the judgment of the county
12 board shall be conclusive and binding upon the municipal assessor and the
13 taxing district for the assessment year, and for the two assessment years
14 succeeding the assessment year, covered by the judgment, except as to
15 changes in value of the property occurring after the assessment date. Where
16 such changes are alleged the petition of appeal shall specifically set forth
17 the nature of the changes relied upon as the basis for such appeal.

1 19. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 68

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1946

By Mr. LEONARD

Referred to Committee on Judiciary

AN ACT concerning taxation, amending sections 54:2-3, 54:2-8, 54:2-14, 54:2-18, 54:2-33, 54:2-34, 54:2-35, 54:2-39, 54:2-40, 54:2-41, 54:3-22 and 54:3-26 of the Revised Statutes, and supplementing chapter two of Title 54 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 54:2-3 of the Revised Statutes is amended to read as follows:
2 54:2-3. The Division of Tax Appeals in the State Department of
3 Taxation and Finance shall consist, as heretofore, of seven members who
4 shall be citizens of the State and not more than four of whom shall belong
5 to the same political party. At least four members shall be counselors-at-
6 law of the State of New Jersey of at least ten years' standing. Members
7 shall be chosen because of their special qualifications, knowledge and experi-
8 ence in matters concerning the valuation and taxation of property, parti-
9 cularly of real property.

1 2. Section 54:2-8 of the Revised Statutes is amended to read as follows:
2 54:2-8. Each member, except the president, shall receive an annual
3 salary of eight thousand dollars (\$8,000.00). The president shall receive an
4 annual salary of nine thousand dollars (\$9,000.00). The members, including
5 the president, shall devote their full time to the duties of the office.

1 3. Section 54:2-14 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-14. The Division of Tax Appeals in the State Department of
4 Taxation and Finance shall keep a full record of its proceedings, may
5 make rules, orders and directions as it may deem necessary to carry into
6 effect the objects of this chapter and may make reasonable rules regulating
7 the manner, form, time, terms and conditions of appeals made to it. It may
8 make such reasonable orders upon the final determination of such appeals as
9 will effectuate the final determination thereof according to law. Such de-
10 termination shall be evidenced by judgment signed by at least four
11 members, and filed with its secretary. Copies thereof, duly certified by the
12 secretary, shall be in evidence in any cause or proceeding.

1 4. Section 54:2-18 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-18. The Division of Tax Appeals in the State Department
4 of Taxation and Finance may, as occasion shall require, by order,
5-8 refer to two or more of its members, at least one of whom shall be a
9 counselor-at-law, the duty of taking testimony in a matter pending before it,
10 and to report on such matter and the testimony so taken, to the division, but
11 no determination shall be made therein except by the division. Said reports
12 shall be in writing and signed by the members, and shall include, in sub-
13 stance, the facts and particulars of the testimony so taken, which written
14 reports shall be public records and open to the inspection of the public.
15 Stenographic notes shall be made of all testimony so taken, but the mem-
16 bers of the board shall be qualified to make their determination after receiv-
17 ing the report of the members hearing the testimony, and without the
18 necessity that the stenographic notes so taken shall have been reduced to
19 writing; *provided, however,* that the testimony shall be reduced to writing
20 at the request of any member of the division required to make a determina-
21 tion in any such matter.

1 5. Section 54:2-33 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-33. The Division of Tax Appeals in the State Department of
4 Taxation and Finance shall succeed to and exercise exclusively all the
5 powers and perform all the duties concerning the review, hearing and
6 determination of appeals concerning the assessment, collection, apportion-
7 ment or equalization of taxes, formerly exercised or performed by, or con-
8 ferred and charged upon, the State Board of Taxes and Assessment, and
9 each member of the division shall be entitled to use his personal knowledge
10 and judgment as to the value of the property involved, and shall have such
11 other and further powers and perform such other and further duties in con-
12 nection with the hearing and determination of tax appeals, as may be con-
13 ferred or imposed upon it, from time to time.

