

Senate Resolution No. 4—Senators Raggio and Titus

FILE NUMBER.....

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.

WHEREAS, Section 1 of Article 4 of the Nevada Constitution provides that the legislative authority of the State of Nevada is vested in a Senate and Assembly which shall be designated as the Legislature of the State of Nevada; and

WHEREAS, Sections 2 and 6 of Article 11 of the Nevada Constitution require the Legislature of the State of Nevada to provide for a uniform system of common schools and to provide for the support and maintenance of those schools; and

WHEREAS, In accordance with this constitutional duty to fund schools, the Senate of the State of Nevada, during this 20th Special Session of the Legislature, passed Senate Bill No. 4, to make appropriations to the State Distributive School Account for the purposes of class-size reduction, and Senate Bill No. 5, to apportion the State Distributive School Account and to authorize certain expenditures for educational purposes; and

WHEREAS, Section 2 of Article 9 of the Nevada Constitution requires the Nevada Legislature to provide by law for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year and to provide for a tax that is sufficient, with other sources of income, to pay the estimated expenses of the State; and

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

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

WHEREAS, During this 20th Special Session of the Nevada Legislature, the Senate of the State of Nevada has carried out its constitutional duties on behalf of the residents of this state by

passing legislation to support the common schools of this state and to provide sufficient revenues for a balanced budget; now, therefore, be it

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

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

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