

**THE SIXTIETH DAY**

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CARSON CITY (Thursday), April 5, 2007

Senate called to order at 10:37 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

*Psalm 34:15, 17-19, 22:*

The eyes of the Lord are on the righteous, and His ears are open to their cry.

The righteous cry out, and the Lord hears and delivers them out of all their troubles.

The Lord is near to those who have a broken heart and saves such as have a contrite spirit.

Many are the afflictions of the righteous, but the Lord delivers him out of them all.

The Lord redeems the souls of His servants, and none of those who trust in Him shall be condemned.

Lord in the days ahead much work needs to be finished. Our cry, our prayer is all that needs to be accomplished will be done so, timely, kindly, to the best of our ability and would be done in such a manner as to please You and benefit the great Silver State of Nevada.

We pray this in Jesus' name.

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 Commerce and Labor, to which was referred Senate Bill No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair*

*Mr. President:*

Your Committee on Finance, to which was referred Senate Bill No. 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

*Mr. President:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 320, 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WARREN B. HARDY II, *Chair*

*Mr. President:*

Your Committee on Human Resources and Education, to which was referred Senate Bill No. 142, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAURICE E. WASHINGTON, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 155, 243, 303, 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 were referred Senate Bills Nos. 60, 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEAN A. RHOADS, *Chair*

#### WAIVERS AND EXEMPTIONS

##### NOTICE OF EXEMPTION

April 5, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 322, 372, 393, 404, 473, 528.

GARY GHIGGERI  
*Fiscal Analysis Division*

#### MOTIONS, RESOLUTIONS AND NOTICES

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Gansert, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack:

Senate Concurrent Resolution No. 21—Memorializing former Assemblyman James E. Wood.

WHEREAS, The members of the Nevada Legislature note with sadness the passing of former Assemblyman James E. Wood, who died at the age of 91 on September 27, 2005; and

WHEREAS, Born to Hyrum and Bertha Wood on August 27, 1914, James Wood was one of eight children and spent his childhood in Ryndon, Nevada, a railroad work camp located about 14 miles east of Elko, where he received his elementary education in a one-room schoolhouse; and

WHEREAS, James Wood developed his musical talent and honed his leadership abilities during his years at Elko High School, and after graduation in 1932, he married his high school sweetheart, Helen Brown, who moved with him to California where James worked as a bus driver for Pacific Greyhound Lines; and

WHEREAS, A promotion to dispatcher and later to terminal manager in Reno brought James back to Nevada where, in 1947, he purchased highway transportation rights from the Virginia & Truckee Railroad and began a bus service in Nevada that eventually grew to include charter and casino bus tours to Nevada from the San Francisco Bay Area; and

WHEREAS, While profitably engaged in running a business that benefited the economy of Nevada, James Wood also served the State as an Assemblyman for six regular and six special sessions during the years from 1953 to 1970 and used his business expertise as a member of various committees, including those dealing with transportation, aviation, banking, taxation and economic development; and

WHEREAS, Always willing to do even more for his community and Nevada, James was active in numerous clubs and organizations, including Prospectors, Toastmasters, Rotary,

Chamber of Commerce, Elks, Masonic Lodge and Navy League, among others, and was a founding member of the Reno National Air Races Committee; and

WHEREAS, A loving husband and father, James is survived by Gwen, his wife of 38 years, his brother Fred, sister Della, sons Bob and Larry, grandchildren and great-grandchildren; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That sincere condolences are extended to the family and friends of James E. Wood; and be it further

RESOLVED, That the entrepreneurial spirit and boundless energy of James Wood will be remembered with gratitude by all the residents of Nevada whose lives he touched with his friendship, leadership and dedicated service; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Gwen, the loving wife and partner of James Wood.

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

Thank you, Mr. President. I am proud to stand in support of this resolution. I am pleased we are honoring someone who served in the Nevada Legislature for over 17 years. A few of you may remember Jim Wood when he served in this Legislature. This resolution does not really do him justice. He was a unique individual.

I looked upon Assemblyman Jim Wood as a mentor. I had the privilege of serving with him and following him. Much I learned was by watching Jim Wood during those years he served. He grew up in a small town near Elko, Nevada. His Nevada roots served him well over his lifetime. He lived to be in his early nineties, and we lost him a little over a year ago. During the time he served in the Legislature, he demonstrated his ability to bring people together. He had an unusual style and had a unique ability to charm people. He could get them to work together. He conveyed that talent not only during his legislative service but also as a mover and shaker in the communities of Reno and Sparks. He was a spark plug for our community and was involved in the major developments occurring in those cities.

It is appropriate we take a moment to remember someone who gave so much service to both the legislative process and to the communities he served. He made the community he lived in a far better place for all of us. I ask the Senate to join with me as we memorialize a unique individual.

Resolution adopted.

Senator Raggio moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 21 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

Senator Amodei moved that Senate Bill No. 48 be taken from the Secretary's desk and placed on the Second Reading File for the next legislative day.

Remarks by Senator Amodei.

Motion carried.

Senator Care moved that Senate Bill No. 93 be taken from the Secretary's desk and placed on the General File for the next legislative day.

Remarks by Senator Care.

