S T A T E O F N E W Y O R K

877

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. BONACIC, GRIFFO, LARKIN, RITCHIE, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

Section 1. The real property tax law is amended by adding a new section 324 to read as follows:

S 324. LOCAL DISCIPLINARY ACTIONS. AN ASSESSOR MAY BE REMOVED FROM OFFICE FOR JUST CAUSE BY THE APPOINTING AUTHORITY AFTER A HEARING UPON NOTICE. A DETERMINATION TO REMOVE AN ASSESSOR OR TAKE OTHER DISCIPLINARY ACTION AS A RESULT OF THE REMOVAL PROCEEDING AGAINST AN ASSESSOR SHALL BE SUBJECT TO REVIEW BY THE COMMISSIONER OR HIS OR HER DESIGNEE WITHIN THE DEPARTMENT UPON APPLICATION FILED WITH THE DEPARTMENT BY THE ASSESSOR WITHIN THIRTY DAYS AFTER RECEIPT BY HIM OR HER OF WRITTEN NOTICE OF SUCH DETERMINATION. THE REVIEW BY THE COMMISSIONER OR HIS OR HER DESIGNEE WITHIN THE DEPARTMENT SHALL BE BASED UPON THE RECORD AND A TRANSCRIPT OF THE HEARING HELD BY THE APPOINTING AUTHORITY AND SUCH ORAL OR WRITTEN ARGUMENT AS MAY BE PRESENTED TO THE COMMISSIONER OR HIS OR HER DESIGNEE WITHIN THE DEPARTMENT BY THE PARTIES TO THE PROCEEDING. UPON COMPLETION OF SUCH REVIEW THE COMMISSIONER OR HIS OR HER DESIGNEE WITHIN THE DEPARTMENT SHALL AFFIRM, REVERSE OR MODIFY THE DETERMINATION OF THE APPOINTING AUTHORITY. THE DETERMINATION OF THE COMMISSIONER OR HIS OR HER DESIGNEE WITHIN THE DEPARTMENT SHALL BE SUBJECT TO JUDICIAL REVIEW IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

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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