

NIAGARA COUNTY LEGISLATURE

FROM: Legislators John Syracuse & Paul B. Wojtaszek DATE: 03/16/2010 RESOLUTION # IL-013-10

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes 0

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO REJECT A.801A/S.1598A,
A LAW THAT WOULD PLACE AN UNREASONABLE BURDEN ON AND BARRIER TO THE
CONSTITUTIONAL RIGHT OF LAW-ABIDING CITIZENS TO KEEP AND BEAR ARMS AND IMPOSE
AN UNDUE FINANCIAL BURDEN ON THE COUNTY OF NIAGARA AND ITS TAXPAYERS**

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that "the right of the people to keep and bear Arms, shall not be infringed," and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, "The defense and protection of the state and of the United States is an obligation of all persons within the state," and

WHEREAS, Member of the Assembly Amy Paulin of Scarsdale, Westchester County, has proposed legislation that would abridge the right of law-abiding citizens to keep and bear arms by requiring renewal of pistol permit application processes, including invasive background checks, on a five-year revolving basis, despite the good behavior of such gun owners, while such licensing is currently in place for life while in good behavior, and

WHEREAS, per the provisions of this bill, pistol permits currently issued for life after July 1, 1963, would now be deemed to have an expiration date within the next three years, constituting a clear *ex post facto* modification of the terms of an existing legal agreement between the government and the holder of said permit, and

WHEREAS, the provisions of this bill place an onerous financial burden of \$105 per renewal on those individuals currently holding such permits for the purpose of being subjected to rigorous federal and state background checks which they have already passed, and

WHEREAS, the right to keep and bear arms as detailed in the first WHEREAS clause, above, is a right, and not a privilege to be modified at the whims of the federal, state, or local governments, and

WHEREAS, on June 26, 2008, the United States Supreme Court did, in the decision issued in the matter of *District of Columbia v. Heller*, find an individual right to keep and bear arms inherent in the language of the Second Amendment and of the U.S. Constitution, and compelled the District of Columbia to issue a firearms permit to the plaintiff in the matter, directly indicating that states and federal districts may not take unreasonable steps to deny the Second Amendment right to citizens of the United States through onerous permitting processes, and

WHEREAS, there is no reason beyond increasing the encumbrance upon the private ownership of pistols, revolvers, and handguns to be found in imposing a renewal scheme on pistol permits, and

WHEREAS, as of the time of the drafting of this resolution, there are approximately 26,000 pistol permit holders in the County of Niagara, and those permits are issued by the Pistol Permit Office of This Government, and

WHEREAS, the County of Niagara also finds that a five-year renewal scheme on pistol permits would place an undue financial burden on the taxpayers of Niagara County by requiring This Government to, on a regular basis, review for renewal, reissue, and modify some 26,000 pistol permits, a requirement that would require substantial increases in the number of hours labor performed, and thus undesirable growth in the County's governmental workforce, and

WHEREAS, the County of Niagara is home to a thriving sporting industry, as evidenced by the presence of the Fin-Feather-Fur Conservation Society, the Hartland Conservation Club, the Iroquois Arms Collectors Association, the Lake Ontario Trout & Salmon Association, the LaSalle Sportsman's Club, the Lockport Conservation Club, the Middleport Rod & Gun Club, the N.Y.S. Crossbow Hunter's Association, the Niagara County Chapter of SCOPE, the Niagara County Gobblers Chapter NWTF, the Niagara County Sportsmen's Association, the Niagara County Trappers Association, the Niagara Musky Association, the Niagara Frontier Friends of the NRA, the Niagara River Anglers Association, the North American Bear Foundation, the North Forest Rod & Gun Club, the Pheasants Forever of WNY #29 - Pioneer Conservation Sportsmen's of Niagara County, the Rapids Rod & Gun Club, the Somerset Conservation Club, the Tonawanda Sportsmen's Club, the Wheatfield Firearms Safety & Education Committee, the Wilson Conservation Club Auxiliary, the Wilson Conservation Club, and the Wolcottsville Rod & Gun Club, among others, and

WHEREAS, it is the right of the citizens of Niagara County to take any measures necessary to be secure in their homes against criminals and other dangerous trespassers, now, therefore be it