Motion carried

## SECOND READING AND AMENDMENT

Senate Bill No. 16.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 36.

"SUMMARY—Revises the provisions pertaining to ~~the deposit of money with a court in an action in~~ eminent domain. (BDR 3-121)"

"AN ACT relating to eminent domain; revising the provisions pertaining to the deposit of money with a court in an action in eminent domain; *revising the provisions pertaining to the date of valuation of property in an action in eminent domain*; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that when money is deposited in any court and payment is not required for 90 days or more, the money may be commingled with other deposits and invested, and the interest earned is deposited with the general fund of the political subdivision or municipality which supports the court. (NRS 355.210) ~~(This)~~ *Section 1 of this bill* provides that when money is deposited in an action in eminent domain, the money must be deposited in a separate account and the owner of the property is entitled to some or all of the interest earned, depending upon the amount of compensation awarded to the owner as compared to the amount of money deposited.

*Existing law provides that the date of valuation of property in an action in eminent domain is the date of the first service of summons. However, if the action is not tried within 2 years after that date and the delay is caused primarily by the plaintiff or congestion in the court calendar, the date of valuation is the date of the commencement of the trial. (NRS 37.120) Section 1.5 of this bill requires the property owner to select as the date of valuation of the property the date the complaint is filed, the date of the commencement of the trial or the date of the commencement of a retrial.*

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

Section 1. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

*The interest earned from any investment of money that has been deposited in any court pursuant to this chapter must be distributed in the following manner:*

1. *If the amount of the compensation awarded upon final judgment, not including any interest upon the judgment, is equal to or greater than the amount of money deposited in the court, the defendant is entitled to receive all the interest earned.*

2. *If the amount of the compensation awarded upon final judgment, not including any interest upon the judgment, is less than the amount of money deposited in the court:*

(a) *The defendant is entitled to receive a percentage of the interest earned that represents the amount of money deposited in the court as compared to*

the amount of the compensation awarded upon final judgment, not including any interest upon the judgment.

(b) ~~{Any}~~ The plaintiff is entitled to receive any interest remaining following the distribution to the defendant pursuant to paragraph (a). ~~{must be deposited to the credit of the general fund of the political subdivision or municipality which supports the court, as provided in NRS 355.210.}~~

Sec. 1.5. NRS 37.120 is hereby amended to read as follows:

37.120 ~~{H}~~ To assess compensation and damages as provided in NRS 37.110, the ~~{date of the first service of the summons is}~~ value of the property on the date of valuation ~~{, except that, if the action is not tried within 2 years after the date of the first service of the summons, and the court makes a written finding that the delay is caused primarily by the plaintiff or is caused by congestion or backlog in the calendar of the court, the date of valuation is the date of the actual commencement of the trial. If a new trial is ordered by a court, the date of valuation used in the new trial must be the date of valuation used in the original trial.}~~

~~2.—No improvements put upon the property after the date of the service of the summons may be included in the assessment of compensation or damages, regardless of the date of valuation.~~

~~3.—As used in this section, “primarily” means the greater amount, quantity or quality of acts of the plaintiff or the defendant or, if there is more than one defendant, the total delay caused by all the defendants, that would cause the date of the trial to be continued past 2 years after the date of the first service of the summons.}~~ must be determined. The owner of the property shall select one of the following dates as the date of valuation:

1. The date the complaint is filed.

2. The date of the actual commencement of the trial.

3. If a new trial is ordered by a court, the date of the actual commencement of the new trial.

Sec. 2. NRS 355.210 is hereby amended to read as follows:

355.210 1. ~~{When}~~ Except as otherwise provided in subsection 2, when any money has been deposited in any court pursuant to law or rule of court, and when in the judgment of the clerk of the court, or the judge thereof if there is no clerk, payment out of the deposit will not be required for 90 days or more, the clerk or the judge, as the case may be, may invest the money so deposited, either alone or by commingling it with other money deposited.

2. If money has been deposited in any court pursuant to chapter 37 of NRS, the money must be kept in a separate account and invested.

3. The investment may be made:

(a) By deposit at interest in a state or national bank or credit union in the State of Nevada; or

(b) In bills, bonds, debentures, notes or other securities whose purchase by a board of county commissioners is authorized by NRS 355.170.

~~{3.—The}~~

4. *Except as otherwise provided in section 1 of this act, the interest earned from any investment of money pursuant to this section ~~shall~~ must be deposited to the credit of the general fund of the political subdivision or municipality which supports the court.*

~~4.~~ 5. *The requirements of this section may be modified by an ordinance adopted pursuant to the provisions of NRS 244.207 ~~+~~, except the requirements of subsection 2.*

Sec. 3. *The amendatory provisions of this act apply to an action in eminent domain that is filed on or after October 1, 2007.*

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 59.

"SUMMARY—Revises the provisions governing the early release of prisoners from county or city jails to relieve overcrowding. (BDR 16-362)"

"AN ACT relating to local facilities for detention; revising the provisions governing the early release of prisoners from county or city jails to relieve overcrowding; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the chief judge of a judicial district to grant authority to the sheriff or other officer in charge of a jail to release certain prisoners when the number of prisoners exceeds the number of beds available in the jail. (NRS 211.240) This bill changes the standard from the number of beds available in the jail to the operational capacity of the jail.