1 6. Section 54:2-34 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-34. The Division of Tax Appeals in the State Department
4 of Taxation and Finance shall review, hear and determine all appeals by any
5 person, taxing district, municipality or county aggrieved by any act, proceed-
6 ing, ruling, decision or determination of the State Tax Department or of the
7 State Tax Commissioner. Each member of the Division of Tax Appeals in
8 the State Department of Taxation and Finance shall be entitled to use his
9 personal knowledge and judgment as to the value of the property involved.

1 7. Section 54:2-35 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-35. Any action or determination of a county board of taxation may
4 be appealed for review to the Division of Tax Appeals in the State Depart-
5 ment of Taxation and Finance, under such rules and regulations as it may
6 from time to time prescribe, and it may review such action and proceed-
7 ings and give such judgment therein as it may think proper. Nothing herein
8 contained shall apply to any appeal to the Division of Tax Appeals in the
9 State Department of Taxation and Finance provided for by sections 54:2-37
10 and 54:2-39 of the Revised Statutes.

1 8. Section 54:2-39 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-39. Any appellant who is dissatisfied with the judgment of the
4 county board of taxation upon his appeal may appeal from that judgment to
5 the Division of Tax Appeals in the State Department of Taxation and
6 Finance by filing a petition of appeal to the division, in manner and form to
7 be by said division prescribed, within one month from the date on which the
8 county board of taxation shall have published the entry of judgment or
9 within one month from the date fixed for final decisions by the county
10 boards, whichever date shall be earlier, and the division shall proceed sum-
11 marily to hear and determine all such appeals and render its judgment
12-14 thereon as soon as may be.

15 Each petition of appeal shall be verified and shall contain full and com-
16 plete information as to the land, including the size of the lot, a description of
17 the buildings and structures thereon, if any, and the use thereof and further
18 shall detail the income and expense of operation in cases of income producing
19 property. No petition of appeal shall fix any sum as the value of said prop-
20 erty in question, but shall contain a general prayer that the assessment be
21 increased or decreased (as the case may be) to the true value thereof.

22 No appeal, however, shall lie to the Division of Tax Appeals in the
23 State Department of Taxation and Finance where the appeal to the county
24 board of taxation has been (a) withdrawn at the hearing, or previously
25 thereto in writing by the appellant or his agent; (b) dismissed because of ap-
26 pellant's failure to prosecute the appeal at a hearing called by the county
27 tax board; (c) settled by mutual consent of the taxpayer and assessor of
28 the taxing district. This provision shall not preclude an appeal to the Divi-
29 sion of Tax Appeals in the State Department of Taxation and Finance in the
30 event that the appeal was "dismissed without prejudice" by the county
31 board of taxation.

1 9. Section 54:2-40 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-40. A copy of the petition of appeal shall be served by the appellant
4 upon the county board of taxation whose judgment is appealed from, or its
5 secretary, and upon the assessor, clerk or attorney of the taxing district.
6 Service of such copies shall be evidenced by affidavit upon the original peti-
7 tion of appeal filed with the Division of Tax Appeals in the State
8-12 Department of Taxation and Finance or service thereon acknowledged. A
13 copy of the judgment of the division shall be sent to the taxpayer, and when
14 the judgment causes a change in the amount of taxes to be paid, at the same
15 time, to the collector of the taxing district and the secretary of the county
16 board of taxation in which said taxing district is situated. The division shall
17 also give prompt notice to the taxpayer and, at the same time, to the collector
18 of the taxing district and to the secretary of the county board of taxation,
19 in whose county the taxing district is situated, of the withdrawal and dis-
20 missal of petitions of appeal filed with the division.

1 10. Section 54:2-41 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-41. The Division of Tax Appeals in the State Department of
4 Taxation and Finance may, at any time, on written application by
5 a property owner, with the consent of the majority of the govern-
6-8 ing body of the municipality affected, to be evidenced by a true
9 copy of a resolution adopted by such governing body certified by its clerk,
10 correct errors and mistakes in tax assessments; *provided*, that such applica-
11 tion and resolution shall set forth the facts causing and constituting the error
12 and mistake sought to be corrected, and that such facts be verified by affi-
13 davits of the property owner and the assessor of such municipality, respec-
14 tively. The division may require such further proof and grant or deny such
15 application as it may deem necessary or proper.

