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Office of the Governor

June 1, 2011

Speaker John Oceguera
Nevada State Assembly
401 South Carson Street
Carson City, NV 89701

RE: Assembly Bill 254 of the 76th Legislative Session

Dear Mr. Speaker:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 254, which is entitled:

AN ACT relating to occupational safety; revising provisions governing the grounds for the issuance of a citation for certain occupational safety and health violations; providing for the issuance of a citation for certain occupational safety and health violations upon a determination by the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative that any employee has access to a hazard; and providing other matters properly relating thereto.

This bill relates to occupational safety. Like Assembly Bill 253, which I have already vetoed, Assembly Bill 254 unnecessarily increases the complexity and cost of operating a business in Nevada. The bill expands the scope of behavior for which a citation may be issued to an employer for violating the Nevada Occupational Safety and Health Act (OSHA) by allowing the issuance of a citation based upon a determination that an employee "has access to a hazard" in the workplace.

Legislation passed in 2009 has significantly improved jobsite safety and enforcement of OSHA violations in Nevada, and I am a strong supporter of continued improvement in these areas. However, this bill creates ambiguous and misguided new requirements that will be difficult to enforce and burdensome to comply with. Because this bill will not proactively improve the conditions and safety of our workplaces, I veto it and return it to you without my approval.

Sincere regards,

A handwritten signature in black ink, appearing to read "B. Sandoval", written over a white background.

BRIAN SANDOVAL
Governor

Enclosure

cc: *Lieutenant Governor Brian Krolicki, President of the Senate (without enclosure)*
The Honorable Steven Horsford, Senate Majority Leader (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)