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

2374

2009-2010 Regular Sessions

I N S E N A T E

February 19, 2009

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to create a temporary state commission to study the safe and secure storage of guns at dealerships and providing for the repeal of such provisions upon expiration thereof

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

Section 1. A temporary state commission, to be known as the temporary state commission on the safe and secure storage of guns at dealerships, is hereby created to make a complete study and investigation of the problems associated with maintaining safety and security of guns that are stored and displayed at licensed dealerships.

S 2. a. Such commission shall consist of a total of seven members appointed by the governor. Two such appointments shall be upon recommendation of the temporary president of the senate, two such appointments shall be upon recommendation of the speaker of the assembly, one such appointment shall be upon recommendation of the minority leader of the senate, and one such appointment shall be upon recommendation of the minority leader of the assembly. The remaining appointment shall be made by the governor and shall be the chair of the commission. Four members of the commission shall constitute a quorum for the transaction of any business of the commission.

b. No member, officer or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

S 3. The office of homeland security shall provide the commission such facilities and assistance as will enable the commission to carry out its powers and duties. Additionally, all other departments or agencies of the state or subdivisions thereof shall, at the request of the chair,

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

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provide the commission such facilities, assistance, and data as will enable the commission to carry out its powers and duties.

S 4. The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

S 5. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of its functions and fix their compensation within the amounts made available by appropriation therefor. The commission may meet and hold public and/or private hearings within or without the state, and shall have all the powers of a legislative committee pursuant to the legislative law.

S 6. For the accomplishment of its purposes, the commission shall be authorized and empowered to undertake any studies, inquiries, surveys or analyses it may deem relevant through its own personnel or in cooperation with or by agreement with any other public or private agency.

S 7. a. The commission shall make a report of its findings including detailing the problems associated with the safe and secure storage and display of guns and ammunition in licensed dealerships; and possible solutions for the problem of licensed gun dealerships inadvertent loss of guns and ammunition through robbery or theft of inventory including, but not limited to, the feasibility of requiring secure storage facilities, the feasibility of immediate reporting requirements beyond local law enforcement, and the feasibility of continued tracking of such weapons and ammunition.

b. The commission shall submit such report developed by it, including any recommendations for legislative action as it may deem necessary and appropriate, to the governor, the temporary president of the senate and the speaker of the assembly no later than June 30, 2010.

S 8. This act shall take effect immediately and shall continue in full force and effect until December 31, 2010 when upon such date the provisions of this act shall expire and be deemed repealed.