

3350--A

2011-2012 Regular Sessions

I N S E N A T E

February 17, 2011

Introduced by Sens. BONACIC, GRIFFO, KENNEDY, LARKIN, RITCHIE, SEWARD, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to the process for local disciplinary actions against assessors

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The real property tax law is amended by adding a new
2 section 324 to read as follows:
3 S 324. LOCAL DISCIPLINARY ACTIONS. AN ASSESSOR MAY BE REMOVED FROM
4 OFFICE FOR JUST CAUSE BY THE APPOINTING AUTHORITY AFTER A HEARING UPON
5 NOTICE. A DETERMINATION TO REMOVE AN ASSESSOR OR TAKE OTHER DISCIPLINARY
6 ACTION AS A RESULT OF THE REMOVAL PROCEEDING AGAINST AN ASSESSOR SHALL
7 BE SUBJECT TO REVIEW BY THE COMMISSIONER OR HIS OR HER DESIGNEE WITHIN
8 THE DEPARTMENT UPON APPLICATION FILED WITH THE DEPARTMENT BY THE ASSES-
9 SOR WITHIN THIRTY DAYS AFTER RECEIPT BY HIM OR HER OF WRITTEN NOTICE OF
10 SUCH DETERMINATION. THE REVIEW BY THE COMMISSIONER OR HIS OR HER DESIG-
11 NEE WITHIN THE DEPARTMENT SHALL BE BASED UPON THE RECORD AND A TRAN-
12 SCRIPT OF THE HEARING HELD BY THE APPOINTING AUTHORITY AND SUCH ORAL OR
13 WRITTEN ARGUMENT AS MAY BE PRESENTED TO THE COMMISSIONER OR HIS OR HER
14 DESIGNEE WITHIN THE DEPARTMENT BY THE PARTIES TO THE PROCEEDING. UPON
15 COMPLETION OF SUCH REVIEW THE COMMISSIONER OR HIS OR HER DESIGNEE WITHIN
16 THE DEPARTMENT SHALL AFFIRM, REVERSE OR MODIFY THE DETERMINATION OF THE
17 APPOINTING AUTHORITY. THE DETERMINATION OF THE COMMISSIONER OR HIS OR
18 HER DESIGNEE WITHIN THE DEPARTMENT SHALL BE SUBJECT TO JUDICIAL REVIEW
19 IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE SEVENTY-EIGHT OF THE CIVIL
20 PRACTICE LAW AND RULES.
21 S 2. This act shall take effect immediately.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD08370-05-2