

**THE EIGHTY-SIXTH DAY**

---

CARSON CITY (Tuesday), May 1, 2007

Senate called to order at 11:12 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father, bless, we pray, the leaders of this great State. Strengthen the courage of those who have been elected to lead us—sincere men and women who want to do right if only they can be sure what is right. Make it plain to them. And then, we ask that You will start them out on the right way for You know that many of us are hard to turn.

Save us from the folly of man-made schemes and plans. Give to us the faith and courage together to seek Your inspired plan and finding it, to propose it; knowing that when it is God inspired, You will open the way for it through all obstacles. In Your strong Name, we make these prayers.

AMEN.

Pledge of Allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Human Resources and Education, to which was referred Assembly Bill No. 575, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 353, 560, 589, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which was referred Assembly Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Government Affairs.

DEAN A. RHOADS, *Chair*

*Mr. President:*

Your Committee on Transportation and Homeland Security, to which was referred Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chair*

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press

table and allowed the use of appropriate media facilities: KTVN-TV: Sherrie Cerutti and Scott Hargrove.

Motion carried.

Senator Rhoads moved that Assembly Bill No. 462 just reported out of committee be rereferred to the Committee on Government Affairs.

Remarks by Senator Rhoads.

Motion carried.

Senator Raggio moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:17 a.m.

#### SENATE IN SESSION

At 11:25

President Krolicki presiding.

Quorum present.

Senator Raggio moved that Senate Standing Rule No. 50 be suspended which requires a one-day notice to withdraw Assembly Bill No. 515 from the Committee on Legislative Operations and Elections.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Assembly Bill No. 515 be withdrawn from the Committee on Legislative Affairs and Operations and rereferred to the Committee on Judiciary.

Motion carried.

Senator Raggio moved that Senate Standing Rule No. 50 be suspended which requires a one-day notice to withdraw Assembly Bill No. 248 from the Committee on Judiciary.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Assembly Bill No. 248 be withdrawn from the Committee on Judiciary and rereferred to the Committee on Commerce and Labor.

Remarks by Senator Raggio and Care.

Senator Care requested that his remarks be entered in the Journal.

Thank you, Mr. President. I rise in opposition to the motion. This bill falls under the purview of chapter 463 which is gaming. It was introduced on April 25, and now, it is May 1. It is scheduled for a hearing this Friday. I am not going to talk about the merits of the bill, but it is highly unusual to see a bill like this rereferred from committee where it has been resting for six days and is already scheduled for a hearing. This is the reason for my opposition. I am talking about procedure.

The first time I concentrated on this bill was last Friday when a lobbyist came to see me. I asked this person a number of questions. I took the opportunity to review the Labor Commissioner's written opinion, Judge Herndon's written order, denying and granting motions

in summary judgment on both sides, and I read the relevant case law. This bill has big problems. In light of existing case law, I have doubts about the viability of this bill.

But, I would like to talk about process. Like you, I have received hundreds of e-mails from constituents for and against, in industry and out of the industry, on this bill.

I was prepared for this hearing. I have a number of questions I want to ask. I think it is part of the process, part of the deliberations that elected representatives are supposed to go through.

I know that this motion will be approved. The bill will go to Commerce and Labor, but I have been telling my constituents since Friday that since I sit on the committee where the bill was assigned, I will take testimony, listen and be in touch with them. It does not look as if I will have the opportunity to do so. What I would like to do at this point is to be able to tell my constituents that there will be a hearing on this bill in Commerce and Labor, and that they will have the opportunity to testify on it whether they are for it or against it. I am not going to testify on the bill. I have not given it any thought, but I am wondering if I can give my constituents the commitment that this bill will have a hearing in Commerce and Labor.

Motion carried.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 1, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 23.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 23—Congratulating the Galena High School Grizzlies boys' basketball team for their 2007 Class 4A State Championship victory.

