

Hi. This is Chris Micheli, a principal with the Sacramento governmental relations firm of Aprea and Micheli, and an adjunct professor at McGeorge School of Law in its Capital Lawyering program. Today's podcast is examining California legislative records.

Members of the public can examine California legislative records based upon the provisions of the Legislative Open Records Act. L, O, R, A. LORA. It's found in the California Government Code. LORA was enacted in 1975 in order to allow to legislative records.

LORA also limits the public's right to access, inspect, and copy these records. Pursuant to the Legislative Open Records Act, requests by members of the public must be made in writing and be submitted to either the Senate Committee on Rules of the Assembly Rules Committee, depending on the location of the documents being requested.

The Joint Committee on Rules is charged with the custody of records and the joint custody of the Assembly and the Senate. LORA provides the laws from review, reproduction, and access to legislative records, with specified restrictions.

Generally the rules committees respond within 3-10 days upon receiving written requests for legislative records. If a request is denied, the individual requesting the information is entitled to a written explanation.

Generally, the records may not be removed from the office that is designated for records inspection, and must be inspected in the presence of a designated staff member from the Legislature.

The public can request copies of records and are charged a nominal amount for the photocopying. The following categories of legislative records are exempt from mandatory public inspection. This is found in government code sections 9072 and 9075. Here are the following exemptions from public inspection:

- Records prepared before December 2, 1974;
- Records pertaining to certain claims against the Legislature until their finally adjudicated or settled and records pertaining to litigation to which the Legislature is a party until such litigation has been finally adjudicated or settled;
- Personnel files, medical files, and similar files pertaining to the privacy of individuals;
- Preliminary drafts, notes, or memoranda among members and staff other than committee staff analyses directed to all committee members;
- Records of individual names and phone numbers of senders and receivers or telephone and telegraph communications;
- Records of individual transactions for fuel or lubricants for committee leased cars;
- Communications from private citizens to the Legislature;
- Records of complaints to the Legislature, its investigations, and its security procedures;

- Correspondence of members and their staff;
- Correspondence to members and their staff on matters other than legislation;
- Written commentary submitted to the Committee on legislation and the commentary was not utilized by the staff, or
- As otherwise determined by the Committee to be confidential and records where, based on the facts of the particular case, the Joint Rules Committee believes that the public interest served by their non-disclosure clearly outweighs the public interest served by their disclosure.

Now, members of the public are also allowed to gain access to legislation documents. Government Code Section 9080 guarantees public access to legislative committee records concerning legislation.

Moreover, legislative committees have adopted written procedures concerning the public inspection of these records. As a general rule, interested parties must complete a form stating specifically what legislation records they want to inspect. If those records are not subject to inspection, then they're not released. Otherwise, the committee will arrange for their inspection.

The records are not removed from the office and they're inspected in the presence of committee staff. Copies can be requested and the public are charged a nominal amount for the photo copying.

These are the general rules for examining legislative records in the California Legislature.