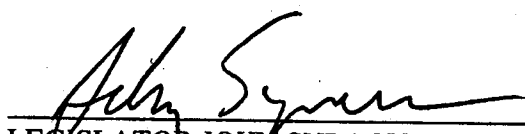
RESOLVED, that the Legislature of the County of Niagara does hereby oppose the enactment of A.801A/S.1598A, and be it further


RESOLVED, that the Legislature of the County of Niagara does hereby call upon the Honorable Sheldon Silver, Speaker of the Assembly, and the Honorable Pedro Espada Jr., Senate Majority Leader, to remove from consideration by members of their respective houses of the New York State Legislature A.801A and S.1598A, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the entire Western New York delegation to vote in the negative on A.801A and S.1598A in their respective houses of the Legislature and those committees they shall sit on that may have the power to advance or block such legislation, and be it further

RESOLVED, that, should the New York State Legislature defy the wishes of this government and pass said legislation, the Legislature of the County of Niagara does hereby call upon Governor David A. Paterson to veto such legislation as currently identified by the numbers A.801A and S.1598A, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Paterson, Senator George D. Maziarz, Senator Antoine D. Thompson, Senate Majority Leader Pedro Espada Jr., Member of the Assembly Jane L. Corwin, Member of the Assembly Stephen Hawley, Member of the Assembly Jim Hayes, Member of the Assembly Robin Schimminger, Member of the Assembly Francine DelMonte, Speaker of the Assembly Sheldon Silver, and all others deemed necessary and proper.


LEGISLATOR JOHN SYRACUSE


LEGISLATOR PAUL B. WOJASZEK

NIAGARA COUNTY LEGISLATURE

FROM: Legislator John Syracuse

DATE: 03/16/10

RESOLUTION # IL-014-10

APPROVED
CO. ATTORNEY

REVIEWED
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes 0
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____

**RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO REJECT
A.6157/A.6294/S.4084, A LAW THAT WOULD EFFECTIVELY OUTLAW THE POSSESSION OF
MAGAZINE-FED SEMIAUTOMATIC RIFLES, MAGAZINE-FED PISTOLS, AND PUMP ACTION
SHOTGUNS AND REQUIRING INVASIVE BACKGROUND CHECKS OF INDIVIDUALS WHO
ARE LEGAL OWNERS OF SUCH WEAPONS FROM PURCHASES PREDATING 2010**

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that "the right of the people to keep and bear arms, shall not be infringed," and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, "The defense and protection of the state and of the United States is an obligation of all persons within the state," and

WHEREAS, Member of the Assembly Matthew Titone of Staten Island, New York City, Member of the Assembly Linda B. Rosenthal of Manhattan, New York City, and Senator Eric Schneiderman of Manhattan, New York City, proposed legislation that would abridge the right of law-abiding citizens to keep and bear arms by effectively outlawing all detachable-magazine-fed rifles and pistols and pump-action shotguns in the State of New York, and

WHEREAS, per the provisions of this bill, numerous additional characteristics, including rifle-barrel shrouds that prevent operators from burning their hands on hot barrels, pistol grips, thumbhole grips, and telescoping are now classified as "assault weapon" characteristics that would result in the ban of such a weapon, and

WHEREAS, such provisions set the threshold for identification of a weapon as an assault weapon much lower than even the expired federal assault weapons ban (aka the Brady Bill), and

WHEREAS, A.6157/A.6294/S.4084 requires owners of such firearms as would meet this exceedingly broad definition to either destroy or surrender such firearms, or submit themselves to criminal background checks, despite having done so prior to acquisition of such weapon, and to then register such firearm with legal authorities, and

WHEREAS, A.6157/A.6294/S.4084 treats law-abiding citizens as criminals and would have a chilling effect on the legal ownership of firearms by these law-abiding citizens while imposing new bureaucratic rules that criminals would ignore with impunity, and

WHEREAS, such an approach would only encourage the perpetration of crime by criminals against a populace of effectively disarmed private citizens, and

WHEREAS, the right to keep and bear arms as detailed in the first WHEREAS clause, above, is a right, and not a privilege to be modified at the whims of the federal, state, or local governments, and

