

**THE NINETY-THIRD DAY**


---

CARSON CITY (Tuesday), May 8, 2007

Senate called to order at 11:21 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Jeffrey Paul.

In loving memory of JohnD Winter,

O Lord, our Governor, bless the leaders of our land and those we love but see no longer, that we may be a people at peace among ourselves and a blessing to other nations of the earth.

To our Senators and those who make our laws in this State, give courage, wisdom, clarity and foresight to provide for the needs of all our people and to fulfill our obligations in all the communities of Nevada; in Your Name, we pray.

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 were referred Assembly Bills Nos. 2, 303, 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 were rereferred Senate Bills Nos. 400, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

Also, your Committee on Finance, to which was referred Assembly Bill No. 543, 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 Assembly Bills Nos. 16, 22, 28, 135, 220, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WARREN B. HARDY II, *Chair*

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 7, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 121, 122, 150, 177, 208, 220, 294, 473; Senate Joint Resolution No. 9.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 540.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 87, Amendment No. 650, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 11, 28, 29.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

MOTIONS, RESOLUTIONS AND NOTICES

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

Senate Concurrent Resolution No. 31—Memorializing JohnD Nevers Winters.

WHEREAS, The members of the Nevada Legislature note with sadness the passing of John D Nevers Winters, long-time philanthropist, water resources conservation activist and fourth-generation Nevadan, on March 30, 2007, at the age of 97; and

WHEREAS, JohnD Nevers Winters was born in Carson City to long-time legislator Ira Winters and his wife Mary Kearney Winters, on May 18, 1909, attended school in the state capital and graduated from the University of Nevada in Reno in 1932; and

WHEREAS, After attending the University, he worked for the Nevada State Highway Department in 1932-1933 and was an agent for the Soil Conservation Services of the United States Department of Agriculture before joining the family business, Sanitary Dairy, in Carson City with his parents; and

WHEREAS, Following the death of his parents, he ranched in Carson City and Washoe Valley, where his great grandfather John Devers Winters had settled in 1857, later purchased ranches in Dayton Valley in the 1950s, including the Ophir Mill Ranch, and relocated to the Santa Maria Ranch in 1965 after selling the family home just west of the Governor's Mansion in Carson City; and

WHEREAS, JohnD Winters was a noted proponent of water resources conservation, had long been an advocate of water storage on the Carson River, and served on both the Carson Truckee Water Conservancy District Board of Directors and the California-Nevada Interstate Compact Commission; and

WHEREAS, He was a member of the Rotary Club of Carson City from 1945 to 1965, helped establish the Carson-Tahoe Hospital and served as a board member, participated as a rider in the centennial reenactment of the Pony Express in 1960, cochaired the Native Nevadans Committee of the Nevada Centennial in 1964 and was named Grand Marshal of the Nevada Day Parade in 1995; and

WHEREAS, JohnD Winters strongly believed in education and recreation and gave land to the Ormsby County School District to build a new high school in the 1950s, donated land to Carson City which was developed into the Eagle Valley Golf Course and the nearby Centennial Park, renamed JohnD Winters Centennial Park in 2006, and served as a Western Nevada Community College advisory board member; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 74th Session of the Nevada Legislature do hereby express their sincere condolences to the family and friends of JohnD Winters; and be it further

RESOLVED, That JohnD Winters be remembered as a pioneer son who shaped the face of western Nevada through his civic engagement and generous donations, and left us a tangible legacy of his faith in the future of the Silver State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Kay, the loving wife of JohnD Nevers Winters.

Senator Amodei moved the adoption of the resolution.

Remarks by Senators Amodei and Raggio.

Senator Amodei requested that the following remarks be entered in the Journal.

SENATOR AMODEI:

Thank you, Mr. President. When you look at the resolution and you read the name, JohnD Nevers Winters, you realize you grew up knowing that name. You grew up driving back and forth to Reno passing by the Winters' Ranch. You grew up looking across the street to where the barn used to be. You heard stories about the racehorses.

When you walk through this building, you see the Senate Hall of Fame with a member of the Winters family who chaired the money committee and who served as President pro Tempore. Then, you look further ahead in time to what JohnD did for this community during the past 30 years. I would like to point out, that though we always played our softball game at Centennial Park, since the name was changed to JohnD Winters Centennial Park; the Senate is undefeated against the Assembly.

The Sanitary Dairy was at the end of Robinson Street in close proximity to the Governor's Mansion. Many people ... to town looking for the Governor's Mansion, find the old Winters' ranch house first and think they have found the Governor's Mansion. It is a beautiful home and was the home of the Winters family and the dairy operation.

Carson City Middle School was on land donated by the Winters family. He and I were both Carson High and University of Nevada Reno alumni. He did more with his education than I have with mine, and that is okay.

When they moved out to Dayton to the Santa Maria Ranch, a beautiful location where I used to chase quail, they had a lovely home on the hill. I knew they were the people from Carson who used to own the dairy.

When we refer to the fabric of a community, the Winters family was the bolt. I note with pride that the brand "Rafter W" is on stone monuments on Richmond Avenue off Robinson Street I have always thought that if you really did well in life, somewhere in town they would put a stone monument with your family's brand on it. That was top of the line, but there is only one set of those in Carson City, and it is for the Winters. Thank you.

SENATOR RAGGIO:

Thank you, Mr. President. During the years I served in this body, Mr. Winters was a frequent visitor here. I always looked up to him as someone who was a great citizen and as someone who contributed not only to his family but also to the community of this State.

I always appreciated his candor. At my age, I have reached the point where you say what you think and you do not really care what others think about it. With this, I compliment John. He told you what he thought, and he did not mince words about it. His family misses him for it is hard to say good-bye, but he served the community and this State well. We need more people like JohnD. Thank you.

Resolution adopted.

Senator Amodei moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 31 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

Senator Raggio moved that the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 540.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 463.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 674.

"SUMMARY—Makes an appropriation to the Department of Taxation for continued development and implementation of the Unified Tax System. (BDR S-1238)"

"AN ACT making an appropriation to the Department of Taxation for continued development and implementation of the Unified Tax System; and providing other matters properly relating thereto."

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

Section 1. There is hereby appropriated from the State General Fund to the Department of Taxation the sum of ~~[\$4,184,557]~~ \$3,674,059 for continued development and implementation of the Unified Tax System, and for costs of replacement servers, computer hardware and software, and office equipment.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 663.

