

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 22, 2000 LB 628

process...work in progress situation. And, although this amendment will be withdrawn, that's what it was intended to deal with and, Senator Brashear, I'd yield you the rest of my time for whatever comments you'd like to make on this particular subject.

SENATOR BRASHEAR: Well, that's exceedingly generous, Senator Beutler, and I thank you because I stand in opposition to AM2732, as do all of those who have participated in this process that we have been working through so long on this bill. First, the bill is not intended to amend the definition of public record, and I've said that in the earlier round of debate. That's a very technical, complex, and contentious area and this bill is about getting access for the public to the public records. We were not seeking to undertake and, in fact, deliberately did not want to involve reexamining the issue of what is a public record. Second, the amendment would make substantive, very substantive changes to the definition of a public record and, for that reason, we would oppose it. Finally, the amendment is not necessary. In 1991, the Attorney General issued an Opinion that addressed this question of whether a draft document is a public record, and the essence of that Opinion was to conclude that the process of policy formulation is such that subordinate and subsidiary records need to go through the process of becoming...opinions and drafts and those kinds of things need to go through a process of becoming a public record, so that the person working at the first level, for instance, of the bureaucracy cannot create that which is binding public record, so to speak, or formal public record for an agency, a department, or whatever. There is a lot of logic to that Opinion. It has led us well. It allows for a differentiation between that which is a public record and that which is preliminary to it or which is not, and I think we simply ought to continue to rely upon that which has served us well. For all of those reasons, and because it could, in fact, be more weight than the bill could bear, I urge the...urge you to stand in opposition to AM2732 and urge its defeat. Thank you. Senator Beutler, I'd yield the time back to you, if I have any.

SPEAKER KRISTENSEN: There is approximately five minutes left, Senator Beutler.