Department 29
Superior Court of California
County of Sacramento
720 Ninth Street
Timothy M. Frawley, Judge
Frank Temmerman, Clerk

Hearing: Friday, December 2, 2011, 9:00 a.m.

LOS ANGELES TIMES COMMUNICATIONS LLC; MCCLATCHY NEWSPAPERS, INC. dba THE SACRAMENTO BEE **v.** **CALIFORNIA LEGISLATURE; CALIFORNIA ASSEMBLY COMMITTEE ON RULES; NANCY SKINNER, as Chair of the California Assembly Committee on Rules**	**Case Number: 34-2011-80000929**

Proceedings: **Petition for Writ of Mandate**

Filed By: **Kelli Sager, Rochelle Wilcox, and Jonathan Segal, Davis Wright Tremaine LLP; Karlene Goller, Los Angeles Times Communications LLC; and Stephen Burns, McClatchy Newspapers, Inc. dba The Sacramento Bee, Attorneys for Petitioners**

The following shall constitute the Court's tentative ruling on the above-entitled matter. The tentative ruling shall become the ruling of the Court unless a party desiring to be heard so advises the clerk of this Department no later than 4:00 p.m. on the court day preceding the hearing, and further advises the clerk that such party has notified the other side of its intention to appear.

In the event that this tentative ruling becomes the final ruling of the Court, counsel for Petitioners is directed to prepare a formal order, incorporating this ruling as an exhibit; submit it to opposing counsel for approval as to form; and thereafter submit it to the Court.

TENTATIVE RULING

I.
Introduction

In this action, petitioners Los Angeles Times Communications LLC and McClatchy Newspapers, Inc. (the "News Organizations") seek a writ of mandate under the Legislative Open Records Act ordering respondents the California Assembly Committee On Rules, Nancy Skinner, and the California Legislature (collectively, the "Assembly") to produce records related to budgets and expenditures for the members of the Assembly and its committees.

The Assembly has refused to produce the records, contending they are exempt from disclosure as (i) "preliminary drafts, notes, or legislative memoranda" under Government Code § 9075(a); (ii) "correspondence" of and to members of the Legislature and their staffs under Government Code § 9075(h); or (iii) records that are exempted or prohibited from disclosure under the "deliberative process privilege" and Government Code § 9075(i).

The court, being persuaded that the claimed exemptions do not apply, shall grant the petition.

II.
Statement of the Case

This case arises out of several requests for information under California's Legislative Open Records Act (the "Open Records Act") (Gov. Code § 9070 *et seq*.)

The apparent motivation for the information requests were claims made by Assemblymember Anthony Portantino that Assembly leaders were using budget allocations as a means of attempting to control the votes of party members: rewarding those who vote along party lines with increased budgets, and punishing those who do not with budget reductions. Assemblymember Portantino further claimed that Assembly leaders are hiding members' actual expenditures from the public by attributing individual member expenses to committees and then refusing to release full information about committee expenditures.

On July 15, 2011, three reporters for the News Organizations wrote to the Assembly seeking information about budget allowances and expenditures for Assembly members and committees.

While none of the requests were identical, they were similar in scope. A reporter for the Times Community News requested copies of "annual allowances and budget summaries" for each Assembly member and committee for budget years 2010 and 2011. A reporter for the Sacramento bureau of the Los Angeles Times requested the "office budget and expenditure approvals" for each Assembly

member, committee, and subcommittee for the current legislative session, plus any documents reflecting changes to the budgets or expenditure approvals. A reporter for the Sacramento Bee requested all records reflecting the "approved budget" and additional "expenditure authorizations," and any changes to the approved budget or expenditure authorizations, for each Assembly member and committee for the years 2009, 2010, and 2011; plus any documents related to consultants or legal settlements related to the Assembly or its members, and any Assembly Operating Fund Report, Independent Audit of Operating Funds, and/or Performance Audit for those years.[1]

The Assembly, through its Committee on Rules, responded that records relating to budgets and changes to budgets for members of the Assembly and its committees are exempt from disclosure under section 9075, subdivisions (a) and (h) of the Open Records Act.

