NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 19, 1999

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

Please join me in reciting the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT MEIER: The invocation will be given by the Reverend Dr. Evelyn John, Pastor of the New Life Center of Truth in Brooklyn.

REVEREND JOHN: I know that there is only one presence and one power in the midst of us, and that is the presence and power of God. Almighty and ever-living God, we come before Thy presence and Thy power this day, praising and thanking You for all the blessings we have received since last we met.

We acknowledge You as the head of our lives and this Senate. We are grateful for these elected members who have come together to serve and build this nation. Grant unto them Your divine wisdom, intelligence and understanding, to bless, to guide, to heal and to prosper this nation.

Let love, peace, order, harmony and cooperation be established here and now. Let all their deliberations be done in a positive and constructive way for the good of all.

Bless this Senate and all the elected members here. Guide, guard, and protect them from all dangers, seen and unseen. Your continued blessings upon the President, the Governor, the Speaker, and all those who are in authority.

We ask all these blessings in the name and through the power of Jesus Christ, and we give thanks that You hear and answer all our prayers. Let Your light so shine before men that they may see Your good works and glorify Your Father, which is in Heaven.

And together we say amen. Amen.

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Friday, April 16, the Senate met pursuant to adjournment. The Journal of Thursday, April 15, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MEIER: Hearing

no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, I have a number of amendments to be offered to third reading on the following calendar bills. And I'll read each of those to you.

The first one, on behalf of Senator Marcellino, page 7, Calendar 130, Senate Print Number 821A.

On behalf of Senator Bonacic, page 11, Calendar Number 261, Senate Print 2324A.

On behalf of Senator Kuhl, page 15, Calendar Number 341, Senate Print Number 3187.

On behalf of Senator Lack, page 15, Calendar Number 346, Senate Print Number 3393.

On behalf of Senator Wright, page

18, Calendar Number 389, Senate Print Number 3612.

On behalf of Senator Padavan, page 27, Calendar Number 509, Senate Print 2440.

On behalf of Senator Bonacic, page 27, Calendar Number 512, Senate Print 3793.

And, Mr. President, the last one will be on behalf of Senator Velella, page number 29, Calendar Number 329, Senate Print Number 2879.

And, Mr. President, I now move that these bills retain their place on the order of third reading.

ACTING PRESIDENT MEIER: The amendments are received and the bills will retain their place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a privilege resolution at the desk by Senator McGee. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the title.

THE SECRETARY: By Senator McGee, Legislative Resolution Number 1038, calling upon the Governor to declare Tuesday, April 20, 1999, as Forestry Awareness Day in the State of New York.

ACTING PRESIDENT MEIER: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution passes.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a privilege resolution at the desk by Senator Volker. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the title.

THE SECRETARY: By Senator Volker, Legislative Resolution Number 1034, paying tribute to Mrs. Constance B. Eve upon

the occasion of her designation for special honor by the Western New York Region of the National Conference for Community and Justice, at its 46th Annual Citation Banquet on April 20, 1999.

ACTING PRESIDENT MEIER: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the noncontroversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 263, by Senator Johnson, Senate Print 2788, an act to amend the Vehicle and Traffic Law, in relation to motorcycle accident reporting.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 276, by Senator Bonacic, Senate Print 2886, an act to amend the Tax Law, in relation to the imposition of additional taxes in the County of Ulster.

ACTING PRESIDENT MEIER: Read the last -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 367, by Senator Skelos, Senate Print 3066, an act to amend the Real Property Tax Law, in relation to Assessment Review Commission in the County of Nassau.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 424, by Senator McGee, Senate Print 2874, an act to amend the Penal Law, in relation to lawful possession of weapons by persons 11 years of age.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 449, by Senator Padavan, Senate Print 3651, an act to amend the Real Property Tax Law -

SENATOR KUHL: Lay the bill aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 457, by Senator Libous, Senate Print 2097, an act to amend the Education Law, in relation to providing for certification of podiatrists as acupuncturists.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 470, by Senator Rath, Senate Print 3266, an act making certain findings and determinations with respect to certain bond anticipation notes.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section -

ACTING PRESIDENT MEIER: There is a home rule message at the desk.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 474, by Senator Kuhl, Senate Print 2558, an act to amend the Vehicle and Traffic Law, in relation to appropriate reduced speeds.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

476, by Senator Marcellino, Senate Print 3616, an act to amend the Vehicle and Traffic Law, in relation to increasing penalties.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 516, by Senator Johnson, Senate Print 762, an act to amend the State Finance Law, in relation to allocations from the State Police Motor Vehicle Enforcement Account.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 558, by Senator Waldon, Senate Print 3502, an act to amend the Criminal Procedure Law, in relation to misdemeanor complaints.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 564, by Senator Trunzo, Senate Print 4203, an act to amend the Highway Law, in relation to the power of the Commissioner of Transportation.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 565, by Senator Trunzo, Senate Print 4247, an act to amend the Vehicle and Traffic Law, in relation to authorized emergency vehicles.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 566, by Senator Trunzo, Senate Print 4248, an act to amend the Vehicle and Traffic Law, in

relation to the use of radar and laser detectors.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 567, by Senator Trunzo, Senate Print 4249, an act to amend the Vehicle and Traffic Law, in relation to disregarding a lawful order.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 569, by Senator Trunzo, Senate Print 4251, an act to amend the Vehicle and Traffic Law, in relation to special hauling permits.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Farley.