WHEREAS, The Nevada Legislature and the residents of Nevada take great pride in recognizing our schools for excellence in citizenship, academics, athletics and sportsmanship; and

WHEREAS, *Newsweek* has consistently ranked Galena High School of Reno among America's Best High Schools for their academic standing; and

WHEREAS, The members of the Galena High School Grizzlies boys' basketball team have shown themselves to be academically focused and motivated by maintaining an overall grade point average of 3.45; and

WHEREAS, Since its founding in 1992, Galena High School has won either a league, regional or state championship in every sport in which their athletes have participated and, in 2006, received the Class 4A Award of Excellence in Academics, Athletics and Citizenship from the Nevada Interscholastic Activities Association; and

WHEREAS, On February 23, 2007, the Grizzlies boys' basketball team proved their commitment to teamwork and athletic excellence by winning the 2007 Class 4A State Championship; and

WHEREAS, Entering the fourth quarter tied at 41 points each, with the lead changing hands eight times in the last quarter, the Mojave Rattlers of North Las Vegas were ahead of the Grizzlies, 51-49, with 2 minutes 38 seconds to go; and

WHEREAS, In what Galena Coach Tom Maurer called "a great chess match," and with only a little more than a minute left in the game, the Grizzlies pulled ahead with a three-pointer, winning the game at the final buzzer, 54-51; and

WHEREAS, A friend and fellow coach told Coach Maurer in the locker room, "You can write things in the sand, and that blows away, but this one's etched in stone"; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 74th Nevada Legislature and the residents of the State of Nevada commend the Galena High School Grizzlies boys' basketball team for its

academic achievements, strong sense of school pride, team spirit, commitment and determination, all of which made winning the State Championship possible; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Galena High School Principal Thomas C. Brown and to Galena Coach Tom Maurer.

Senator Townsend moved the adoption of the resolution.

Remarks by Senator Townsend.

Senator Townsend requested that his remarks be entered in the Journal.

Thank you, Mr. President. It is a great pleasure to introduce this body to some remarkable individuals. Many of you have had the good fortune to introduce many fine young people on the floor of the Senate. There are so many negative things written about young people now and unfortunately, there have been many tragedies with which we have had to deal. Today, we have a group of individuals, the Galena High Basketball team. They are here because of their championship.

It is important to identify these young men. They are good student athletes, and they are good human beings. Three of their captains for this championship team are here. One of them, Eric Maupin may be a better baseball player than he is a basketball player. His choice of schools is probably unlimited in terms of his athletic ability. He will be going on to a university that is probably a top-10 or top-20 baseball program. He will represent Nevada well.

J. D. Peters will attend the University of Nevada Reno or Vanderbilt University. There is a little competition going on between the schools.

Luke Babbitt has given a verbal commitment to a small school in the East that has a small basketball program called Ohio State. I understand they lost a player this year, and he might want to fill in for him. Congratulations to the three of you.

Their coach is Tom Maurer. He is an example of fine coaching in this State. He has brought these young people along, taught them to be student athletes. We tend to forget that the student part comes before the athlete part. These young men are fine examples, and the team deserves a great deal of credit because it is a team. They won the State championship against fine teams, particularly from southern Nevada. It requires a great team effort to do that, which comes from a good coach. Congratulations on your wonderful championship. Welcome to the Senate.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

#### SECOND READING AND AMENDMENT

Senate Bill No. 559.

Bill read second time and ordered to third reading.

Assembly Bill No. 58.

Bill read second time and ordered to third reading.

Assembly Bill No. 71.

Bill read second time and ordered to third reading.

Assembly Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 649.

"SUMMARY—Revises provisions governing the crime of luring a child. (BDR 15-956)"

"AN ACT relating to crimes; specifying that the crime of luring a child includes luring a person believed to be a child; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a person from luring a child who is less than 16 years of age and who is at least 5 years younger than the person. (NRS 201.560) This bill amends existing law to specify that a person *also* violates this provision when he knowingly contacts or communicates with or attempts to contact or communicate with someone whom he believes to be a child less than 16 years of age and at least 5 years younger than ~~the person.~~ he is with the intent to persuade or lure the person believed to be a child to engage in sexual conduct.