With regard to records relating to actual expenditures, the Assembly responded that it annually publishes information about expenditures in an annual expenditure report (known as the "Operating Fund Report"), usually near the end of the calendar year. The Assembly indicated that the Operating Fund Report covering the 12-month period ending November 30, 2009, has been published and is publicly available. (The Assembly contends that the Operating Fund Report discloses every dollar the Assembly spends in a given year, according to detailed categories listed by the member, committee, caucus, or leadership position that made the expenditure.)

Although the Operating Fund Report for the period ending November 30, 2010, has not yet been published, the Assembly agreed to produce (to one of the reporters) responsive records describing expenditures for the 12-month period ending November 30, 2010, prior to publication of the report.

The Assembly initially refused to produce any records describing expenditures after November, 2010, contending it did not yet have any responsive records for the 12-month period ending November 30, 2011. However, the Assembly later took the position that it would provide reports on expenditures incurred year-to-date for anyone who asks for them. The Assembly contends that reports showing the Assembly's year-to-date expenditures through July 31, 2011, were

[1] Anthony Portantino, a member of the Assembly, representing the 44th Assembly District, also submitted a request to the Assembly seeking information about budgets and expenditures for Assembly members and committees. He requested records, for the years 2009 through 2011, of (i) all approved budgets and processed expenditures for Assembly members and committees; (ii) all writings reflecting changes in budget allocations or authorized spending for Assembly members and committees; (iii) all writings regarding payments to vendors, consultants, settlements, contractors for employment and/or services, and other payments incurred by or made from the Assembly's Operating Fund; and (iv) the last three available Operating Fund Reports, Independent Audits of Operating Funds, and Performance Audits. Since Assemblymember Portantino is not a petitioner in this action, his request is included only as background information.

provided to the petitioners who requested them. (See Opposition Brief, p.4.) In addition, the Assembly claims it has begun posting year-to-date expenditure reports on its website on a quarterly basis. (*Ibid*.) The Assembly contends that a report has been posted to its website showing expenses incurred through September 30, 2011.

The Assembly responded that it would produce the requested "Independent Audits of Operating Funds," but that it would not produce any documents relating to "consultants," because disclosure would constitute an unwarranted invasion of personal privacy. The Assembly claimed not to have any records responsive to the requests for "Performance Audits" or "legal settlements."

III.
Requests for Judicial Notice

The News Organizations request the court take judicial notice of the following documents: the legislative history of Assembly Bill No. 23; portions of Senate Bill No. 87; budget documents for Assemblymember Timothy Donnelly; analyses prepared by California Common Sense; various news releases; and a letter from the California State Controller to the City of Bell Interim City Administrator.

The Assembly requests the court take judicial notice of Assembly Bill 23; Ballot Pamphlet materials for Proposition 140; the Standing Rules of the Assembly; the Statement of Assembly Expenditures for 2009 and 2010; a summary of Assembly expenditures for December 1, 2010, through September 30, 2011; and a list of Assembly staff salaries as of August 31, 2011.

The Assembly objects to the News Organizations' request for judicial notice of the legislative history of Assembly Bill No. 23 (and, in particular, the portion of the "legislative history" consisting of press releases, newspaper articles, letters, and enrolled bill reports); the California Common Sense analyses; the news releases; and the State Controller's letter.

The court sustains the Assembly's objections with regard to the portion of the legislative history consisting of press releases, newspaper articles, and letters, and the California Common Sense analyses. (*Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc*. (2005) 133 Cal.App.4th 26, 37-39.) All other objections are overruled.

The court grants the requests for judicial notice of the legislative history of Assembly Bill No. 23; portions of Senate Bill No. 87; budget documents for Assemblymember Timothy Donnelly; the various news releases; the letter from the California State Controller; the Standing Rules of the Assembly; the Statement of Assembly Expenditures for 2009 and 2010; the summary of Assembly expenditures for December 1, 2010, through September 30, 2011; and the list of Assembly staff salaries as of August 31, 2011. (Although the court

takes judicial notice of the budget documents, news releases, and the Controller's letter, the court does not assume the truth of the matters asserted therein.)

The court denies the request for judicial notice of the Ballot Pamphlet materials for Proposition 140, as irrelevant.

IV.
Discussion

The question before the Court is straightforward: whether the Assembly properly refused to disclose documents reflecting approved budgets and expenditures for its members and committees.[2] For the reasons described below, the court concludes that the records were improperly withheld under the Open Records Act.

