

SENATE BILL NO. 427—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

MARCH 29, 2005

Referred to Committee on Government Affairs

SUMMARY—Abolishes Dillon’s Rule concerning statutory interpretation of powers of counties. (BDR 20-586)

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

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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 counties; abolishing Dillon’s Rule concerning statutory interpretation of the powers of a county; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 244.195 is hereby amended to read as follows:
2 244.195 ***1. The Legislature hereby finds and declares that:***
3 ***(a) In 1868, Judge John F. Dillon of the Iowa Supreme Court***
4 ***established in Merriam v. Moody’s Executors, 25 Iowa 163 (1868),***
5 ***a common law rule of statutory interpretation known as Dillon’s***
6 ***Rule, which limits the powers of local governments.***
7 ***(b) Under Dillon’s Rule, a local government possesses and can***
8 ***exercise only those powers that are:***
9 ***(1) Granted in express words;***
10 ***(2) Necessarily or fairly implied in or incident to the powers***
11 ***expressly granted; or***
12 ***(3) Essential to the accomplishment of the declared objects***
13 ***and purposes of the local government and which are not simply***
14 ***convenient, but indispensable.***
15 ***(c) Under Dillon’s Rule, courts resolve any fair, reasonable***
16 ***doubt concerning whether a power has been conferred on a local***



1 *government against the local government and therefore deny the*
2 *power.*

3 *(d) Courts in this State follow Dillon's Rule. See Ronnow v.*
4 *City of Las Vegas, 57 Nev. 332, 342-43 (1937); Sadler v. Board of*
5 *County Comm'rs, 15 Nev. 39, 42 (1880).*

6 *(e) It is the intent of the Legislature to abolish Dillon's Rule in*
7 *this State with respect to the interpretation of the powers of the*
8 *boards of county commissioners in their respective counties and*
9 *instead require that those powers be liberally construed in their*
10 *favor.*

11 *2. Except as otherwise provided in subsection 3 or by specific*
12 *statute, the boards of county commissioners ~~shall have power and~~*
13 *~~jurisdiction~~ have such powers in their respective counties ~~to do~~*
14 *~~and perform all such other acts and things as may be lawful and~~*
15 *~~strictly necessary to the full discharge of the powers and jurisdiction~~*
16 *~~conferred on the board.~~ as are:*

17 *(a) Granted in express words;*

18 *(b) Necessarily or fairly implied in or incident to the powers*
19 *expressly granted; or*

20 *(c) Appropriate or convenient to the accomplishment of the*
21 *declared objects and purposes of the board.*

22 *3. This section does not authorize a county to impose or*
23 *increase a tax unless the tax or increase is otherwise authorized by*
24 *specific statute.*

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

