

other words, we would leave information of that kind up to the legislature to decide whether the public should know about it or not. Is that right?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Delegate Koger, you have hit it right on the head, because as originally proposed by this minority report, it would open everything, and the legislature would have to close it. This amendment that I have offered instead would do the opposite. The legislature could decide what the public ought to see if it is necessary.

THE CHAIRMAN: Are there any further questions?

Delegate Chabot.

DELEGATE CHABOT: Delegate Kiefer, there has been some discussion of an existing common law right to certain public records. Do I understand correctly that the language of your amendment would permit those records to be available to the public only to the extent and in the manner provided by the general assembly so if the General Assembly did nothing, then that common law right would disappear?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: No, it does not change anything. It simply announces the right of the public to know, and it simply provides what records may be available, other than might otherwise be available will be as provided by the General Assembly.

Now, they have already provided that all the records generally speaking will be open in most areas. They have also provided the number of areas in which they shall not be open. This includes many areas. The original amendment goes much further. It opens all judicial records, and despite the rules of court, and so forth, it requires an act of the General Assembly to close these off.

The General Assembly is going to have to go through and make sure they do not permit snooping instead of just knowing.

This does not change any basic common law rights. It simply announces the policy of the right to know, and in such areas that are not already open that the legislature may decide to open. It does exactly what the New York Constitution does, which I believe is about as far as we could possibly want to go.

THE CHAIRMAN: Are there any further questions?

Delegate Sollins.

DELEGATE SOLLINS: Delegate Kiefer, could you tell me what you mean by the meaning of the word "operates" in line 6 of your amendment, please?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Delegate Sollins, I suppose that means the operations, all of the operations of the government.

THE CHAIRMAN: Delegate Sollins.

DELEGATE SOLLINS: For example, does it indicate that people have the right to be present at all legislative committee hearings, both at the state and local level?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: As I indicated to you, this does not forbid the legislature from going into executive session, but it simply states the policy of allowing that people shall have the right to know how the government operates. If it worries you, take it out.

THE CHAIRMAN: Delegate Storm. There is time for just one more question, and answer, if the question is brief.

DELEGATE STORM: Mr. Kiefer, I am trying to get you two together. Would you look at Amendment No. 24.

Would this be satisfactory with you if the last clause were stricken out, and the whole section had the following words added to the beginning: "—to the extent provided by law—" all government proceedings, and so on.

Would this meet with your approval?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Yes, this in effect is what I am trying to say.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Delegate Willoner, do you feel this would weaken yours too much?

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: I would not accept an amendment such as that.

THE CHAIRMAN: Very well.

Delegate Kiefer's time for questions has expired.

Is there any further discussion? Is there any person who desires to speak in opposition to the amendment?