MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS

Eighty-Third Session
February 25, 2025

The Committee on Government Affairs was called to order by Chair Venicia Considine at 8:02 a.m. on Tuesday, February 25, 2025, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 1 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, Las Vegas, Nevada. Copies of the minutes, including the Agenda [Exhibit A], the Attendance Roster [Exhibit B], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/83rd2025.

COMMITTEE MEMBERS PRESENT:

Assemblymember Venicia Considine, Chair
Assemblymember Duy Nguyen, Vice Chair
Assemblymember Max E. Carter II
Assemblymember Rich DeLong
Assemblymember Reuben D'Silva
Assemblymember Rebecca Edgeworth
Assemblymember Tanya P. Flanagan
Assemblymember Danielle Gallant
Assemblymember Heather Goulding
Assemblymember Bert K. Gurr
Assemblymember Linda F. Hunt
Assemblymember Jovan A. Jackson
Assemblymember Venise Karris
Assemblymember Heidi Kasama

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblymember Selena Torres-Fossett, Assembly District No. 3

STAFF MEMBERS PRESENT:

Alex Drozdoff, Committee Policy Analyst
Sarah Delap, Committee Counsel

Judi Bishop, Committee Manager
Holly Gilman, Committee Secretary
Mary Whalen, Committee Assistant

OTHERS PRESENT:

Taylor Avery, Manager, Political Affairs, Vegas Chamber
Michael Ryan, Private Citizen, Las Vegas, Nevada
Ellen Gifford, Private Citizen, Las Vegas, Nevada
Dora Martinez, Private Citizen, Reno, Nevada
Warren B. Hardy II, representing Nevada Urban Consortium
Joshua Martinez, Captain, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Matthew Christian, Assistant General Counsel, Las Vegas Metropolitan Police Department
Jennifer Berthiaume, Manager, Government Affairs, Nevada Association of Counties
Robert Conrad, Ph.D., Board Member, Nevada Press Association; and Vice President, Nevada Open Government Coalition
Tray Abney, representing Nevada Broadcasters Association
Kent M. Ervin, Ph.D., Director of Governmental Relations, Nevada Faculty Alliance
LuAnn D. Holmes, City Clerk, City of Las Vegas
Patricia Cabrera, Enterprise Records Officer, City of Las Vegas
Benjamin Lipman, Chief Legal Officer, Las Vegas Review-Journal

Chair Considine:
[Roll was called. Committee rules and protocol were reviewed.] Today we will hear two bills. First, we will hear Assembly Bill 115, which authorizes certain state buildings to be used for certain purposes. Assembly Bill 128 creates the Office of the Public Records Ombudsman in the Executive Department of State Government. I will now open the hearing on Assembly Bill 115. To present this measure we have Assemblymember Karris. Please go ahead when you are ready.

Assembly Bill 115: Authorizes certain state buildings to be used for certain purposes. (BDR 27-864)

Assemblymember Venise Karris, Assembly District No. 10:
As we continue through the fourth week of the legislative session, it can be difficult to find time to enjoy the beauty and history that surrounds us here in Nevada's capital. I hope many of my colleagues have taken the opportunity to explore the Capitol Complex with its many walking paths, towering trees, and impressive memorials. These grounds offer a welcoming space for Nevadans to appreciate Carson City's historical architecture and outdoor spaces [Exhibit C]. However, I believe there is more we can do to make the Capitol Complex a space that can be used and appreciated by the public. With Assembly Bill 115, I aim to open the possibility of hosting events at the Capitol Building.

I will now provide a brief summary of the bill. Specifically, A.B. 115 authorizes the administrator of the State Public Works Division, Department of Administration, in coordination with the museum director of the Nevada State Museum, to rent or lease rooms in the Capitol Building for the purpose of holding an event. The administrator will charge a fee for such events, and the money received for this purpose will be deposited in the State Treasury accounted for in the State General Fund. The profit will be used only for maintenance of the Capitol Building. Additionally, this bill creates an exception to the *Nevada Revised Statutes* (NRS) 331.010, [*sic*] thus allowing the sale or distribution of alcoholic beverages for events held at the Capitol Building. To conclude, I urge your support for A.B. 115. This bill allows our Capitol Building to be utilized for events which offers the dual benefit of increasing the potential use of this impressive and historic space while also creating a path for additional funds to help support the building. Thank you for your consideration of this fun, yet important, measure. At this time, I will do my best to answer any questions.

