4070

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 30, 2013
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Introduced by M. of A. GALEF, DUPREY, GUNTHER, OAKS, CROUCH -- read once
    and referred to the Committee on Real Property Taxation

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.