"SUMMARY—Makes various changes to provisions concerning graffiti and other damage to property. (BDR 15-387)"

"AN ACT relating to crimes; making it unlawful to carry a graffiti implement ~~[in plain view]~~ in certain places and in certain circumstances; providing that a governmental entity which incurs costs in cleaning up or removing graffiti may receive restitution if the graffiti was on public property; revising penalties for unlawfully placing graffiti on the property of another; revising provisions governing the suspension of or delay in issuing a driver's license when a person is convicted for placing graffiti on or defacing property; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 2 of this bill creates a new crime for unlawfully possessing certain graffiti implements in certain public places. Specifically, section 2 provides that it is a misdemeanor for a person to carry on his person ~~[and in plain view of the public]~~ with the intent to vandalize, place graffiti on or otherwise deface property a graffiti implement on certain public and private property or in a public transportation vehicle without valid authorization from the appropriate governmental entity or person. Sections 6-8 of this bill amend existing law to provide that persons who unlawfully possess a graffiti implement in violation of section 2 are treated similarly to persons who unlawfully place graffiti on the property of another in violation of NRS 206.125 or 206.330. Section 6 requires a person who violates section 2 to pay, in addition to any other fine or penalty, an administrative assessment of \$250 which must be credited to the Graffiti Reward Fund. (NRS 206.340) Section 7 amends existing law which provides that, under certain circumstances, a person may not sue a public employee, officer or agency for any injury, wrongful death or other damage incurred by a person while committing certain crimes to include the new crime created pursuant to section 2. (NRS 41.0334) Section 8 amends existing law which authorizes a court to suspend the driver's license of a child or to delay the issuance of a driver's license to the child if he does not yet possess a driver's license when the child is adjudicated delinquent for engaging in certain acts involving graffiti or defacing property to allow such actions when a child engages in an act prohibited by section 2. (NRS 62E.690)

Section 3 of this bill requires a person who is ordered to pay restitution for damaging the property of another to pay the restitution to either the owner of the property or, if the damage involves the placement of graffiti on certain property, to the governmental entity that incurred the costs of cleaning up or removing the graffiti.

Section 4 of this bill revises the penalty for placing graffiti on, vandalizing, defacing or otherwise damaging: (1) a place of religious worship; (2) a facility used for the purpose of burial or memorializing the dead; or (3) a school, educational facility or community center to provide for mandatory

finances and community service. Section 4 also adds transportation facilities and public transportation vehicles to the list of entities covered by this section. (NRS 206.125)

Section 5 of this bill amends the threshold amount used to determine the penalty for a person who places graffiti on or otherwise defaces public or private property without the permission of the owner. Section 5 also revises the penalties for such an offense to include a mandatory fine and community service, revises the period for the suspension of a driver's license, defines the manner for determining the "value of the loss" and allows for aggregating the amount of damage to determine the value of the loss, but only if the value of the loss when aggregated is \$5,000 or more. (NRS 206.330)

Existing law provides for the suspension or delay in the issuance of a driver's license to a person who commits certain graffiti offenses. Section 8 of this bill adds to the crimes for which a license may be suspended or delayed the new crime of carrying a graffiti implement in certain places and increases the minimum period of the suspension or delay to 1 year. (NRS 62E.690)

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

Section 1. Chapter 206 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Any person who carries on his person ~~and in plain view to the public~~ a graffiti implement with the intent to vandalize, place graffiti on or otherwise deface public or private property, real or personal, of another:

(a) While on or under any overpass or bridge or in any flood channel;

(b) At any public facility, community center, park, playground, swimming pool, transportation facility, beach or recreational area whereon a sign is posted in a location reasonably expected to be viewed by the public which states that it is a misdemeanor to possess a graffiti implement at that public location without valid authorization; or

(c) In a public transportation vehicle wherein a sign is posted that is easily viewed by passengers which states that it is a misdemeanor to possess a graffiti implement in the vehicle without valid authorization,

is guilty of a misdemeanor unless he has first received valid authorization from the governmental entity which has jurisdiction over the public area or other person who is designated to provide such authorization.

2. As used in this section:

(a) "Broad-tipped indelible marker" means any felt-tipped marker or similar implement which contains a fluid that is not soluble in water and which has a flat or angled writing surface of a width of one-half inch or greater.

(b) "Graffiti implement" means any broad-tipped indelible marker or aerosol paint container or other item that may be used to propel or apply fluid that is not soluble in water.

(c) "Public transportation vehicle" means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

(d) "Transportation facility" means an airport, marina, bus terminal, train station, bus stop or other facility where a person may go to obtain transportation.

Sec. 3. If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:

1. The owner of the property which was affected by the violation; or
2. If the violation involved the placing of graffiti on any public property, the governmental entity that incurred expenses for removing, covering or cleaning up the graffiti.

Sec. 4. NRS 206.125 is hereby amended to read as follows:

206.125 1. Unless a greater penalty is provided by law, a person who knowingly vandalizes, places graffiti on, defaces or otherwise damages:

- (a) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;
- (b) Any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;
- (c) Any school, educational facility, transportation facility, public transportation vehicle or community center;
- (d) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraph (a), (b) or (c); or
- (e) Any personal property contained in any institution, facility, building, structure or place described in paragraph (a), (b) or (c),

↪ is guilty of a gross misdemeanor.

2. In addition to any other penalty, the court shall order ~~the~~ a person found guilty of a gross misdemeanor pursuant to subsection 1 to pay restitution for the damage ~~to~~ and:

- (a) For the first offense, to pay a fine of not less than \$400 but not more than \$1,000, and to perform 100 hours of community service.
- (b) For the second offense, to pay a fine of not less than \$750, but not more than \$1,000, and to perform 200 hours of community service.
- (c) For a third or subsequent offense, to pay a fine of \$1,000, and to perform 200 hours of community service.

~~2.~~ 3. A person who is paid money for restitution pursuant to subsection 1 shall use the money to repair or restore the property that was damaged.

4. As used in this section:

- (a) "Public transportation vehicle" has the meaning ascribed to it in section 2 of this act.
- (b) "Transportation facility" has the meaning ascribed to it in section 2 of this act.

Sec. 5. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than ~~[\$250,]~~ \$1,000 is guilty of a misdemeanor.

(b) Where the value of the loss is ~~[\$250]~~ \$1,000 or more but less than \$5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is \$5,000 or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. *If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.*

2. If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses ~~may~~ *must* be aggregated for the purpose of determining the penalty prescribed in subsection 1 ~~+~~, *but only if the value of the loss when aggregated is \$5,000 or more.*

3. A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, *pay a fine of not less than \$400 but not more than \$1,000 and perform* ~~not less than 50 hours, but not more than 99 hours,~~ *100 hours* of community service.

(b) For the second offense, *pay a fine of not less than \$750 but not more than \$1,000 and perform* ~~not less than 100 hours, but not more than 199 hours,~~ *200 hours* of community service.

(c) For the third and each subsequent offense, *pay a fine of \$1,000 and perform* ~~not less than~~ *200 hours* of community service.

↪ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

4. The parent or legal guardian of a person under the age of 18 years who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

5. If a person who is 18 years of age or older is found guilty of violating this section, the court ~~may~~ *shall, in addition to any other penalty imposed,* issue an order suspending the driver's license of the person for ~~not less than 6 months~~ *not less than 6 months* ~~in addition to any other penalty imposed. If such an order is issued, the~~ *but not more than 2 years.* The court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court ~~may~~ *shall* issue an order prohibiting the person from applying for a driver's license ~~within the~~ *for not less than 6 months* ~~immediately following the date of the order.~~ *but*



*not more than 2 years.* The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

6. The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

7. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to another statute for the same conduct.