WHEREAS, on June 26, 2008, the United States Supreme Court did, in the decision issued in the matter of *District of Columbia v. Heller*, find an individual right to keep and bear arms inherent in the language of the Second Amendment and of the U.S. Constitution, and

WHEREAS, the County of Niagara is home to a thriving sporting industry, as evidenced by the presence of the Fin-Feather-Fur Conservation Society, the Hartland Conservation Club, the Iroquois Arms Collectors Association, the Lake Ontario Trout & Salmon Association, the LaSalle Sportsman's Club, the Lockport Conservation Club, the Middleport Rod & Gun Club, the N.Y.S. Crossbow Hunter's Association, the Niagara County Chapter of SCOPE, the Niagara County Gobblers Chapter NWTF, the Niagara County Sportsmen's Association, the Niagara County Trappers Association, the Niagara Musky Association, the Niagara Frontier Friends of the NRA, the Niagara River Anglers Association, the North American Bear Foundation, the North Forest Rod & Gun Club, the Pheasants Forever of WNY #29 - Pioneer Conservation Sportsmen's of Niagara County, the Rapids Rod & Gun Club, the Somerset Conservation Club, the Tonawanda Sportsmen's Club, the Wheatfield Firearms Safety & Education Committee, the Wilson Conservation Club Auxiliary, the Wilson Conservation Club, and the Wolcottsville Rod & Gun Club, among others, and

WHEREAS, it is the right of the citizens of Niagara County to take any measures necessary to be secure in their homes against criminals and other dangerous trespassers, now, therefore, be it

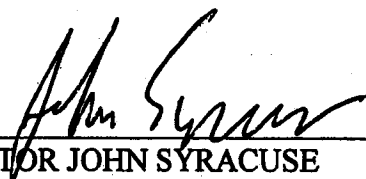
RESOLVED, that the Legislature of the County of Niagara does hereby oppose the enactment of A.6157/A.6294/S.4084, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the Honorable Sheldon Silver, Speaker of the Assembly, and the Honorable Pedro Espada Jr., Senate Majority Leader, to remove from consideration by members of their respective houses of the New York State Legislature A.6157/A.6294 and S.4084, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the entire Western New York delegation to vote in the negative on A.6157/A.6294 and S.4084 in their respective houses of the Legislature and those committees they shall sit on that may have the power to advance or block such legislation, and be it further

RESOLVED, that, should the New York State Legislature defy the wishes of this government and pass said legislation, the Legislature of the County of Niagara does hereby call upon Governor David A. Paterson to veto such legislation as currently identified by the numbers A.6157/A.6294 and S.4084, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Paterson, Senator George D. Maziarz, Senator Antoine D. Thompson, Senate Majority Leader Pedro Espada Jr., Member of the Assembly Jane L. Corwin, Member of the Assembly Stephen Hawley, Member of the Assembly Jim Hayes, Member of the Assembly Robin Schimminger, Member of the Assembly Francine DelMonte, Speaker of the Assembly Sheldon Silver, and all others deemed necessary and proper.


LEGISLATOR JOHN SYRACUSE

NIAGARA COUNTY LEGISLATURE

FROM: Legislator John D. Ceretto

DATE: 03/16/10

RESOLUTION # IL-015-10

**APPROVED
CO. ATTORNEY**

**REVIEWED
CO. MANAGER**

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes 0
Rejected: Ayes _____ Abs. _____ Noes _____
Referred: _____



RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO REJECT A.1275/S.1712, A LAW THAT WOULD REDEFINE THE RULES FOR TRANSFER OF FIREARMS WITHIN NEW YORK STATE TO EFFECTIVELY BAR THE PRIVATE SALE AND TRANSFER OF LONG GUNS

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that "the right of the people to keep and bear arms, shall not be infringed," and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, "The defense and protection of the state and of the United States is an obligation of all persons within the state," and

WHEREAS, Member of the Assembly Amy Paulin of Scarsdale, Westchester County, has proposed legislation that would abridge the right of law-abiding citizens to keep and bear arms by redefining the transfer of firearms among private citizens as a "gun show" and subject to state oversight, and

