

Legislative History for Connecticut Act

HB 3132	PA 260	1963
House 2292-2300		(9)
Senate 1872		(1)
Judiciary 400, 410, 411-412, 414, 417		(6)

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CONNECTICUT
GENERAL ASSEMBLY

HOUSE

PROCEEDINGS

1963

VOL. 10, PART 6

MAY 10 - MAY 15

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THE CLERK:

Calendar No. 455. File No. 566. House Bill No. 4577. An act concerning rules of procedure in Small Claims Actions. Favorable report joint committee on Judiciary and Governmental Functions.

MR. LENGE (West Hartford)

Mr. Speaker, I move the acceptance of the committees favorable report and the passage of the bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. LENGE (West Hartford)

This bill provides that in small claims action an attorney may in a skuitable form initiate a small claim action and have it served by proper officer or an indifferent person than the defender. Same way it is served in regular civil action. At the present time all of these small claim actions are started by the clerk and are served by a certified or registered mail. In many cases the defendant or the debtor knowing that he his likely to receive such mail refuses it. Itcauses substantial delays and additional expense. This bill is one that would eleminate such problems. It's a good bill and it ought to pass.

THE SPEAKER:

Will you remark further? If not the question is on the acceptance and passage. All in favor say aye. Opposed nay. The bill is passed.

THE CLERK:

Calendar No. 456. File No. 562. Modified House Bill No. 3132. An act concerning access to Public Records and Meetings. Favorable report on Judiciary and Governmental Functions.

DMS

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DMS

MR. LENGE (West Hartford):

Mr. Speaker, I move the acceptance of the joint committee's favorable report and passage of the bill.

THE SPEAKER:

The question is on the acceptance of the joint committee's favorable report and the passage of the bill. Will you remark?

MR. LENGE (West Hartford):

Mr. Speaker, this bill proposes an amendment to Section 1-19 of the Statutes. Section 1-19, 1-20, and 1-21 are known as the "right-to-know" law. The amendment to Section 1-19, would provide as follows: first of all, Section 1-19, as it now exists, provides that all records, with respect to certain public offices, executives, administrative bodies and judicial tribunals, shall be public records; and that every resident of this state shall have the right to inspect or copy such records at such reasonable times as the custodian may establish. In order to do this, the records should be accessible. This is precisely what the amendment does; it provides that the records shall be kept and maintained in the custodian's custody at his regular office or place of business, and in an accessible place. If there is no such office, such records shall then be kept in the office of the Secretary of State, with respect to state documents and records, and in the office of the Town Clerk, with respect to those of municipalities. This is a significant and worthwhile change, Mr. Speaker, and it will give real meaning to this one section of the "right-to-know" law in making these public records accessible. I urge the passage of the bill.

THE SPEAKER:

Question is on acceptance of the committee's joint favorable report and

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the passage of the bill. Will you remark? The gentleman from New Britain.

MR. BADOLATO (New Britain)

Mr. Speaker, the clerk has an amendment. Will he please read it.

THE CLERK:"

The amendment is house amendment schedule "A" offered by Mr. Badolato of New Britain. This Modified House Bill No. 3132. File No. 562. The amendment is as follows: in line 1 before the word "section" insert "section 1". Add section 2 as follows: Section 2, Section 1-41 of the general statutes is repealed and the following substituted in lieu thereof, meeting of all administrative and executive boards, commissions agencies bureaus, committees and other bodies of the state or any of its political sub-divisions shall be open to the public when in executive session when so voted by a majority of members when so present and voting. The votes of each members of any such body on any issue before such body shall be recorded in the minutes of the session at which taken, which records shall be available for inspection at all reasonable time any vote or other action taken at a meeting in violation of the provision of this section and any vote not recorded as herein provided shall be void.

MR. BADOLATO (New Britain)

Mr. Speaker, I've had a great deal of experience with boards and commissions throughout the state and the operation of the right to know law. I think that the right law to the degree that we have it on the books now is a start but does not go anywhere near far enough. I don't believe that any law in the books is worth the paper it is written on unless it has a penalty provided with the law. I think that this penalty declaring any vote not recorded in accordance with the provisions of the statutes to be null and void would be a penalty that put the boards and commissions on the ball so to speak, and make them record their votes as we request them to do by statute.

