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Office of Governor Steve Sisolak

June 11, 2021

The Honorable Barbara K. Cegavske
Secretary of State
101 N. Carson Street, Suite 3
Carson City, Nevada 89701

Re: Assembly Bill 65 of the 81st Legislative Session

Dear Secretary Cegavske:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 65 (AB 65), which is titled as follows:

AN ACT relating to ethics in government; making various changes relating to the provisions governing ethics in government; enacting the Nevada Legislative Ethics Law; providing penalties; and providing other matters properly relating thereto.

I want to be very clear that I support the majority of the sections of this bill, many of which relate to streamlining the Ethics Commission's processes and clarifying its powers and duties. However, near the conclusion of the 81st Legislative Session, Amendment 777 was adopted, which effectively converted AB 65 from a mostly housekeeping measure into a significant policy change: creating new legislative ethics commissions within the legislative branch.

I understand and respect that, under the Nevada Constitution, each House of the Legislature has exclusive authority to discipline its members for conduct related to core legislative functions. *See* Nev. Const. Art. 4 § 6. However, as the Nevada Supreme Court has held, the Ethics Commission can (and it currently does) exercise jurisdiction over legislators with respect to conduct that is not related to core legislative functions. Comm'n on Ethics v. Hardy, 125 Nev. 285, 296, 212 P.3d 1098, 1106 (2009). Examples of such conduct include the use of governmental time or property for personal purposes, bidding on or entering into governmental contracts, or accepting an honorarium. *Id.* at n. 9.

AB 65, as amended by Amendment 777, would create three new ethics commissions within the legislative branch: one for the Senate, one for the Assembly, and a joint commission to address ethics complaints against legislative staff. These commissions would investigate, hear, and decide

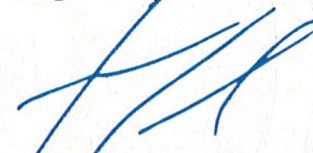
ethics issues arising from complaints against their colleagues in their respective houses, and also complaints against staff.

The Ethics Commission, an existing independent body, is already funded and has the responsibility to address complaints of these types against public officials and employees. Having a single body handle these issues helps ensure uniformity and fairness in the application of the State's ethics laws. Nevada previously had separate ethics commissions for the legislative and executive branches. However, these separate commissions were abolished in 1985 and consolidated into the existing Ethics Commission. *See* Senate Bill 345 of the Sixty-Third Session (1985). One of the reasons for doing so was that the commissions had not been adequately funded and had taken only "negligible" action. *See* Minutes of the Senate Committee on Finance, May 20, 1985.

Nevadans hold their public officials to high ethical standards, and they rightly expect that those standards will be effectively and efficiently enforced. Particularly in light of the fact that the separate legislative and executive ethics commissions were consolidated more than thirty years ago, I firmly believe that a more robust examination of the costs and benefits of returning to that structure should be conducted.

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

Respectfully submitted,



Governor Steve Sisolak
State of Nevada

cc: The Honorable Jason Frierson, Speaker of the Assembly
The Honorable Nicole Cannizzaro, Majority Leader of the Senate