



## Office of the Governor

March 11, 2010

Speaker Barbara Buckley  
Nevada State Assembly  
District Office  
5442 Holbrook Drive  
Las Vegas, NV 89103-2439

Dear Speaker Buckley:

Thank you for corresponding about my issues regarding SB3. I have reviewed your ideas, as well as the list provided by Brenda Erdoes.

First, let me say that it has been a privilege to serve as Governor of this State; working with you as speaker, working hard on the budget solutions and many times having to agree to disagree. Sometimes, however, when an idea is placed in statute it can go far away from the original intent. Sadly, I feel that this has occurred with SB3.

I realize that many people worked with us to get a bill that reflected both our intentions and legislative concerns. In the end, however, even with the *many* calls our legal counsel made to the preparers of the bill, the *many* calls our Director of Personnel, an attorney specializing in human resource law, made to the preparers of the bill and the various correspondence from our office with Directors and the public, we failed to create a bill that could be easily understood, provide flexibility for staff, and not create needless additional bureaucracy.

The school district language authorizing furloughs would carry more weight had NRS 288 been changed to remove its mandatory structure, or if it had been changed to allow the opening of contracts. It is regrettable that this language was not in a separate bill. Since that language is permissive, there is little weight for the school districts.

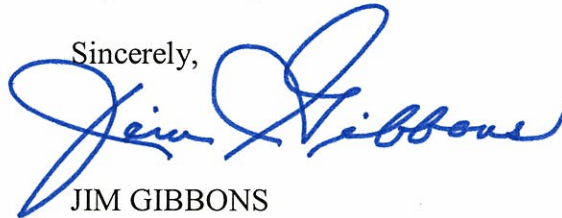
While I agree and have always supported pay cuts over a furlough system, it is what the legislature determined to be appropriate. It is our belief that the legislature can continue to work with the furlough system currently in place.

Finally, it appears that this bill is an attempt to continue to encroach on the executive branch's ability to implement legislation. It further erodes the ability of Directors, who are experts in their core mission, to efficiently execute the laws created by the legislature. This separation of powers is an incredibly important part of our governing system.

I have attached some information with reference to the concerns cited by the Legislative Counsel Bureau Legal Department. Hopefully that will further clarify the intentions of the Executive branch of government.

I agree with you in that both my office and the Legislature benefited from working together - even when we did not agree. More important, though, is the legacy we leave to our constituents in protecting the separation of powers.

Sincerely,



JIM GIBBONS  
Governor

attachments