Chair Considine:
Committee members, do we have any questions? I have a quick one. I noticed in section 1, subsection c [*sic*] that additional funding does not revert to the State General Fund. Is there a reason you added that?

Assemblymember Karris:
The purpose of this is to use the beautiful old Assembly space and the Supreme Court space for smaller events. The money that would be profit, I want to go to the preservation of the building itself. That is the whole purpose.

Assemblymember Kasama:
I guess I was surprised when I looked at this that we have not been having special events at all in there. Has it been part of our code that we could not have any private events in the Capitol Building?

Assemblymember Karris:
It had to be by special permission from the Governor himself. This makes it where you can plan an event well in advance. Also, the exception allows the use of alcohol in the space, which is something that is not allowed in the public governmental buildings.

Assemblymember Kasama:
Who is going to be in charge of the events? Can anyone make a request? A private organization, or would it only be elected officials? How might that work?

Assemblymember Karris:
The Capitol is a public building. It will be open to the entire public. If someone wanted to have a small wedding or any kind of event, it is not limited to just public officials.

Assemblymember Kasama:
It sounds lovely.

Assemblymember Jackson:
With the drinking and the events, would those be during legislative hours or will that be after hours? Does it specify when the drinking occurs?

Assemblymember Karris:
Drinking all the time, Assemblymember Jackson.

Assemblymember Gallant:
You might not be able to answer this question, but it sort of opens up more questions for me. We have this wonderful building in Las Vegas that is really being underutilized. Does that fall under the same rules as the Capitol Building in the journey of bringing this bill forward? Did you look into it to see if we could actually be renting out the spaces in Las Vegas?

Assemblymember Karris:
I hope you are talking about the new legislative building [Nevada Legislative Office Building] down south, because the old one cannot be used for anything. This bill specifically states the Capitol Building at this time. If anyone wanted me to amend the bill to include more buildings, I would be more than happy to. During session, there are a lot of events of the size that could be held in the Capitol. The space, as you could see from the slide show, the Old Assembly Chambers is gorgeous [pages 2-6, Exhibit C]. I like to have people exposed to the architecture, and why not use our building for the benefit of itself, to take care of itself?

The Old Senate Chambers, we probably cannot use because they have set up historical displays inside the building. Think about waiting for an event to start, and you could walk along the picture gallery, and then you could walk through the Old Senate Chambers and get a little history while you wait for your event.

Assemblymember DeLong:
In your presentation, you said the profit would be retained. That implies there are going to be expenses that are going to be deducted from a certain fund. Do you actually mean all gross receipts would go into an account?

Assemblymember Karris:
I know you are much more of a businessman than I am. Yes, I believe it would be gross receipts. I know this is a hearing in Government Affairs, but if I could take a brief moment, Chair, to go over a little of the financial aspect of it?

The idea is, you charge for an event, and then there will be expenses. There will have to be additional Legislative Police, there is the cleaning of the event space, and various other things. Whatever is obtained through the fee, above that is what would go to the maintenance of the building.

Assemblymember Goulding:
Have you given any thought to security concerns by opening the building more widely than it currently is?

Assemblymember Karris:
Yes, there will be additional Legislative Police and other measures taken, so nothing happens to anything in the building and proper care is taken while people are attending an event.

Chair Considine:
Thank you so much for the presentation. We will now move to testimony on A.B. 115. First, we will hear testimony in support of A.B. 115 here in Carson City. Please go ahead when you are ready.

Taylor Avery, Manager, Political Affairs, Vegas Chamber:
The Chamber is in support of Assembly Bill 115. The organization believes the public should have access to public buildings, especially those which have a historical meaning. We appreciate the bill's provision requiring those funds to go towards the maintenance of the Capitol Building, meaning those funds will not come from taxpayers. We would like to thank the bill sponsor for bringing the bill forward and thank you for your consideration.

Chair Considine:
Is there anyone else in Carson City who would like to testify in support of A.B. 115? [There was no one.] Is there anyone in Las Vegas who wishes to testify in support of A.B. 115? Seeing no one in Las Vegas, we will go to the phone lines. [There was no one.] We will now move to testimony in opposition to A.B. 115. Is there anyone here in Carson City who would like to testify in opposition to A.B. 115? Seeing no one approach, is there anyone in Las Vegas who would like to testify in opposition to A.B. 115? Seeing no one going to the table, do we have anyone on the phone lines in opposition to A.B. 115? [There was no one.]