In a somewhat ironic twist, the Assembly argues the "Open Records Act" should be given a narrow interpretation that significantly restricts the public's right to inspect legislative records. Further, the Assembly argues that the constitutional doctrine of separation of powers prohibits this court from enforcing any other interpretation. Both arguments lack merit.

Just because the Legislature adopted the Open Records Act does not mean that the court must accept the Assembly's interpretation of it in this litigation. While a court may give deference to the Legislature's interpretation of its own acts (as revealed by legislative history or subsequent enactments), there is no rationale for deferring to a post-enactment expression of legislative intent in the absence of a duly enacted statute. (See *Cal. Labor Fed'n v. Indus. Welfare Comm'n* (1998) 63 Cal.App.4th 982, 995 [court may not rely on subsequent Senate resolution].) Even when an expression of legislative intent is embodied in a subsequent enactment, that expression of intent does not *bind* the courts in the construction of an earlier enacted statute. (*Pacific Lumber Co. v. State Water Resources Control Bd*. (2006) 37 Cal.4th 921, 940.)

Under fundamental principles of separation of powers, the legislative branch of government has the power to enact statutes. The interpretation of a statute, in contrast, is an exercise of the judicial power which the Constitution assigns to the courts. (*Carter v. California Dept. of Veterans Affairs* (2006) 38 Cal.4th 914, 923; *McClung v. Employment Development Dept*. (2004) 34 Cal.4th 467, 470.)

After the judiciary definitively and finally interprets a statute, the Legislature may, subject to constitutional restraints, amend the statute to say something different.

[2] The withheld documents at issue consist of budgets and revised budgets, monthly budget summaries (or charts/spreadsheets), prior-year staff rosters, and Personnel Transaction Reports. Although documents related to consultants were withheld on privacy grounds, the News Organization did not argue this was improper. The issue is therefore considered waived.

But if it does so, it changes the law. The amended statute defines the law for the future, but it cannot define the law for the past. The Legislature has no authority to interpret the laws and determine rights; that is the function of the judiciary. (*McClung, supra*, 34 Cal.4th at pp.473-474; see also *Carter, supra*, 38 Cal.4th at pp.922-923.)

Having enacted the Open Records Act, the Legislature is bound to it, and this court can and shall interpret and enforce it.

In construing the meaning of a statute, the reviewing court turns first to the language of the statute, giving the words their usual, ordinary, and common sense meaning based upon the language used and the evident purpose for which the statute was adopted. (*People v. Coronado* (1995) 12 Cal.4th 145, 151.) The words must be construed in context, and provisions relating to the same subject matter must be harmonized to the extent possible. (*Ibid*.)

If the statutory language is clear and unambiguous, there is no need for further construction. (*Herman v. L.A. County Metro. Transp. Auth*. (1999) 71 Cal.App.4th 819, 826; see also *Mejia v. Reed* (2003) 31 Cal.4th 657, 663.) If the words of the statute are ambiguous, a court may resort to extrinsic sources, including the legislative history. (*Ibid*.) If, after considering extrinsic sources, the statutory language is still susceptible of more than one reasonable interpretation, the court should consider relevant policy considerations and apply reason, practicality, and common sense to ascertain the intent. (*Ibid*.)

The language of the Open Records Act at issue here reflects a strong presumption in favor of public access to legislative records. In enacting the Open Records Act, the Legislature found and declared that "access to information concerning the conduct of the people's business by the Legislature is a fundamental and necessary right of every citizen in this state." (Gov. Code § 9070.)

Like the Open Records Act, the California Public Records Act also reflects a strong public policy in favor of disclosure of public records. However, while most state and local agencies have always been subject to the California Public Records Act, records in the custody of the Governor's Office, the courts, and the Legislature originally were exempted from the California Public Records Act.

In 1975, as part of broad legislation designed to increase the public's access to government information, the Legislature enacted Assembly Bill No. 23 (AB 23). That legislation removed, with certain exceptions, the exemption from the California Public Records Act for the Governor's Office and the courts, and enacted the separate (Legislative) Open Records Act for the Legislature. Thus, a key purpose of the Open Records Act was to ensure public access to information about how the Legislature operates.