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I certainly think that this is something we should give to the people of the state of Conn. and I hope that this amendment will pass.

MR. SCHLOSSBACH (Westbrook)

Mr. Speaker, I have to oppose this amendment though I----- perhaps if it was another bill I'd go along with it. I don't think that this is germane to it--to the bill that we have before us.

MR. BADALOTA (New Britain)

Mr. Speaker, to answer the gentleman from Westbrook, I believe that it is germane, it has to do with chapter on the right to know law, so that certainly this amendment is germane, and I hope that he would reconsider and view it in a light that it is dealing with the right to know law. As such is germane and I hope that he would reconsider and vote along with me on this bill.

MR. PETRONI (Ridgefield)

Mr. Speaker, I also rise in opposition to the amendment. I think that this only deals with the records of the administrative or executive boards. This would give the public the right to those records or to copy them because they shall be kept and maintained in the regular office of the person or custodian in charge of those offices. I think that there is no question that people should have their votes recorded. I don't think that the purpose of this bill that the amendment fits into the purpose of this bill and therefore I think that the amendment should be defeated.

MR. STIRY (Plainville)

Mr. Speaker, I would like to speak on behalf of this amendment because I think it makes good sense, and this is the area where we want it corrected. It doesn't make any sense to put all the flowery language you want into a law unless there is some type punishment to anyone who violates that law, and we strongly believe in the legislation before us. I think that the gentleman from New Britain has come up with a good idea.

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MR. BADOLATO (New Britain)

DMS

Mr. Speaker, I ask that when the vote is taken it be taken by the roll call.

THE SPEAKER:

Question is on a roll call vote. All in favor say ayel. Opposed nay. The required 20% has voted in the affirmative. A roll call vote will be ordered.

THE SPEAKER J. TYLER PATTERSON JR. BACK IN THE CHAIR

THE SPEAKER:

The chair extends his thanks to the gentleman from Meriden for the way he presided. I was watching from the wings.

The question I believe, a roll call vote has been ordered. The question is on House Amendment Schedule "A". Will you remark further?

MR. LENCE (West Hartford)

I rise in opposition to the amendment. Sec. 1-19 which is the subject matter in this bill has to do with the accessibility of records. The proposed amendment relates to section 1-21, which has to do with meetings. I oppose the amendment first as it already has been stated that it is not germane to the bill under consideration, and secondly because the amendment provides a consequence that we should all give very careful consideration to. It says that any vote or other action and what other action may mean is open to a wide variety of interpretations. Any such vote or any other action taken at a meeting conducted in violation of the provisions of this section and any vote not recorded as herein provided shall be void. So the failure to even record would invalidate any action of the meeting of any administrative or executive body or group.

I have some sympathy for the purpose desired to be attained here, but I believe that this is a drastic way to approach it. Therefore I oppose the amendment.

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MR. RATCHFORD (Danbury)

DMS

I noted that a high percentage of the members were out of the house when the amendment was read. I think we could have it read again before the roll call vote is taken.

THE SPEAKER:

I will have the clerk read it again. The chair has been requested to have house amendment schedule "A" reread by the clerk, as the roll call vote that you will participate in will be on house amendment schedule "A". Will the clerk reread the amendment.

THE CLERK:

The clerk at this time reread the amendment.

MR. EDDY (New Hartford)

The gentleman from Westport tells me that this proposal was before the committee and I refer to that Mr. Speaker, because I think it points out the difficulty in writing legislation on the floor of this house, without an opportunity to give full thoughtful consideration to what all of the consequences may be. I got a copy of the resolution from the clerk and have had a chance to read it myself and all of us have heard it read twice and yet it raises a question in my mind as to whether or not the action of a committee of this house under certain circumstances might be rendered void as reported to this house. It also seems to me creates another condition that must be very carefully met. Therefore Mr. Speaker, I hope that this amendment will not be adopted.

