



April 23, 2012

The Honorable Shannon Grove
California State Assembly
State Capitol, Room 3098
Sacramento, CA 95814

Re: Assembly Bill 1946 - SUPPORT

Dear Assemblywoman Grove:

As a private citizen of the State of California and the President and CEO of Labor Issues Solutions, LLC and the Dayton Public Policy Institute, I write to support your Assembly Bill 1946.

In recent years, there have been several publicized examples of reasonable records requests from the public that the California State Legislature has attempted to evade. One example is the attempt by Associated Builders and Contractors of California and subsequently the Zumbrun Law Firm to obtain legislative records indicating which legislator in 2005 secretly and unilaterally authorized a bid specification requiring contractors to use an “all-union workforce” in the construction of the Capitol Safety and Security Improvements Project, as well as documents showing how the “all-union workforce” specification was authorized. The legislature and the legislature’s rules committees stymied these requests for public records, and to this day the culprit and the culprit’s *modus operandi* remain unknown.

Be aware that the leaders of the California State Legislature do not appreciate bills meant to subject their controversial and underhanded activities to public scrutiny. Here are two strange recent examples:

- In 2004, Assemblyman Todd Spitzer brought his Assembly Bill 2714 to the Assembly Governmental Organization Committee to repeal the Legislative Open Records Act and make the legislature subject to the Public Records Act. No one on the committee even dared to make a motion for consideration.
- In 2009, Assemblywoman Diane Harkey introduced AB 1024 to toughen up the Legislative Open Records Act, particularly in regards to the development and awarding of contracts of

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the legislature. Bill drafting to include language from the “Sunshine Act” enacted by Proposition 59 (approved by 83% of California voters in November 2004) was tangled up for weeks in the Legislative Counsel’s office, and in the end the bill was not ready for consideration by the Assembly Business and Professions Committee on the scheduled hearing date of April 28. The author cancelled the hearing.

In the wake of the 2011 court decision in *Los Angeles Times v. California Legislature*, perhaps the legislature will accept your modest proposals in Assembly Bill 1946 to clarify the meaning and power of the Legislative Open Records Act.

Sincerely,

Kevin Dayton
President and CEO
Labor Issues Solutions, LLC
(916) 439-2159

