

Amendment No. 996

Senate Amendment to Senate Bill No. 212 (BDR 24-649)

Proposed by: Senator Horsford**Amendment Box:** Replaces Amendment No. 992.
Consistent with Amendments Nos. 517 and 984.**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold dashed underlining is newly added transitory language.

RBL



Date: 5/31/2009

S.B. No. 212—Revises provisions governing initiative petitions. (BDR 24-649)



SENATE BILL NO. 212—SENATOR RHODS

MARCH 13, 2009

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing initiative petitions. (BDR 24-649)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to initiative petitions; providing a procedure for a petition proposing a statute, an amendment to a statute or an amendment to the Constitution to be placed on a ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that an initiative petition proposing a statute, an amendment to a statute or an amendment to the Constitution be signed by a number of registered voters that is equal to at least 10 percent of the voters who voted at the last preceding general election. (Nev. Const. Art. 19, § 2) Existing law also requires an initiative petition be signed by a number of registered voters from each county in the State that is at least equal to 10 percent of the voters who voted in the entire State at the last preceding general election multiplied by the population percentage for that county. (NRS 295.012) The United States District Court for the District of Nevada declared that the current existing law violates the Equal Protection Clause of the United States Constitution because it results in the signatures of voters from counties with lower population carrying more weight than the signatures of voters from counties with higher population. (*Marijuana Policy Project v. Miller*, 578 F.Supp. 2d 1290 (D. Nev. 2008)) This bill repeals and replaces the current existing law.

Section 3.2 of this bill requires the Legislature to create petition districts from which signatures for a petition for initiative must be gathered. Section 14 of this bill defines "petition district" to mean congressional district until July 1, 2011, at which time the Legislature must have established petition districts for the period after that date. Section 3.4 of this bill requires the Director of the Legislative Counsel Bureau to retain a copy of maps of the petitions district and make them available to any interested person for a reasonable fee not to exceed the actual cost of producing the copy. Section 12 of this bill requires a petition for initiative ~~for referendum~~ to be signed by a number of registered voters in each ~~assembly~~ petition district in the State that equals at least 10 percent of the voters who voted in that ~~assembly~~ petition district in the last preceding general election. ~~Section 2 of this bill requires the Secretary of State to conduct a hearing on each constitutional amendment or statewide measure proposed by initiative or referendum that will appear on the ballot at the general election.~~

Section 5 of this bill requires the Secretary of State to determine, as soon as practicable after each general election, the number of signatures required to be gathered from each ~~assembly~~ petition district. Sections 6-9 of this bill provide procedures for the verification of signatures on a petition proposing a statute, an amendment to a statute or an amendment to the Constitution. Sections 7 and 9 require the Secretary of State to adopt regulations concerning these procedures. Section 10 of this bill requires the Secretary of State to provide on his

website a current list of the registered voters in this State that indicates the ~~assembly~~ petition district in which each registered voter resides. Section 13 of this bill authorizes ~~the person signing a petition to indicate his petition district on the petition and, if not so indicated, allows the circulator of the petition to provide a registered voter access to the Internet through an electronic device for the purpose of determining the assembly district in which the voter resides, indicate the petition district of the person if known.~~ Section 13 further allows a voter to consult the website of the Secretary of State to determine within which petition district he resides and to rely on that information.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as ~~sections 2 and 3~~ section 2 of this act.

Sec. 2. ~~“Assembly district” means a district created pursuant to the provisions of chapter 218 of NRS for the election of members of the Assembly.~~ “Petition district” means a district established by the Legislature pursuant to section 3.2 of this act.