A violation of the amendatory provisions of this bill constitutes the crime of luring a child and is considered a "sexual offense" or "sexual offense against a child" in certain circumstances for the purposes of several provisions of existing law. Such provisions include, without limitation, provisions requiring registration of sex offenders, community notification of sex offenders, lifetime supervision of sex offenders and special restrictions and conditions concerning parole of sex offenders as well as provisions specifically authorizing disciplinary action against a teacher or other licensed employee of a school convicted of the crime of luring a child. (NRS 62C.120, 62F.100, 62H.010, 62H.220, 176.0931, 176.133, 178.5698, 179.245, 179.460, 179A.073, 179A.280, 179D.410, 179D.620, 200.366, 213.107, 213.1214, 213.1245, 213.1255, 213.1258, 391.311, 391.314, 391.330) Thus, for example, NRS 176.0931 would require a court to impose lifetime supervision upon a person convicted of luring or attempting to lure a person whom he believed to be a child ~~+~~ with the intent to persuade or lure the person believed to be a child to engage in sexual conduct. Further, NRS 213.1258 would provide that if the State Board of Parole Commissioners grants parole to a person convicted of luring or attempting to lure a person whom he believed to be a child through the use of a computer, system or network ~~+~~ with the intent to persuade or lure the person believed to be a child to engage in sexual conduct, the Board, under certain circumstances, must impose as a condition of the parole that the parolee not own or use a computer. In addition, NRS 391.330 would provide that a conviction for luring or attempting to lure a person believed to be a child with the intent to persuade or lure that person to engage in sexual conduct constitutes grounds for the State Board of Education to suspend or revoke the license of a teacher, administrator or any other licensed employee.

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

Section 1. NRS 201.560 is hereby amended to read as follows:

201.560 1. Except as otherwise provided in subsection 3, a person ~~{shall not knowingly contact or communicate with or attempt}~~ *commits the*

crime of luring a child if the person knowingly contacts or communicates with or attempts to contact or communicate with ~~[-a]~~ :

(a) A child who is less than 16 years of age and who is at least 5 years younger than the person with the intent to persuade, lure or transport the child away from his home or from any location known to his parent or guardian or other person legally responsible for the child to a place other than where the child is located, for any purpose:

~~[(a)]~~ (1) Without the express consent of the parent or guardian or other person legally responsible for the child; and

~~[(b)]~~ (2) With the intent to avoid the consent of the parent or guardian or other person legally responsible for the child ~~[-]~~ ; or

(b) *Another person whom he believes to be a child who is less than 16 years of age and ~~who is~~ at least 5 years younger than ~~him,~~ he is, regardless of the actual age of that other person, with the intent to ~~commit an act described in paragraph (a) against that other person.~~ persuade or lure the person to engage in sexual conduct.*

2. Except as otherwise provided in subsection 3, a person ~~[shall not knowingly contact or communicate]~~ commits the crime of luring a mentally ill person if he knowingly contacts or communicates with a mentally ill person with the intent to persuade, lure or transport the mentally ill person away from his home or from any location known to any person legally responsible for the mentally ill person to a place other than where the mentally ill person is located:

(a) For any purpose that a reasonable person under the circumstances would know would endanger the health, safety or welfare of the mentally ill person;

(b) Without the express consent of the person legally responsible for the mentally ill person; and

(c) With the intent to avoid the consent of the person legally responsible for the mentally ill person.

3. The provisions of this section do not apply if the contact or communication is made or attempted with the intent to prevent imminent bodily, emotional or psychological harm to the child , *person believed to be a child* or mentally ill person.