Back to Carson City, is there anyone who would like to testify in neutral on A.B. 115? Seeing no one approach, is there anyone in Las Vegas wishing to testify in neutral? [There was no one.] Is anyone on the phone line for neutral on A.B. 115? [There was no one.] May I bring the sponsor back up for final remarks? Please go ahead when you are ready.

Assemblymember Karris:
I would like to say thank you to all of you on the Committee for your consideration of this bill. I am hoping soon we can have an event there. Thank you.

Chair Considine:
I will now close the hearing on A.B. 115 and open the hearing on Assembly Bill 128, which creates the Office of Public Records Ombudsman in the Executive Department of the State Government. To present this measure, we have Assemblymember Torres-Fossett. Welcome back to your previous Committee on Government Affairs. Please go ahead when you are ready.

Assembly Bill 128: Creates the Office of Public Records Ombudsman in the Executive Department of State Government. (BDR 19-400)

Assemblymember Selena Torres-Fossett, Assembly District No. 3:
It is great to be back in the hardest working committee in the Nevada State Legislature, the Assembly Committee on Government Affairs. I will be presenting Assembly Bill 128, which creates the Office of Public Records Ombudsman in the Executive Department of State Government. First, I will go ahead and start with some background information, and then I will do a breakdown of the bill as it stands right now.

Before I begin, I will be very honest. This is a piece of legislation that we worked on during the interim, and I think it still needs some work. I look forward to continuing to work with stakeholders. In the last couple of days since the hearing was scheduled, I have reached out to the Press Association [Nevada Press Association] as well as local governments to hear their concerns, and I do believe there is still work for us to do in regard to the appointment process for this role; for example, the requirements for the ombudsman position and some of the logistics of the processes that would be in place. I look forward to continuing to work with those stakeholders on this piece of legislation.

The bill before you today is a recommendation from the Joint Interim Standing Committee on Government Affairs. I would like to begin by providing the brief background information to explain the issue this bill seeks to address. Transparency is a critical component of government. The public should be aware of how a crucial element of governmental decision-making is access to public records. Chapter 239 of the *Nevada Revised Statutes*, which covers public records, begins with a legislative finding and declaration which states, in part, that "the purpose of this chapter is to foster democratic principles by providing members of the public with prompt access to inspect, copy or receive a copy of public books and records to the extent permitted by law." In reality, however, public records practices sometimes fall short of this ideal. During the February 22, 2024, meeting of the Joint Interim Standing Committee on Government Affairs, we heard from the Nevada Open Government Coalition on issues relating to public records access in Nevada. This presentation provided examples of the barriers individuals may experience when attempting to access public records, including extremely long wait periods, access denial, legal hurdles, and more.

We have watched several of these issues play out over the years. For example, in the wake of the 2023 Clark County School District (CCSD) altercation between a district police officer and a high school student, the American Civil Liberties Union of Nevada engaged in lengthy correspondence with CCSD, which was documented. I am sure many of you saw that play out in real time on our news. This correspondence included allegations of record denials and multiple court appearances before body-worn camera footage of the incident and nearly 2,000 pages of records were released.

To help address and investigate these disputes, some states utilize the public records ombudsman. During that February interim meeting, a representative from National Conference of State Legislatures (NCSL) explained about 20 to 25 percent of states use such

a position, and sometimes it is called something different, but they have a position that is used. States like Maine, Maryland, and Wyoming have established an ombudsman position to receive complaints and mediate disputes concerning public records, among other duties. Such a position offers a pathway for individuals who have run into roadblocks when attempting to access public records. It will provide the potential for mediation and investigation in a timelier manner. It is for this reason that A.B. 128 is so critical.

Now I am going to walk you through the sections of the bill as it stands right now. Section 2 creates the Office of the Public Records Ombudsman, appointed by the Governor as an independent agency in the Executive Department of State Government. It also specifies that the ombudsman may employ personnel to assist in carrying out his or her duties within the limits of the available funds.

Section 3 outlines the duties of the ombudsman. Duties include establishing a mediation program to facilitate the resolution of disputes, investigating complaints, and providing training and education on public records. This section also grants the ombudsman access to books and records, as well as the ability to issue subpoenas concerning records and other evidence.