1 11. Petitions of appeals, filed pursuant to the provisions of chapter two
2 of Title 54 of the Revised Statutes may be amended and amended petitions of

3 appeal may be further amended, at any time, at or before the hearing of the
4 appeal, without notice and as a matter of course.

1 12. Any such petition of appeal, or amended petition of appeal, or any
2 pleading, paper or document of any taxpayer, whether an individual or a
3 corporation, may be executed and filed by an attorney-at-law of New Jersey,
4 without the requirement of any affidavit or other evidence of his authority to
5 act for such taxpayer.

1 13. No judgment shall be entered by the Division of Tax Appeals in the
2 State Department of Taxation and Finance in any appeal from a county
3 board, upon the oral consent or agreement of the taxpayer with the taxing
4 district, municipality or county concerned in such appeal, or their respective
5 attorneys, but the division may enter judgment on such appeals, upon such
6 proof and under such rules and regulations as it may from time to time pre-
7 scribe, upon the written consents or agreements of the taxpayer and the tax-
8 ing district, municipality or county concerned, or their respective attorneys,
9 verified by qualified experts as to the facts therein alleged in support of the
10 valuations therein consented to.

1 14. Where a judgment final has been rendered by the Division of Tax
2 Appeals in the State Department of Taxation and Finance involving real
3 property such judgment shall be conclusive and binding upon the munici-
4 pal assessor and the taxing district, parties to such appeal, for the assessment
5 year and for the two assessment years succeeding the assessment year
6 covered by the final judgment, except as to changes in the value of the prop-
7 erty occurring after the assessment date. Where such changes are alleged,
8 the petition of appeal shall specifically set forth the nature of the changes
9 relied upon as the basis for such appeal.

1 15. In any proceeding before the Division of Tax Appeals in the State
2 Department of Taxation and Finance where deeds or other instruments of
3 conveyance do not state the true consideration or sales price of the property,
4 which is the subject of appeal, the United States documentary stamps, if any,
5 attached to such deeds or instruments shall be admitted as prima facie evi-
6 dence of the true consideration or sales price of the said property.

1 16. Upon the filing of a petition of appeal by any taxpayer, or taxing
2 district, with the Division of Tax Appeals in the State Department of Taxa-
3 tion and Finance, pursuant to section 54:2-35, or section 54:2-37 or section
4 54:2-39 of the Revised Statutes, such taxpayer or taxing district filing such
5 petition shall pay to the secretary of the division a fee of one dollar (\$1.00)
6 for each petition where the assessed valuation of the property described in
7 such petition is ten thousand dollars (\$10,000.00) or less, and a fee of two
8 dollars (\$2.00) for each petition where the assessed valuation of such prop-
9 erty is more than ten thousand dollars (\$10,000.00).

1 17. Section 54:3-22 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:3-22. The board shall thereupon make such order respecting the time
4 and manner for hearing the appeal as it may deem just, and shall summarily
5 hear and determine the appeal, and revise and correct the assessment in ac-
6 cordance with the true value of the taxable property. All appeals filed pur-
7 suant to the provisions of chapter three of Title 54 of the Revised Statutes
8 shall be heard and determined by the board. It may compel the attendance
9 of witnesses, the production of books and papers before it, examine wit-
10 nesses or cause witnesses to be examined under oath before it, which oath
11 may be administered by a member of the board.

12 In any proceeding before the board where deeds or other instruments
13 of conveyance do not state the true consideration or sales price of the prop-
14 erty, which is the subject of appeal, the United States documentary stamps
15 attached, if any, to such deeds or instruments shall be admitted as prima
16 facie evidence of the true consideration or sales price of the said property.

1 18. Section 54:3-26 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:3-26. The county board of taxation shall hear and determine all
4 such appeals within three months after the last day for filing such appeals,
5 and shall keep a record of its judgments thereon in permanent form, and
6 shall transmit a memorandum of its judgment to the taxpayer, and in all

7 cases where the amount of tax to be paid shall be changed as a result of an
8 appeal, to the collector of the taxing district.

9 Where no appeal is taken to the Division of Tax Appeals in the State
10 Department of Taxation and Finance to review the action or determination
11 of the county board involving real property the judgment of the county
12 board shall be conclusive and binding upon the municipal assessor and the
13 taxing district for the assessment year, and for the two assessment years
14 succeeding the assessment year, covered by the judgment, except as to
15 changes in value of the property occurring after the assessment date. Where
16 such changes are alleged the petition of appeal shall specifically set forth
17 the nature of the changes relied upon as the basis for such appeal.

