

SENATE RESOLUTION NO. 4—SENATORS RAGGIO AND TITUS

JULY 1, 2003

Read and Adopted

SUMMARY—Acknowledges petition for Writ of Mandamus filed by Governor requesting Nevada Supreme Court to direct Senate and Assembly to fulfill certain constitutional obligations. (BDR R-42)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE RESOLUTION—Acknowledging the petition for a Writ of Mandamus filed by the Governor of the State of Nevada requesting the Nevada Supreme Court to direct the Senate and Assembly to fulfill certain constitutional obligations.

- 1 WHEREAS, Section 1 of Article 4 of the Nevada Constitution
2 provides that the legislative authority of the State of Nevada is
3 vested in a Senate and Assembly which shall be designated as the
4 Legislature of the State of Nevada; and
5 WHEREAS, Sections 2 and 6 of Article 11 of the Nevada
6 Constitution require the Legislature of the State of Nevada to
7 provide for a uniform system of common schools and to provide for
8 the support and maintenance of those schools; and
9 WHEREAS, In accordance with this constitutional duty to fund
10 schools, the Senate of the State of Nevada, during this 20th Special
11 Session of the Legislature, passed Senate Bill No. 4, to make
12 appropriations to the State Distributive School Account for the
13 purposes of class-size reduction, and Senate Bill No. 5, to apportion
14 the State Distributive School Account and to authorize certain
15 expenditures for educational purposes; and
16 WHEREAS, Section 2 of Article 9 of the Nevada Constitution
17 requires the Nevada Legislature to provide by law for an annual tax
18 sufficient to defray the estimated expenses of the State for each
19 fiscal year and to provide for a tax that is sufficient, with other
20 sources of income, to pay the estimated expenses of the State; and



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1 WHEREAS, To carry out this constitutional duty, the Senate of
2 the State of Nevada, during the 20th Special Session, passed by a
3 constitutional two-thirds majority vote Senate Bill No. 2 and Senate
4 Bill No. 6, which together would provide for sufficient revenues to
5 ensure that the State Distributive School Account and the program
6 for class-size reduction are adequately funded; and

7 WHEREAS, The Attorney General of the State of Nevada, on
8 behalf of the Governor of this state, has filed in the Supreme Court
9 of the State of Nevada a petition for the issuance of a Writ of
10 Mandamus that would direct the Legislature to act by a time certain
11 to comply with Section 6 of Article 11 and Section 2 of Article 9 of
12 the Nevada Constitution by appropriating an amount sufficient for
13 the support of the common schools and providing by law for an
14 annual tax that is sufficient to defray the estimated expenses of the
15 State for the fiscal years commencing on July 1, 2003, and July 1,
16 2004; and

17 WHEREAS, During this 20th Special Session of the Nevada
18 Legislature, the Senate of the State of Nevada has carried out its
19 constitutional duties on behalf of the residents of this state by
20 passing legislation to support the common schools of this state and
21 to provide sufficient revenues for a balanced budget; now, therefore,
22 be it

23 RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That this
24 body hereby acknowledges the filing by the Governor of the State of
25 Nevada of a petition for a Writ of Mandamus directing the Senate
26 and Assembly to fulfill their constitutional obligations to provide for
27 the support and maintenance of schools and for a balanced budget;
28 and be it further

29 RESOLVED, That the members of the Senate hereby direct the
30 Legislative Counsel to take such actions as are necessary and
31 appropriate to respond on behalf of the Senate of the State of
32 Nevada to the Governor's petition for a Writ of Mandamus; and be
33 it further

34 RESOLVED, That the Secretary of the Senate prepare and
35 transmit a copy of this resolution to the Clerk of the Supreme Court.