SENATOR FARLEY: Yeah, could we lay aside -- I had a question I wanted to ask Senator Trunzo on -- reconsider the vote on 567, Calendar 567, in regard to fleeing.

ACTING PRESIDENT MEIER: Okay -

SENATOR FARLEY: It just passed. If we could reconsider the vote. I could

probably talk to him, but -

ACTING PRESIDENT MEIER: Okay. The Secretary will return to Calendar Number 567.

THE SECRETARY: Calendar Number 567, by Senator Trunzo, Senate Print 4249, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill will be laid aside.

THE SECRETARY: Calendar Number 570, by Senator Trunzo, Senate Print 4406, an act to amend the Vehicle and Traffic Law in relation to drivers' schools.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 60th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 572, by Senator Trunzo, Senate Print 4409, an act to amend the Vehicle and Traffic Law, in relation to dimensions and weights of vehicles.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 573, by Senator Trunzo, Senate Print 4412, an act to amend the Vehicle and Traffic Law, in relation to permissive revocation of a driver's license.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: I'm going to withdraw my objection to -- where are we at?

ACTING PRESIDENT MEIER: Senator, can we wait just a minute? We're finishing a roll call and -

SENATOR FARLEY: Well, let's do the roll call.

ACTING PRESIDENT MEIER: Announce the results.

THE SECRETARY: Ayes, 50. Nays, 2. Senators Duane and Schneiderman recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I'd like to withdraw my objection

to 567, Senate 4249. I was concerned about somebody that was pulled over in an unmarked car that wasn't conspicuously -- with no lights and so forth -- a woman, particularly, that might be concerned and try to evade the police officer.

It is taken care of in the bill, so I withdraw my objection.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 567.

THE SECRETARY: Calendar Number 567, by Senator Trunzo, Senate Print 4249, an act to amend the Vehicle and Traffic Law, in relation to disregarding a lawful order.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day -

SENATOR KUHL: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

Senator Skelos, that completes the reading of the noncontroversial calendar.

SENATOR SKELOS: Can we go to the controversial calendar, please.

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 276, by Senator Bonacic, Senate Print 2886, an act to amend the Tax Law in relation to the imposition of additional taxes in the County of Ulster.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Through you, Mr. President, may I ask the sponsor a question?

SENATOR BONACIC: Yes.

ACTING PRESIDENT MEIER: Senator Bonacic, do you yield to a question from Senator Breslin?

SENATOR BONACIC: Absolutely.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR BRESLIN: Senator Bonacic, is this bill accompanied by a home rule message?

SENATOR BONACIC: It is. It was passed on March 12, 1999, by the Ulster County

Legislature, a home rule request for an extension of a sales tax of 3/4 of a percent, which expires on November 30, 1999. It takes it for two years.

SENATOR BRESLIN: Thank you very much, Senator.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50. Nays, 2. Senators Dollinger and Gentile recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 424, by Senator McGee, Senate Print 2874, an act to amend the Penal Law, in relation to lawful possession of weapons.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT MEIER: Senator McGee, an explanation has been requested by Senator Paterson of Calendar Number 424.

SENATOR McGEE: Thank you, Mr. President.

This bill was introduced at the request of the Boy Scouts of America. The bill is limited -- does not allow an 11-year-old to possess any rifle or shotgun, but limits that to a single-shot .22 caliber rifle. The bill does not allow possession at any kind of a shooting -- any particular shooting range, but is limited to those that adhere to a strict layout and operating standards established by the National Council of the Boy Scouts of America.

The particulars about the specific shooting ranges regards backstops, firing ranges, firing lanes, and equipment storage and a limit of no less than eight shooters supervised by one instructor, among other standards.

And unlike the current law -- the current law says that an untrained parent or guardian could do supervision. This one says,

unlike it, an untrained parent or guardian may not provide supervision. Rather, supervision and instruction is limited to only certain adults who are certified by the military, the NRA, or Boy Scouts as a rifle instructor.

It amends the -- it amends the Section 265.2 of the Penal Law by adding a new paragraph, 7(c), thereby allowing a person 11 years of age to possess, load, and fire a single-shot .22 caliber rifle at a shooting range, the layout and operation of which conform to the guidelines and operating standards established by the National Council of the Boy Scouts of America, when under the immediate supervision and instruction of certain certified instructors.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator McGee would yield for a couple of questions.