8. As used in this section ~~["impairment"]~~ :

(a) "*Impairment*" means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) "*Value of the loss*" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

Sec. 6. NRS 206.340 is hereby amended to read as follows:

206.340 1. The Graffiti Reward Fund is hereby created in the State General Fund.

2. When a defendant pleads or is found guilty of violating NRS 206.125 or 206.330 ~~or section 2 of this act~~, the court shall include an administrative assessment of \$250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Graffiti Reward Fund.

3. All money received pursuant to subsection 2 must be deposited with the State Controller for credit to the Graffiti Reward Fund. The money in the Fund must be used to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 ~~or section 2 of this act~~.

4. If sufficient money is available in the Graffiti Reward Fund, a state law enforcement agency may offer a reward, not to exceed \$1,000, for information leading to the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 ~~or section 2 of this act~~. The reward must be paid out of the Graffiti Reward Fund upon approval by the State Board of Examiners.

Sec. 7. NRS 41.0334 is hereby amended to read as follows:

41.0334 1. Except as otherwise provided in subsection 2, no action may be brought under NRS 41.031 or against an officer or employee of the

State or any of its agencies or political subdivisions for injury, wrongful death or other damage sustained in or on a public building or public vehicle by a person who was engaged in any criminal act proscribed in NRS 202.810, 205.005 to 205.080, inclusive, 205.220, 205.226, 205.228, 205.240, 205.271 to 205.2741, inclusive, 206.310, 206.330, 207.210, 331.200 or 393.410 ~~+~~ *or section 2 of this act*, at the time the injury, wrongful death or damage was caused.

2. Subsection 1 does not apply to any action for injury, wrongful death or other damage:

(a) Intentionally caused or contributed to by an officer or employee of the State or any of its agencies or political subdivisions; or

(b) Resulting from the deprivation of any rights, privileges or immunities secured by the United States Constitution or the Constitution of the State of Nevada.

3. As used in this section:

(a) "Public building" includes every house, shed, tent or booth, whether or not completed, suitable for affording shelter for any human being or as a place where any property is or will be kept for use, sale or deposit, and the grounds appurtenant thereto; and

(b) "Public vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway,

↳ owned, in whole or in part, possessed, used by or leased to the State or any of its agencies or political subdivisions.

Sec. 8. NRS 62E.690 is hereby amended to read as follows:

62E.690 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing public or private property owned or possessed by another person in violation of NRS 206.125 or 206.330 ~~+~~ *or for the unlawful act of carrying a graffiti implement in certain places without valid authorization in violation of section 2 of this act*, the juvenile court ~~may~~ shall:

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least ~~90 days~~ 1 year but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least ~~90 days~~ 1 year but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of his driver's license, the juvenile court shall order the

additional suspension or delay, as appropriate, to apply consecutively with the previous order.

Sec. 9. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) A driver's license to a person who is 16 or 17 years of age pursuant to NRS 483.2521.

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this State.

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which ~~suspends or~~ delays his privilege to drive until the expiration of the period of ~~suspension or~~ delay.

10. To any person who is not eligible for the issuance of a license pursuant to NRS 483.283.

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. 15.

Bill read second time and ordered to third reading.

Assembly Bill No. 39.

Bill read second time and ordered to third reading.

Assembly Bill No. 43.

Bill read second time and ordered to third reading.

Assembly Bill No. 90.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 662.

"SUMMARY—Creates the crime of paternity fraud. (BDR 15-147)"

"AN ACT relating to crimes; prohibiting a person from engaging in certain acts to cause the results of a test for genetic identification which is given to determine paternity to be inaccurate; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill creates the crime of paternity fraud, making it a *gross* misdemeanor to engage in certain acts which are intended to make the results of a test given for genetic identification to determine the paternity of a child to be inaccurate.

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

Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person is guilty of paternity fraud if he:*

(a) *Is ordered by a court to submit, or agrees to submit, to a test for genetic identification to determine the paternity of a child and knowingly assists, aids, abets, solicits or conspires with another person to have someone other than himself submit to the test for the purpose of preventing a determination that he is the father of the child; or*

(b) *Submits to a test for genetic identification to determine the paternity of a child in place of the person who has been ordered to submit, or who has agreed to submit, to a test for genetic identification to determine the paternity of a child for the purpose of preventing a determination that the person for whom he is taking the test is the father of the child.*

2. *A person who violates this section is guilty of a gross misdemeanor.*

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. 102.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 660.

"SUMMARY—Makes various changes to provisions relating to eminent domain. (BDR 3-38)"

"AN ACT relating to eminent domain; prohibiting the use of eminent domain to acquire property for the purpose of transferring an interest in the

property to a private person or entity except in certain circumstances; making various other changes relating to eminent domain; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law lists the purposes for which the power of eminent domain may be exercised. (NRS 37.010) In *Kelo v. City of New London*, 125 S.Ct. 2655 (2005), the United States Supreme Court ruled that private property may be acquired by eminent domain and transferred to a private party for the purpose of obtaining the benefits of economic development. Assembly Joint Resolution No. 3 proposes an amendment to the Nevada Constitution concerning eminent domain. This bill enacts into statute the provisions of Assembly Joint Resolution No. 3.

Section 4 of this bill prohibits, except in certain circumstances, the exercise of eminent domain to acquire property if the entity acquiring the property will transfer any interest in the property to a private person or entity. In addition, section 4 ~~(of this bill)~~ provides that the entity that is taking the property has the burden of proving that the taking is for a public use.

Existing law allows an entity which is taking property by the exercise of eminent domain to move the court for an order allowing the entity to occupy the property, pending a final judgment in the action. (NRS 37.100) Section 5 of this bill requires an entity which is taking property by the exercise of eminent domain to provide the owner of the property with all appraisals of the property obtained by the entity before the entity is allowed to occupy the property. Furthermore, section 5 ~~(of this bill)~~ requires the court to determine at the occupancy hearing whether the taking is for a public use, if the owner of the property that is the subject of the action requests such a determination.

Sections 2, 6 and 7 of this bill provide for the manner of computing the just compensation owed to the person whose property is taken by the exercise of eminent domain. Section 1 of this bill provides that neither the property owner nor an entity which is taking property by the exercise of eminent domain is liable for the attorney's fees of the other party, except in certain circumstances. Section 9 of this bill provides that the owner of property taken by the exercise of eminent domain, or his successor in interest, has the right to reacquire the property for the price paid by the entity which took the property under certain circumstances.

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:

*Except as otherwise provided in this section, in all actions in eminent domain, neither the entity that is taking property nor the owner of the property is liable for the attorney's fees of the other party. This section does not apply in an inverse condemnation action if the owner of the property that is the subject of the action makes a request for attorney's fees from the other party to the action.*

Sec. 2. NRS 37.009 is hereby amended to read as follows:

37.009 As used in this chapter, unless the context otherwise requires:

1. "Date of valuation" means the date on which the value of the property actually taken, and the damages, if any, to the remaining property, must be determined.

2. "Final judgment" means a judgment which cannot be directly attacked by appeal, motion for new trial or motion to vacate the judgment.