Section 4 outlines the process for a person to file a complaint with the ombudsman. Upon receiving a complaint, "the ombudsman shall notify the governmental entity of the complaint," "offer the parties the opportunity to resolve the complaint through mediation," and "prepare a report with the results." If either party declines mediation, or it fails, the ombudsman may initiate an investigation. The governmental entity may provide the ombudsman with a statement or information concerning the complaint. The ombudsman must issue a final determination no later than 90 days after initiating the investigation. This may deny the request to release the book or record or require the requester to be permitted to inspect or copy the book or record. It could also waive or reduce fees charged for providing a copy of the book or record.

Finally, sections 4 and 6 outline actions that may be taken if a party is aggrieved by the ombudsman's determination. Section 4 specifies that either party may seek judicial review of the decision, while section 6 specifies the governmental entity may apply to the district court for an order denying the record request or approving the amount of the fee charged.

To conclude, I urge your support of A.B. 128. We need to make governmental transparency and accessibility a priority for this state and establishing a public records ombudsman is a necessary step in that direction. Thank you for the opportunity to present this bill. I look forward to the dialogue that will continue to follow. I am willing to work with all of the stakeholders regarding their concerns. I think at the end of the day, every person in this room wants government transparency, and we want access to public information in a fair way. Currently, the issue is, when you are requesting a Freedom of Information Act (FOIA), once you need to appeal the decision that has been made, you need to appeal it to that agency, so you are going back to that same agency that already said no and making an appeal for the

public information or you are going to court. This creates a mediation that I think would save the state money in the future.

Chair Considine:
Committee members, any questions? I do have one, former Chair. The other states that have this position, whatever it is called, do you know if it has created some certainty or resulted in better consistency or expectations by people within the public records area?

Assemblymember Torres-Fossett:
I cannot answer specifically to the outcome in those states. What we did hear from the NCSL presentation during the interim just clarified that this is a solution that other states have used. There is a remedy that does not involve this long, expensive court process in order for individuals to access public information.

Assemblymember Kasama:
I am thrilled to see this bill. I know I have been talking about transparency in government. Everything we can do to be fully transparent with the public is so important. My question is when we are talking about section 4, "if a person whose request is to inspect or copy a public book or record and the record is denied," because you were giving the example of Clark County School District, this would be over the school districts, the local cities, municipalities, the counties, and any public entity in the state of Nevada. Is that correct?

Assemblymember Torres-Fossett:
Yes.

Chair Considine:
We will now move on to testimony on the bill. First, we will hear testimony here in Carson City in support of A.B. 128. Do we have anyone in Carson City in support who wishes to testify? [There was no one.] Moving to Las Vegas, do we have anyone in Las Vegas wishing to testify in support of A.B. 128? Seeing no one approach the table, do we have anyone on the lines to testify in support of A.B. 128?

Michael Ryan, Private Citizen, Las Vegas, Nevada:
I am a longtime resident of Nevada and a Marine Corps veteran. Please vote yes on this important Assembly Bill 128. The ombudsman can mediate complaints, investigate issues, and issue binding decisions on record access and fees. If a party disagrees with the ruling, they can challenge it in district court. I think this is a critical bill for the people, and I urge that you strongly support this bill and vote yes. Thank you.

Ellen Gifford, Private Citizen, Las Vegas, Nevada:
On December 4, 2023, a Nevada voter sent a public records request to the Nevada Secretary of State. Ten days later—the statute required five days, on December 19, 2023, the Secretary of State responded, saying they expected to provide the requested records by February 23, 2024. On February 23, 2024, the Secretary of State requested an extension to April. In April, the Secretary of State requested an extension to June. In June, the Secretary

of State requested an extension to July. In August, the Secretary of State requested an extension to September. In September, the Secretary of State requested an extension to October. In October, the Secretary of State requested an extension to November. In November, the Secretary of State requested an extension to January. On January 17, 2025, the Secretary of State sent the same November 2024 memo, requesting an extension to January. They apparently forgot to change the dates in that memorandum before the recycled sending. Today in February of 2025, still no records have been provided. It is assumed the personnel responsible for performing this task receives a paycheck. Yet there is also a proposed bill, A.B. 51, requiring Nevadans pay an additional fee for this task that is already in their job description. It is not being performed properly and is in violation of the Nevada statutes. There is a dire need to pass A.B. 128. Thank you.

