



Office of the Governor

MAR 11 2010

March 10, 2010

By Hand Delivery

The Honorable Ross Miller
Secretary of State
Capitol Building
101 North Carson Street
Carson City, Nevada 89701

RE: Senate Bill 3 of the 26th Special Session

Dear Secretary Miller:

I am, herewith, forwarding you, for filing within the constitutional time limit and without my approval, Senate Bill 3, which is entitled:

AN ACT relating to governmental administration; providing for a temporary reduction in salary in lieu of furlough leave for state employees who are exempt from taking unpaid furlough leave; requiring the approval of a plan for additional overtime to be approved before the overtime is worked; providing for a temporary reduction in compensation for employees of the Senate and Assembly; providing for the closing of state offices on certain days and the revision of the workweeks of state employees with certain exceptions and exemptions; temporarily authorizing school districts to require employees to take unpaid furlough leave; prohibiting certain additional compensation for and adjustments to the salaries of newly hired classified state employees; and providing other matters properly relating thereto.

For many reasons, including those mentioned in this letter, I am convinced that the action taken by the Legislature with Senate Bill 3 is not in the best interest of the State and its employees.

Although in theory certain aspects of Senate Bill 3 appear to be a good idea, in practice, Senate Bill 3 is unworkable and does not accomplish the flexibility that is needed with the least possible negative impact. Instead of creating flexibility for the State's agencies to implement innovative work schedules that would save the State money, Senate Bill 3 will actually cost the State time, money and manpower to implement. Additionally, sections of Senate Bill 3 are redundant and unnecessary as current law already provides a solution. In sum, Senate Bill 3 creates confusion, uncertainty and inequity among employees.

Further, Senate Bill 3 dictates that any exemption from the mandatory furlough is ineffective unless approved by the Interim Finance Committee. Thus, the Legislative Branch is not only declaring what the law is but with this legislation gives itself authority to administer and execute the law in violation of the separation of powers provision in the Nevada Constitution (Article 3, Section 1).

Finally, Section 13.5 of the bill relates to subjects outside those designated in my proclamations for this special session. Section 9 of Article 5 of the Nevada Constitution gives me exclusive authority to set the agenda for a special session, and "*the Legislature shall transact no legislative business, except that for which they were specifically convened, or such other legislative business as the Governor may call to the attention of the Legislature.*" (Emphasis added.)

Section 13.5 seeks to overturn a directive I recently issued. In order to reduce the State's spending, I issued a directive last month to departments, agencies, boards and commissions to terminate certain permissive additional compensation and adjustments to the salaries of certain employees. Section 13.5 of Senate Bill 3 deliberately and blatantly contravenes my directive and states in relevant part:

Sec. 13.5 1. Notwithstanding any contrary order, directive, policy or request made by any other officer or agency of the Executive Department of the State Government, the Department of Personnel or other responsible officer or agency shall administer, carry out and make payments pursuant to NRS 209.183 and 281.121 and NAC 284.206, 284.208, 284.210, 284.214 and 284.218, as those provisions existed on February 23, 2010, to any employee as defined in this section...

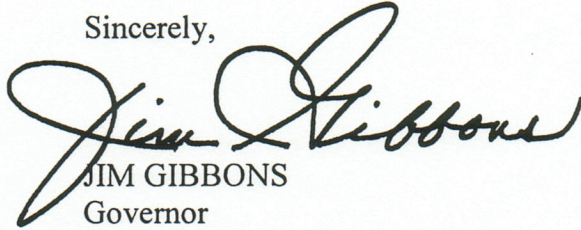
I called upon the Legislature to make fiscally responsible reductions to the State's spending. Section 13.5(1) will not reduce the State's spending. Recalling my directive

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will actually cost the State millions of dollars. Nowhere in the proclamations for this session did I call this matter to the attention of the Legislature and the Constitution prohibits legislation upon subjects outside those designated in a proclamation.

Therefore, I hereby exercise my constitutional grant of authority and veto Senate Bill 3.

Sincerely,



JIM GIBBONS
Governor

Enclosure

cc: Without enclosure:

The Honorable Steven Horsford, Senate Majority Leader
The Honorable Barbara Buckley, Speaker of the Assembly
Claire J. Clift, Secretary of the Senate
Susan Furlong Reil, Chief Clerk of the Assembly
Brenda Erdoes, Legislative Counsel