

# Legislators receive gas money, but won't say where they've been

By Torey Van Oot and Jim Sanders, Sacramento Bee

State legislators billed taxpayers more than \$450,000 for on-the-job driving in the last legislative year, but officials won't say where the lawmakers went.

The Senate and the Assembly this week denied records requests from the *Bee* to review mileage logbooks legislators submitted when seeking 53-cents-a-mile reimbursements for car travel related to their work.

Without the logbooks, it is impossible to track where lawmakers went on the public's dime in the last legislative year, when they drove more than 849,000 miles on legislative business.

The decision, which comes little more than a year after the *Bee* and other newspapers successfully sued the Assembly for withholding office budgets under the Legislative Open Records Act, was met with criticism by advocates of greater transparency in government.

Phillip Ung, who works for California Common Cause, said legislative leaders continue to use the act in a way that makes it "the least transparency-promoting law in the state of California."

"I think if legislators are going to be asking the public to reimburse them for their gas, the public has the right to know where these members are driving," he said.

Officials in both houses said in written responses that they withheld the logbooks because the request "impacts upon

concerns regarding privacy, security and legislative privilege,” pointing to a 1991 state Supreme Court ruling protecting certain information contained in a governor’s calendars from release.

Assembly Administrator Jon Waldie said the lower house is most concerned about safety of the members, since many list specific addresses in their logbooks. He compared the reasoning to both houses’ decisions to withhold legislators’ calendars from public disclosure in recent years.

“You’re going to get patterns, and then once you have the patterns you can easily discern where members are going to be and when they’re going to be there,” he said.

Secretary of the Senate Greg Schmidt echoed Waldie, saying he sees “legitimate security concerns” in releasing the documents.

“Logbooks indicate where people travel, and potentially provide information regarding recurrent travel patterns,” he wrote in an email.

Peter Scheer, executive director of the First Amendment Coalition, said legitimate security issues can exist in releasing records related to public officials’ transportation plans.

But disclosing information about “legislators who are not exactly household names and where they drive in a car is really not going to reveal anything of particularly sensitive nature.” He noted that some lawmakers have elected to use license plates that broadcast their status as a member of the Legislature.

“It reflects an exaggerated if not paranoid sense of their own vulnerability to say that all that information, that information if released could put them in some kind of physical jeopardy,” he said of the rationale.

Scheer also questioned how much travel records could reveal about the deliberative processes of the Legislature, another reason it cited for denying access to the records.

“Merely knowing where they drive within their district or outside of it and perhaps being able to infer from that one or two pieces of information about institutions they may be visiting or even people that they talk to, that does not even come close to breaching the deliberative process privilege,” he said. “That kind of information is ... out there in public for anyone to see any time.”

As to what kind of activities on the road could fall under the privacy exemption, Scheer offered that the documents would have to reveal “an act of an X-rated nature in the vehicle which they were getting reimbursed for” to meet that standard.

Releasing the records, he said, could help the public judge “whether their legislators were submitting accurate and fair reimbursement requests or ... instead abusing the reimbursement privilege to pass on to taxpayers what should be a personal expense.”

The Legislature began reimbursing members for work-related travel in their personal cars, including trips from their home to the Capitol, in December 2011, after a program providing state-leased cars to members was cut by the Citizens Compensation Commission. The change saved taxpayers nearly \$240,000 in its first year, a *Bee* analysis of reimbursements issued between December 2011 and mid-December 2012 found.

While the change cut overall costs for the Legislature by about a third, individual mileage reimbursements varied significantly by member.

Some legislators declined to seek reimbursement, while others received large sums for driving thousands of miles on legislative business.

Some of the members logging the most miles represent vast, rural districts within driving distance of the Capitol, but others from geographically compact districts also racked up thousands of dollars in reimbursement costs. Sen. Rod Wright, D-Inglewood, for example, sought at least \$4,700 in mileage reimbursements last year.

Wright, whose Los Angeles district covers about 108 square miles, has declined to say where he went.