3. "Judgment" means the judgment determining the right to condemn property and fixing the amount of compensation to be paid by the plaintiff.

4. "Partnership" includes a limited partnership.

5. "Person" includes a government, governmental agency or political subdivision of a government.

6. "Value" means the ~~most probable price which a property would bring in a competitive and open market under the conditions of a fair sale, without the price being affected by undue stimulus, whereby the sale is consummated on a specified date and the title to the property is passed from the seller to the buyer under the following conditions:~~

~~(a) The buyer and seller are acting prudently and knowledgeably;~~

~~(b) The buyer and seller are typically motivated;~~

~~(c) The buyer and seller are well informed or well advised and acting in what they consider are their own best interests;~~

~~(d) A reasonable time is allowed to expose the property for sale on the open market;~~

~~(e) Payment is made with United States dollars in cash or pursuant to another financial arrangement comparable thereto; and~~

~~(f) The sale price represents the normal consideration for the property and is unaffected by special or creative financing or sales concessions granted by any person associated with the sale.]~~ *highest price, on the date of valuation, that would be agreed to by a seller, who is willing to sell on the open market and has reasonable time to find a purchaser, and a buyer, who is ready, willing and able to buy, if both the seller and the buyer had full knowledge of all the uses and purposes for which the property is reasonably adaptable and available. In determining value, except as otherwise provided in this subsection, the property sought to be condemned must be valued at its highest and best use without considering any future dedication requirements imposed by the entity that is taking the property. If the property is condemned primarily for a profit-making purpose, the property sought to be condemned must be valued at the use to which the entity that is condemning the property intends to put the property, if such use results in a higher value for the property.*

Sec. 3. NRS 37.0095 is hereby amended to read as follows:

37.0095 1. Except as otherwise provided in subsection 2, only a public agency may exercise the power of eminent domain pursuant to the provisions of this chapter.

2. Except as otherwise provided in NRS 37.0097, the power of eminent domain may be exercised by a person who is not a public agency pursuant to NRS 37.230 and ~~subsections 6, 8, 10, 13 and 16~~ paragraphs (f), (h), (j), (m) and (p) of subsection 1 of NRS 37.010.

3. As used in this section, "public agency" means an agency or political subdivision of this State or the United States.

Sec. 4. NRS 37.010 is hereby amended to read as follows:

37.010 1. Subject to the provisions of this chapter ~~1~~ and the limitations in subsections 2 and 3, the right of eminent domain may be exercised in behalf of the following public ~~purposes~~ uses:

~~1~~ (a) Federal activities. All public purposes authorized by the Government of the United States.

~~2~~ (b) State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

~~3~~ (c) County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

~~4~~ (d) Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

~~5~~ (e) Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

~~6~~ (f) Mining, smelting and related activities. Mining, smelting and related activities as follows:

~~(a)~~ (1) Mining and related activities, which are recognized as the paramount interest of this State.

~~(b)~~ (2) Roads, railroads, tramways, tunnels, ditches, flumes, pipes, reservoirs, dams, water gates, canals, aqueducts and dumping places to facilitate the milling, smelting or other reduction of ores, the working, reclamation or dewatering of mines, and for all mining purposes, outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other work for the reduction of ores from mines, mill

dams, pipelines, tanks or reservoirs for natural gas or oil, an occupancy in common by the owners or possessors of different mines, mills, smelters or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter and the necessary land upon which to erect smelters and to operate them successfully, including the deposit of fine flue dust, fumes and smoke.

~~{7.}~~ (g) Byroads. Byroads leading from highways to residences and farms.

~~{8.}~~ (h) Public utilities. Lines for telegraph, telephone, electric light and electric power and sites for plants for electric light and power.

~~{9.}~~ (i) Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

~~{10.}~~ (j) Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

~~{11.}~~ (k) Cemeteries, public parks. Cemeteries or public parks.

~~{12.}~~ (l) Pipelines of beet sugar industry. Pipelines to conduct any liquids connected with the manufacture of beet sugar.

~~{13.}~~ (m) Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

~~{14.}~~ (n) Aviation. Airports, facilities for air navigation and aerial rights-of-way.

~~{15.}~~ (o) Monorails. Monorails and any other overhead or underground system used for public transportation.

~~{16.}~~ (p) Community antenna television companies. Community antenna television companies which have been granted a franchise from the governing body of the jurisdictions in which they provide services. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

~~{(a)}~~ (1) It creates no substantial detriment to the service provided by the utility;

~~{(b)}~~ (2) It causes no irreparable injury to the utility; and

~~{(c)}~~ (3) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

~~{17.}~~ (q) Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. *Notwithstanding any other provision of law and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or entity. Property taken by the exercise of eminent domain may be transferred to another private person or entity in the following circumstances:*



(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on ~~an equal basis with others.~~ any such lease.

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property ~~transfers an interest in the property to a private person or entity in exchange for an interest in the property that was taken, or is being taken,~~ exchanges it for other property acquired or being acquired by the exercise of eminent domain or under the threat of the exercise of eminent domain for the purpose of a road or roadway or highway the relocation of purposes, to relocate public or private structures or to facilitate or avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

Sec. 5. NRS 37.100 is hereby amended to read as follows:

37.100 1. Before the plaintiff obtains possession of the property, the plaintiff shall give to the owner of the property a copy of all appraisals of the property obtained by the plaintiff.

2. The plaintiff may move the court or a judge thereof at any time after the commencement of suit, on notice for such time as the court or judge may direct to the defendant if he is a resident of the county or has appeared in the action, otherwise by serving a notice directed to him on the clerk of the court, for an order permitting the plaintiff to occupy the premises sought to be condemned, pending the entry of judgment, and to do such work thereon as

may be required for the easement, fee, or property rights sought, according to its nature.

~~{2.—The}~~

3. *At the occupancy hearing, the court shall make a separate and distinct determination as to whether the property is being taken for a public use pursuant to NRS 37.010, if the defendant requests such a determination.*

4. *If the defendant does not request a determination pursuant to subsection 3 or if the court determines that the property is being taken for a public use pursuant to NRS 37.010, the court or judge shall take proof, by affidavit or otherwise, of the value of the premises sought to be condemned, the damages which will accrue from the condemnation and the reasons for requiring a speedy occupation, and shall grant or refuse the motion according to the equity of the case and the relative damages which may accrue to the parties.*

~~{3.}~~ 5. If the motion is granted, the court or judge shall require the plaintiff to execute and file in court a bond to the defendant, with sureties, to be approved by the court or judge in a penal sum to be fixed by the court or judge, not less than double the value of the premises sought to be condemned and the damages which will ensue from condemnation and occupation, as the value and damages may appear to the court or judge on the hearing, and conditioned to pay the adjudged value of the premises and all damages if the property is condemned, and to pay all damages arising from occupation before judgment if the premises are not condemned, and all costs adjudged to the defendant in the action. The sureties shall justify before the court or judge, after a reasonable notice to the defendant of the time and place of justification.