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

Section 1. NRS 211.240 is hereby amended to read as follows:

211.240 1. Except as otherwise provided in subsection 2, the sheriff with respect to a county jail, or the officer in charge with respect to a city jail, may apply to the chief judge of the judicial district for authority to release prisoners pursuant to the provisions of this section. After considering the application, the chief judge may enter an order consistent with the provisions of this section granting authority to release prisoners in the manner set forth in the order. The duration of this authority, if granted, must not exceed 30 days.

2. In a county in which there is not a city jail, the sheriff may apply to the chief judge of the judicial district for authority to release prisoners pursuant to the provisions of this section. Upon receipt of such an application, the chief judge shall consult with a justice of the peace designated by the justices of the peace for the county and a judge designated by the municipal courts

for the county. After the consultation, the chief judge may enter an order consistent with the provisions of this section granting authority to release prisoners in the manner set forth in the order. The duration of this authority, if granted, must not exceed 30 days.

3. At any time within the duration of an authority granted when the number of prisoners exceeds the ~~[number of beds available in]~~ *operational capacity* of the jail, the sheriff or other officer in charge may release the lesser of:

- (a) The number of prisoners eligible under this section; or
- (b) The difference between the number of prisoners and the ~~[number of beds]~~ *operational capacity of the jail*.

4. A prisoner is eligible for release only if:

- (a) He has served at least 75 percent of his sentence;
- (b) He is not serving a sentence for a crime for which a mandatory sentence is required by statute;
- (c) He is not serving a sentence for a crime which involved an act of violence; and
- (d) He does not pose a danger to the community.

5. Among prisoners eligible, priority must be given to those whose expiration of sentence or other release is closest.

6. A prisoner released pursuant to this section may be required to remain on residential confinement for the remainder of his sentence or may be required to participate in another alternative program of supervision.

7. As used in this section, "operational capacity" means the number of prisoners that may be safely housed in a jail in compliance with the regulations governing the sanitation, healthfulness, cleanliness and safety of the jail that are adopted by the State Board of Health pursuant to NRS 444.335.

Sec. 2. This act becomes effective upon passage and approval.

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 3.

~~"SUMMARY—[Makes various changes]~~ Revises the provisions concerning the detention of certain delinquent children who violate parole. (BDR 5-597)"

"AN ACT relating to juvenile justice; authorizing a juvenile court to order a delinquent child *who is at least 18 years of age but less than 21 years of age and* who violates his parole to be placed in a ~~state facility for the~~

~~detention of children or a~~ county jail in certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes a juvenile court to order certain delinquent children who violate a condition of their probation to be placed, depending upon the age of the child, in a facility for the detention of children or in a county jail. (NRS 62E.710) This bill ~~similarly~~ authorizes a juvenile court to order a delinquent child who is at least 18 years of age but less than 21 years of age and who has been released on parole to be placed in a ~~facility for the detention of children or in a~~ county jail if the child violates a condition of his parole.

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

Section 1. NRS 62E.710 is hereby amended to read as follows:

62E.710 The juvenile court may order any child who is:

1. Less than 18 years of age and who has been adjudicated delinquent and placed on probation by the juvenile court ~~for who has been released on parole~~ to be placed in a facility for the detention of children for not more than 30 days for the violation of probation ~~for parole.~~

2. At least 18 years of age but less than 21 years of age and who has been placed on probation by the juvenile court *or who has been released on parole* to be placed in a county jail for the violation of probation ~~or~~ *or parole.*

Sec. 2. This act becomes effective on July 1, 2007.

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 15.

"SUMMARY—Revises certain provisions relating to the admissibility of certain affidavits and declarations in certain proceedings. (BDR 4-507)"

"AN ACT relating to crimes; providing that certain witnesses may testify by simultaneous audiovisual transmission in certain circumstances; providing that certain affidavits and declarations are admissible in certain criminal proceedings; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Before 2005, NRS 50.315 and 50.320 allowed affidavits and declarations of certain persons to be admitted as evidence during any criminal or administrative proceeding, including a trial, to prove certain facts relating to the testing of the blood, breath or urine of an accused to determine the presence or concentration of alcohol or certain other substances. During the 2005 Legislative Session, those provisions were amended so that such



affidavits and declarations could only be used during a hearing before a grand jury or a preliminary hearing. (Chapter 443, Statutes of Nevada 2005, p. 2044) Those amendments were made in response to an opinion of the Nevada Supreme Court in 2004 which held that the affidavit of the nurse who withdrew the blood of a defendant accused of driving a vehicle while under the influence of alcohol was inadmissible at trial unless the defendant had an opportunity to cross-examine the person providing the testimony as required by the Sixth Amendment to the U.S. Constitution. (*City of Las Vegas v. Walsh*, 120 Nev. Adv. Op. 44, 91 P.3d 591, 596 (2004)) In December of 2005, the Nevada Supreme Court withdrew its opinion in *City of Las Vegas* and instead held that NRS 50.315 as it existed before its decision in *City of Las Vegas* was not unconstitutional and adequately preserved the rights of an accused under the constitution. (*City of Las Vegas v. Walsh*, 121 Nev. Adv. Op. 85, 124 P.3d 203, 209 (2005)) Although the Court agreed that the evidence is testimonial, the statute allowed for the court to order the witness to testify in court in certain circumstances. Accordingly, such evidence may be made admissible during other criminal and administrative proceedings if authorized by statute.