Sec. 3. ~~1. For each constitutional amendment or statewide measure proposed by initiative or referendum to be placed on the ballot by the Secretary of State, the Secretary of State shall, not less than 60 days before the election in which the initiative or referendum will appear on the ballot, conduct at least one public hearing pursuant to this section.~~

~~2. The Secretary of State shall provide notice of any hearing held pursuant to subsection 1. The Secretary of State shall:~~

~~(a) Place a notice of the time, date and place of the hearing on his Internet website at least 30 days before the date of the hearing;~~

~~(b) Cause notice of the time, date and place of the hearing to be published on three dates of publication before the hearing, the last of which must be at least 5 days before the hearing, in at least one newspaper of general circulation in each county of the State. There must be at least 10 days from the first to last dates of publication, including both the first and last days;~~

~~(c) Mail notice of the time, date and place of the hearing to each member of the two committees appointed pursuant to NRS 293.252 at least 10 days before the date of the hearing;~~

~~(d) Mail notice of the time, date and place of the hearing to each person or group of persons who submitted a petition for initiative or referendum to a county clerk.~~ (Deleted by amendment.)

Sec. 3.2. 1. The Legislature shall establish petition districts from which signatures for a petition for initiative that proposes a statute, an amendment to a statute or an amendment to the Constitution of this State must be gathered. The petition districts must be established in a manner that is fair to all residents of the State, represent approximately equal populations and ensure that each signature is afforded the same weight.

2. Petition districts must be:

(a) Based on the population databases compiled by the Bureau of the Census of the United States Department of Commerce as validated and incorporated into the geographic information system by the Legislative Counsel Bureau for use by the Nevada Legislature.

(b) Designated in the maps filed with the Office of the Secretary of State pursuant to section 3.4 of this act.

Sec. 3.4. The Director of the Legislative Counsel Bureau shall:

1 1. Retain in an office of the Legislative Counsel Bureau, copies of maps of
2 the petition districts established pursuant to section 3.2 of this act.

3 2. Make available copies of the maps to any interested person for a
4 reasonable fee, not to exceed the actual costs of producing copies of the maps.

5 3. File a copy of the maps with the Secretary of State.

6 **Sec. 4.** NRS 293.010 is hereby amended to read as follows:

7 293.010 As used in this title, unless the context otherwise requires, the words
8 and terms defined in NRS 293.013 to 293.121, inclusive, *and section 2 of this act*,
9 have the meanings ascribed to them in those sections.

10 **Sec. 5.** NRS 293.127563 is hereby amended to read as follows:

11 293.127563 1. As soon as practicable after each general election, the
12 Secretary of State shall determine the number of signatures required to be gathered
13 from each ~~county~~ ~~assembly~~ *petition district* within the State for a petition for
14 initiative that proposes a statute, an amendment to *a* statute or an amendment to the
15 Constitution of this State.

16 2. To determine the number of signatures required to be gathered from ~~a~~
17 ~~county~~ ~~an assembly~~ *a petition district*, the Secretary of State shall ~~multiply~~
18 *calculate* the amount that equals 10 percent of the voters who voted in ~~the entire~~
19 ~~State~~ *that assembly petition district* at the last preceding general election *. by*
20 *the population percentage for that county.*

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

22 ~~(a) "Total population of the State" means the determination of the total~~
23 ~~population of the State by the national decennial census conducted by the Bureau of~~
24 ~~the Census of the United States Department of Commerce pursuant to Section 2 of~~
25 ~~Article I of the Constitution of the United States and reported by the Secretary of~~
26 ~~Commerce to the Governor pursuant to 13 U.S.C. § 141(e).~~

27 ~~(b) "Population percentage for that county" means the figure obtained by~~
28 ~~dividing the population of the county, as determined by the national decennial~~
29 ~~census conducted by the Bureau of the Census of the United States Department of~~
30 ~~Commerce pursuant to Section 2 of Article I of the Constitution of the United~~
31 ~~States and reported by the Secretary of Commerce to the Governor pursuant to 13~~
32 ~~U.S.C. § 141(e), by the total population of the State.]~~

33 **Sec. 6.** NRS 293.1276 is hereby amended to read as follows:

34 293.1276 1. Within 4 days, excluding Saturdays, Sundays and holidays,
35 after the submission of a petition containing signatures which are required to be
36 verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109,
37 306.035 or 306.110, the county clerk shall determine the total number of signatures
38 affixed to the documents *and, in the case of a petition proposing a statute, an*
39 *amendment to a statute or an amendment to the Constitution, shall tally the*
40 *number of signatures for each assembly petition district contained fully or*
41 *partially within his county* and forward that information to the Secretary of State.