WHEREAS, per the provisions of this bill, the previously legal sale of long guns among private law-abiding citizens would henceforth be effectively outlawed in New York State, and

WHEREAS, the right to keep and bear arms as detailed in the first WHEREAS clause, above, is a right, and not a privilege to be modified at the whims of the federal, state, or local governments, and

WHEREAS, on June 26, 2008, the United States Supreme Court did, in the decision issued in the matter of *District of Columbia v. Heller*, find an individual right to keep and bear arms inherent in the language of the Second Amendment and of the U.S. Constitution, and

WHEREAS, A.1275/S.1712 would undermine the private citizen's rights, as well as the ability of small private organizations, such as fire halls, veterans organizations, and others to raise funds through such activities as shotgun raffles, and

WHEREAS, A.1275/S.1712 would require that gun shows be held at venues often absent in the most rural portions of New York State, thereby denying the full participation of residents of rural areas of Upstate New York in the exercise of their Constitutional rights while ensuring the rights of residents of large cities, and

WHEREAS, the County of Niagara is home to a thriving sporting industry, as evidenced by the presence of the Fin-Feather-Fur Conservation Society, the Hartland Conservation Club, the Iroquois Arms Collectors Association, the Lake Ontario Trout & Salmon Association, the LaSalle Sportsman's Club, the Lockport Conservation Club, the Middleport Rod & Gun Club, the N.Y.S. Crossbow Hunter's Association, the Niagara County Chapter of SCOPE, the Niagara County Gobblers Chapter NWTF, the Niagara County Sportsmen's Association, the Niagara County Trappers Association, the Niagara Musky Association, the Niagara Frontier Friends of the NRA, the Niagara River Anglers Association, the North American Bear Foundation, the North Forest Rod & Gun Club, the Pheasants Forever of WNY #29 - Pioneer Conservation Sportsmen's of Niagara County, the Rapids Rod & Gun Club, the Somerset Conservation Club, the Tonawanda Sportsmen's Club, the

Wheatfield Firearms Safety & Education Committee, the Wilson Conservation Club Auxiliary, the Wilson Conservation Club, and the Wolcottsville Rod & Gun Club, among others, and

WHEREAS, it is the right of the citizens of Niagara County to take any measures necessary to be secure in their homes against criminals and other dangerous trespassers, now, therefore, be it

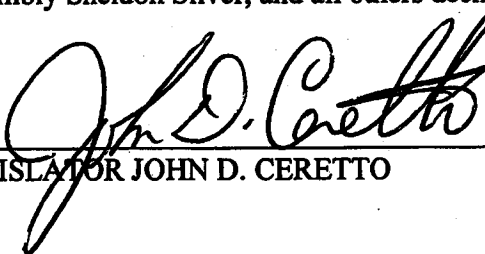
RESOLVED, that the Legislature of the County of Niagara does hereby oppose the enactment of A.1275/S.1712, and be it further

RESOLVED, that the Legislature of the County of Niagara does hereby call upon the Honorable Sheldon Silver, Speaker of the Assembly, and the Honorable Pedro Espada Jr., Senate Majority Leader, to remove from consideration by members of their respective houses of the New York State Legislature A.1275 and S.1712, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the entire Western New York delegation to vote in the negative on A.1275 and S.1712 in their respective houses of the Legislature and those committees they shall sit on that may have the power to advance or block such legislation, and be it further

RESOLVED, that, should the New York State Legislature defy the wishes of this government and pass said legislation, the Legislature of the County of Niagara does hereby call upon Governor David A. Paterson to veto such legislation as currently identified by the numbers A.1275 and S.1712, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Paterson, Senator George D. Mazarz, Senator Antoine D. Thompson, Senate Majority Leader Pedro Espada Jr., Member of the Assembly Jane L. Corwin, Member of the Assembly Stephen Hawley, Member of the Assembly Jim Hayes, Member of the Assembly Robin Schimminger, Member of the Assembly Francine DelMonte, Speaker of the Assembly Sheldon Silver, and all others deemed necessary and proper.



LEGISLATOR JOHN D. CERETTO