Sections 2 and 3 of this bill amend NRS 50.315 and 50.320 to return the language of those sections to that which existed before 2005. Sections 2 and 3 provide that the affidavits and declarations referred to in those sections in certain circumstances may be admitted into evidence during any criminal proceeding, including a trial. Section 4 of this bill provides the procedure for having such affidavits and declarations admitted into evidence at trial and the notice that must be provided to the defense in such circumstances. Section 1 of this bill adds a new provision allowing the affiant or declarant to testify by audiovisual transmission when testimony is required to admit the affidavit or declaration.

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

Section 1. Chapter 50 of NRS is hereby amended by adding thereto a new section to read as follows:

*Any testimony given pursuant to NRS 50.315 or 50.320 may be given by means of simultaneous audiovisual transmission accomplished through the use of:*

1. *One or more cameras at a location other than the courtroom that depict the witness in real time so that the defendant, the defendant's counsel, the prosecutor, the court and the jury, if any, can see the witness in his entirety; and*

2. *One or more cameras in the courtroom that depict the defendant, the defendant's counsel, the prosecutor, the court and the jury, if any, in real time on a screen visible to the witness who is at another location.*

Sec. 2. NRS 50.315 is hereby amended to read as follows:

50.315 1. ~~The~~ *Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person is admissible in evidence in any*

~~{grand jury hearing, preliminary hearing}~~ *criminal* or administrative proceeding to prove:

(a) That the affiant or declarant has been certified by the Director of the Department of Public Safety as being competent to operate devices of a type certified by the Committee on Testing for Intoxication as accurate and reliable for testing a person's breath to determine the concentration of alcohol in his breath;

(b) The identity of a person from whom the affiant or declarant obtained a sample of breath; and

(c) That the affiant or declarant tested the sample using a device of a type so certified and that the device was functioning properly.

2. ~~{The}~~ *Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who prepared a chemical solution or gas that has been used in calibrating a device for testing another's breath to determine the concentration of alcohol in his breath is admissible in evidence in any ~~{grand jury hearing, preliminary hearing}~~ *criminal* or administrative proceeding to prove:*

(a) The occupation of the affiant or declarant; and

(b) That the solution or gas has the chemical composition necessary for accurately calibrating it.

3. ~~{The}~~ *Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who calibrates a device for testing another's breath to determine the concentration of alcohol in his breath is admissible in evidence in any ~~{grand jury hearing, preliminary hearing}~~ *criminal* or administrative proceeding to prove:*

(a) The occupation of the affiant or declarant;

(b) That on a specified date the affiant or declarant calibrated the device at a named law enforcement agency by using the procedures and equipment prescribed in the regulations of the Committee on Testing for Intoxication;

(c) That the calibration was performed within the period required by the Committee's regulations; and

(d) Upon completing the calibration of the device, it was operating properly.

4. ~~{The}~~ *Except as otherwise provided in subsections 6 and 7, the affidavit or declaration made under the penalty of perjury of a person who withdraws a sample of blood from another for analysis by an expert as set forth in NRS 50.320 is admissible in any ~~{grand jury hearing, preliminary hearing}~~ *criminal* or administrative proceeding to prove:*

(a) The occupation of the affiant or declarant;

(b) The identity of the person from whom the affiant or declarant withdrew the sample;

(c) The fact that the affiant or declarant kept the sample in his sole custody or control and in substantially the same condition as when he first obtained it until delivering it to another; and

(d) The identity of the person to whom the affiant or declarant delivered it.

5. ~~The~~ Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who receives from another a sample of blood or urine or other tangible evidence that is alleged to contain alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance may be admitted in any ~~grand jury hearing, preliminary hearing~~ criminal or civil or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;  
 (b) The fact that the affiant or declarant received a sample or other evidence from another person and kept it in his sole custody or control in substantially the same condition as when he first received it until delivering it to another; and

(c) The identity of the person to whom the affiant or declarant delivered it.

6. If, at or before the time of trial, the defendant establishes that:

(a) There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and

(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined,

→ the court may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit or declaration described in this section. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify to any information contained in the affidavit or declaration.

8. The Committee on Testing for Intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 3. NRS 50.320 is hereby amended to read as follows:

50.320 1. The affidavit or declaration of a chemist and any other person who has qualified in the district court of any county to testify as an expert witness regarding the presence in the breath, blood or urine of a person of alcohol, a controlled substance, or a chemical, poison, organic solvent or another prohibited substance, or the identity or quantity of a controlled substance alleged to have been in the possession of a person, which is submitted to prove:

(a) The quantity of the purported controlled substance; or  
 (b) The concentration of alcohol or the presence or absence of a controlled substance, chemical, poison, organic solvent or another prohibited substance, as the case may be,

→ is admissible in the manner provided in this section.

2. An affidavit or declaration which is submitted to prove any fact set forth in subsection 1 must be admitted into evidence when submitted during

any administrative proceeding, preliminary hearing or hearing before a grand jury. The court shall not sustain any objection to the admission of such an affidavit or declaration.