42 2. If the Secretary of State finds that the total number of signatures filed with
43 all the county clerks is less than 100 percent of the required number of registered
44 voters, he shall so notify the person who submitted the petition and the county
45 clerks and no further action may be taken in regard to the petition. If the petition is
46 a petition to recall a county, district or municipal officer, the Secretary of State shall
47 also notify the officer with whom the petition is to be filed.

48 3. After the petition is submitted to the county clerk, it must not be handled
49 by any other person except by an employee of the county clerk's office until it is
50 filed with the Secretary of State.

51 **Sec. 7.** NRS 293.1277 is hereby amended to read as follows:

52 293.1277 1. If the Secretary of State finds that the total number of
53 signatures submitted to all the county clerks is 100 percent or more of the number

1 of registered voters needed to declare the petition sufficient, he shall immediately
2 so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and
3 holidays, after notification, each of the county clerks shall determine the number of
4 registered voters who have signed the documents submitted in his county ~~and, in~~ *and, in*
5 *the case of a petition proposing a statute, an amendment to a statute or an*
6 *amendment to the Constitution, shall tally the number of signatures for each*
7 ~~assembly~~ *petition* district contained or fully contained within his county.

8 2. If more than 500 names have been signed on the documents submitted to
9 him, a county clerk shall examine the signatures by sampling them at random for
10 verification. The random sample of signatures to be verified must be drawn in such
11 a manner that every signature which has been submitted to the county clerk is given
12 an equal opportunity to be included in the sample. The sample must include an
13 examination of at least 500 or 5 percent of the signatures, whichever is greater.

14 3. In determining from the records of registration the number of registered
15 voters who signed the documents, the county clerk may use the signatures
16 contained in the file of applications to register to vote. If the county clerk uses that
17 file, he shall ensure that every application in the file is examined, including any
18 application in his possession which may not yet be entered into his records. The
19 county clerk shall rely only on the appearance of the signature and the address and
20 date included with each signature in making his determination.

21 4. *In the case of a petition proposing a statute, an amendment to a statute or*
22 *an amendment to the Constitution, when the county clerk is determining the*
23 *number of registered voters who signed the documents from each* ~~assembly~~ *petition*
24 *district contained fully or partially within his county, he must use the*
25 *statewide voter registration list available pursuant to NRS 293.675.*

26 5. Except as otherwise provided in subsection ~~6-1~~ 7, upon completing the
27 examination, the county clerk shall immediately attach to the documents a
28 certificate properly dated, showing the result of his examination, *including the*
29 *tally of signatures by* ~~assembly~~ *petition* district, if required, and transmit the
30 documents with the certificate to the Secretary of State. *If* ~~an assembly~~ *a petition*
31 *district comprises more than one county and the petition proposes a statute,*
32 *an amendment to a statute or an amendment to the Constitution, the appropriate*
33 *county clerks shall comply with the regulations adopted by the Secretary of State*
34 *pursuant to this section to complete the certificate.* A copy of this certificate must
35 be filed in the clerk's office. When the county clerk transmits the certificate to the
36 Secretary of State, the county clerk shall notify the Secretary of State of the number
37 of requests to remove a name received by the county clerk pursuant to NRS
38 295.055 or 306.015.

39 ~~5-1~~ 6. A person who submits a petition to the county clerk which is required
40 to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056,
41 298.109, 306.035 or 306.110 must be allowed to witness the verification of the
42 signatures. A public officer who is the subject of a recall petition must also be
43 allowed to witness the verification of the signatures on the petition.

44 ~~6-1~~ 7. For any petition containing signatures which are required to be
45 verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110
46 for any county, district or municipal office within one county, the county clerk shall
47 not transmit to the Secretary of State the documents containing the signatures of the
48 registered voters.

49 ~~7-1~~ 8. The Secretary of State ~~may~~ *shall* by regulation establish further
50 procedures for carrying out the provisions of this section.

