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# Assembly Bill 159

Revises provisions relating to public records.

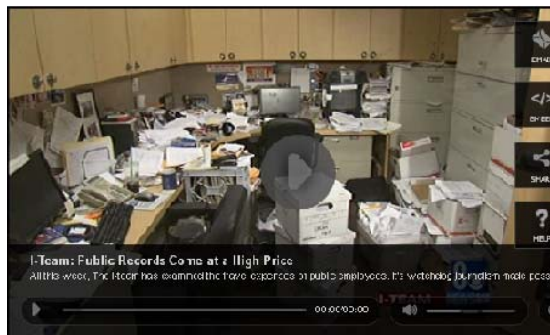
Assemblyman Tick Segerblom  
Assembly Government Affairs Committee • April 3, 2011

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Watch the I-Team news story on public records by clicking the link or copying and pasting it into your internet browser.



- <http://www.8newsnow.com/category/28259/8-news-now-video?autoStart=true&topVideoCatNo=default&clipId=5289429>

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INVESTIGATIVE REPORTER COLLEEN MCCARTY AND PHOTOJOURNALIST KYLE ZUELKE

## I-Team: Public Records Come at a High Price

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**LAS VEGAS** -- All this week, The I-team has examined the travel expenses of public employees. It's watchdog journalism made possible by the use of open records. Yet, while the law demands access to the paper pushed by public agencies -- more and more -- it comes at a high price.

Nevada's Public Records Act says that any one can walk into a public agency during business hours and ask to review any public record for free. The agencies can charge the actual cost of copies and also for "extraordinary use" of personnel or technology.

It sounds relatively simple on paper but the I-Team has found it's another story entirely in practice.

A few years ago, the 8 News NOW Promotions Department poked fun at the I-Team by spotlighting the constant state of clutter in the office. The truth is the I-Team office is always cluttered with paper, mostly public documents, which are the bedrock of any solid investigation.

"The real meat of some stories is going to be the documents," said former State Senator Terry Care, who is also a retired newsman. Key provisions of Nevada's Public Records Act, the law that guarantees everyone access to public documents, originated in his office. And though Care's term in the senate has sunset, his commitment to sunshine has not.

"What I'm getting into are the complaints, and I get them periodically, that they'll let us have them, but it's going to cost a ton of money to get them," said Care.

For example, the I-Team made half-a-dozen public records requests to local, regional and state agencies. Each sought essentially the same information which was three year's worth of expense reports and travel records for nine or fewer top level staffers. The majority provided the documents for free including the Southern Nevada Water Authority which is a frequent subject of I-Team investigations.

"Generally we try to keep it to a form where we are not actually charging people to get the records they requested. There's a number of things we can do. Electronic records are among them," said Scott Huntley, SNWA.

The Clark County School District and the governor's office both did put a price on access. It was more than \$400 a day. It took two days for school district staff to gather the records plus 10 cents a page for copies. It was a few dollars more at the governor's office for less staff time but at a higher rate. There was even a few hours included to "sort" the records.

"It would seem to me these should be fairly easy to locate. It shouldn't take anywhere near 12 and-a-half-hours," Care said.

Though 8 News NOW paid for the work, the district's records were incomplete and what came from the governor's office was so disorganized, 8 News NOW questioned how the records were ordered. His attorney, Jackie Lombardo, responded, it's more fun that way.

"This is, that's embarrassing. You don't say that," said Care. He adds responses like that only reaffirm a conclusion he reached long ago that barriers to government oversight whether they are shuffled records, slow responses or exorbitant costs, are meant to be just that.

Take the follow-up request to the school district. 8 News NOW asked for a year's worth of billing statements for the district's more than 1,800 purchasing cards. The response was that 8

News NOW could have the records for the equivalent of a starting teacher's salary. That would be nearly \$34,000 for staff time and copy costs.

In a written statement to the I-Team, Clark County School Board President Terri Janison explains while the district is committed to providing public documents doing so puts a strain on its limited resources.

### **Read Terri Janison's Full Statement**

"They clearly have the staff for it. CCSD is the biggest employer in the state. The obvious message they are sending is they don't want transparency," said Geoff Lawrence who is with the Nevada Policy Research Institute, a conservative think-tank. He points out the district employs 11 people in its communications office including three clerical staffers and four public information officers.

Frequent disputes over her records requests as a private citizen prompted Karen Gray, now with NPRI, to sue the school district in 2007. Two year's later she won and got her records for free.

"The idea that we can defeat a request by raising abhorrent obstructions related to cost just goes against the spirit of the bill," said Care.

He tells the I-Team he's shopping for a bill sponsor to regulate the cost of access while balancing legitimate resource issues statewide.

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