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The Honorable Assemblyman Edgar Flores - Chair
Members of the Assembly Committee on Government Affairs
Nevada Legislative Building
401 S. Carson Street
Carson City, NV 89701-4747

Re: AB276

Chairman Flores and Members of the Committee:

We write today in support of Assembly Bill 276, which is intended to allow requestors who prevail in a lawsuit filed under the Public Records Act (PRA) to collect three times the cost of the suit, including attorney's fees, trebling the reimbursement paid to prevailing requestors under the current law.

To prove the PRA's current reimbursement provision is insufficient to convince some government agencies to release records that are clearly public under the PRA, one need look no further than two decisions earlier this month in Clark County District Court. In those two cases, the Las Vegas Review-Journal was awarded a total of over \$410,000 in legal fees and costs after winning PRA lawsuits against the Clark County Coroner's Office and the Las Vegas Metropolitan Police Department. In both cases, it was clear to reasonable observers the records requested by the Review-Journal were not considered confidential under the PRA. Nevertheless, both agencies persisted in appealing court judgments and withholding the records for years despite knowing they would have to pay attorneys' fees when they lost. If the current provision is not enough to deter governmental entities from violating the law, then a more robust reimbursement provision is needed.

"Everything demonstrates the coroner's office is bound and determined to circumvent and avoid the Nevada Public Records Act by stonewalling and obfuscating," said District Court Judge Jim Crockett after denying another attempt to delay the release of the records sought by the Review-Journal. Judge Crockett also said the coroner's office had "obstructed the legislative purpose" of the open records law to provide information to taxpayers and promote democracy.

More is clearly needed to convince some government agencies in the state to comply with the PRA, which is designed “to foster democratic principles by providing members of the public with prompt access” to government information.

We think AB276 represents a good start.

Respectfully,

Richard Karpel
Executive Director