To achieve its purpose, the Open Records Act created a presumptive public right of access to legislative records. (Gov. Code § 9073.) Legislative records are open to inspection and any person has a right to inspect any legislative record, subject only to the specific exemptions set forth in the Act. (*Ibid*.; see also Gov. Code § 9072 [defining legislative records].) Whenever the Legislature withholds any legislative record from inspection, the Legislature is required to "justify" the withholding in writing by demonstrating that the record in question is exempt under the express provisions of the Act or that on the facts of the particular case the public interest served by not making the record public "clearly outweighs" the public interest served by disclosure. (Gov. Code § 9074.)

In keeping with the presumption in favor of public access that is expressly recognized in the Open Records Act, the court is persuaded that the exemptions from disclosure should be narrowly construed to ensure maximum disclosure of the conduct of governmental operations – just as exemptions under the California Public Records Act and federal Freedom of Information Act are narrowly construed. (See *City and County of San Francisco v. Ballard* (2006) 136 Cal.App.4th 381, 400; see also *San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762, 772-773; *Citizens for a Better Environment v. Dept. of Food and Agriculture* (1985) 171 Cal.App.3d 704, 711.)

The records requested by the News Organizations indisputably contain information relating to the conduct of the public's business. The records all reflect how Assembly money is budgeted and spent, which is critical to an understanding of the Legislature's operations. The requested records are, therefore, "legislative records" subject to disclosure unless they are specifically exempt under the Act. (Gov. Code § 9072.)

In this case, the Assembly claims the records are exempt from disclosure on three grounds: (i) as "preliminary drafts, notes, or legislative memoranda" under Government Code § 9075(a); (ii) as "correspondence" of and to members of the Legislature and their staffs under Government Code § 9075(h); and (iii) as records that are exempted or prohibited from disclosure under the "deliberative process privilege," made applicable by Government Code § 9075(i).[3]

A. The Preliminary Writings Exemption

The Assembly's reliance on the "preliminary drafts" exemption is misplaced. Even if the requested budget documents qualify as "drafts, notes, or memoranda," the exemption only applies to "preliminary" drafts, notes, or

[3] It is noteworthy, but not dispositive, that the Assembly did not explicitly refer to the "deliberative process privilege" or Government Code § 9075, subdivision (i), in responding to the record requests. (Cf. *Vallejos v. California Highway Patrol* (1979) 89 Cal.App.3d 781, 787 [concluding exemption can be waived under CPRA if not asserted before disclosure].)

memoranda. The records sought by the News Organizations are not "preliminary" draft or proposed budgets, but approved budget allocations.

The fact that an approved budget could be modified again at some later point in time does not render it a "preliminary" writing. If the exemption were construed this broadly, virtually every document related to the Assembly's business would be exempt from disclosure, since virtually every document could, at least in theory, be modified at some later point in time.

The court's interpretation is supported by case law construing analogous exemptions for preliminary writings under the California Public Records Act (CPRA) and the federal Freedom of Information Act (FOIA). Those cases establish that the purpose of the preliminary writings exemption is to protect pre-decisional, deliberative materials that are part of the decisionmaking process. (*Citizens for a Better Environment, supra*, 171 Cal.App.3d at pp.712-714; see also *Ryan v. Department of Justice* (D.C. Cir. 1980) 617 F.2d 781, 789-791; *Bureau of Nat'l Affairs v. Department of Justice* (D.C. Cir. 1984) 742 F.2d 1484, 1496-1497 [distinguishing pre-decisional budget advice or recommendations from adopted budgetary decisions].) The exemption does not apply to writings that implement or communicate a final decision, and the exemption does not apply to purely factual material unless the manner of presenting those facts would reveal the deliberative process or the facts are inextricably intertwined with the deliberative process. (*Ibid*.; see also 89 Ops. Cal. Atty. Gen. 39 (Feb. 28, 2006).)

The text and context of the preliminary writings exemption in the Open Records Act suggest it has the same essential purpose as the analogous exemptions in the CPRA and FOIA. Accordingly, this court follows the reasoning of the state and federal case law construing those cognate exemptions.

Applying this rule, the court concludes that the requested budget records are not exempt as preliminary drafts, notes, or memoranda. While proposed budget allocations or budget recommendations likely would fall within the confines of the exemption, approved budget allocations represent a final decision to allocate funds or modify an Assemblymember's office budget. Therefore, the records cannot be withheld under the preliminary writings exemption.

B. The Deliberative Process Privilege

Another potential exemption closely related to the preliminary writings exemption is the deliberative process privilege, made applicable by Government Code § 9075, subdivision (i).

