

S T A T E   O F   N E W   Y O R K

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7369--B

2011-2012 Regular Sessions

I N   A S S E M B L Y

May 3, 2011

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Introduced by M. of A. GALEF, GUNTHER, CALHOUN, DUPREY, OAKS, CROUCH --  
Multi-Sponsored by -- M. of A. P. RIVERA -- read once and referred to  
the Committee on Real Property Taxation -- reported and referred to  
the Committee on Codes -- committee discharged, bill amended, ordered  
reprinted as amended and recommitted to said committee -- recommitted  
to the Committee on Codes in accordance with Assembly Rule 3, sec. 2  
-- 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 ASSEM-  
BLY, 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.

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