51 **Sec. 8.** NRS 293.1278 is hereby amended to read as follows:

52 293.1278 1. If the certificates received by the Secretary of State from all the
53 county clerks establish that the number of valid signatures is less than 90 percent of

1 the required number of registered voters, the petition shall be deemed to have failed
2 to qualify, and the Secretary of State shall immediately so notify the petitioners and
3 the county clerks.

4 2. If those certificates establish that the number of valid signatures is equal to
5 or more than the sum of 100 percent of the number of registered voters needed to
6 make the petition sufficient plus the total number of requests to remove a name
7 received by the county clerks pursuant to NRS 295.055 or 306.015 ~~and, in the~~
8 ~~case of a petition proposing a statute, an amendment to a statute or an~~
9 ~~amendment to the Constitution, that the petition has the minimum number of~~
10 ~~signatures required for each assembly petition district,~~ the petition shall be
11 deemed to qualify as of the date of receipt by the Secretary of State of those
12 certificates, and the Secretary of State shall immediately so notify the petitioners
13 and the county clerks.

14 3. If the certificates establish that the petitioners have 100 percent or more of
15 the number of registered voters needed to make the petition sufficient but the
16 petition fails to qualify pursuant to subsection 2, each county clerk who received a
17 request to remove a name pursuant to NRS 295.055 or 306.015 shall remove each
18 name as requested, amend the certificate and transmit the amended certificate to the
19 Secretary of State. If the amended certificates establish that the petitioners have 100
20 percent or more of the number of registered voters needed to make the petition
21 sufficient ~~and, in the case of a petition proposing a statute, an amendment to a~~
22 ~~statute or an amendment to the Constitution, that the petition has the minimum~~
23 ~~number of signatures required for each assembly petition district,~~ the petition
24 shall be deemed to qualify as of the date of receipt by the Secretary of State of the
25 amended certificates, and the Secretary of State shall immediately so notify the
26 petitioners and the county clerks.

27 **Sec. 9.** NRS 293.1279 is hereby amended to read as follows:

28 293.1279 1. If the statistical sampling shows that the number of valid
29 signatures filed is 90 percent or more, but less than the sum of 100 percent of the
30 number of signatures of registered voters needed to declare the petition sufficient
31 plus the total number of requests to remove a name received by the county clerks
32 pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county
33 clerks to examine the signatures for verification. The county clerks shall examine
34 the signatures for verification until they determine that 100 percent of the number
35 of signatures of registered voters needed to declare the petition sufficient are valid.
36 If the county clerks received a request to remove a name pursuant to NRS 295.055
37 or 306.015, the county clerks may not determine that 100 percent of the number of
38 signatures of registered voters needed to declare the petition sufficient are valid
39 until they have removed each name as requested pursuant to NRS 295.055 or
40 306.015.

41 2. Except as otherwise provided in this subsection, if the statistical sampling
42 shows that the number of valid signatures filed in any county is 90 percent or more
43 but less than the sum of 100 percent of the number of signatures of registered voters
44 needed to constitute 10 percent of the number of voters who voted at the last
45 preceding general election in that county plus the total number of requests to
46 remove a name received by the county clerk in that county pursuant to NRS
47 295.055 or 306.015, the Secretary of State may order the county clerk in that
48 county to examine every signature for verification. If the county clerk received a
49 request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk
50 may not determine that 100 percent or more of the number of signatures of
51 registered voters needed to constitute 10 percent of the number of voters who voted
52 at the last preceding general election in that county are valid until he has removed
53 each name as requested pursuant to NRS 295.055 or 306.015. In the case of a

petition for initiative that proposes a statute, an amendment to *a* statute or an amendment to the Constitution of this State, if the statistical sampling shows that the number of valid signatures in any ~~{county}~~ ~~{assembly}~~ *petition district* is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that ~~{county}~~ ~~{assembly}~~ *petition district* pursuant to NRS 295.012 plus the total number of requests to remove a name received by the county clerk ~~{in that}~~ *or county clerks, if the {assembly} petition district comprises more than one* county, pursuant to NRS 295.055, the Secretary of State may order the county clerk to examine every signature for verification.