THE SPEAKER:

Will you remark further on house amendment schedule "A". If not will the members please take their proper seats. The chair will restate the question. The question is on house amendment schedule "A" to Calendar No. 456. File 562 Modified House Bill 3132. The chair is about to unlock the machine.

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THE SPEAKER:

Have all those voted who wish an opportunity to do so. The chair is about to lock the machine. The clerk will take the tally.

THE CLERK:

Total number voting	248
Necessary for adoption	125
Those voting Yea	84
Those voting Nay	164
Those absent and not voting	46

THE SPEAKER:

The amendment is lost and the question is on the committees report and the passage of the bill.

MR. PAWLAK (Seymour)

I think I've discovered something of a defect in this bill and I would like to move that this bill be recommitted for correction. On the end of line 13 and 14 it states that the records shall be kept in his custody at his regular office or place of business and from my personal knowledge in our town the treasurer who has been in office a good number of years, he kept these records in his bank as he was a banker. I think that these lines should be changed to municipal office or municipal place of business. Therefore I move for recommitment.

MR. SHEA (Meriden)

Mr. Speaker, I rise to oppose recommitment of this bill. I can well understand the difficulties the gentleman from Seymour sees, but I don't think under all practicalities we have cause any great concern under the administration of this act. The right to know bill needs to be strengthened, I think this has been the concensus of the house to-day. I would like to see it strengthened even

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more than this bill does. However this is a continuing step in the direction of allowing the public in the state of Conn. to know what is going on in their government. I think we should vote on this and we should vote on it to-day, and I oppose recommitment for that reason. DMS

MR. BOYD (Westport)

I would oppose recommitment I don't think anybody would doubt the Republicans position on this right to know after this session of the legislature I think this is a good bill and I think we ought to pass it. So I'll vote no on recommitment.

MR. SHEA (Meriden)

Mr. Speaker, I don't think that I would doubt the position of the Republican party except that yesterday when the Democratic minority asked for an opportunity to serve on certain investigating committees, they were denied that right. So we have some concern on this side of the aisle to the sincerity of people in the chamber relative to the right to know, however we feel that perhaps today we can all overcome all our past failures and move to strengthen this area for the people of the state.

MR. SIRY (Plainville)

Mr. Speaker, I spoke previously on behalf of the amendment because I thought it was good. This is a very delicate subject with me, because I had some very unfortunate experiences as a radio announcer in 1956 before the right to know law had any meaning in this state. In my town the records weren't public, they were all hidden and you had to go out there and dig for them, and that isn't the American way of doing business.

All public business is public business period. There should not be any one arguing or debating the value of it. I'll go along with this introduction of an improvement to the right to know law but I think that you're scared to go further.

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I think that that's the truth. The gentleman from New Britain had a good suggestion and I think that the committee should have taken another look' at it, unfortunately everything seems to be politics here, I vote what I believe but whether I'm a Democrat or Republican and I think that you ought to applying that yourself. Thank you.

THE SPEAKER:

The question is on recommittal. Will all in favor of recommittal of Calendar No. 456 say aye. Opposed nay. The motion to recommit is lost. The question is on the passage of the bill. Will you remark further? The gentleman from Lebanon.

MR. LIEBMAN (Lebanon)

Mr. Speaker, I have a question that is somewhat similar to the one raised by the gentleman who wanted to recommit the bill. On line 13 it says regular office or place of business. Through you my question is would this regular office or place of business be interpreted as meaning a room in the First Selectman's House or a room in the Tax Collectors house, where he transact business of his office and keeps his records.

MR. SPEAKER:

Q Does anyone wish to reply. Will you remark further on the passage of the bill. If not will all in favor say aye. Opposed nay. The ayes have it. The bill is passed.

THE CLERK:

Calendar No. 457 File No. 544. House Bill No. 2672. An Act concerning appointment of the Commissioner of State Police. Favorable report house committee Judiciary and Governmental Functions.

MR. MURREN (Redding)

Mr. Speaker, may this be passed retaining.

DMS

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SENATE

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May 21, 1963

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Calendar No. 651. File No. 562. Modified House Bill No. 3132. An act concerning access to public records and meetings.

