



# Office of the Governor

**JIM GIBBONS**  
GOVERNOR

May 28, 2009

The Honorable Steven Horsford  
Senate Majority Leader  
Legislative Building  
401 South Carson Street  
Carson City, NV 89701

**RE: Senate Bill 429 of the 75<sup>th</sup> Legislative Session**

Dear Senator Horsford,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 429, which is entitled:

AN ACT relating to state financial administration; temporarily increasing the state business license fee; temporarily revising the rate of the payroll tax imposed on certain businesses other than financial institutions; revising the provisions governing the calculation of governmental services taxes due annually for used vehicles and allocating a portion of the proceeds of the basic governmental services tax for 4 years to the State General Fund and thereafter to the State Highway Fund; temporarily increasing the rate of the Local School Support Tax; and providing other matters properly relating thereto.

This bill would enact historic and unprecedented tax increases in the midst of one of the most severe economic recessions ever experienced in Nevada. Our state has been one of the most severely impacted states in the Union during this economic downturn. Our unemployment rate has increased from 4.3% in 2006 to 10.6% today. Nevada's construction and tourism industries have seen dramatic slowdowns. Business big and small have laid off employees, reduced employees hours, and curtailed employee benefits

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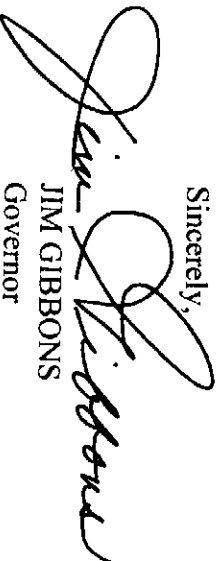
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in an effort to keep their doors open. Home values have spiraled downward, leaving many Nevadans facing foreclosures at worst and realizing negative home equities at best. Our state revenues correspondingly have been negatively impacted by percentages never before seen. We face a multi-billion dollar budget deficit. Under these circumstances our government finds itself at a crossroads and must choose whether it will live within its means or raise taxes to support continued government spending. I am disappointed that our Legislature chose the latter course of action.

I have repeatedly stated that just as Nevadans must live within their means, so must their government. I proposed a balanced budget that limited tax increases on hard-working Nevadans and avoided mass layoffs of state employees. I promised to call a special session to restore responsible government spending when the economy recovers. I am convinced that the action taken by the Legislature in Senate Bill 429 will prolong the economic recession in Nevada and will dissuade employers from retaining current employees today and hiring new employees tomorrow. Senate Bill 429 is not in the best interests of Nevadans and sets an extremely dangerous precedent about how our state government responds to economic recessions.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill 429.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Gibbons", written in a cursive style.

JIM GIBBONS  
Governor

JG/kjc

Enclosure

Cc: **The Honorable Barbara Buckley**, Speaker of the Assembly (without enclosure)  
The Honorable Ross Miller, Secretary of State (without enclosure)  
Claire J. Clift, Secretary of the Senate (without enclosure)  
Susan Furlong Reil, Chief Clerk of the Assembly (without enclosure)  
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)



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The Honorable Steven Horsford  
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**RE: Senate Bill 195 of the 75<sup>th</sup> Legislative Session**

Dear Senator Horsford,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 195, which is entitled:

AN ACT relating to industrial insurance; revising provisions relating to the denial or acceptance of a claim for compensation; revising provisions relating to examinations and permanent partial disabilities; increasing certain death benefits; revising provisions relating to the imposition of administrative fines and benefit penalties for certain violations; establishing continuous care coverage as a line of insurance for which a producer may be licensed; revising provisions for the issuance of a certificate of registration as an administrator; and providing other matters properly relating thereto.

Senate Bill 195 would make various changes to industrial insurance and workers compensation, including what factors may be considered when determining compensation levels and dictating the use of the 5<sup>th</sup> Edition of the American Medical Association's *Guides to the Evaluation of Permanent Impairment*.

In 2005 the Legislature adopted a bill requiring automatic adoption of the most recent edition of the AMA's guidebook. I have not been convinced of the benefit in using anything other than the most scientifically advanced guide when evaluating permanent

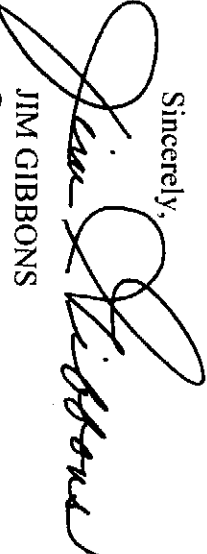
The Honorable Steven Horsford  
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impairment for disability claims. For example, the 6<sup>th</sup> Edition of the guide deals with soft tissue injuries while the 5<sup>th</sup> Edition does not consider such injuries. It only makes sense to use the best available information when evaluating these impairments.

Senate Bill 195 also allows for the consideration of stress as a factor when evaluating a person for a permanent partial disability. I do not believe it's appropriate to consider such a subjective and transitive factor as stress when making a determination of permanency.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill 195.

