

SENATE BILL NO. 264—SENATOR CARE

MARCH 16, 2009

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Referred to Committee on Government Affairs

SUMMARY—Directs the Legislative Commission to conduct an interim study concerning the powers delegated to local governments and requires the Legislative Commission to appoint an Interim Technical Advisory Committee for Intergovernmental Relations. (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.

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AN ACT relating to local governmental administration; directing the Legislative Commission to conduct an interim study of the powers delegated to local governments; requiring the Legislative Commission to appoint an Interim Technical Advisory Committee for Intergovernmental Relations; providing for the administration and specifying the duties of the Interim Technical Advisory Committee; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1     **Section 8** of this bill directs the Legislative Commission to conduct an interim  
2 study concerning the powers delegated to local governments, including the  
3 feasibility of increasing the powers of local governments related to taxation.  
4     **Section 9** of this bill requires the Legislative Commission to appoint an Interim  
5 Technical Advisory Committee for Intergovernmental Relations, composed of six  
6 representatives of local governments and three representatives of state agencies.  
7 The purpose of the committee is to foster communication and cooperation among  
8 the State Government and local governments. The Committee is charged with  
9 serving as a forum for discussion among governments, engaging in activities and  
10 conducting studies on issues relating to state and local governments, and reporting  
11 to the interim committee appointed pursuant to **section 8** of this bill.
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\* S B 2 6 4 R 2 \*

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

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

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

WHEREAS, Allowing greater autonomy for local governments in this State may promote more efficient use of limited governmental 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:

(a) 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)]~~ (4) The experiences of states that have rejected Dillon's Rule ~~[(4)]~~; and

(b) *The consideration of any recommendations submitted to the interim committee pursuant to section 9 of this act.*

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



\* S B 2 6 4 R 2 \*

(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.

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

**Sec. 9.** 1. The Legislative Commission shall, as soon as practicable after July 1, 2009, appoint an Interim Technical Advisory Committee for Intergovernmental Relations, consisting of:

(a) Six representative of local governments in this State; and

(b) Three representatives of agencies of this State.

2. The purpose of the Interim Technical Advisory Committee is to foster effective communication, cooperation and partnerships among the State Government and local governments to improve the provision of governmental services to the people of this State.

3. The Interim Technical Advisory Committee shall elect from among its membership and by majority vote a Chairman and Vice Chairman.

4. The Interim Technical Advisory Committee shall meet at least once every 3 months and at such additional times as may be deemed necessary by the Chairman. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the committee.



\* S B 2 6 4 R 2 \*

5. Each member of the Interim Technical Advisory Committee who is an officer or employee of the State or a local government must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Committee and perform any work necessary to accomplish the work of the Committee in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Committee to make up the time he is absent from work to fulfill his obligations as a member, nor shall it require the member to take annual vacation or compensatory time for the absence. Such a member shall serve on the Committee without additional compensation, except that while he is engaged in the business of the Committee, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency or local government which employs him.

6. The Nevada Association of Counties and the Nevada League of Cities and Municipalities shall provide the Interim Technical Advisory Committee with administrative support.

7. The Interim Technical Advisory Committee shall:

(a) Serve as a forum for the discussion and resolution of intergovernmental problems among the State Government and local governments;

(b) Engage in activities and conduct studies relating to, without limitation:

(1) The structure of local governments;

(2) The functions and powers, including, without limitation, fiscal powers, of local governments;

(3) Relationships among the State Government and local governments;

(4) The allocation of state and local resources; and

(5) Any appropriate legislation to be recommended to the interim committee appointed pursuant to section 8 of this act; and

(c) On or before June 1, 2010, submit to the interim committee appointed pursuant to section 8 of this act:

(1) A recommendation regarding the need for a permanent Nevada Advisory Commission on Intergovernmental Relations; and

(2) Any other recommendations for appropriate legislation resulting from any reviews or studies conducted by the Interim Technical Advisory Committee.

8. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 233B.031.

(b) "Local government" has the meaning ascribed to it in NRS 354.474.



- 1     **Sec. 10.**   1.   This act becomes effective on July 1, 2009.  
2     2.   Section 9 of this act expires by limitation on June 30, 2011.