18 19. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 68

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1946

By Mr. LÉONARD

Referred to Committee on Judiciary

AN ACT concerning taxation, amending sections 54:2-3, 54:2-8, 54:2-14, 54:2-18, 54:2-33, 54:2-34, 54:2-35, 54:2-39, 54:2-40, 54:2-41, 54:3-22 and 54:3-26 of the Revised Statutes, and supplementing chapter two of Title 54 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 54:2-3 of the Revised Statutes is amended to read as follows:

2 54:2-3. The Division of Tax Appeals in the State Department of
3 Taxation and Finance shall consist, as heretofore, of seven members who
4 shall be citizens of the State and not more than four of whom shall belong
5 to the same political party. At least four members shall be attorneys-at-
6 law of the State of New Jersey of at least ten years' standing. Members
7 shall be chosen because of their special qualifications, knowledge and experi-
8 ence in matters concerning the valuation and taxation of property, parti-
9 cularly of real property.

1 2. Section 54:2-8 of the Revised Statutes is amended to read as follows:

2 54:2-8. Each member, except the president, shall receive an annual
3 salary of eight thousand dollars (\$8,000.00). The president shall receive an
4 annual salary of nine thousand dollars (\$9,000.00). The members, including
5 the president, shall devote such time as shall be required for the efficient per-
6 formance of the duties of the office.

1 3. Section 54:2-14 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-14. The Division of Tax Appeals in the State Department of
4 Taxation and Finance shall keep a full record of its proceedings, may
5 make rules, orders and directions as it may deem necessary to carry into
6 effect the objects of this chapter and may make reasonable rules regulating
7 the manner, form, time, terms and conditions of appeals made to it. It may
8 make such reasonable orders upon the final determination of such appeals as
9 will effectuate the final determination thereof according to law. Such de-
10 termination shall be evidenced by judgment signed by at least four
11 members, and filed with its secretary. Copies thereof, duly certified by the
12 secretary, shall be in evidence in any cause or proceeding.

1 4. Section 54:2-18 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-18. The Division of Tax Appeals in the State Department
4 of Taxation and Finance may, as occasion shall require, by order,
5-8 refer to two or more of its members, at least one of whom shall be an
9 attorney-at-law, the duty of taking testimony in a matter pending before it,
10 and to report on such matter and the testimony so taken, to the division, but
11 no determination shall be made therein except by the division. Said reports
12 shall be in writing and signed by the members, and shall include, in sub-
13 stance, the facts and particulars of the testimony so taken, which written
14 reports shall be public records and open to the inspection of the public.
15 Stenographic notes shall be made of all testimony so taken, but the mem-
16 bers of the board shall be qualified to make their determination after receiv-
17 ing the report of the members hearing the testimony, and without the
18 necessity that the stenographic notes so taken shall have been reduced to
19 writing; *provided, however,* that the testimony shall be reduced to writing
20 at the request of any member of the division required to make a determina-
21 tion in any such matter.

1 5. Section 54:2-33 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-33. The Division of Tax Appeals in the State Department of
4 Taxation and Finance shall succeed to and exercise exclusively all the
5 powers and perform all the duties concerning the review, hearing and
6 determination of appeals concerning the assessment, collection, apportion-
7 ment or equalization of taxes, formerly exercised or performed by, or con-
8 ferred and charged upon, the State Board of Taxes and Assessment, and
9 shall have such other and further powers and perform such other and
10 further duties in connection with the hearing and determination of tax ap-
11 peals, as may be conferred or imposed upon it, from time to time.

1 6. Section 54:2-34 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-34. The Division of Tax Appeals in the State Department
4 of Taxation and Finance shall review, hear and determine all appeals by any
5 person, taxing district, municipality or county aggrieved by any act, proceed-
6 ing, ruling, decision or determination of the State Tax Department or of the
7 State Tax Commissioner.

