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March 24, 2009

Mr. Dave Palmer
1720 Creekside Dr., Apt. 2108
Folsom, CA 95630

Dear Mr. Palmer:

We are in receipt of your request dated January 27, 2009, for specified legislative records from the period 2007 to 2009. Your request asked for records from 2007 to 2009. We have construed your request to be for records from the AB 23 period starting December 2006 ending November 2008 unless otherwise stated. Also, you request references "Assembly Members." We have likewise construed your request to be for records of State Senators.

To the extent that records are not exempt from disclosure under the Legislative Open Records Act (Art. 3.5 (commencing with Sec. 9070), Ch. 1.5, Pt. 1, Div. 2, Title 2, Gov. C.), enclosed please find records that are responsive to your request. Below you will find our responses to the records specified in your request.

1. Copies of vehicle logs that differentiates public versus personal use

We have previously responded to this request. Again, the Legislative Open Records Act excludes any record with respect to "[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy" (subd. (c), Sec. 9075, Gov. C.), or any record with respect to which "the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record" (Sec. 9074, Gov. C.). Any records we do have are not subject to disclosure pursuant to the exemptions discussed above or we have no records that are responsive to your request.

2. Copies of each Senator's annual W-2 Form

The Senate does not have these records but the records may be requested from the State Controller. As such, we have no records that are responsive to your request.

3. Copies of vehicle maintenance and repair billing statements or receipts for all Senators

Once more, the Legislative Open Records Act excludes any record with respect to "[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy" (subd. (c), Sec. 9075, Gov. C.), or any record with respect to which "the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record" (Sec. 9074, Gov. C.). Enclosed please find records responsive to your request with confidential or private information redacted pursuant to the exemptions discussed above. Also, per your letter dated March 5, 2009 our records are responsive from the 2004 AB23 period.

4. Logs, billing statements, or their equivalent regarding outgoing long distance calls on land lines or cell phones provided to members at public cost

With regard to the telephone records you have requested, the Legislative Open Records Act exempts from mandatory disclosure "[r]ecords pertaining to the names and phone numbers of the senders and recipients of telephone and telegraph communications, provide that records of the total charges for any such communication shall be open for inspection" (subd. (d), Sec. 9075, Gov. C.). Thus, we have enclosed the total charges for the period referenced above for office telephones and Member cellular telephones.

5. Records evidencing the name and address of the entity each vehicle for member use was leased or purchased from. Copies of actual bill of sale or lease documents evidencing individual features, specifications, and original and optional equipment regarding each Senate vehicle that is purchased or leased. Copies regarding the make and model of cars leased or purchased, the amounts paid, and invoice dates.

We have construed your request to be a request for copies of the actual bill of sale or lease agreement for each Senate vehicle. The Legislative Open Records Act excludes any record with respect to "[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy" (subd. (c), Sec. 9075, Gov. C.), and any record with respect to which "the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record" (Sec. 9074, Gov. C.). Enclosed please find records responsive to your request with confidential or private information redacted pursuant to the exemptions discussed above.

6. Copies of individual charge card receipts evidencing purchases of incidental purchases for snacks and drinks

There are no purchases of what you have described in the records maintained by the Senate. As such, we have no records that are responsive to your request.

7. Copies or information on the dates and amounts of per diem paid to each Senator

The amount of per diem paid to each Senator is available on-line and published annually in the November 30 Senate Journal, known as the AB 23 Report. For the period not yet available on-line, enclosed please find records showing the amount of per diem paid to Senators through February 2009. Also, the Senate Journal lists each appearance and absence of a Senator for a floor session. You may access the Senate Journal through the Senate Web site at <http://www.leginfo.ca.gov/senate-journal.html>.

8. Gas and oil expense records or information by Senators. Copies of any records regarding travel expenses paid on behalf of Senators with public funds for attendance at seminars and conferences.

Your request asks for the gas and oil expense records or information to be presented in the same format as the prior request. The Legislative Open Records Act excludes from mandatory production "[r]ecords pertaining to the name and location of recipients of automotive fuel or lubricants expenditures, provided that records of the total charges for those expenditures shall be open for inspection" (subd. (e), Sec. 9075, Gov. C.). However, the records for the total charges for gas and oil expenditures are available on-line in the AB 23 report in the Senate Journal. Also, enclosed are records responsive to your request.

As for travel expenses paid on behalf of Senators, the act excludes from mandatory production any record with respect to which "the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record" (Sec. 9074, Gov. C.). We believe that the disclosure of their air schedules and related travel information poses a serious risk to the security of individual Senators and therefore, the public interest served by its disclosure is clearly outweighed by the public interest served in not making the disclosure public. However, that this information is available in the AB 23 Report in the Senate Journal and enclosed are records responsive to your request.

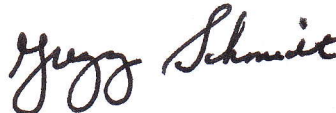
9. Copies of any and all auto insurance liability policies and the annual costs for any and all vehicles provided for use by any Senators. Copies of any and all documents of any kind relating to any accident of any kind involving a Senator while using a vehicle provided for by state funds.

The act excludes from production "[r]ecords pertaining to pending litigation to which the Legislature is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1, until the litigation or claim has been finally adjudicated or otherwise settled" (subd. (b), Sec. 9075, Gov. C.).

As for automobile insurance liability policies, the annual costs of those policies, and Senate vehicles involved in accidents, the Senate is self-insured in regard to the vehicles it owns or leases. As a self-insured state entity, the Senate participates in the self-insured program administered by the Department of General Services, Office of Risk and Insurance Management. Moreover, Senate vehicles involved in accidents are repaired by the Department of General Services. As such, the Senate does not have any records responsive to your request but you may request those records from the Department of General Services.

The cost for the enclosed copies for letters dated January 27, March 5, March 7, March 11 and March 12, pursuant to Section 9073 of the Government Code, is ten cents per page. There are 947 pages enclosed. Please make your check for the total of \$94.70 payable to "State of California" for transmittal to the State Treasurer.

Very truly yours,



Gregory Schmidt
Secretary of the Senate

cc: Fred Messerer, Deputy Legislative Counsel