

SENATE BILL NO. 264—SENATOR CARE

MARCH 16, 2009

Referred to Committee on Government Affairs

SUMMARY—Directs the Legislative Commission to conduct an interim study concerning the powers delegated to local governments. (BDR S-81)

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 local governmental administration; directing the Legislative Commission to conduct an interim study of the powers delegated to local governments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill directs the Legislative Commission to conduct an interim study
2 concerning the powers delegated to local governments, including the feasibility of
3 increasing the powers of local governments related to taxation.

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,



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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. 1. The Legislative Commission shall appoint an interim committee to conduct a study of the powers of local governments in this State. The study must include, without limitation, an examination of:

(a) The structure, formation, function and powers of local governments in this State;

(b) The potential fiscal impact in this State resulting from abolishing Dillon's Rule;

(c) The feasibility of increasing the powers of local governments in this State; and

(d) The experiences of states that have rejected Dillon's Rule.

2. The interim committee must be composed of six Legislators, one of whom must be appointed as Chairman of the committee, as follows:

(a) The Chairman of the Senate Standing Committee on Government Affairs;

(b) The Chairman of the Assembly Standing Committee on Government Affairs;

(c) One member appointed by the Majority Leader of the Senate;

(d) One member appointed by the Minority Leader of the Senate;

(e) One member appointed by the Speaker of the Assembly; and

(f) One member appointed by the Minority Leader of the Assembly.

3. 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.

4. Any recommended legislation proposed by the interim committee must be approved by a majority of members of the Senate and a majority of the members of the Assembly appointed to the Committee.



1 5. On or before February 1, 2011, the Legislative Commission
2 shall submit a report of the results of the study conducted pursuant
3 to this section and any recommendation for legislation to the
4 Director of the Legislative Counsel Bureau for transmission to the
5 76th Session of the Nevada Legislature.

6 **Sec. 9.** This act becomes effective on July 1, 2009.

