

effectiveness and implementation of the bill.

Because of the widespread public interest in Senate Bill 289 and its representation as an "open government" or "sunshine" measure, it should initially be pointed out that the law already requires all State executive agencies and most local executive agencies, whether exercising legislative, quasi-legislative, or advisory functions as defined in the bill, to make their final decisions at open public meetings; and I have received few, if any, complaints that State agencies have not complied with the law. The General Assembly and most of the local legislative bodies also conduct their proceedings in public. It would be grossly inaccurate and unfair, therefore, to consider State or local government as being closed to the public or as operating without the opportunity for public observation and participation. This is not to say that more of the decision making process should not be open to public view.

My objections, as noted, are to some of the specific provisions of the bill and their probable or potential consequences; and some explanation of these provisions is therefore appropriate. To understand their interplay, one must consider first, what the bill requires; second, to whom it applies; and third, what the remedies are for violations.

The bill adds new sections 7 through 15 to Article 76A of the Code - the Public Information Act. It requires three things of the public bodies to which it applies; namely:

(1) In section 12, it requires these public bodies to give advance public notice of all of their meetings which, whenever reasonable under all the circumstances, must be in writing.

(2) In section 10, it requires that these meetings themselves be open to the public unless authorized or required to be closed by section 11 or the Constitution. Section 11(a) provides thirteen circumstances under which a meeting may be closed.

(3) In section 13, it requires that these bodies keep written minutes of their meetings, including "the topical substance of all matters proposed, discussed, or decided, and a record by individual member of any recorded final votes taken."

To determine which public bodies are subject to the bill, one must read sections 8 and 9 together. Section 9 provides that the bill applies to a public body when it is exercising legislative, quasi-legislative, or advisory