3. *The defendant may object in writing to admitting into evidence an affidavit or declaration submitted to prove any fact set forth in subsection 1 during his trial. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecuting attorney may cause the person to testify to any information contained in the affidavit or declaration.*

4. The Committee on Testing for Intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 4. NRS 50.325 is hereby amended to read as follows:

50.325 1. If a person is charged with an offense listed in subsection 4, and it is necessary to prove:

(a) The existence of any alcohol;  
 (b) The quantity of a controlled substance; or  
 (c) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance,  
 → the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 and 50.320 be admitted into evidence at the preliminary hearing, ~~or~~ hearing before a grand jury or trial concerning the offense. *Except as otherwise provided in NRS 50.315 and 50.320, the affidavit or declaration must be admitted into evidence at the trial.*

2. ~~The~~ *If the request is to have the affidavit or declaration admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit or declaration must be admitted into evidence upon submission. If the request is to have the affidavit or declaration admitted into evidence at trial, the request must be:*

(a) *Made at least 10 days before the date set for the trial;*  
 (b) *Sent to the defendant's counsel and to the defendant, by registered or certified mail by the prosecuting attorney; and*  
 (c) *Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.*

3. The provisions of this section do not prohibit either party from producing any witness to offer testimony at ~~a preliminary hearing or hearing before a grand jury.~~ *trial.*

4. The provisions of this section apply to any of the following offenses:

(a) An offense punishable pursuant to NRS 202.257, 455A.170, 455B.080, 493.130 or 639.283.

(b) An offense punishable pursuant to chapter 453, 484 or 488 of NRS.

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from

any other conduct prohibited by NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425.

(d) Any other offense for which it is necessary to prove, as an element of the offense:

- (1) The existence of any alcohol;
- (2) The quantity of a controlled substance; or
- (3) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

*Sec. 5. This act becomes effective upon passage and approval.*

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 40.

Bill read second time and ordered to third reading.

Senate Bill No. 133.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 62.

"SUMMARY—Enacts provisions pertaining to civil actions involving liquefied petroleum gas. (BDR 3-77)"

"AN ACT relating to liquefied petroleum gas; providing an affirmative defense to liability for persons or entities dealing in liquefied petroleum gas under certain circumstances; ~~establishing a rebuttable presumption concerning compliance with standards and procedures regarding liquefied petroleum gas;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill provides an affirmative defense to liability for persons or entities dealing in liquefied petroleum gas if the liquefied petroleum gas system which caused the damage was altered or modified by the retail end-user without the consent or knowledge of the person or entity dealing in the liquefied petroleum gas product or if the liquefied petroleum gas system was used by the retail end-user in a manner or for a purpose other than that for which it was intended. ~~(This bill also establishes a rebuttable presumption that a licensed person or entity has followed all applicable standards and procedures established by the Board for the Regulation of Liquefied Petroleum Gas.)~~

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In any action for damages for personal injury, death or property damage in which a seller, supplier, installer, handler or transporter of*

liquefied petroleum gas is named as a defendant, it is an affirmative defense to liability that:

(a) The liquefied petroleum gas system which caused the damage was altered or modified by the retail end-user without the consent or knowledge of the seller, supplier, installer, handler or transporter; or

(b) The liquefied petroleum gas system was used by the retail end-user in a manner or for a purpose other than that for which it was intended.

2. ~~There is a rebuttable presumption that if a seller, supplier, installer, handler or transporter of liquefied petroleum gas or a liquefied petroleum gas system is licensed in accordance with the provisions of NRS 590.465 to 590.645, inclusive, the Nevada Liquefied Petroleum Gas Act, the seller, supplier, installer, handler or transporter has followed all applicable standards and procedures established by the Board for the Regulation of Liquefied Petroleum Gas.~~

~~3.~~ As used in this section:

(a) "Liquefied petroleum gas" has the meaning ascribed to it in NRS 590.475.

(b) "Liquefied petroleum gas system" includes, without limitation, any containers, valves, pressure regulators, piping, controls, venting systems and other equipment and appliances.

(c) "Retail end-user" means any person or entity, other than a seller, supplier, installer, handler or transporter of liquefied petroleum gas, who uses liquefied petroleum gas.

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 481.

Bill read second time and ordered to third reading.

Senate Bill No. 490.

Bill read second time and ordered to third reading.

Senate Bill No. 548.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 6.

Resolution read second time and ordered to third reading.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 22.

Bill read third time.

Roll call on Senate Bill No. 22:

YEAS—16.

NAYS—Beers, Cegavske, Horsford, Titus, Woodhouse—5.

Senate Bill No. 22 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:04 a.m.

#### SENATE IN SESSION

At 11:06 a.m.

President Krolicki presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Rhoads moved that Senate Joint Resolution No. 8 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Rhoads.

Motion carried.

The Sergeant at Arms announced that Assemblymen Arberry and Stewart were at the bar of the Senate. Assemblyman Arberry invited the Senate to meet in Joint Session with the Assembly to hear Representative Jon Porter.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:09 a.m.

#### IN JOINT SESSION

At 11:11 a.m.

President Krolicki presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Marvel, who was excused.