~~{4.}~~ 6. In lieu of a bond the plaintiff, with the consent of the court, may deposit with the clerk of the court a sum equal to the value of the premises plus damages, as appraised by the plaintiff. Upon application of the defendant and upon notice to all parties, the court or judge may order the money deposited with the clerk of the court or any part thereof to be paid to the defendant. If the amount of the compensation awarded upon judgment is less than the sum deposited and paid to the defendant, the court shall enter judgment in favor of the plaintiff and against the defendant for the amount of the excess. Application by the defendant to the court for withdrawal of part or all of the money deposited and the payment of that money to the defendant does not prejudice the right of the defendant to contest the amount of compensation to be finally awarded. The receipt by the defendant of a part or all of the money deposited must be conditioned upon the waiver of all defenses except those relating to the amount of compensation.

~~{5.}~~ 7. The amount of the penal bond or the deposit is for the purpose of the motion only and is not admissible in evidence on final hearing.

~~{6.}~~ 8. The court or judge may also restrain the defendant from hindering or interfering with the occupation of the premises and the doing thereon of the work required for the easement, fee, or property rights.

~~{7}~~ 9. The provisions of this section requiring the execution and filing of a bond do not apply in any action or proceeding in which the State of Nevada is the plaintiff, but the public faith and credit of the State of Nevada, is hereby pledged as security in lieu of the bond. The provisions of this subsection do not prevent the State of Nevada from depositing, in lieu of a pledge of the public faith and credit, with the clerk of the court a sum equal to the value of the premises plus any damages as appraised by the State.

Sec. 6. NRS 37.120 is hereby amended to read as follows:

37.120 1. To assess compensation and damages as provided in NRS 37.110, the date of the first service of the summons is 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. *In all actions in eminent domain, the court shall award just compensation to the owner of the property that is being taken. Just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken, excluding any governmental offsets except special benefits. Special benefits may only offset severance damages and may not offset the value for the property. Just compensation for the property taken by the exercise of eminent domain must include, without limitation, interest computed pursuant to NRS 37.175 and reasonable costs and expenses, except attorney's fees, incurred by the owner of the property that is the subject of the action.*

4. 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.

Sec. 7. NRS 37.175 is hereby amended to read as follows:

37.175 1. Except as otherwise provided in this section, the plaintiff shall pay interest on the final judgment on the difference between the amount deposited pursuant to NRS 37.100 or 37.170 and the sum of the amount awarded for the taking and any damages awarded for the severance of the property, excluding costs and attorney's fees, from the date ~~{of the first service of the summons}~~ ordered by the district court pursuant to paragraph (a) of subsection ~~{2}~~ 4 until the date the judgment is satisfied, at the rate provided in ~~{NRS 17.130}~~ paragraph (b) of subsection ~~{2}~~ 4.

2. The plaintiff is not required to pay interest on any amount deposited pursuant to the provisions of NRS 37.100 or 37.170.

3. No interest is required to be paid for the period from the date of a trial which is continued past 2 years after the date of the first service of the summons, until the date of entry of judgment, if the continuance was caused primarily by the defendant or, if there is more than one defendant, the total delay caused by all the defendants. As used in this subsection, "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 defendants, that would cause the trial to be continued past 2 years after the date of the first service of the summons.

4. *The court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:*

(a) *The date on which the computation of interest will commence;*

(b) *The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and*

(c) *Whether the interest will be compounded annually.*

Sec. 8. NRS 37.260 is hereby amended to read as follows:

37.260 1. ~~Any~~ *Except as otherwise provided in NRS 37.270, any real property, interest therein or improvement thereon which has been acquired in accordance with the provisions of this chapter or purchased under the threat of eminent domain proceedings by an association, commission, corporation, partnership or political subdivision other than a county or incorporated city may be disposed of as surplus by that entity only in accordance with the provisions of this section.*

2. *The governing body of the entity desiring to dispose of the property pursuant to this section must first adopt a resolution declaring that the property is no longer required for the purposes for which it was acquired or for other reasonable public use.*

3. *The property, interest or improvement disposed of pursuant to this section must be sold by the entity to the highest bidder bidding for the property, either at public auction or by sealed bids, the notice and terms of which must be published in a newspaper of general circulation in the county where the property is situated at least once not less than 15 nor more than 45 days before the sale. When, in the opinion of the governing body of the entity, the property cannot be sold by means of public auction or sealed bids without working an undue hardship upon a property owner either as a result of a severance of that owner's property or a denial of access to a public street or highway, the governing body may first offer the property to that owner at a price determined by the governing body to be in the best interest of the corporation, partnership, association, commission or political subdivision.*

4. ~~¶¶~~ *If property is disposed of pursuant to this section, it is conclusively presumed in favor of any purchaser for value and without notice of any such real property, interest therein or improvement thereon conveyed pursuant to this section that the entity disposing of it acted within its lawful authority in acquiring and disposing of the property, and that the officers thereof acted within their lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and must not carry any warranty of title.*

Sec. 9. NRS 37.270 is hereby amended to read as follows:

37.270 Notwithstanding any other provision of law, ~~[if the State of Nevada, any political subdivision of the State or other governmental entity that has acquired property]~~ *property taken pursuant to the provisions of this chapter ~~[:]~~ must be offered to and reverts to the person from whom the property was taken upon repayment of the original purchase price if, within 15 years after obtaining possession of the property, the entity that took the property:*

1. ~~Fails to use the property for the public [purpose for which it was acquired; and] use for which the property was taken or for any public use reasonably related to the public use for which the property was taken; or~~

2. Seeks to convey the right, title or interest in all or part of that property to any person ~~;~~

~~↪ within 15 years after the property is acquired, the person from whom the property was acquired or his successor in interest must be granted the right of first refusal to purchase the right, title or interest in the property sought to be conveyed for fair market value which shall be deemed to be an amount which does not exceed the proportional amount paid by the State, political subdivision or other governmental entity for the acquisition of the property.] and the conveyance is not occurring pursuant to subsection 2 of NRS 37.010.~~

~~↪ The entity that has taken the property does not fail to use the property under subsection 1 if the entity has begun active planning for or design of the public use, the assembling of land in furtherance of planning for or design of the public use or construction related to the public use.~~

Sec. 10. NRS 279.471 is hereby amended to read as follows:

279.471 1. Except as otherwise provided in this subsection, an agency may exercise the power of eminent domain to acquire property for a redevelopment project only if the agency adopts a resolution that includes a written finding by the agency that a condition of blight exists for each individual parcel of property to be acquired by eminent domain. An agency may exercise the power of eminent domain to acquire a parcel of property that is not blighted for a redevelopment project if the agency adopts a resolution that includes a written finding by the agency that a condition of blight exists for at least two-thirds of the property within the redevelopment area at the time the redevelopment area was created.

2. In addition to the requirement set forth in subsection 1, an agency may exercise the power of eminent domain to acquire property for a redevelopment project only if:

- (a) The property sought to be acquired is necessary to carry out the redevelopment plan;
- (b) The agency has adopted a resolution of necessity that complies with the requirements set forth in subsection 3; and
- (c) The agency has complied with the provisions of NRS 279.4712.

