

to enter into contracts, spend money, make plans and decisions, and take actions that they otherwise may not have done. Who then is hurt, who is punished, if a court later voids the public body's action because it was not taken in compliance with this bill? The members of the public body may be the subject of criticism, but it is the public that acted in reliance on the voided action whose legal or economic status is affected.

It is true, under the bill, that a proceeding to challenge the action must be commenced within 45 days; however, there is no time limit within which the court must decide the case. A challenge under this bill may well involve factual disputes that can be resolved only after a full trial. It is not improbable, therefore, that months could elapse before the matter is determined at the trial court level, and a year or more if there are appeals.

At the very least, a prudent person will refrain from acting upon any action taken by any public body until the 45 day period for filing suit has elapsed. Thus, the mere existence of the "voidability" provision may well prevent the prompt effectiveness of governmental decisions and actions. The filing of a lawsuit, however frivolous, would further delay the implementation of the decision or action.

The local governments have also expressed great concern over the inclusion of advisory bodies in the bill. They point out that many of these bodies are composed of citizens not otherwise connected with government, but who, out of civic duty, devote their time, effort, and ability free of charge to assist government in the efficient discharge of its responsibilities. These people are an invaluable resource; and the local governments fear that if these citizens are subjected to the potential harassment inherent in this bill, they may be unwilling to serve.

I share that concern, but also have one other. Advisory bodies are not executive decision makers. Their function is generally to survey problems candidly and critically, and to suggest solutions and alternatives. Most of these bodies - task forces, study commissions, citizen advisory groups - do not close their meetings to the public. But there are often occasions not accounted for in section 11(a) when, because of the nature of the problem itself, candor and free discussion would be stifled by premature publicity, and the governing body (and ultimately the public) would not then receive the best and full input from the advisory body.

The letters I have received from the local governments raise a number of other problems with respect