SENATOR McGEE: Certainly.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: Senator, you

actually answered one of my questions. Because I had a concern that the parent or guardian would be untrained and then providing supervision to a minor who is also untrained, and therefore there's a limitation on how much training or lack of such would actually be at issue here and whether or not there could be proper supervision.

So I want to commend you for changing the legislation from the way it existed.

And then to go on, Mr. President, to ask Senator McGee, are there any -- what are the restrictions in the actual places where the training can occur?

ACTING PRESIDENT MEIER: Senator McGee, do you continue to yield?

SENATOR McGEE: Yes, I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR McGEE: Thank you, Mr. President.

The restrictions are the specific manner in which the backstops are put in, the firing lanes, the equipment storage, and a

limit of no more than eight shooters supervised by one instructor. Those are some very strict guidelines on the shooting range.

SENATOR PATERSON: If Senator McGee would continue to yield.

ACTING PRESIDENT MEIER: Do you continue to yield?

SENATOR McGEE: Of course.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: The standard for how many instructors can be present per trainees, 1 to 8, certainly is closer to the type of regular training that exists for adults. But when you have young people as young as 11 years old, do you think that that creates a situation where one human being can't always keep an eye on eight individuals who are armed with a weapon at their -- at their age?

SENATOR McGEE: If you'll permit me.

I do not know what the present standards are for any adult supervised firing range. But I believe that the no more than

eight on this particular one, with instructors who have been trained by the NRA and the military or a Boy Scouts rifle instructor, are -- they're a -- an adequate number and an appropriate number.

SENATOR PATERSON: Thank you, Mr. President.

Thanks, Senator McGee, for that answer. And if the Senator would continue to yield.

ACTING PRESIDENT MEIER: Senator, do you continue to yield?

SENATOR McGEE: Of course. Of course.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: I believe I wasn't clear enough, Senator. What I was really trying to say is I understand is that they're restricting it to eight. But this is a standard that is more commonly used with adults.

And I was just saying that when it came to those of age 11, who are approximately in the sixth grade, what I'm just saying is

that is that -- do you think that that is the right ratio?

Because it's not exactly always the amount of training that the supervisor has, but if it's that if they are in any ways distracted by an individual situation, it's just that one human being cannot always be that mindful of what seven other human beings are doing.

SENATOR McGEE: Thank you, Senator Paterson.

Yes, I do believe so. This was, as I say, at the request of the Boy Scouts of America. Again, under very close training, very strict guidelines.

So yes, I think the number of eight -- you have to remember, these are trained individuals watching very carefully.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. And it was very gracious of Senator McGee to answer my questions.

On the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator

Paterson on the bill.

SENATOR PATERSON: I'm greatly relieved to see the corrections that Senator McGee has made in this bill, such that from here on in, only those with the proper training will be allowed to supervise the young people who at age 11 will be accorded the opportunity to learn how to use a firearm.

I'm still a little bit concerned about the ratio of 1 to 8 as the proper supervision mechanism. I'm going to check that out. I'm going to vote against the bill for now, but I will look into it. Senator McGee very much may be right.

I would like to tell you, Mr. President, as I told Senator Volker in committee some years ago, that on November 29, 1968, when I was 14 years of age and it was my brother's 11th birthday, I remember the BB gun he got for his birthday and how he shot me with it ten minutes later. I've never quite gotten over it.

Thank you.

ACTING PRESIDENT MEIER: Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

Good for Danny.

(Laughter.)

SENATOR SMITH: Would the sponsor yield for a question, please.

ACTING PRESIDENT MEIER: Senator McGee, do you yield?

SENATOR McGEE: Yes, of course.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SMITH: Thank you.

Is there any waivers involved? Would the parents have to sign a waiver prior to the child being involved in the shooting practice or whatever?

SENATOR McGEE: Well, as with any type of activity in the Boy Scouts, or any organization of that manner, there is a permission signed by the parents.

SENATOR SMITH: There would be a permission slip. But are they signing waivers?

SENATOR McGEE: Waivers towards what?

SENATOR SMITH: For insurance purposes, or waivers if their child should become hurt while engaging in this shooting.

SENATOR McGEE: My counsel on my left tells me that you cannot waive a child's rights.

SENATOR SMITH: I couldn't hear you.

SENATOR McGEE: My counsel on my left tells me that you cannot waive a child's rights.

SENATOR SMITH: Thank you, Senator Marcellino.

Also, in how many other states are the Boy Scouts utilizing this type of program?

ACTING PRESIDENT MEIER: Senator McGee, do you yield to the question?

SENATOR McGEE: Yes. Yes, I do. Thank you.

And I don't have that information, but I'd be more than happy to find it out for you and give it to you at a later date.