3. A resolution of necessity required pursuant to paragraph (b) of subsection 2 must set forth:

- (a) A statement that the property will be acquired for purposes of redevelopment as authorized pursuant to ~~subsection 17~~ *paragraph (q) of subsection 1* of NRS 37.010 and subsection 2 of NRS 279.470;
- (b) A reasonably detailed description of the property to be acquired;
- (c) A finding by the agency that the public interest and necessity require the acquisition of the property;
- (d) A finding by the agency that acquisition of the property will be the option for redevelopment that is most compatible with the greatest public good and the least private injury; and
- (e) A finding by the agency that acquisition of the property is necessary for purposes of redevelopment.

4. After an agency adopts a resolution pursuant to subsection 1 or 2, the resolution so adopted and the findings set forth in the resolution are final and conclusive and are not subject to judicial review unless credible evidence is adduced to suggest that the resolution or the findings set forth therein were procured through bribery or fraud.

Sec. 11. NRS ~~37.112 and~~ 37.190 ~~are~~ is hereby repealed.

Sec. 12. The amendatory provisions of this act apply to an action in eminent domain that is filed on or after ~~October 1, 2007,~~ the effective date of this act.

Sec. 13. *This act becomes effective upon passage and approval.*

TEXT OF REPEALED ~~SECTIONS~~ SECTION

~~37.112—Valuation of property subject to condemnation as result of public work or project.~~

~~1.—Except as otherwise provided in subsection 2, if the property is subject to condemnation as a result of a public work or public improvement, any decrease or increase in the fair market value of the property before the date of valuation which is caused by:~~

~~(a) The public work or public improvement for which the property is acquired; or~~

~~(b) The likelihood that the property would be acquired for such a purpose, must be disregarded when assessing the value of the property pursuant to NRS 37.110.~~

~~2.—Any decrease or increase in the fair market value of the property before the date of valuation resulting from physical deterioration within the~~

~~reasonable control of the owner is not required to be disregarded pursuant to subsection 1.~~

37.190 Costs: Allowance and apportionment. Costs may be allowed or not, and if allowed may include a maximum of \$350 for appraisal reports used at the trial and \$150 for fees of expert witnesses who testify at the trial, and may be apportioned between the parties on the same or adverse sides, in the discretion of the court.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 118.

Bill read second time and ordered to third reading.

Assembly Bill No. 198.

Bill read second time and ordered to third reading.

Assembly Bill No. 215.

Bill read second time and ordered to third reading.

Assembly Bill No. 266.

Bill read second time and ordered to third reading.

Assembly Bill No. 278.

Bill read second time and ordered to third reading.

Assembly Bill No. 283.

Bill read second time and ordered to third reading.

Assembly Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 664.

"SUMMARY—Makes various changes to provisions concerning youth shelters. (BDR 20-785)"

"AN ACT relating to youth shelters; revising the definition of "runaway and homeless youth" for consistency with the federal definition for purposes of provisions which authorize counties to designate approved youth shelters; revising the requirements for designation of a youth shelter as an approved youth shelter; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that an approved youth shelter and its director, employees, agents or volunteers are immune from civil liability for certain actions taken while admitting, releasing or caring for a runaway or homeless youth. (NRS 244.429) Section 1 of this bill revises the definition of "runaway and homeless youth" as used in the sections addressing approved youth shelters for consistency with the definition set forth in the McKinney-Vento

Homeless Assistance Act, 42 U.S.C. § 11434a(2). (NRS 244.424) Section 2 of this bill requires approved youth shelters to *make a reasonable, bona fide* attempt to notify the parent, guardian or custodian as to the whereabouts of a runaway or homeless youth as soon as practicable, except in cases of suspected abuse or neglect, rather than requiring actual notice.

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

Section 1. NRS 244.424 is hereby amended to read as follows:

244.424 "Runaway or homeless youth" means a youth who : ~~{is:}~~

1. ~~{Without a place of shelter where supervision and care are available; or}~~ *Is under 18 years of age; and*
2. ~~{Absent from his legal residence without the consent of his parent, guardian or custodian.}~~ *Lives in a situation described in 42 U.S.C. § 11434a(2)(B)(ii)-(iii) with or without the consent or knowledge of his parent, guardian or custodian.*

Sec. 2. NRS 244.428 is hereby amended to read as follows:

244.428 1. The board of county commissioners of any county may provide by ordinance for the designation of a youth shelter operated within the county as an approved youth shelter.

2. If a board of county commissioners has adopted an ordinance pursuant to subsection 1, a youth shelter that is located in that county and seeking to be designated as an approved youth shelter may apply to the board of county commissioners for such a designation.

3. An ordinance adopted by a board of county commissioners pursuant to subsection 1 must:

(a) Prescribe the requirements for designation of a youth shelter as an approved youth shelter, including, without limitation:

- (1) A requirement that the youth shelter provide necessary services;
- (2) The form and manner of the application for designation or renewal of a designation as an approved youth shelter;
- (3) An application fee in an amount not to exceed the actual cost to the county for reviewing the application; and
- (4) A requirement that an applicant must comply with the provisions of an ordinance adopted pursuant to this section and with all applicable federal, state and local laws and ordinances pertaining to shelters for the homeless.

(b) Provide for reasonable inspections of an approved youth shelter to confirm that the youth shelter is complying with the provisions of an ordinance adopted to carry out the provisions of this section.

(c) Provide for the revocation of a designation as an approved youth shelter for failure to comply with the provisions of an ordinance adopted to carry out the provisions of this section.

(d) Require an approved youth shelter to conduct an interview to determine whether a youth is a runaway or homeless youth and is qualified to receive the necessary services of the approved youth shelter.

(e) Upon admission of a runaway or homeless youth to a shelter, require:



(1) ~~[The notification of]~~ ~~Ann]~~ A reasonable, bona fide attempt to notify the parent, guardian or custodian of the runaway or homeless youth concerning the whereabouts of the runaway or homeless youth as soon as practicable, except in circumstances of suspected abuse or neglect;

(2) The notification of state and local law enforcement agencies concerning the whereabouts of the runaway or homeless youth; and

(3) A licensed professional to perform an evaluation of the youth to determine:

(I) The reasons why the youth is a runaway or homeless youth;

(II) Whether the youth is a victim of abuse or neglect; and

(III) Whether the youth needs immediate medical care or counseling.

(f) Require an approved youth shelter to return or facilitate the return of a runaway or homeless youth to the parent, guardian or custodian who was notified of the whereabouts of the runaway or homeless youth pursuant to subparagraph (1) of paragraph (e) if the parent, guardian or custodian so requests.

(g) Provide for the liability of a parent, guardian or custodian of a runaway or homeless youth for any expenses or costs incurred by the approved youth shelter for providing services to the runaway or homeless youth only if the services of the shelter were obtained through fraud or misrepresentation.

(h) Require the information or records obtained by an approved youth shelter to remain confidential, unless the use or disclosure of the information or records is necessary to:

(1) Locate a parent, guardian or custodian of a runaway or homeless youth;

(2) Comply with the duty to report abuse or neglect of a child pursuant to NRS 432B.220;

(3) Notify state and local law enforcement agencies or the clearinghouse; or

(4) Seek appropriate assistance for a runaway or homeless youth from public and private agencies.