Favorable report of the Joint Committee on Judiciary and Governmental Functions.

THE CHAIR:

Senator from the 8th.

SENATOR FALSEY:

Mr. President, I move the acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

Any comments?

SENATOR FALSEY:

Mr. President, this bill (indistinguishable) will make clear where the records of these various committees have been kept in accessible place and if such place is not available, it will have to be kept in the Town Clerk's office for the office of the Secretary of State.

THE CHAIR:

Any further comments? All in favor say "aye", "opposed".

Passed.

THE CLERK:

Page 20. Calendar No. 652. File No. 551. Substitute for House Bill No. 3725. An act concerning appeals from regulations of state agencies.

Favorable report of the Joint Committee on Judiciary and Governmental Functions.

JOINT
STANDING
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HEARINGS

JUDICIARY
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PART 2

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Mr. Mariani:

We feel it should go to the legislative branch and we feel it should be the Legislative Council inasmuch as that is an arm of the legislature that carries on throughout the entire term of two year period, and we meet as a bi-partisan committee of the legislature with the staff of the Legislative Council. I think this type of report properly belongs to that Council. Just a word if I may on H. B. 3132 this bill, of course, introduced by Reps. Padula and Shea, I think the fact that both of them are sponsoring the bill speaks for itself. I support that bill and I believe I can say that the Leadership of the Republican party supports that bill. Thank you.

My name is Senator Gladstone and for the record just briefly I am speaking in favor of S. B. 781 Housing Advisory Service. Basically this sets up a committee which would advise the municipalities how to obtain and take advantage of Federal funds which become available to them. That briefly is all the bill does, and I want to record in favor of it. Thank you, Mr. Chairman.

Rep. Ruth
Lojzim

From Tolland. I'm speaking in favor of H. B. 2138. The piece of land mentioned in this bill is a piece of about 100 acres. It was formally used when the jails were under County supervision and it was used as farm land. Since then it has not been put to any use at all. The State received this land when the transfer was made etc., and I feel that the town could put this land to good use and I urge in favor of this bill.

Mr. Chairman:

Gentlemen of the committee. My name is Senator Verriker from Waterbury. I am appearing before you in support of S. B. No. 59. First I have a short letter from our Mayor, Edward Bergin, of Waterbury, who was unable to appear here today. He addresses it Gentlemen of the Judiciary and Governmental Functions Committee. Quote: "The problem that arises from the purchase by the State Highway of land in the central areas of Waterbury is one that needs definitive action of the State Legislature. Under present law, it is incumbent upon the owners of property to keep it free of snow and ice, and other hazards. It is the responsibility of the Municipality, at least in Waterbury's case, to keep sidewalks in repair.

Rep. O'Brien: in this committee?

Rep. Earle: No indeed.

Chr. Falsey: Thank you Mr. Earle. We would ask of any legislators that are going to appear before the hearing starts, if you can't restrict your remarks to a minute or so, that you wait until the bill actually comes up. Mr. Shea will now give us a demonstration of restraint.

Rep. Shea: Mr. Chairman I appear here in my own behalf as a representative from Meriden on H. B. 3132 which deals with our right to know laws. For each session and the past two sessions I have introduced legislation and I am happy to see that certain parts of legislation that I have introduced in this area have been adopted. The changes that are encompassed in this bill, are simple and direct. The first one is the one that was attempted to be passed in the last session, but unfortunately it died of mourning in the House and that is that the public records of every public body be kept in a public place. There are too many instances around the State where public records have been kept in the most unusual places, front parlors, bedrooms, and perhaps even wine cellars. The thing that we should have is that any member of the public should have a right to examine the records of the public in a normally accessible spot. The second thing and the most important thing to me is the definition of the executive session. This is becoming one of our great problems and I think it weakens the foundation of our democratic system as the people have an opportunity to see what their public bodies are doing. There is an area where executive sessions should be held and this is defined in this bill, and it will certainly take away the closed door meetings that we see throughout the towns in the State. I believe it is a good law and it should receive your favorable consideration and I hope that it passes. Thank you.