Mr. President appointed a Committee on Escort consisting of Senator Washington and Assemblyman Christensen to wait upon the Honorable Representative Jon Porter and escort him to the Assembly Chamber.

Representative Porter delivered his message as follows:

#### MESSAGE TO THE LEGISLATURE OF NEVADA SEVENTY-FOURTH SESSION, 2007

Thank you, and to all of my friends I had a chance to say hello to in the hallways, it is really great to be back. It is an honor for me to be a member of Congress, but more importantly, it is an honor for me to be here with all of you who are making so many difficult decisions for our great State.

President Krollicki, it is a pleasure to see you again and, of course, our Speaker, Barbara Buckley. The Governor, we appreciate you being here. My good friend Bill Raggio—I could talk about Bill all morning, but I won't. I did light a candle under your statue at the airport when I came into town, but I have not seen many other candles since I left so I think there must be a problem. Good to see you and also Minority Leader Titus. Thank you all very much, and Dr. Mabey, we appreciate your leadership. To all the leaders, thank you for all that you do.

I would also like to congratulate my latest and newest colleague, Mr. Heller. I know he was here this week, and I think you should all be very proud of Dean. He is doing an outstanding job representing Nevada. He is truly a quick study. He has done a tremendous job in very short time—in a very contentious time—and I applaud Mr. Heller for his hard work. In addition, my daughter Nicole is here, welcome. As you know, I served here for eight years, and Nicole was here almost every free moment she had so thank you for coming Nicole.

I would like to just take a moment to recognize all the Nevadans that have lost their lives fighting the war on terror, to all the families and their loved ones who share in that sacrifice and to all the rest of the folks of this great Country who have given their lives to protect our freedom. I would like to have a moment of silence.

There are a couple of students here, Ryan Hendessa and Brandon Jones from Sage Ridge School in Reno. They just got back from Luxemburg and have taken on, as a mission, the Darfur genocides in Sudan. I am frequently asked by my colleagues and constituents what can be done about the genocide that is happening today as we speak. I am going to use these gentlemen as an example. They have raised monies for charities to help the families in Darfur. They believe in putting their energy to work to try to make a difference in the world. To you gentlemen, thank you. They had an opportunity to speak on behalf of Nevada and also for all those families who are in harms way in Sudan and Darfur. Thank you.

Another gentleman who really needs no introduction, but I am going to anyway, is Bob Ferraro, Mayor of Boulder City. Bob has been a friend of mine for almost 30 years, and Bob is retiring as a public servant in Boulder City. For over 31 years, Mayor Ferraro has served our great State and the community of Boulder City. Bob is the one who convinced me to run for office so for those who want to blame someone, this is the guy, and for those who are happy, this is the guy as well. Bob, as a leader of our community of Boulder City and of Nevada, approaches things like I think we all should—in a very bipartisan, nonpartisan approach to finding solutions to problems. Bob sets the standard for what it is like to negotiate, to work with his council, to work with his community, and I believe he is now the happiest mayor in the Country since he is retiring soon. The mayor has set a real standard that I think we all could and should learn from as I have tried to every day that I have been in public service. Mayor, I have a Congressional Recognition for you, and I have entered your history into the Congressional Record as members of Congress have been doing for over 200 years. Also, the Governor has declared today as Robert Ferraro Day so congratulations. On behalf of the Governor, I would like to present to you a proclamation declaring this as Robert "Bob" Ferraro Day. We are honored as a state to recognize this as a very special day.

We have faced many challenges as a community, as a state and as a country. We have built bridges to nowhere in Alaska, and seemingly, we are building a bridge to nowhere here in Carson City. Is there something we can do to help with that project? We have experience with building these types of projects—I had to pick on Bill Raggio one more time.

We have so much to be proud of and yet face so many challenges that we need to continue moving forward. I applaud all of you and your families for the sacrifices that you have made to the great State of Nevada. I remember 30 years ago when we were told that we were not going to exist as a state. Gaming and the resort industry were only temporary. Wall Street said we were not going to survive. Well guess what? We have come back stronger each time with each challenge. We had a major fire in the early 1980s at the MGM Grand, and from that point forward, we have had the safest hotels in the world because we worked together. We have faced serious economic challenges—ebbs and flows—and have fought Wall Street many times, but each time, as a state, we have come back stronger than ever because we worked together as a team.

We have 40,000 new hotel rooms online in southern Nevada. We are still building 2.5 schools a month; we are hiring 2,500 teachers a year and 5,000 support staff in southern Nevada. We



have the fastest-growing senior community and the fastest-growing veteran community. We have challenges, but I will tell you that when I meet a person around the world or in this Country, they are all very envious of what we have here in Nevada. Each challenge that we face—whether it is education, health care, transportation, growth or the economy, this body in Carson City, working with local governments, is up to the challenge, and you will be successful as you have been in the past.