Dora Martinez, Private Citizen, Reno, Nevada:
I am with the Disability Action Coalition, and we wholeheartedly support this bill. We are going through something similar to what Assemblymember Torres-Fossett was talking about where the agency denied our request, and we had to go back to them. It was, and is, still awkward. Thank you so much for this commonsense bill. I sincerely hope when you guys approve this, it goes forward, and we work with the ombudsman who will know our disability and accommodate our needs. Thank you so much, have a good day.

Chair Considine:
We will now move on to testimony in opposition of A.B. 128. We will start here in Carson City. Please approach and begin when you are ready.

Warren B. Hardy II, representing Nevada Urban Consortium:
Warren Hardy here today representing the Nevada Urban Consortium, which is made up of the five large cities, Las Vegas, Henderson, Reno, Sparks, and North Las Vegas. We are here in opposition under the Committee rules. We have met with Assemblymember Torres-Fossett and appreciate her willingness; as always, she is wonderful to work with on these issues.

Local government takes the responsibility for providing public records very seriously. We have staff members who work tirelessly to try to do the job properly. But I would ask the Committee, as you work through this issue, to understand a couple of things. Transparency, as has been stated, is very, very important to a functioning, effective democracy. We agree with that statement 100 percent. Personal privacy of the citizens of the country is also critically important to an effective democracy. There are certain things about you and about your constituency that should not be made public. Some of those things are necessarily in the possession of governmental entities. We also take very seriously the requirement, the responsibility, the stewardship; we have to make sure information that is not necessary for the public to have is not put out. That is the balancing act we have as local governments. I am always interested when I hear, What are they hiding? We are not hiding anything. We are trying to do our job; we are trying to protect the public. We have had this conversation with Assemblymember Torres-Fossett. She understands the balancing act and has been amazing to work with. But also indicate that the overall, overwhelming majority, the vast majority of

public records requests that come into the public, are filled in a very timely manner and quickly done.

So again, I appreciate the time. The last thing I would add, if you will just understand, that not all requests that come from the public have pure intent, some are for business reasons, some are for nefarious reasons. That makes our job very difficult. We are trying to balance transparency and your privacy.

Joshua Martinez, Captain, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:
I am going to turn it over to our assistant general counsel down south, Matthew Christian. He will be able to talk about the bill and why we stand in opposition at this time. We are willing to work with the bill sponsor.

Matthew Christian, Assistant General Counsel, Las Vegas Metropolitan Police Department:
I would like to reiterate our appreciation for any attempt whatsoever to make the process of responding to public records requests go more smoothly or more efficiently. The more efficient and the smoother possible is better for us. To reiterate what Mr. Hardy said, there is this tension that exists in responding to public records requests and making sure there is transparency but with also protecting privacy interests of individuals. When disagreements arise with requesters, it is invariably because there is a strong privacy interest at stake, and under Nevada law there is a lack of clarity, so it is hard to know sometimes whether something is private or not. That is where the disagreements come. We feel strongly there is hope and promise in the concept of an ombudsman. If the goal is to make the process go more smoothly for everybody, we think there could be some benefits to it.

The main reason we are in opposition right now is because under current law, the only remedy would be to litigate. Under the bill as proposed, as it is written today, the requester has a choice: they can use the ombudsman, or they can still choose to litigate. We think they would choose to litigate because under current law, there is a very strong incentive to litigate because if the requester prevails in any minor way, they are the prevailing party under the current law and that entitles them to attorney's fees. If the goal is to steer disputes towards an ombudsman to make the process go more smoothly, we think a better approach would be something like court annexed to arbitration. The way that works is, if you file a lawsuit seeking less than $50,000, you immediately get sent to arbitration. That is a more efficient process and if you do not like the result, you can always go back to court. You have to be careful, because if you do not do better than the arbitrator's decision, then that is where the fee shifting comes in, in terms of the attorney's fees. I understand there is a lot of other logistical issues with the bill, and we do appreciate working with the sponsor on resolving those issues, so hopefully we can be in support.

Chair Considine:
Thank you. We will continue with opposition in Carson City.

