

functions. Section 8(b) defines a public body as one that exercises these three functions or executive, judicial, or quasi-judicial functions. Presumably, then, all public bodies exercising any of the six functions mentioned in section 8(b) - which I believe would be all public bodies - would be subject to the bill, but only when they are actually exercising a legislative, quasi-legislative, or advisory function.

Under the definition of "legislative function" it appears that the General Assembly and the various county and municipal councils and commissioners would be included under the bill in nearly all, if not all, of their activities. The definition of "quasi-legislative function" in § 8(g) would include all executive and judicial agencies when discussing rules, budgets, and contracts, as well as specifically the Public Service Commission when considering public utility rates. The definition of "advisory function" in § 8(k) would seem to encompass all advisory, study, nominating, and recommendatory bodies that otherwise meet the definition of "public body".

Section 14, titled "Enforcement", provides remedies for violations of sections 10 (open meetings) and 12 (notice of meetings), but not section 13 (written minutes). It permits any resident (or aggrieved taxpayer) of the jurisdiction in which a violation occurred to commence a proceeding in the Circuit Court within 45 days after the violating action took place. The Court is authorized to determine the applicability of the bill to the action complained of, and is empowered, subject to four exceptions, to declare void any final action taken at a meeting held in violation of section 10, and any final action taken in wilful violation of section 12. The four excepted actions are the appropriation of public funds, providing for the issuance of bonds, levying taxes, and changing the laws relating to divorce a vinculo matrimonii.

I am advised by the Attorney General that the authority to declare an action void may apply even when the final action itself was taken at a public meeting, if the matter was discussed at a prior closed meeting held in violation of §10 but in close time proximity to the public meeting.

My most serious objections are to this "voidability" provision, as the effect of its very existence in the law, not to mention its implementation, will, in nearly every case, be to injure innocent persons depending upon or acting in reliance on official actions. If a legislative body enacts a statute or ordinance, or an executive agency adopts a rule, the public will (and is entitled to) rely upon it. That reliance may cause them