Mr. Chairman: Gentlemen, I am Rep. Webber of New Haven and I merely want to go on record as endorsing and supporting S. B. 59. Thank you.

Rep. Rourke: of New Haven, I echo what Rep. Webber said, except to emphasize a pretty serious matter in New Haven where a good part of our city is cut up by the new interstate 91, and I feel that inasmuch as the Highway Department is maintaining many of the roads adjacent to the highway they could do this job. Perhaps there is a middle ground on this where it could be worked out not

Rep. Rourke: only by the highway department but with some help from the city, I know that you gentlemen will give it your consideration and I hope it passes.

Chr. Falsey: Thank you Mr. Rourke.

Rep. Badolato: From New Britain. I want to speak in behalf of H. B. 2589 which I introduced. It has to do with the right to know and I also would like to bring to your attention on H. B. 3132 which has to do with the same subject. The last line of the present statutes which records shall be available for public inspection at all reasonable times. Now I notice that this is being taken out of the bill and in its place is being placed something that reads along these lines. Public records in his custody, in his regular office, or place of business, in an accessible place, now accessible to who? I hope if you consider making this change if you would state on who this will be accessible to. On my bill, my bill has to do with establishing a penalty for those communities that violate the provisions of this statute, and I know that it is a stringent one, the one that I propose is that they would take away any grants to the communities that violated this act. I would like to suggest if you feel that this is too stringent, that you submit something along the lines of any action taken by administrative and executive boards, commissions, agencies, bureaus, committees and other bodies of the State, or any of its political subdivisions, inconsistent with the provisions of this act will be held invalid. I think that if we have something along those lines where an act taken by a board in executive session would not record it if it was held invalid and would then compel the board and commissions to make these a matter of public record and record their votes, as the law requires. There have been too many communities in recent months that have been attempting to go into executive sessions and to hide their votes, and I think that we should put a stop to it, it is a matter of public record and I would hope that you would consider favorably on these bills. Thank you.

Rep. King: May I ask you a question, please. A previous speaker this morning questioned the possible constitutionality of the rights of the law, and he cautioned this committee to proceed slowly until the question had been tested in the courts. Do you have any comments on that?

Rep. Badolato: Well I would use the other approach. I would pass the law and change it and put in some more stringent method and if some body wants to contest it, let him take it to court, the same as they do in all other

- Rep. Badolato: legislation. I think the only recourse any one has now under the present laws in going to the courts. And I don't know of any one who has taken it to the courts yet.
- Rep. King: Do you entertain any doubts about the constitutionality?
- Rep. Badolato: No I don't.
- Mr. Chairman: I am Elmer Mortensen from Newington. I rise and support H. B. 2122. I should like to take just a couple minutes of your time to explain the reason for this bill and my thinking on this bill. This bill was not put in, introduced by me, only because I feel this way, that any business the size of the State of Connecticut and with the size of the budget that we have here in Connecticut if any private business was ever to run continuously the way that we have operated here on all our departments. Now the commissioner is not appointed always because of the fact that he is a capable man, running that particular department, or his knowledge in the past of that particular department. Both Republicans and Democrats alike do the same thing. This has been going on for many, many years. Now this is my third term in the State Legislature, and I have seen many things that I think myself are unnecessary that are being done, and that are costing us money. It seems to me that if we had a group of efficiency men that could go through each department, and see what duplications are being done, that we could save the State of Connecticut a lot of money. I don't know of any business that could run and operate without a complete group of efficiency men operating somewhere in the company. Now this is no criticism of the present commissioners or any other commissioners in the past, but as I have said this applies to both parties. We appoint commissioners not because of their ability but mostly because of their political standings. Now I've seen that we have put in these data processing machines which were supposed to have saved a lot of employees in the State of Connecticut in the different departments. We also have all different kinds, some are rented, some are purchased, and we don't have the same two kinds of machines in the same departments. This seems to me although this is a tremendous cost to operate that way. Now in asking and questioning why wasn't the help saved, well, they were placed in other positions. If any business was to buy or rent and pay the prices that we do for these machines, I know in my business the first thing I would want to know how much can I save or is it going to cost me more money. As I see it here in the State of Connecticut