Jennifer Berthiaume, Manager, Government Affairs, Nevada Association of Counties:
Our members, as well as our affiliate members, the Nevada District Attorneys Association, would like to thank Assemblymember Torres-Fossett for bringing this bill forward and her willingness to work with all stakeholders. While we have concerns regarding the bill in the current form, we do look forward to continuing our work with the sponsor. Counties support the goals of ensuring accountability and transparency while complying with federal privacy standards and protecting sensitive, public-facing security and safety protocols as well as complex employment and human resource matters that have the potential of becoming public records under the provisions of this bill, leading to our current opposition. We do, however, look forward to ongoing stakeholder involvement on A.B. 128. Thank you.

Robert Conrad, Ph.D., Board Member, Nevada Press Association; and Vice President, Nevada Open Government Coalition:
I am speaking today on behalf of both groups. We would like to express our appreciation to Assemblymember Torres-Fossett for her effort on this bill and her dedication to government transparency. Assembly Bill 128 is very well intentioned, and it has several important provisions we are supporting. These include independent reviews of records, disputes, and the ability to subpoena government officials for those records. In the current form, however, we are looking forward to working with the sponsor of the bill on amendments. We have several areas that we would like to see changed, including the ombudsman being appointed by the Governor. I know my colleagues at the Nevada Press Association and the Open Government Coalition are looking forward to working with you to revise this bill to address our concerns. Please let us know how we can help. Thank you.

Tray Abney, representing Nevada Broadcasters Association:
I want to associate myself with the comments made by Mr. Conrad, the Nevada Press Association, and the Nevada Open Government Coalition. We agree the intent of this bill is excellent. We want to move forward with that. Certainly there are some things that need to be worked out as far as the details of the bill. I want to especially thank interim Chair Torres-Fossett for the grace she gave me. I let her know very late yesterday that we were kind of late to the game on this bill, but partnering up again with the Press Association and hope to work through these issues.

Kent M. Ervin, Ph.D., Director of Governmental Relations, Nevada Faculty Alliance:
We would really like to be here in support of this bill. The Nevada Public Records Act has strong provisions, but it also allows government entities to stall or avoid full compliance and transparency. We appreciate the bill being brought forward. As representatives of faculty at the Nevada System of Higher Education (NSHE), an organization not known for full transparency, we occasionally submit public records requests and help members to do so. While some entities within NSHE are cooperative, we have also encountered excessive delays, denials for questionable reasons, and redaction beyond recognition.

Having an independent ombudsman to help requesters and the governmental entities know and apply the rules and avoid expensive litigation would be wonderful. However, for the reasons stated by Mr. Conrad, A.B. 128 is not yet acceptable in its present form. It could lead

to more litigation. We hope amendments will come forward that will allow us to support this good idea.

Chair Considine:
Is there anyone else in Carson City wishing to testify in opposition to A.B. 128? Not seeing anyone, we will now move to Las Vegas. If you would like to testify in opposition in Las Vegas, please go ahead.

LuAnn D. Holmes, City Clerk, City of Las Vegas:
I would like to note my opposition to A.B. 128, and I offer our support to the sponsor with the goal of improving the bill. At this time, I would like to introduce my esteemed colleague, Patricia Cabrera. She is the enterprise records officer for the City of Las Vegas who will be providing testimony on behalf of the City of Las Vegas.

Patricia Cabrera, Enterprise Records Officer, City of Las Vegas:
I am here to oppose A.B. 128 because it creates unnecessary bureaucracy, imposes costly burdens on local governments, and disrupts an already effective public record system. The City of Las Vegas adheres to the requirements of the Nevada Public Records Act and continually works to ensure transparency and accessibility in handling public records requests. We have proven transparent and efficient systems to process records requests fairly and promptly. Assembly Bill 128 does not improve public records access, it only adds an extra layer of bureaucracy, slowing response times and creating confusion. This bill introduces a state-level ombudsman with broad investigative powers, subpoena authority, and the ability to override local decisions. This is redundant because existing laws already provide a clear legal process for challenging denied requests. Adding another intermediary creates more delays and inefficiencies rather than solutions. Beyond procedural issues, A.B. 128 carries significant hidden costs for cities like Las Vegas. Compliance will require more legal staff, increased mediation participation, IT system updates, and training programs. The City estimates this would cost between $165,000 to $530,000 per year, a financial burden that takes away resources from public safety, infrastructure, and community services.