SENATOR SMITH: Thank you.

SENATOR McGEE: You're welcome.

SENATOR SMITH: On the bill.

ACTING PRESIDENT MEIER: Senator Smith on the bill.

SENATOR SMITH: Since the Boy Scouts of America has requested this, I will vote in favor of it. But I still have reservations as to whether it is still safe for our young people.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: Mr. Chairman, will the distinguished Senator yield for a couple of questions.

ACTING PRESIDENT MEIER: Senator McGee, do you yield?

SENATOR McGEE: But of course. But of course.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LACHMAN: Even though this is being introduced by the Boy Scouts of America, is the bill applicable to the Girl Scouts of America as well?

SENATOR McGEE: Well, that certainly is a good question, Senator. I cannot give you an answer for it. But if the

Girl Scouts of America wish to do this type of bill, I would be more than happy to sponsor it for them.

SENATOR LACHMAN: So what you're saying is that all young men and young women from the age of 11 on will be able to participate in this?

SENATOR McGEE: If this -- yes. It says a person or a child.

SENATOR LACHMAN: Is there a stated goal or objective that the Boy Scouts of -- I'm sorry, Mr. President, may I continue?

ACTING PRESIDENT MEIER: Senator McGee, do you continue to yield?

SENATOR McGEE: Yes.

ACTING PRESIDENT MEIER: She yields.

SENATOR LACHMAN: Is there a stated objective or goal, Senator McGee, that the Boy Scouts of America, in their infinite wisdom, has developed for the use of firearms by children in the sixth grade, both boys and probably or possibly girls?

SENATOR McGEE: If I may.

I don't have it stated in my memo, quite honestly. But yes, I suspect that their major force behind this is to promote safe use of firearms, to promote the safety of any type of individual on a firing range, no matter what age.

Certainly an early start in the proper and safe use of firearms at 11 years of age is not uncalled for.

SENATOR LACHMAN: One final question, Mr. Chairman. Would Senator McGee yield -

ACTING PRESIDENT MEIER: Senator McGee, do you yield for another question?

SENATOR McGEE: Yes, of course I do.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR LACHMAN: What is sacrosanct about 11? Why not 10, why not 12, why not 13?

SENATOR McGEE: Well, we already have one for 12. There is already -

SENATOR LACHMAN: So this lowers it by one year.

SENATOR McGEE: Yes, it does.

And it -- but it brings it into the -- the very close supervision.

SENATOR LACHMAN: Thank you.

I'm voting against it.

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

I'd like to respond to some of the concerns that were expressed by our colleagues relative to this bill.

ACTING PRESIDENT MEIER: Senator Padavan, could I get some order first, please.

SENATOR PADAVAN: Yeah.

ACTING PRESIDENT MEIER: Can we have some order in the chamber.

Senator Padavan.

SENATOR PADAVAN: As I'm sure others in this room can attest to, I am the father of a Boy Scout. As a result of that fact, I spent time with him at Ten Mile River, which is the Boy Scout camp that serves much of the metropolitan area for the summer.

And I was with him on the firing

range where these youngsters are taught firearm safety, which I think is the most important part of the program. Before they even step up there or a rifle is put in their hands, they are given an extensive orientation on the safety involved in having a weapon, using a weapon, and in every other respect.

It is a merit badge item that a Boy Scout achieves, one of the merit badges they accumulate on the way up to, as so many of you are familiar with, Eagle Scout.

One round goes in the chamber of that rifle. It's a single-shot rifle. And when they're lying there in a prone position on the firing range, there is one instructor, as defined by this bill, but also there are all the other Scout leaders with them. So you have more than one person per eight at any given time.

And that youngster has that one .22 round in the barrel and fires it, and that's it for the moment.

In all the years that I've been familiar with that particular facility, there's never been a single incident, never.

Perfect safety record. So I think that what Senator McGee has proposed here makes a great deal of sense.

Now, Senator, your question about Girl Scouts. My daughter was a Girl Scout. They don't have this as a merit badge item. There are no firing ranges at Girl Scout camps. Totally discriminatory, but a fact.

SENATOR LACHMAN: As long as you admit it.

(Laughter.)

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 424 are Senators Duane, Kruger, Lachman, Paterson, Rosado, and Santiago. Ayes, 50. Nays, 6.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 567, by Senator Trunzo, Senate Print 4249, an act to amend the Vehicle -

SENATOR TRUNZO: Lay the bill aside.

ACTING PRESIDENT MEIER: Lay the bill aside at the request of the sponsor.

Senator Skelos, that completes the reading of the calendar.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: There is no housekeeping at the desk.

SENATOR SKELOS: There being no further business, I move we adjourn until Tuesday, April 20th, at 3:00 p.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, April 20, at 3:00 p.m.

(Whereupon, at 3:37 p.m., the Senate adjourned.)