

SENATE CONCURRENT RESOLUTION NO. 10—SENATOR CARE

MARCH 13, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Directs the Legislative Commission to conduct an interim study concerning the powers delegated to local governments. (BDR R-446)

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

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study concerning the powers delegated to local governments.

1 WHEREAS, In 1868, Judge John F. Dillon of the Iowa Supreme
2 Court established in *Merriam v. Moody's Executors*, 25 Iowa 163
3 (1868), a common law rule of statutory interpretation known as
4 Dillon's Rule, which limits the powers of local governments; and

5 WHEREAS, Under Dillon's Rule, a local government possesses
6 and can exercise only those powers which are: (1) granted in express
7 words; (2) necessarily or fairly implied in or incident to the powers
8 expressly granted; or (3) essential to the accomplishment of the
9 declared objects and purposes of the local government and which
10 are not simply convenient, but indispensable; and

11 WHEREAS, The Nevada Supreme Court has cited Dillon's Rule
12 in several opinions; and

13 WHEREAS, Allowing greater autonomy for local governments in
14 this State may promote more efficient use of limited governmental
15 resources; now, therefore, be it

16 RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE
17 ASSEMBLY CONCURRING, That the Legislative Commission is
18 hereby directed to appoint an interim committee to conduct a study
19 of the powers of local governments in this State; and be it further

20 RESOLVED, That the interim committee must be composed of
21 six Legislators, one of whom must be appointed as chairman of the
22 committee, as follows:

23 1. The Chairman of the Senate Standing Committee on
24 Government Affairs;



2. The Chairman of the Assembly Standing Committee on Government Affairs;

3. One member appointed by the Majority Leader of the Senate;

4. One member appointed by the Minority Leader of the Senate;

5. One member appointed by the Speaker of the Assembly; and

6. One member appointed by the Minority Leader of the Assembly; and be it further

RESOLVED, That the study must include, without limitation, an examination of:

1. The structure, formation, function and powers of local governments in this State;

2. The potential fiscal impact in this State resulting from abolishing Dillon's Rule;

3. The feasibility of increasing the powers of local governments in this State; and

4. The experiences of states that have rejected Dillon's Rule; and be it further

RESOLVED, That to assist with the study, the chairman of the interim committee may appoint a technical advisory committee consisting of representatives of local governments in this State, who serve without salary, but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally; and be it further

RESOLVED, That any recommended legislation proposed by the interim committee be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommended legislation to the 75th Session of the Nevada Legislature.