In short, A.B. 128 is a solution in search of a problem. It undermines the work of trained local records officers and shifts authority away from municipalities that already comply with the law. If the goal is to improve records access, we should focus on investing in technology and streamlining local processes, not adding unnecessary oversight. I urge the Legislature to reject A.B. 128 and instead support initiatives that enhance efficiencies without imposing unnecessary costs on local governments. Thank you for your time and consideration.

[A letter in opposition Exhibit D was submitted and will become part of the record.]

Benjamin Lipman, Chief Legal Officer, Las Vegas Review-Journal:
Like the Nevada Press Association and the Nevada Open Government Coalition, whose testimony we agree with and whose testimony I will try not to repeat too much of, we are in favor of anything that increases transparency in the state of Nevada and improves the system

by speeding it up and making it less costly for those seeking public records. To that end, the goals of this statute, of this bill, are ones that we support wholeheartedly.

We do think the bill, as currently written, has some problems that will actually undermine transparency, some of which have already been noted. The most important of which is the general structure of who is being appointed to make these decisions and how they are being appointed. Our greatest concern is that anyone making these decisions is shielded from politics and is somebody who we can all trust believes in the public policy in the statute of furthering transparency. In addition to that overall structure, we are concerned that the way the statute is written right now will potentially cost more money, take more time, as well as remove some of the pressure that the Nevada Public Records Act places on governmental entities to ensure transparency. That includes providing for fees and other issues and ensuring the party seeking the records has control of whether the process goes forward rather than allowing the opportunity for them to be dragged through a process they either do not want or no longer want to be a part of. We are looking forward to working with the sponsor and anyone else to fix the statutes. Fix the bill so it accomplishes the stated goals of increasing transparency.

Chair Considine:
Is there anyone else in Las Vegas wishing to testify in opposition to A.B. 128? Seeing no one else approach the table, we will move to opposition on the phone lines. Is there anyone on the phone lines? [There was no one.]

We will now move to neutral. Is there anyone here in Carson City who wants to testify in neutral on A.B. 128? Seeing no one approach, is there anyone in Las Vegas who wishes to testify in neutral? Seeing no one approach, is there anyone on the phone line wishing to testify in neutral on A.B. 128? [There was no one.] Former Chair would you like to make any final presentation remarks?

Assemblymember Torres-Fossett:
I do not think it is too often that you can see the local governments, the Press Association, and the Open Government Coalition all agree, but I look forward to working with everyone so we can find a recommendation that will improve government transparency. Ultimately, during the interim we heard case after case of issues presented by some of the people who testified in opposition today on the issues with the current request for public records. Additionally, we heard case after case from local governments of overly burdensome requests that they are consistently getting from members of the public that are unnecessary. Things like every email, which is overly burdensome and time consuming for their staff, it requires them to go through this very tiresome process.

At the end of the day, it seems that there is a need for us to have an office like this. I think the devil is getting lost in the details, though. I am committed to continuing to work with stakeholders. I have a stakeholder meeting already in the books. If you plan to be a policy stakeholder on A.B. 128, please reach out to my office as soon as possible. We already have a meeting scheduled for next Monday, so we can have a working group on this, so we can

have a recommendation for something that is going to really improve access to public records here in the state of Nevada. I look forward to seeing an outcome and a solution that helps improve transparency here in the state.

[Exhibit E was submitted but not discussed and is included as an exhibit for the hearing.]

Chair Considine:
I will now close the hearing on A.B. 128 and we will now move to public comment. Is there any public comment here in Carson City? Seeing no one approach the table, is there any public comment in Las Vegas? Seeing no one in Las Vegas, is there anyone on the lines for public comment today? [There was no one.]

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The next meeting will be Wednesday, February 26, 2025, at 8 a.m. in this room, 4100. That concludes our meeting for today. The meeting is adjourned [at 8:53 a.m.].

RESPECTFULLY SUBMITTED:

_____
Holly Gilman
Committee Secretary

APPROVED BY:

_____
Assemblymember Venicia Considine, Chair

DATE: _____

EXHIBITS

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 115	C	Assemblymember Venise Karris, Assembly District No. 10	Power Point presentation titled: "Events at the Capitol Building"
A.B. 128	D	Patricia Cabrera, Enterprise Records Officer, City of Las Vegas	Letter in opposition
A.B. 128	E	Ross E. Armstrong, Esq., Executive Director, Commission on Ethics	Written testimony