4. In a county where the board of county commissioners has adopted an ordinance pursuant to subsection 1, the board of county commissioners may establish, by ordinance, other regulations as are necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Abuse or neglect" means abuse or neglect of a child as defined in NRS 432B.020.

(b) "Clearinghouse" has the meaning ascribed to it in NRS 432.150.

(c) "Licensed professional" includes, without limitation:

(1) A social worker;

(2) A registered nurse;

(3) A physician;

(4) A psychologist;

(5) A teacher; or

(6) Any other class of persons who are identified in an ordinance adopted by a county who hold a professional license in this State and who are trained to recognize indications of abuse or neglect.

Sec. 3. 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.

Assembly Bill No. 329.

Bill read second time and ordered to third reading.

Assembly Bill No. 504.

Bill read second time and ordered to third reading.

Assembly Bill No. 520.

Bill read second time and ordered to third reading.

Assembly Bill No. 536.

Bill read second time and ordered to third reading.

Assembly Bill No. 548.

Bill read second time and ordered to third reading.

Assembly Bill No. 556.

Bill read second time and ordered to third reading.

Assembly Bill No. 577.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 3.

Resolution read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 630.

"SUMMARY—Proposes to amend the Nevada Constitution to revise provisions relating to the taking of private property by eminent domain. (BDR C-529)"

"ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to revise provisions relating to the taking of private property by eminent domain."

Legislative Counsel's Digest:

Section 8 of Article 1 of the Nevada Constitution and the Fifth Amendment to the United States Constitution provide that private property cannot be taken for a public use without just compensation. In *Kelo v. City of New London*, 125 S.Ct. 2655 (2005), the United States Supreme Court ruled that the use of eminent domain to acquire property and transfer it to another private party for the purpose of economic development

does not violate the Takings Clause of the Fifth Amendment to the United States Constitution.

This resolution proposes an amendment to the Nevada Constitution to prohibit, except in certain circumstances, the taking of private property if the purpose of the taking is to transfer an interest in that property to another private party.

In addition, the amendment proposed by this resolution requires an entity which is taking property by the exercise of eminent domain to provide the owner of the property with all appraisals of the property obtained by the entity before the entity is allowed to occupy the property. Furthermore, in all eminent domain actions, the owner of the property that is being taken is entitled to a determination of whether the taking is for a public use and the entity that is taking the property has the burden of proving that the taking is for a public use.

The amendment proposed by this resolution provides for the manner of computing the just compensation owed to a person whose property is taken by the exercise of eminent domain. Also, the amendment provides that neither a property owner nor an entity which is taking property by the exercise of eminent domain is liable for the attorney's fees of the other party, except in a certain circumstance. Under the amendment, the owner of property taken by the exercise of eminent domain, or his successor in interest, has the right to reacquire the property for the price paid by the entity which took the property under certain circumstances.

This resolution also proposes to repeal the "People's Initiative to Stop the Taking of Our Land" if that initiative is approved by the voters at the 2008 General Election.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:

(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;

(b) Present at all public hearings involving the critical stages of a criminal proceeding; and

(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.

3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.

5. No person shall be deprived of life, liberty, or property, without due process of law.

6. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

7. *Except as otherwise provided in paragraphs (a) to (e), inclusive, the public uses for which private property may be taken do not include the direct or indirect transfer of any interest in the property to another private person or entity. A transfer of property taken by the exercise of eminent domain to another private person or entity is a public use in the following circumstances:*

*(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.*

*(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:*

*(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or a facility that is owned by a governmental entity; and*

*(2) Provides the person from whom the property was taken with an opportunity to bid or propose on ~~an equal basis with others.~~ any such lease.*

*(c) The entity:*

*(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and*

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property ~~transfers an interest in the property to a private person or entity in exchange for an interest in the property that was taken, or is being taken,~~ exchanges it for other property acquired or being acquired by ~~the exercise of~~ eminent domain or under the threat of ~~the exercise of~~ eminent domain for ~~the purpose of a road, roadway or highway, the relocation of~~ purposes, to relocate public or private structures or to ~~facilitate or~~ avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

8. In all actions in eminent domain:

(a) Before the entity that is taking property obtains possession of the property, the entity shall give to the owner of the property a copy of all appraisals of the property obtained by the entity.

(b) At the occupancy hearing, the owner of the property that is the subject of the action is entitled, at the property owner's election, to a separate and distinct determination as to whether the property is being taken for a public use.

(c) The entity that is taking property has the burden of proving that the taking is for a public use.

(d) Except as otherwise provided in this paragraph, neither the entity that is taking property nor the owner of the property is liable for the attorney's fees of the other party. This paragraph does not apply in an inverse condemnation action if the owner of the property that is the subject of the action makes a request for attorney's fees from the other party to the action.

9. Except as otherwise provided in this subsection, if a court determines that a taking of property is for public use, the taken or damaged property must be valued at its highest and best use without considering any future dedication requirements imposed by the entity that is taking the property. If property is taken primarily for a profit-making purpose, the property must be valued at the use to which the entity that is taking the property intends to put the property, if such use results in a higher value for the property.

10. In all actions in eminent domain, fair market value is the highest price, on the date of valuation, that would be agreed to by a seller, who is willing to sell on the open market and has reasonable time to find a purchaser, and a buyer, who is ready, willing and able to buy, if both the seller and the buyer had full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

11. In all actions in eminent domain, just compensation is that sum of money necessary to place the property owner in the same position

monetarily as if the property had never been taken, excluding any governmental offsets except special benefits. Special benefits may only offset severance damages and may not offset the value for the property. Just compensation for the property taken by the exercise of eminent domain must include, without limitation, interest and reasonable costs and expenses, except attorney's fees, incurred by the owner of the property that is the subject of the action. The district court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:

(a) The date on which the computation of interest will commence;

(b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and

(c) Whether the interest will be compounded annually.

12. Property taken by the exercise of eminent domain must be offered to and reverts to the person from whom the property was taken upon repayment of the original purchase price if, within 15 years after obtaining possession of the property, the entity that took the property:

(a) Fails to use the property for the public use for which the property was taken or for any public use reasonably related to the public use for which the property was taken; or

(b) Seeks to convey any right, title or interest in all or part of the property to any other person and the conveyance is not occurring pursuant to subsection 7.

↳ The entity that has taken the property does not fail to use the property under paragraph (a) if the entity has begun active planning for or design of the public use, the assembling of land in furtherance of planning for or design of the public use or construction related to the public use.

13. If any provision of subsections 7 to 12, inclusive, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or application of subsections 7 to 12, inclusive, which can be given effect without the invalid provision or application, and to this end the provisions of subsections 7 to 12, inclusive, are declared to be severable.

14. The provisions of subsections 7 to 12, inclusive, apply to an action in eminent domain that is filed on or after January 1, 2011.

And be it further

RESOLVED, That Section 22 of Article 1 of the Nevada Constitution, commonly known as the "People's Initiative to Stop the Taking of Our Land," if that section is approved and ratified by the voters at the 2008 General Election, is hereby repealed.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Amendment adopted.