1 7. Section 54:2-35 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-35. Any action or determination of a county board of taxation may
4 be appealed for review to the Division of Tax Appeals in the State Depart-
5 ment of Taxation and Finance, under such rules and regulations as it may
6 from time to time prescribe, and it may review such action and proceed-
7 ings and give such judgment therein as it may think proper. Nothing herein
8 contained shall apply to any appeal to the Division of Tax Appeals in the
9 State Department of Taxation and Finance provided for by sections 54:2-37
10 and 54:2-39 of the Revised Statutes.

1 8. Section 54:2-39 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-39. Any appellant who is dissatisfied with the judgment of the
4 county board of taxation upon his appeal may appeal from that judgment to
5 the Division of Tax Appeals in the State Department of Taxation and
6 Finance by filing a petition of appeal to the division, in manner and form to
7 be by said division prescribed, within one month from the date on which the
8 county board of taxation shall have published the entry of judgment or
9 within one month from the date fixed for final decisions by the county
10 boards, whichever date shall be earlier, and the division shall proceed sum-
11 marily to hear and determine all such appeals and render its judgment
12-14 thereon as soon as may be.

15 Each petition of appeal shall be verified and shall contain full and com-
16 plete information as to the land, including the size of the lot, a description of
17 the buildings and structures thereon, if any, and the use thereof and further
18 shall detail the income and expense of operation in cases of income producing
19 property. No petition of appeal shall fix any sum as the value of said prop-
20 erty in question, but shall contain a general prayer that the assessment be
21 increased or decreased (as the case may be) to the true value thereof.

22 No appeal, however, shall lie to the Division of Tax Appeals in the
23 State Department of Taxation and Finance where the appeal to the county
24 board of taxation has been (a) withdrawn at the hearing, or previously
25 thereto in writing by the appellant or his agent; (b) dismissed because of ap-
26 pellant's failure to prosecute the appeal at a hearing called by the county
27 tax board; (c) settled by mutual consent of the taxpayer and assessor of
28 the taxing district. This provision shall not preclude an appeal to the Divi-
29 sion of Tax Appeals in the State Department of Taxation and Finance in the
30 event that the appeal was "dismissed without prejudice" by the county
31 board of taxation.

1 9. Section 54:2-40 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-40. A copy of the petition of appeal shall be served by the appellant
4 upon the county board of taxation whose judgment is appealed from, or its
5 secretary, and upon the assessor, clerk or attorney of the taxing district.
6 Service of such copies shall be evidenced by affidavit upon the original peti-
7 tion of appeal filed with the Division of Tax Appeals in the State
8-12 Department of Taxation and Finance or service thereon acknowledged. A
13 copy of the judgment of the division shall be sent to the taxpayer, and when
14 the judgment causes a change in the amount of taxes to be paid, at the same
15 time, to the collector of the taxing district and the secretary of the county
16 board of taxation in which said taxing district is situated. The division shall
17 also give prompt notice to the taxpayer and, at the same time, to the collector
18 of the taxing district and to the secretary of the county board of taxation,
19 in whose county the taxing district is situated, of the withdrawal and dis-
20 missal of petitions of appeal filed with the division.

1 10. Section 54:2-41 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:2-41. The Division of Tax Appeals in the State Department of
4 Taxation and Finance may, at any time, on written application by
5 a property owner, with the consent of the majority of the govern-
6-8 ing body of the municipality affected, to be evidenced by a true
9 copy of a resolution adopted by such governing body certified by its clerk,
10 correct errors and mistakes in tax assessments; *provided*, that such applica-
11 tion and resolution shall set forth the facts causing and constituting the error
12 and mistake sought to be corrected, and that such facts be verified by affi-
13 davits of the property owner and the assessor of such municipality, respec-
14 tively. The division may require such further proof and grant or deny such
15 application as it may deem necessary or proper.

1 11. Petitions of appeals, filed pursuant to the provisions of chapter two
2 of Title 54 of the Revised Statutes may be amended and amended petitions of

3 appeal may be further amended, at any time, at or before the hearing of the
4 appeal, without notice and as a matter of course.

1 12. Any such petition of appeal, or amended petition of appeal, or any
2 pleading, paper or document of any taxpayer, whether an individual or a
3 corporation, may be executed and filed by an attorney-at-law of New Jersey,
4 without the requirement of any affidavit or other evidence of his authority to
5 act for such taxpayer.