We talk about the challenges that are unique to Nevada. One that we are dealing with today is health care. I want to touch on a few areas like health care, transportation and education that we in Washington, D.C. are working on as partners with you. Quality and accessibility of health care continues to be a primary concern for all of you. We are short 1,000 nurses as we speak. Nationwide, we are short about 800,000 nurses. We have a crisis. I applaud Nevada State College, the leadership and this body for starting that school. They now have an accelerated nursing program, which I helped create. It has been very successful in trying to resolve the challenge of the nursing shortage. We have a Veterans Affairs Hospital that is on line. I applaud the whole Nevada Delegation and all of you. Soon, we are going to have a 300-bed Veterans Affairs Hospital which is state of the art. It will be one of the first built in the Country in years. It will be in Las Vegas to serve our veterans, to make certain they are given the treatment which they deserve.

Medicare is a challenge financially. The one thing I have done in Congress to help the State of Nevada and other fast-growing states is making close to \$30 million available for Medicare challenges as we and they transition into health information technologies. This way the least among us who have the largest financial challenges will have the same benefits as those in our community who have the best.

We are also working on a project with the Nevada hospitals called the Graduate Medical Education Program. Currently, in Nevada, training for new doctors has a cap which is based on equations and formulas that cause many challenges. Because of our massive growth, we are capped. We need to expand those caps in Washington, D.C. I am working with Nevada doctors and hospitals to expand the cap so we can train more doctors in our University System. We can train more doctors in the hospitals. We are rated 47th in the United States when it comes to doctors who graduate from medical programs. That is something we are working on together so we eliminate that cap.

As I look around this room, I see many, many of our leaders who are in the education field and who have a passion to do everything they can to help our students especially with 20,000 new students in southern Nevada every year. We need to find a way to hire the best and the brightest.

This past session in Congress, we passed, for the first time, legislation—my legislation—to make certain another 26 states can do F.B.I. background checks on their teachers. Believe it or not, not all states were doing it like Nevada. That is 24 million kids. This idea came to me because of an idea of Georgeann Rice of the Clark County School District. It is an example of why Nevada is on the cutting edge.

We talked about the formula changes. Senator Reid and I have worked on those to help. In the past, federal funding has taken two to three years to follow a child. If a child is from Iowa or California or wherever they are from, it may stay there. Because of Senator Ensign and myself, we have helped fix that formula.

But, probably the greatest accomplishment that I can look back on in my career and the one I am most proud of, is the building of schools. We collectively—Chris Giunchigliani, Dina Titus, Barbara Buckley and Maurice Washington—worked together in building schools. That bond issue was for 88 new schools. It passed this body. It has been very successful. We have built close to 100 schools if not a little more. That bond issue, that funding source, is running out next year. I encourage all of you to support the districts around the State, but specifically southern Nevada, where we are going to need to keep building 2.5 schools a month. If we do not build schools, none of these other challenges will really matter. That funding source, as I said, expires next year so I look forward to working with all of you and Clark County to do what we can to renew that.

I picked on my friend Bill, but I tell you, everyone in Nevada is touched by transportation. I know with 40,000 hotel rooms coming on line, we will have new employees, families, moving

into our communities. We have folks sitting in traffic around the State. My understanding is somewhere between \$4 billion to \$8 billion dollars is going to be needed over the next ten years. I know you are up for the challenge and know you spend a lot of time looking for solutions. I will be speaking today before the Transportation Committee in the Senate to encourage all of you to look closely at public-private partnerships which are a funding source for building highways and byways. The United States Congress, with the help of the Governor, two years ago, passed legislation to allow for demonstration projects across the Country to build dedicated lanes on the interstate system. It is new. It has not been done before. I spoke to former Governor Guinn and Jeff Fontaine in the fall of last year and told them we had to at least get our name into the queue so we could build or possibly be considered for these dedicated lanes.

We have challenges in every community. My goal is to focus on three different corridors with this public-private partnership. One of them is the I-15 corridor south of Las Vegas. The demonstration projects provided under the Congressional Act provide that we can negotiate with the private sector but also with other states. I met with California Legislators. Imagine for a moment if we could build a parallel, two- to four-lane highway on I-15 South to Barstow or Victorville, where our visitors and our residents could have a choice. They could take the free lanes, or they could take a toll road, which would be purely optional, targeted south of Las Vegas. As you know, our airports and our byways and our streets and highways are the conduit to our economy. If we do not do something about those byways, we are going to be out of business. Therefore, I am encouraging you to give it your consideration. Why not allow those visitors who are coming to Nevada help pay for that road south of Las Vegas from Victorville to Barstow? Why not allow our visitors to help share in that expense? Consider the same thing with the Boulder City bypass. There are currently 20,000 cars a day that go through Boulder City. Two to three thousand trucks will soon be coming into Boulder City. I would say we should do the same thing for Boulder City and its bypass. Visitors have a choice. They can take the free route through Boulder City, or they can choose to take a toll around Boulder City.

The third corridor is the I-80 corridor over the Sierra Mountains. Why not also look at that as an opportunity for the private sector to help invest in a parallel set of lanes between Reno and California? Again, our visitors to northern Nevada have a choice. They can take the free lane or they can pay, which will be faster and more efficient. I appreciate the opportunity to speak in the Senate today with Senator Nolan. We are going to talk about the project. I know you had some experts visiting. Some know far more than I do. I think it is something we should give strong consideration to. If I can help give you some tools, you will make the right choice and decide what is right for Nevada, but something must be done.