Resolution ordered reprinted, reengrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 20.

Bill read third time.

Roll call on Assembly Bill No. 20:

YEAS—21.

NAYS—None.

Assembly Bill No. 20 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 77.

Bill read third time.

Roll call on Assembly Bill No. 77:

YEAS—21.

NAYS—None.

Assembly Bill No. 77 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 117.

Bill read third time.

Remarks by Senators Mathews and Amodei.

Roll call on Assembly Bill No. 117:

YEAS—21.

NAYS—None.

Assembly Bill No. 117 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 250.

Bill read third time.

Roll call on Assembly Bill No. 250:

YEAS—21.

NAYS—None.

Assembly Bill No. 250 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 261.

Bill read third time.

Roll call on Assembly Bill No. 261:

YEAS—21.

NAYS—None.

Assembly Bill No. 261 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 306.

Bill read third time.

Roll call on Assembly Bill No. 306:

YEAS—21.

NAYS—None.

Assembly Bill No. 306 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 307.

Bill read third time.

Remarks by Senators Coffin and Amodei.

Senator Coffin requested that the following remarks be entered in the Journal.

SENATOR COFFIN:

Thank you, Mr. President. I have a question for anyone on the committee. I would like to make certain that with this bill we are not prohibiting people from photographing aircraft passing over their homes. The reason for my concern is that it is quite bad in certain parts of Las Vegas where tourist helicopters fly over residences at low levels and sometimes under the agreed-to levels and out-of-bounds areas of the right paths they are supposed to maintain. They fly most frequently at night in southern Nevada. I live close to one of those paths.

I do not support the idea that someone should try to blind a pilot and endanger crew and passengers, but I do want to make certain that if a person wants to take a photograph of the tail number that a flash photograph would not be prohibited by this for identification. It is important for people to try to keep track of who is breaking the rules in the night sky.

SENATOR AMODEI:

For purposes of creating a record for the bill, the discussion in committee dealt with laser devises which were directed at the cockpit of aircraft and maintained in that direction, and also five-figure—in the thousands—of candlepower light. There was no testimony regarding abuses by people using flashes for photographic purposes or anything else like that. There is no record before the Senate Committee on Judiciary of this in anyway being intended to apply to photographic flash in any context. All the testimony dealt with lasers and 10,000-and-above candlepower lights being directed at and continually directed at the cockpits for the purpose of disorienting or frustrating the mission of the aircraft, not photographing the aircraft. Much of it is law enforcement related, and affects the approaches to and departures from general-aviation and civil-aviation airports.

SENATOR COFFIN:

The Chair's explanation is adequate for purposes of perhaps determining what we might want. It is not the language and would not permit what I have discussed, but I would like these comments entered into the Journal so that if law enforcement or our judicial system were inclined to delve into it, and should there be an arrest, this is included.

Roll call on Assembly Bill No. 307:

YEAS—21.

NAYS—None.



Assembly Bill No. 307 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 505.

Bill read third time.

Roll call on Assembly Bill No. 505:

YEAS—21.

NAYS—None.

Assembly Bill No. 505 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 542.

Bill read third time.

Roll call on Assembly Bill No. 542:

YEAS—21.

NAYS—None.

Assembly Bill No. 542 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 32, 57, 70, 77, 88, 567; Senate Concurrent Resolutions Nos. 26, 27; Assembly Bills Nos. 58, 71, 264, 267, 282, 286, 294, 353, 380, 381, 423, 482, 534, 541, 552, 560, 575, 589.

##### 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 Kay Winters, Marianne Winters, Kathie Gerber, Gim Hollister, Mike Fischer, Dan Kaffer, Bob Milz, Johnye Saylor, Guy Rocha and Jeanette Palmer.

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to Allen Koercher.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Larry Josley.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Brent Husson.

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to Jade Millington, Patty Wade; students, chaperones and teachers from the Green Valley Christian School: Kylie Anerson, Sam Buckels, Lexi Burkhalter, Jordyn Dale, Robert DeMangus, Lordis DePiazza, Casey Donohue, Taylor Ellis, Kayla Espina, Jacob

Etchings, Alani Fajardo, Chase Forsythe, Joe Fredianelli, Allie Grady, Rachel Handelman, Alexis Harris, Jenna Kaplan, Tiffany Kekhaial, Marilyn Kennedy, Daniel Koh, Amberly Nelson, Gage Nelson, Kirsten Oakes, Spencer Poscente, Joseph Robinson Jr., Victor Rossi, Michael Snow, Josh Teixeira, Ricky Thurston, Nicolas Vitolo, Joli Waldeck; chaperones: Amy Buckles, Sherry Osborn, Nicole Dubois, Lenard DePiazza, Paul Donohue, Marcia Fajardo, David Forsythe, Brian Grady, Cindy Handelman, Merlelynn Harris, Alena Smirnova, Cathy Kennedy, Cori Nelson, Patrice O'Connor, Joseph Robinson, Jonnie Teixeira, Greg Thurston, Janice Thurston; teachers: Tina Rodillo and Laura Orlandos.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students from the Kate Smith Elementary School: Rubi Alarcon, Maria Alvarado Andrade, Ernesto Barboza, Maribel Bedolla, Leopoli Cervantes Quiroz, Marissa Coronado, Marian Estrada, Diana Guerrero, Erik Guerrero, Lorena Herrera, Leonel Jimenez, Tonia Lilly, Michael Lock, Veronica Luvisi, Troy Manuta, Alyssa Navarro, Josue Nolasco, Susana Ocampo, Shianne Plumlee, Anayeli Rivera, Norma Robles, Esteban Silva Estrada, Edgar Tamayo, Ana Torres, James Valdez, Hunter Waddell, Nebat Yusuf, Evelyn Alvarez-Moran, Yessenia Arriaga, Jose Blancas, Caylib Brown, Alexandrea Cocroft, Norberto Cornejo, Darius Devine-Haberle, Jessica Garcia, Katia Del Rosario Garcia, Mary Garcia, Isaac Gonzalez, Javelosa Dexter, Tayiesha Kilafwakun, Maximillian Luis, Angleana Mangus, Guadalupe Martinez, Nelson Martienez, Conny Mendoza, Yesenia Mora Gomes, Muro Noel, Dereck Orzel, Eriyana Pickrell, Iliana Ramos, Rosibel Renteria, Carlos Rodriguez, Nancy Rosales, Shania Sbriglia, Marissa Torres and Sarah Vandegrift.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Monte Miller and Dee McGinness.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Cort Christie and George Balaban.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Joe Brown.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Stan Paher and the following students and teacher from the Pyramid Lake High School: Harrier Brady, Jeremiah Sampson, Anne Marie Greenhalgh, Ashley Henry, Betsy Austin, Louis Barlese, LeeAnna Blossom, Jesse Centeno, Lasaundra Dearmore, Ashley Henry, Lauren Mauwee, Joseph Miller, Keith Pete and teacher: Kim DesRoches.

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

Motion carried.

Senate adjourned at 12:12 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*