1 13. No judgment shall be entered by the Division of Tax Appeals in the
2 State Department of Taxation and Finance in any appeal from a county
3 board, upon the oral consent or agreement of the taxpayer with the taxing
4 district, municipality or county concerned in such appeal, or their respective
5 attorneys, but the division may enter judgment on such appeals, upon such
6 proof and under such rules and regulations as it may from time to time pre-
7 scribe, upon the written consents or agreements of the taxpayer and the tax-
8 ing district, municipality or county concerned, or their respective attorneys,
9 verified by qualified experts as to the facts therein alleged in support of the
10 valuations therein consented to.

1 14. Where a judgment final has been rendered by the Division of Tax
2 Appeals in the State Department of Taxation and Finance involving real
3 property such judgment shall be conclusive and binding upon the munici-
4 pal assessor and the taxing district, parties to such appeal, for the assessment
5 year and for the two assessment years succeeding the assessment year
6 covered by the final judgment, except as to changes in the value of the prop-
7 erty occurring after the assessment date. Where such changes are alleged,
8 the petition of appeal shall specifically set forth the nature of the changes
9 relied upon as the basis for such appeal.

1 15. In any proceeding before the Division of Tax Appeals in the State
2 Department of Taxation and Finance where deeds or other instruments of
3 conveyance do not state the true consideration or sales price of the property,
4 which is the subject of appeal, the United States documentary stamps, if any,
5 attached to such deeds or instruments shall be admitted as prima facie evi-
6 dence of the true consideration or sales price of the said property.

1 16. Upon the filing of a petition of appeal by any taxpayer, or taxing
2 district, with the Division of Tax Appeals in the State Department of Taxa-
3 tion and Finance, pursuant to section 54:2-35, or section 54:2-37 or section
4 54:2-39 of the Revised Statutes, such taxpayer or taxing district filing such
5 petition shall pay to the secretary of the division a fee of one dollar (\$1.00)
6 for each petition where the assessed valuation of the property described in
7 such petition is ten thousand dollars (\$10,000.00) or less, and a fee of two
8 dollars (\$2.00) for each petition where the assessed valuation of such prop-
9 erty is more than ten thousand dollars (\$10,000.00).

1 17. Section 54:3-22 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:3-22. The board shall thereupon make such order respecting the time
4 and manner for hearing the appeal as it may deem just, and shall summarily
5 hear and determine the appeal, and revise and correct the assessment in ac-
6 cordance with the true value of the taxable property. All appeals filed pur-
7 suant to the provisions of chapter three of Title 54 of the Revised Statutes
8 shall be heard and determined by the board. It may compel the attendance
9 of witnesses, the production of books and papers before it, examine wit-
10 nesses or cause witnesses to be examined under oath before it, which oath
11 may be administered by a member of the board.

12 In any proceeding before the board where deeds or other instruments
13 of conveyance do not state the true consideration or sales price of the prop-
14 erty, which is the subject of appeal, the United States documentary stamps
15 attached, if any, to such deeds or instruments shall be admitted as prima
16 facie evidence of the true consideration or sales price of the said property.

1 18. Section 54:3-26 of the Revised Statutes is amended to read as fol-
2 lows:

3 54:3-26. The county board of taxation shall hear and determine all
4 such appeals within three months after the last day for filing such appeals,
5 and shall keep a record of its judgments thereon in permanent form, and
6 shall transmit a memorandum of its judgment to the taxpayer, and in all

7 cases where the amount of tax to be paid shall be changed as a result of an
8 appeal, to the collector of the taxing district.

9 Where no appeal is taken to the Division of Tax Appeals in the State
10 Department of Taxation and Finance to review the action or determination
11 of the county board involving real property the judgment of the county
12 board shall be conclusive and binding upon the municipal assessor and the
13 taxing district for the assessment year, and for the two assessment years
14 succeeding the assessment year, covered by the judgment, except as to
15 changes in value of the property occurring after the assessment date. Where
16 such changes are alleged the petition of appeal shall specifically set forth
17 the nature of the changes relied upon as the basis for such appeal.

1 19. This act shall take effect immediately