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk *or county clerks* shall determine from the records of registration what number of registered voters have signed the petition ~~{}~~ *and, if appropriate, tally those signatures by {assembly} petition district*. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition ~~{}~~ *and in determining in which {assembly} petition district the voters reside*, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk *or county clerks* shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office. *In the case of a petition to propose a statute, an amendment to a statute or an amendment to the Constitution, if {an assembly} a petition district comprises more than one county, the county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the amended certificate.*

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which he receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, he shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

8. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 10. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; ~~and~~

(c) *A current list of the registered voters in this State that also indicates the ~~assembly~~ petition district in which each registered voter resides;*

(d) *A map or maps indicating the boundaries of each ~~assembly~~ petition district; and*

(e) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 11. Chapter 295 of NRS is hereby amended by adding thereto a new section to read as follows:

~~“Assembly district” means a district created pursuant to the provisions of chapter 218 of NRS for the election of members of the Assembly.~~ *“Petition district” has the meaning ascribed to it in section 2 of this act.*

Sec. 12. NRS 295.012 is hereby amended to read as follows:

295.012 ~~{-}~~ A petition for initiative that proposes a statute, an amendment to a statute or an amendment to the Constitution must be proposed by a number of registered voters from each ~~county~~ ~~assembly~~ petition district in the State that is at least equal to 10 percent of the voters who voted in ~~the entire State~~ that ~~assembly~~ petition district at the last preceding general election. ~~{multiplied by the population percentage for that county.}~~

~~2. As used in this section:~~

~~(a) “Total population of the State” means the determination of the total population of the State by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(e).~~

~~(b) “Population percentage for that county” means the figure obtained by dividing the population of the county, as determined by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(e), by the total population of the State.~~

Sec. 13. NRS 295.055 is hereby amended to read as follows:

295.055 1. The Secretary of State shall by regulation specify:

(a) The format for the signatures on a petition for an initiative or referendum and make free specimens of the format available upon request. The regulations must ensure that the format includes, without limitation, that:

(1) In addition to signing the petition, a person who signs a petition ~~{shall}~~ ~~{print}~~ :

(I) ~~{Print}~~ *Shall print* his given name followed by his surname on the petition before his signature ~~{-}~~ ; and

1 (II) ~~Indicate~~ May indicate the ~~assembly~~ petition district in which
2 he resides. If the person does not indicate the petition district on the petition, the
3 circulator may indicate the petition district of the person if known.

4 (2) Each signature must be dated.

5 (b) The manner of fastening together several sheets circulated by one person to
6 constitute a single document.

7 2. The registered voter may consult the list of the registered voters in this
8 State posted on the website maintained by the Secretary of State pursuant to
9 subsection 1 of NRS 293.4687 to determine the ~~assembly~~ petition district in
10 which he resides. The registered voter may rely on the information contained in
11 the list when he indicates the appropriate ~~assembly~~ petition district, unless he
12 believes that the information is inaccurate.

13 ~~[3. The circulator of the petition may carry with him an electronic device~~
14 ~~capable of accessing the Internet for use by a registered voter to access the list of~~
15 ~~registered voters in this State posted on the website maintained by the Secretary~~
16 ~~of State pursuant to NRS 293.4687. A circulator may not write in the assembly~~
17 ~~district for any registered voter.]~~

18 ~~[4.]~~ 3. Each document of the petition must bear the name of a county, and
19 only registered voters of that county may sign the document.

20 ~~[3.]~~ ~~[5.]~~ 4. A person who signs a petition may request that the county clerk
21 remove his name from it by transmitting his request in writing to the county clerk at
22 any time before the petition is filed with the county clerk.

23 Sec. 14. Notwithstanding the definition of "petition district" set forth in
24 sections 2 and 11 of this act, until July 1, 2011, "petition district" as used in
25 chapters 293 and 295 of NRS means congressional districts established for the
26 State of Nevada.

27 Sec. 15. This act becomes effective upon passage and approval.