Under the deliberative process privilege, officials of all three branches of government enjoy a qualified, limited privilege not to disclose or be examined concerning not only the mental processes by which a given decision was

reached, but also the substance of conversations and materials reflecting the advice, opinions, and recommendations comprising part of the decisionmaking process. (*Regents of the Univ. of Cal. v. Superior Court* (1999) 20 Cal.4th 509, 540.[4]) The deliberative process privilege reflects a concern that the quality of decisionmaking may suffer if prematurely exposed to public scrutiny. (*Ibid*.)

The key question when the deliberative process privilege is invoked is whether the disclosure of materials would expose the decisionmaking process in such a way as to discourage candid discussion within the government and thereby undermine the government's ability to perform its functions. (*Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136, 1146.) In determining whether materials fall within the parameters of the privilege, courts have drawn a distinction between predecisional communications, which are privileged, and communications made after the decision and designed to explain it, which are not. (*Times Mirror, supra*, 53 Cal.3d at p.1341.) Courts also have recognized that the privilege requires different treatment for materials reflecting deliberative or policymaking processes on the one hand, and purely factual or investigative matters on the other.[5] (*Ibid*.)

Further, even when the common law privilege applies, it is only a qualified privilege. A litigant may obtain deliberative materials if his or her need for the materials overrides the government's interest in non-disclosure. (See *FTC v. Warner Communications, Inc*. (9th Cir. 1984) 742 F.2d 1156; *United States v. Nixon* (1974) 418 U.S. 683, 711-712; *Miller v. Superior Court* (1999) 21 Cal.4th 883, 900; see also *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 172.)

The court concludes that the records at issue here are not protected by the deliberative process privilege because, as discussed above in regard to the preliminary writings exemption, the requested records are not predecisional, deliberative communications.

Moreover, even if the requested records might implicate some deliberative process on the part of the members with regard to their individual budgets, the court is persuaded that the strong public interest in disclosure outweighs any reasons for keeping the records secret.

C. The Correspondence Exemption

The Assembly also cannot withhold the requested records under the "correspondence" exemption.

The Assembly argues that the language of this exemption is broad on its face and applies to all internal and external written communications of legislators and

[4] *Regents*, a Brown Act case, has been superseded by statute on unrelated grounds.
[5] Courts have recognized, however, that the privilege may extend to factual materials which would reveal the thought processes of the government decisionmaker.

staff. The court does not agree that the term "correspondence" can be interpreted so broadly.

If the Legislature had intended the term "correspondence" to mean "communications," it presumably would have said so. Indeed, in both subdivision (d) and (j), the Legislature used the term "communications" in describing other exemptions under the Open Records Act. The Legislature therefore must have intended the term "correspondence" to mean something other than all "communications."

Although no court decision has interpreted the term correspondence for purposes of the Open Records Act, the California Supreme Court has analyzed the meaning of "correspondence" for purposes of the California Public Records Act.

In *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, the California Supreme Court determined that the term "correspondence" refers to external "communications by letter," rejecting an argument that the term correspondence encompasses internal written communications between the Governor and his staff. (*Id*. at p.1337; see also *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 167-169 [applying the Supreme Court's interpretation to letters and application forms received by the Governor's office].)

The language chosen by the Legislature for the exemption in the Open Records Act is virtually identical to the analogous CPRA exemption in Government Code § 6254, subdivision (l). Whereas the Open Records Act exempts correspondence of and to members of the Legislature and their staff, the CPRA exempts correspondence of and to the Governor or employees of the Governor's office. (Cf. Gov. Code §§ 6254(l), 9075(h).)

A term having a specific meaning in one area of the law ordinarily should be construed similarly elsewhere. This is particularly true where the same term is used in a similar manner in related statutes dealing with the same subject matter. (See *McAllister v. California Coastal Com*. (2008) 169 Cal.App.4th 912, 945; *People v. Casillas* (2001) 92 Cal.App.4th 171, 183; *In re Do Kyung K*. (2001) 88 Cal.App.4th 583, 589.)

Further, when the Legislature amends a statute without altering the portions that were judicially construed, the Legislature is presumed to have been aware of and to have acquiesced in the previous judicial construction. (*Estate of McDill* (1975) 14 Cal.3d 831, 838; *In re Gladys R*. (1970) 1 Cal.3d 855, 868-869.) The Legislature has amended § 6254 of the CPRA multiple times since the *Times Mirror* decision, without altering the "correspondence" language of the exemption, suggesting acquiescence in the Supreme Court's judicial construction of that term.