4. A person who violates or attempts to violate the provisions of this section through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child , *person believed to be a child* or mentally ill person or to cause the child , *person believed to be a child* or mentally ill person to engage in sexual conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000;

(b) By providing the child , *person believed to be a child* or mentally ill person with material that is harmful to minors or requesting the child , *person*

*believed to be a child* or mentally ill person to provide the person with material that is harmful to minors, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

5. A person who violates or attempts to violate the provisions of this section in a manner other than through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child, *person believed to be a child* or mentally ill person or to cause the child, *person believed to be a child* or mentally ill person to engage in sexual conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and may be further punished by a fine of not more than \$10,000;

(b) By providing the child, *person believed to be a child* or mentally ill person with material that is harmful to minors or requesting the child, *person believed to be a child* or mentally ill person to provide the person with material that is harmful to minors, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and may be further punished by a fine of not more than \$10,000; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

(b) "Harmful to minors" has the meaning ascribed to it in NRS 201.257.

(c) "Material" means anything that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or in any other manner.

(d) "Mentally ill person" means a person who has any mental dysfunction leading to impaired ability to maintain himself and to function effectively in his life situation without external support.

(e) "Network" has the meaning ascribed to it in NRS 205.4745.

(f) "Sexual conduct" has the meaning ascribed to it in NRS 201.520.

(g) "System" has the meaning ascribed to it in NRS 205.476.

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 282.

Bill read second time and ordered to third reading.

Assembly Bill No. 380.

Bill read second time and ordered to third reading.

Assembly Bill No. 381.  
Bill read second time and ordered to third reading.

Assembly Bill No. 534.  
Bill read second time and ordered to third reading.

Assembly Bill No. 541.  
Bill read second time and ordered to third reading.

Assembly Bill No. 552.  
Bill read second time and ordered to third reading.

## GENERAL FILE AND THIRD READING

Senate Bill No. 182.  
Bill read third time.

Roll call on Senate Bill No. 182:  
YEAS—21.  
NAYS—None.

Senate Bill No. 182 having received a constitutional majority,  
Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Senate Bill No. 187.  
Bill read third time.  
Roll call on Senate Bill No. 187:  
YEAS—21.  
NAYS—None.

Senate Bill No. 187 having received a constitutional majority,  
Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Senate Bill No. 336.  
Bill read third time.  
Roll call on Senate Bill No. 336:  
YEAS—21.  
NAYS—None.

Senate Bill No. 336 having received a constitutional majority,  
Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Senate Bill No. 339.  
Bill read third time.  
Roll call on Senate Bill No. 339:  
YEAS—21.  
NAYS—None.

Senate Bill No. 339 having received a constitutional majority,  
Mr. President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.



Senate Bill No. 340.

Bill read third time.

Roll call on Senate Bill No. 340:

YEAS—21.

NAYS—None.

Senate Bill No. 340 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 345.

Bill read third time.

Roll call on Senate Bill No. 345:

YEAS—21.

NAYS—None.

Senate Bill No. 345 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 24.

Bill read third time.

Roll call on Assembly Bill No. 24:

YEAS—21.

NAYS—None.

Assembly Bill No. 24 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 34.

Bill read third time.

Roll call on Assembly Bill No. 34:

YEAS—21.

NAYS—None.

Assembly Bill No. 34 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 37.

Bill read third time.

Roll call on Assembly Bill No. 37:

YEAS—21.

NAYS—None.

Assembly Bill No. 37 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 38.

Bill read third time.

Roll call on Assembly Bill No. 38:

YEAS—21.

NAYS—None.

Assembly Bill No. 38 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 106.

Bill read third time.

Remarks by Senators Mathews and Amodei.

Roll call on Assembly Bill No. 106:

YEAS—21.

NAYS—None.

Assembly Bill No. 106 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 179.

Bill read third time.

Remarks by Senators Titus and Amodei

Roll call on Assembly Bill No. 179:

YEAS—21.

NAYS—None.

Assembly Bill No. 179 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227.

Bill read third time.

Remarks by Senators Carlton, Amodei, Hardy and Titus.