Rep. Keilty: incumbent upon you to come out with a bill that there is no question of the right of people to get public information. I think that is a great responsibility and you are charged with it. Specifically, I would like to support 3132 and I have a couple of these things in, 2144 and 2140 the availability of public records and I just ask you to do one thing. Just check Cheshire, Conn. as far as these records are concerned. Let me say the shady manner that is exercised by some boards not only in Cheshire, and Watertown as well. I think these records are of vital importance. There's one this, 2140 that would permit people to request this information by mail, and some people say to me that's a great burden. Supposing some one in Westport, Connecticut wanted the voting list in Hartford? Well, what's the difference if they do or not? Let them write for it, and if there is an expense let the City of Hartford charge them for it. I see nothing wrong in this, if people want to ask by mail to receive public information, I think they are entitled to it. There is only two areas offhand that I could think that possibly might get into an area where there should be some secrecy. That to me would only be, as I can think of right now, would be cases of adoptions, and in domestic relations in the courts, and even then, in domestic relations, maybe that should be public. I'm not too sure of that, I think it probably should not be. In adoptions, I would agree it should not be. But in all these other areas I am a firm believer that each and every citizen of this State by mail, personally copy it, and not have to beg, borrow, get someone here to grant the permission to copy something. To me that's not right, and I just cannot subscribe to it. I'm not in favor incidentally of this juvenile system either, I cannot agree that we ought to keep that secret below 16, I think that ought to be opened up as well. Thank you Mr. Chairman, and your committee.

Rep. Schlossbach: Mr. Keilty do you believe that the police records ought to be open to the public?

Rep. Keilty: Absolutely.

Rep. Schlossbach: All police records?

Rep. Keilty: Absolutely

Rep. King: From Tolland. Do I understand your position to be that there is nothing that goes on within a town that is confidential or should be kept confidential?

Rep. Keilty: Absolutely nothing, as long as the tax payer is paying the bills, its their government, and I think they are entitled to know without question except the two areas

Sen. Welles: Is that it?

Rep. Innes: The risk of not being voted the most popular in the class this session, the House chairman and myself, will have to insist that Legislators speak for one minute and no more, unless you want to wait for the bill to come up.

Mr. Chairman: Rep. Innes from Thomaston. I would like to register in favor of H.B. 3953 an act establishing a Legislative Budget Committee. I think that there is a need for this committee, because I think that it would keep the appropriation committee particularly up to date on the budget and I feel that inasmuch as the budget is presented on February 15 we just have some four months to process that, I certainly feel that by having a committee on the budget and also some personell to gather this information it would be very beneficial to the State and to the Committee, and I think eventually it would save the tax payer in the State of Connecticut a lot of money. I hope that you might feel free to give this a favorable report. Thank you very much.

Mr. Chairman: My name is Carl Siemon on the represent^{ative} department from Watertown, and I would like to comment for a minute opposing bill H. B. 2375 calling for distribution of the revised statutes and the supplements to municipal districts including political subdivisions. This is the agenda practically. The bill is practically self explanatory and each and every properly constituted governing body is entitled to such statutes, special acts in order to properly perform the duties and the responsibilities of their offices and of their constituents. Without this provision we feel that there is discrimination against a few of our governing bodies. We are therefore asking for a favorable report on this bill, and the benefits to the governing bodies will be substantial. Thank you.

Chr. Falsey: Thankyou.

Mr. Chairman: Rep. Ring from Meriden. Members of the Judiciary Committee. I wish to register in favor of H. B. 3132. This bill is designed to extend to Connecticut the "right to know" law in areas which are presently not covered. I am particularly in favor of this section of the bill which defines an executive session. Too many times governmental bodies withdraw into executive session with no reason whatsoever. I favor to transaction of the people's choice and with open meetings on this bill will guarantee it. I wish this committee will give it a favorable report. Thank you.

Sen. Miller: From Meriden, and I would like to go on record in favor of H. B. 3132.

Chr. Falsey: Thank you.