Likewise, the Legislature has amended § 9075 of the Open Records Act several times since the *Times Mirror* decision, also without altering the "correspondence" language of the exemption. Since the Legislature is presumed to know that similar words or phrases in statutes dealing with the same subject matter ordinarily will be given the same interpretation, this too is persuasive evidence that the Legislature intended the construction placed on that term by the Supreme Court.

Moreover, to interpret the term "correspondence" as broadly as the Assembly suggests would permit the Legislature to shield any document from public view simply by transmitting it to any Assembly member and/or his or her staff. It would, in effect, shield every written communication within the Assembly, and it would allow any Assembly member or staff to shield any record in his or her possession simply by "passing" it to any other member or staff person. Nothing in the legislative history suggests the correspondence exemption was intended to keep secret any document that might be passed between or among members or their staff. Such an exemption would clearly swallow the rule of public access, rendering the adoption of the Open Records Act a largely futile act. This cannot have been the Legislature's intent.

The reasoning in *Times Mirror* is persuasive. The correspondence exemption was only meant to shield external (third-party) communications by letter to members of the Legislature and their staff, to insure that individuals and entities outside the Legislature would not be chilled in their ability to communicate with their elected representatives.[6]

The Assembly's reliance on *Zumbrun Law Firm v. California Legislature* (2008) 165 Cal.App.4th 1603, is misplaced. *Zumbrun* concluded that Proposition 59 did not nullify existing Open Records Act exemptions. But the parties in *Zumbrun* did not contest, and therefore the Court did not decide, whether the particular documents withheld fell within correspondence exemption. (See *Zumbrun, supra*, 165 Cal.App.4th at p.1620 fn.10.) Thus, the Court never considered whether the documents withheld constituted "correspondence" within the scope of the exemption.

Applying the *Times Mirror* definition to this case, the court is persuaded that the requested budget allocations and summaries do not qualify as "correspondence" exempt from disclosure under the Open Records Act.[7]

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[6] Under this construction, there is admittedly some overlap between § 9075, subdivisions (h) and (j). However, they would not be redundant because subdivision (j) applies to all "communications," not just written communications by letter, and subdivision (j) is limited to "private citizens," whereas subdivision (h) would include public and private entities which are not citizens.

[7] Even if the correspondence exemption were interpreted to protect internal communications by letter, the court is persuaded the exemption would not apply here. Communicated or not, the budget records are simply not "correspondence."

D. The Financial Reporting Requirements

The Assembly claims that because the Legislature included certain mandatory financial reporting requirements in AB 23 (codified at Government Code §§ 9131 and 9132), the court should infer an exemption for any financial records that do not fall within the mandatory reporting requirement.

However, the rule on which the Assembly relies – that a specific statute prevails over a general statute – applies only if the statutes are so inconsistent that the two cannot have concurrent operation. (See *Boghos v. Certain Underwriters at Lloyd's of London* (2005) 36 Cal.4th 495, 504; Civ. Proc. Code § 1859.) If statutes reasonably can be construed to avoid conflict, that construction must be adopted. (*Walters v. Weed* (1988) 45 Cal.3d 1, 9.)

Here, there is no conflict. Sections 9132 and 9133 describe financial information that must be reported to the public every year – whether or not it is requested. This obligation is distinct from the obligation to disclose legislative records when they are requested under section 9074. Compliance with sections 9132 and 9133 certainly does not interfere with, or in any way conflict with, the Legislature's obligation to make non-exempt legislative records available for inspection. The fact that the Legislature mandated certain financial information that must be generated and publicly released in an annual report does not imply that all other financial information should be kept secret.

The Legislature knows how to create statutory exemptions when it chooses to do so. There is no exemption for financial records in the Open Records Act. The court rejects the Assembly's invitation to make a new exemption out of whole cloth. Sections 9131 and 9132 simply do not abrogate the general rule requiring disclosure of legislative records.

V.
Disposition

The petition is granted. Petitioner News Organizations shall be entitled to recover their costs upon appropriate application. The court reserves jurisdiction to award attorney fees pursuant to a proper and timely motion by Petitioners.