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HOUSE JOINT RESOLUTION NO. 111

Offered January 9, 2008

Prefiled January 8, 2008

Establishing a joint subcommittee to study the Dillon Rule. Report.

Patron—Englin

Referred to Committee on Rules

WHEREAS, the Dillon Rule is a 19th century judicial philosophy of statutory construction that holds that all local authority must be based on expressed constitutional or statutory provisions; and

WHEREAS, Virginia is among a handful of states that adheres to the Dillon Rule; and

WHEREAS, some Virginians argue that the Dillon Rule, first adopted by the Virginia Supreme Court over 100 years ago, is a hindrance to modern localities as they try to meet the complex needs of modern society; and

WHEREAS, it is further argued that many of the reasons for the initial adoption of the Dillon Rule no longer exist, especially with the enactment of safeguards such as the Freedom of Information Act, the Public Procurement Act and the Conflict of Interest Act; and

WHEREAS, it is also argued that it is an unproductive use of the General Assembly's time to deal with a multitude of local bills each year, many of which are purely technical or procedural in nature; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the Dillon Rule. The joint subcommittee shall have a total membership of 11 members that shall consist of eight legislative members and three nonlegislative citizen members. Members shall be appointed as follows: five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member to be appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall take a comprehensive look at the Dillon Rule and how it impacts state and local interaction. The joint subcommittee shall consider whether the Dillon Rule is a hindrance to the operation of modern local government and whether the Commonwealth might benefit from changes to the current structure of state and local authority.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Commission on Local Government. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2008 interim and four meetings for the 2009 interim, and the direct costs of this study shall not exceed \$9,200 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2008, and for the second year by November 30, 2009, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall

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59 state whether the joint subcommittee intends to submit to the General Assembly and the Governor a
60 report of its findings and recommendations for publication as a House or Senate document. The
61 executive summaries and reports shall be submitted as provided in the procedures of the Division of
62 Legislative Automated Systems for the processing of legislative documents and reports and shall be
63 posted on the General Assembly's website.

64 Implementation of this resolution is subject to subsequent approval and certification by the Joint
65 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
66 delay the period for the conduct of the study, or authorize additional meetings during the 2008 or 2009
67 interim.