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SENATE JOINT RESOLUTION NO. 18

Offered January 10, 2024

Prefiled January 9, 2024

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

Patron—Hashmi

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, may be a hindrance to Virginia's localities as they try to meet the complex needs of today's local governments; 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 various state laws that provide oversight and safeguards, such as the Public Procurement Act and the Virginia Freedom of Information Act; and

WHEREAS, it is also argued that it is an unproductive use of the General Assembly's time to deal with numerous 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 13 members that shall consist of eight legislative members and five 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; three nonlegislative citizen members, one of whom shall be a member of a city or town council, one of whom shall be a labor representative, and one of whom shall be a member of academia with knowledge of state and local powers, to be appointed by the Speaker of the House of Delegates; and two nonlegislative citizen members, one of whom shall be a member of a county board of supervisors and one of whom shall be a labor representative, 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 a shift from the current structure of state and local authority to a home rule structure. The joint subcommittee shall further examine how any proposed abrogation of the Dillon Rule in Virginia can best be implemented given the Commonwealth's long history as a Dillon Rule state.

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. 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 2024 interim, and the direct costs of this study shall not exceed \$18,640 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 by November 30, 2024, and the chairman shall

59 submit to the Division of Legislative Automated Systems an executive summary of its findings and  
60 recommendations no later than the first day of the 2025 Regular Session of the General Assembly. The  
61 executive summary shall state whether the joint subcommittee intends to submit to the General  
62 Assembly and the Governor a report of its findings and recommendations for publication as a House or  
63 Senate document. The executive summary and the report shall be submitted as provided in the  
64 procedures of the Division of Legislative Automated Systems for the processing of legislative documents  
65 and reports and shall be posted on the General Assembly's website.

66 Implementation of this resolution is subject to subsequent approval and certification by the Joint  
67 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or  
68 delay the period for the conduct of the study, or authorize additional meetings during the 2024 interim.