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Office of the Governor

May 30, 2013

The Honorable Ross Miller
Secretary of State
Capitol Building
101 South Carson Street
Carson City, NV 89701

RE: Senate Bill 180 of the 77th Legislative Session

Dear Secretary Miller:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 180, which is entitled:

AN ACT relating to employment practices; requiring a court to award certain relief to an employee injured by certain unlawful employment practices under certain circumstances; and providing other matters properly relating thereto.

Senate Bill 180 revises existing state law related to unfair employment practices. The bill requires a state court to award remedies for employment discrimination that are consistent with those available in federal court under Title VII of the Civil Rights Act of 1964 ("Title VII"), including, without limitation, damages, lost wages and benefits, costs, and attorney's fees. Currently, state law provides that individuals harmed by an unlawful employment practice are limited to a maximum of two years of lost wages and actual damages.

Senate Bill 180 has merit, particularly with respect to its application to forms of discrimination that are not protected under federal law, such as sexual orientation discrimination. However, the bill goes too far by exposing employers to a wide range of damages and fees. Although Senate Bill 180 seeks to offer remedies similar to those available in federal court under Title VII, in practice, the bill adds compensatory and punitive damages to state claims that have no federal parallel. Additionally, the bill's application of Title VII remedies "without limitation" will arguably override state law that prohibits an award of punitive damages against a public entity. Furthermore, even if

identical remedies were applied in both state and federal court, the application of those remedies may be inconsistent, as state and federal laws differ both procedurally and substantively. Lastly, most states that have chosen to expand remedies for state claims of employment discrimination have not included punitive damages, which are usually not covered by employment practice liability policies.

For these reasons, I veto this bill and return it to you without my signature and without my approval.

Sincerely regards,



BRIAN SANDOVAL
Governor

Enclosure

cc: *The Honorable Brian Krolicki, President of the Senate (without enclosure)*
 The Honorable Moises Denis, Senate Majority Leader (without enclosure)
 The Honorable Marilyn Kirkpatrick, Speaker of the Assembly (without enclosure)
 David A. Byerman, Secretary of the Senate (without enclosure)
 Susan Furlong, Chief Clerk of the Assembly (without enclosure)
 Brenda Erdoes, Esq., Legislative Counsel (without enclosure)