Senator Amodei moved that Assembly Bill No. 227 be taken from the  
General File and placed on the Secretary's desk.

Remarks by Senator Amodei.

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Assembly Bills Nos. 264, 267, 286, 294, 423,  
482 be taken from the General File and placed on the General File for the  
next legislative day.

Remarks by Senator Raggio.

Motion carried.

UNFINISHED BUSINESS  
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 151.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to students, chaperones and teachers from the Kermit Roosevelt Booker Sr. Elementary School: Andres Albarran, Damarlo Berry, Ernesto Castro, Jazzmen Cooper, Antoine Dixson, Ashlee Ford, Bobby Henderson, Jalachi Jackson, Yulenny Leyva, Etna Alvarez, Latavia Brown, Guadalupe Ceja, Monica Culpepper, Darnisha Ervin, Ashton Ford, Jessie Howard, Angelica Jardine, Martin Nadalia, Tishondra Auberry, Kyle-Kendal Carden, Jawan Cole, Reinalyn DeGuzman, Miguel Escamilla, Amani Guest, Curtis Howard, Toneka Jones-Reynolds, Brandon Mathews, Dalelisha McCoy, Joceline Panaiagua, Kenneth Potter, Steven Simms, Jeron Tharpe, Daleisha McCoy, Joceline Paniagua, Kenneth Potter, Steven Simms, Jeron Tharpe, Anabel Zaragoza-Arias, Christen Harrison, Jonaris Ordinario, Dareyon Peoples, Kreesten Ramey, Austin Stepp, Irene Ugalde, Shatonna Barber, Lakissa Martin, Marco Pamplona, Terry Perkins, Jose Ramos, Christerfer Tate, London Ward, Shyanne Carter-Wade, Kiera Wright, Teresa Travis, Breana Booker, Zaneshia Fletcher, N'Donesia Williams; teachers and chaperones: Tammy Carter, Charles DeLaSalle, Achilles Musni, Karen Ramey, LaWanna Cole, Penny Howell-Fuller, Mark Norman, Eugenia Scurlock, Irene Cooks, Dr. Beverly Mathis, Amy Podoll and Regina Whitaker.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and teachers from the Caughlin Ranch Elementary School: Alexander Brill, Erin Broshan, Mahesh Challapalli, Blake Choley, Daniel Clifton, Bailey Doyle, Santino Ferrigno, Travis Fuller, Brooke Gundersen, Julian Guy, Angalique Hartley-Brown, Markisha Hibbler, Courtney Kantowski, Liam Kilroy, Rebecca Mausling, Natalie Mohun, Leslie Olivares, Anna Paterson, Kelsey Rolling, Madison Scott, Leah Thaheld, Katie Worrall, Ashley Yup, Benjamin Albrecht, Tasnim Ali, Vivianne Atencio, Taylor Brown, Jillan Cury, Caitlin Etnyre, Jacob Forshey, Rosemary Gully, Kerstin Hazelbaker, Tyler Hudson, Gina King, Travis King, Jacques Kovaltchouk, Neriah Lutes, Mads Miller, Vincent Miller, Randy Mori, Brianna Oki, Mark Padgett, Bennett Winter, Stephanie Zunini; teachers and chaperones: Rebecca Zunini, Toni King, Dana Kilroy, Dawni McGhie, Colleen Winter, Heidi Scott and Traci Gunderson.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to the following members, coaches and principal of the Galena High School Boy's Basketball Team: Tom Maurer, Luke Babbitt, JD Peters, Eric Maupin, Tristan Hill, Goose Robinson, Scott

Bristol, Brice Crook, Gabe Legorburu, Brad Bosse, John Metzger, Oscar Nunez, Victor Walker, Jake Mansfield; Assistant Coach, James Ferguson, Coach Tom Maurer and Principal Thomas C. Brown.

Senator Raggio moved that the Senate adjourn until Wednesday, May 2, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 12:09 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*