Sincerely,  
  
JIM GIBBONS  
Governor

JG/kjc

Enclosure

Cc: The Honorable Barbara Buckley, Speaker of the Assembly (without enclosure)  
The Honorable Ross Miller, Secretary of State (without enclosure)  
Claire J. Clift, Secretary of the Senate (without enclosure)  
Susan Furlong Reil, Chief Clerk of the Assembly (without enclosure)  
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)



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The Honorable Steven Horsford  
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**RE: Senate Bill 363 of the 75<sup>th</sup> Legislative Session**

Dear Senator Horsford,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 363, which is entitled:

AN ACT relating to industrial insurance; authorizing the surviving spouse of a deceased employee to continue to receive death benefits under industrial insurance after the surviving spouse remarries; and providing other matters properly relating thereto.

Senate Bill 363 would eliminate the section of state law that terminates workers compensation death benefit payments when surviving spouses get remarried, continuing those payments in perpetuity. While everyone can empathize with someone whose spouse dies while on the job, the death benefit payments outlined in workers compensation coverage are not intended to compensate that surviving spouse for their loss. Instead, that death benefit is meant to ensure the surviving spouse is able to sustain his or her livelihood and continue living in a lifestyle similar to the one they grew accustomed to during their marriage.

While there is no way to make up for the loss of a spouse, the decision to remarry marks a significant change in lifestyle for that individual. Existing law was structured recognizing this change and ends death benefit payments appropriately, including a one-time, lump sum payment worth two years' benefits to provide a cushion for the surviving

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May 28, 2009

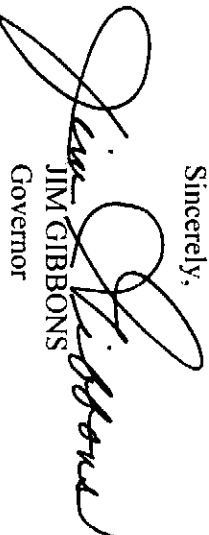
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spouse. Nothing has changed that alters the reasoning that went into existing law for death benefits compensation.

Additionally, providing death benefit payments in perpetuity to surviving spouses who remarry is an unfunded mandate upon other governmental entities that pay these benefits. While the total liability for these governments may be difficult to quantify, this liability most assuredly exists and creates additional exposure for these groups without a clear reason for making this change in policy.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill 363.

Sincerely,



JIM GIBBONS  
Governor

JG/kjc

Enclosure

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The Honorable Ross Miller, Secretary of State (without enclosure)

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The Honorable Steven Horsford  
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Carson City, NV 89701

**RE: Senate Bill 378 of the 75<sup>th</sup> Legislative Session**

Dear Senator Horsford,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 378, which is entitled:

AN ACT relating to education; requiring the Department of Education to develop a plan for early childhood education; authorizing the Department to apply for money for certain prekindergarten programs; and providing other matters properly relating thereto.

Senate Bill 378 would require the State Department of Education to create guidelines and standards for preschool curriculum and require that any state-funded preschool comply with such guidelines and standards.

Early childhood education is critical for mental and emotional development and school preparedness. However, this is an area that has traditionally been left to parents. I maintain my belief that parents know what's best for their children and should be given the authority to choose the correct educational style for their infants and toddlers.

Requiring all state-funded preschools to follow this set curriculum would also restrict parental choice. It would allow wealthy parents to make free choices about their young child's education but force those of less means into a program dictated by the

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The Honorable Steven Horsford

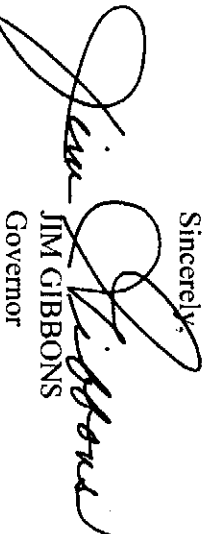
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state. This establishes unequal access to educational choices for parents of varying income levels.

I also believe this legislation casts a broader net than intended. There is often a thin line between what people consider pre-kindergarten education and daycare. These two functions often exist within the same facility. Under this legislation, it's a possible that many of the daycare facilities that receive subsidies through the state's Child Care Assistance Program would be required to comply with the standards and guidelines developed by the Department of Education. I do not believe the potential for this has been fully considered.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill 378.