All of you spend a lot of time taking care of your constituents. It is not as if you have a lot of staff. The staff you have is tremendous and does a great job. I know that during the interim, it is difficult at times. I am blessed to have a staff that works year round, sometimes 24 hours a day. Some of them are here. I keep them pretty busy. Since January, we have touched about 90,000 people with town hall meetings, direct mail and with surveys.

I am hearing many great things about Nevada. I want to share with you not only what I am hearing from Nevadans but what I hear from around the world. As I visit the troops in Iraq, in Baghdad, in Kuwait, a sailor at Bethesda Naval Hospital, a soldier at Walter Reed or other members of Congress, I say I am from the State of Nevada. To a person, there is a twinkle in their eye especially from the military. They say they have been to Las Vegas or want to go to Reno or have been to Tonopah, Mesquite or Elko. I can go on and on. We are doing them a great service because they want to come and join our community. People are very envious of who we are, what we are and what we have accomplished. That is because we have worked together quite successfully.

I know there are many challenges before us, but I truly believe our best days are yet to come if in fact we follow the lead of Mayor Ferraro by working together as a bipartisan team in finding solutions to problems.

The United States Congress has its challenges as do you, but know that the Delegation stands ready and able to serve you. We do not always agree with each other, but when it comes to Nevada, we work very closely and in lockstep to serve our communities the best we can.

As a side note, if you are looking for something to do tonight, Terry Murphy, Senator Bob Beers, Chris Ferrari and myself are going to try to play a little music at Gleneagles.

It will be bipartisan, no politics, just rock and roll. Please come out, join us and have a good time. I am honored to be here. Thank you all very much for allowing me to be here, today. Thank you.

Senator Beers moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Porter for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Representative Porter to the bar of the Assembly.

Senator Nolan moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:45 a.m.

#### SENATE IN SESSION

At 11:49 a.m.

President Krolicki presiding.

Quorum present.

Senator Washington gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 22 was this day passed.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 330.

Bill read third time.

Remarks by Senator Coffin.

Roll call on Senate Bill No. 330:

YEAS—21.

NAYS—None.

Senate Bill No. 330 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 433.

Bill read third time.

Remarks by Senators Horsford, Rhoads and Washington.

Roll call on Senate Bill No. 433:

YEAS—21.

NAYS—None.

Senate Bill No. 433 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 498.

Bill read third time.

Remarks by Senators Cegavske and Hardy.

Roll call on Senate Bill No. 498:

YEAS—21.

NAYS—None.

Senate Bill No. 498 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 518.

Bill read third time.

Roll call on Senate Bill No. 518:

YEAS—21.

NAYS—None.

Senate Bill No. 518 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 554.

Bill read third time.

Roll call on Senate Bill No. 554:

YEAS—21.

NAYS—None.

Senate Bill No. 554 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 5, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 607.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

#### INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 607.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and teacher from the Bethlehem Lutheran School: Jason Deterding, Jonny Harms, Briseida Hyatt, Kody Miller, Mikey Overton, Nathanael Williams, Allison Boschult, John Dumbauld, Christine Gansberg, Monique Hautekeet, Sarah Hope, Mason Kennedy, Briana King, Kirby Linvill, Noel Lopez, Ben Martin, Mandy May, Alicia Murphy, Robert Reil, Haley Stokes, Daniella Tecca,

Nathan Wright; chaperones: Debbie Martin, Bobbi May and teacher: Clay Soderstrom.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to her grandson Avery James who is celebrating his eleventh birthday and is the son of Rose McKinney James.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Gwen Wood, Linda Wood, Robert Wood, Larry Wood, Jason Wood, Jaclyn Wood, Jamie Wood, Jennifer Wood, Cindy Wood and Bridgette Gemroth.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones, teacher's aide and teacher from the Donner Springs Elementary School: Abraham Morales Mena, Alexis Bray, Austin Price, Brennan Williams, Briana Barajas-Frias, Cody Herlihy, Destiny Kopal, Hunter Lamprich, Isaih Mullins, Ivan Ruiz, Janay Knight, Janet Alvarez Gonzalez, Jasmine Chappell, Jordan Morey, Leana Hudson, Levi Dourney, Luis Rodriguez Perez, Maria Navarro Velasco, Massael Quirarte, Monica Lara, Nikki Clifford, Richard Martinez, Roberto Serrano, Stephanie Jo, Taylor Davidson, Tommy Folk, Tyler Duvall, Youri Reyes; chaperones: Bonita Mullins, Rhonda Knight, Maria Mena; teacher's aide: Janis Embree and teacher: Amanda McWilliams, also students and teacher from the Silver State High School: Kraig Palmer, Jeff Baker, Sydney Baker, Devon Callison, Bianca Canallas, Rebecca Crossman, Shannon Emmans, Cassandra Fillmore, Amanda Hardy, Dane Hexberg, Rachael Littrell, Noelle Magrath, Joshua Martino, Heaven Maxwell, Nicholas McNeil, Thomas Nelson, Robert Perez, Katie Porter, Christine Robinson, Emma Wegener, Brooks Westergard, Matthew White, Alan Zamora, Aridne Zelaya and teacher: Keith Martin.

Senator Raggio moved that the Senate adjourn until Monday, April 9, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 12:05 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*