Sincerely,  
  
JIM GIBBONS  
Governor

JG/kjc

Enclosure

Cc: The Honorable Barbara Buckley, Speaker of the Assembly (without enclosure)  
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May 28, 2009

The Honorable Steven Horsford  
Senate Majority Leader  
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Carson City, NV 89701

**RE: Senate Bill 415 of the 75<sup>th</sup> Legislative Session**

Dear Senator Horsford,

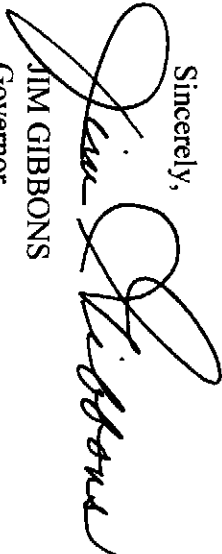
I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 415, which is entitled:

AN ACT relating to programs for public personnel; establishing for the next biennium the amount to be paid to the Public Employees' Benefits Program for group insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

Senate Bill 415 establishes premiums and contributions for state employees who participate in the Public Employees' Benefits Program. The Executive Budget, which was based on recommendations from the Spending and Government Efficiency Commission, proposed different premium costs for the biennium in order to save money. Because the recommendations set forth in the Executive Budget were replaced with the amounts set forth in Senate Bill 415, I cannot support the bill.

The Honorable Steven Horsford  
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For these reasons, I hereby exercise my constitutional grant of authority and veto  
Senate Bill 415.

Sincerely,  
  
JIM GIBBONS  
Governor

JG/kjc

Enclosure

Cc: ~~The Honorable Barbara Buckley~~, Speaker of the Assembly (without enclosure)  
The Honorable Ross Miller, Secretary of State (without enclosure)  
Claire J. Clift, Secretary of the Senate (without enclosure)  
Susan Furlong Reil, Chief Clerk of the Assembly (without enclosure)  
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)



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Senate Majority Leader  
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**RE: Senate Bill 431 of the 75<sup>th</sup> Legislative Session**

Dear Senator Horsford,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 431, which is entitled:

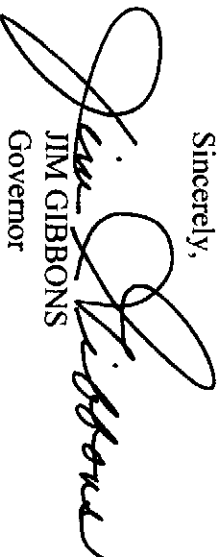
AN ACT relating to state financial administration; authorizing expenditures by various officers, departments, boards, agencies, commissions and institutions of the State Government for the fiscal years commencing on July 1, 2009, and ending on June 30, 2010, and beginning on July 1, 2010, and ending on June 30, 2011; authorizing the collection of certain amounts from the counties for the use of the services of the State Public Defender; and providing other matters properly relating thereto.

Senate Bill 431 is the spending authorization bill. Because this bill is funded in part by tax increases that I disagree with, as articulated in my veto message of Senate Bill 429, I cannot support this bill.

The Honorable Steven Horsford  
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For these reasons, I hereby exercise my constitutional grant of authority and veto  
Senate Bill 431.

Sincerely,



JIM GIBBONS  
Governor

JG/kjc

Enclosure

Cc: ~~The Honorable Barbara Buckle~~y, Speaker of the Assembly (without enclosure)  
The Honorable Ross Miller, Secretary of State (without enclosure)  
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The Honorable Steven Horsford  
Senate Majority Leader  
Legislative Building  
401 South Carson Street  
Carson City, NV 89701

**RE: Senate Bill 433 of the 75<sup>th</sup> Legislative Session**

Dear Senator Horsford,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 433, which is entitled:

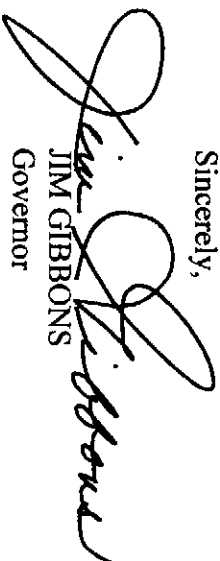
AN ACT relating to public employees; establishing the maximum allowed salaries for certain employees in the classified and unclassified service of the State; requiring employees of the State to take a certain number of days of unpaid furlough leave during the 2009-2011 biennium; providing exceptions to the furlough requirement; making appropriations from the State General Fund and State Highway Fund for the salaries of certain employees of the State; making certain appropriations contingent on specified projections of unappropriated balances in the State General Fund; and providing other matters properly relating thereto.

Senate Bill 433 is the state employee pay bill. Because this bill is funded in part by tax increases that I disagree with, as articulated in my veto message of Senate Bill 429, I cannot support this bill.

The Honorable Steven Horsford  
May 28, 2009  
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For these reasons, I hereby exercise my constitutional grant of authority and veto  
Senate Bill 433.

Sincerely,



JIM GIBBONS  
Governor

JG/kjc

Enclosure

Cc: ~~The Honorable Barbara Buckley, Speaker of the Assembly~~ (without enclosure)  
~~The Honorable Ross Miller, Secretary of State~~ (without enclosure)  
~~Claire J. Clift, Secretary of the Senate~~ (without enclosure)  
~~Susan Furlong Reil, Chief Clerk of the Assembly~~ (without enclosure)  
~~Brenda Erdoes, Esq., Legislative Counsel~~ (without enclosure)