



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2672

Introduced 1/20/2006, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

New Act
220 ILCS 10/9

from Ch. 111 2/3, par. 909

Creates the Public Health Advocates Act. Establishes the Public Health Advocates as a nonprofit membership corporation to effectively represent and protect the interests of Illinois health care consumers on certain matters and provides that members of the Corporation are Illinois residents who have contributed money to the Corporation. Provides duties and powers for the Corporation. Sets forth requirements for the board of directors of the Corporation, including qualifications for candidates, elections, appointment of officers, meetings, and duties. Permits the Corporation to prepare and furnish enclosures to State agencies to be included in agency mailings. Prohibits the Corporation and its directors, officers, and employees from accepting anything of monetary value above \$100 from certain persons. Provides that the Act shall not be construed to limit the right of any person to participate in a regulatory proceeding or court action or to relieve any regulatory agency or court of any obligation to permit participation in a proceeding or action. Amends the Citizens Utility Board Act to comply with the mailing provisions of the Public Health Advocates Act. Effective immediately.

LRB094 17490 LJB 52785 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Public
5 Health Advocates Act.

6 Section 5. Statement of intent. The purpose of this Act is
7 to insure effective and democratic representation of Illinois
8 residents before federal, State, and local regulatory
9 agencies, legislative bodies, and other public bodies, and to
10 establish a practical means so that consumers can be provided
11 with education and advice related to public health issues and
12 decent health care services and products by:

13 (1) creating a nonprofit organization to represent the
14 interests of Illinois residents before federal, State, and
15 local regulatory agencies, legislative bodies, and other
16 public bodies on matters relating to access to affordable
17 prescription drugs and insurance, education and
18 consultation relating to hospital and insurance billing
19 and collection, and education about potential
20 environmental and pharmaceutical dangers;

21 (2) providing for democratic accountability of the
22 board of directors of the organization through open
23 elections of directors with thorough financial disclosure
24 requirements and campaign spending limitations;

25 (3) encouraging active citizen participation in the
26 regulatory process through involvement in the activities
27 of the organization; and

28 (4) creating an efficient method of funding for the
29 organization, involving no burden on the taxpayers of this
30 State.

31 Section 10. Definitions. In this Act:

1 "Campaign contribution" means:

2 (1) a gift subscription, loan, advance, deposit of
3 money, or anything of value made for the purpose of
4 electing a candidate to the board of directors of the
5 Corporation; or

6 (2) a contract, promise, or agreement, express or
7 implied, whether or not legally enforceable, to make any
8 campaign contributions.

9 "Campaign contribution" does not include (A) the value of
10 services provided without compensation by individuals who
11 volunteer a portion or all of their time on behalf of a
12 candidate or political committee, or (B) the use of real or
13 personal property and the cost of invitations, food, and
14 beverages voluntarily provided by an individual to a candidate
15 in rendering voluntary personal services on the individual's
16 residential premises for activities related to the candidate's
17 campaign if the cumulative value of the activities by the
18 individual on behalf of any candidate does not exceed \$100 for
19 any election.

20 "Campaign expenditure" means:

21 (1) a purchase, payment, distribution, loan, advance,
22 deposit, or gift of money or anything of value made for the
23 purpose of electing a candidate to the board of directors
24 of the Corporation; or

25 (2) a contract, promise, or agreement, express or
26 implied, whether or not legally enforceable, to make any
27 campaign expenditure.

28 "Campaign expenditure" does not include the use of real or
29 personal property and the cost of invitations, food, and
30 beverages voluntarily provided by an individual to a candidate
31 in rendering voluntary personal services on the individual's
32 residential premises for activities related to the candidate's
33 campaign if the cumulative value of the activities by the
34 individual on behalf of any candidate does not exceed \$100 for
35 any election.

36 "Corporation" means the Public Health Advocates.

1 "Director" means any person serving on the board of
2 directors of the Corporation.

3 "District" means a corporation district, the boundaries of
4 which are congruent with the boundaries of the State's
5 Congressional districts.

6 "District director" means a director elected from a
7 district.

8 "Health care company" means a corporation or other entity
9 engaged in the business of providing health care services,
10 health care products, or both health care services and products
11 within this State.

12 "Health care products" means products for the diagnosis,
13 prevention, treatment, cure, or relief of a physical or mental
14 health condition, illness, or injury or any other matter
15 concerning the provision and delivery of products to maintain
16 good health.

17 "Health care services" means services for the diagnosis,
18 prevention, treatment, cure, or relief of a physical or mental
19 health condition, illness, or injury or any other matter
20 concerning the provision and delivery of services to maintain
21 good health.

22 "Health insurance" means a contract relating to health care
23 where a person or entity undertakes to indemnify or to pay a
24 specified or determinable amount or benefit upon determinable
25 contingencies.

26 "Immediate family" means a person's spouse and legal
27 dependants.

28 "Member" means any person who meets the requirements for
29 membership in the Corporation set forth in subsection (b) of
30 Section 15 of this Act.

31 "Political committee" means any committee, club,
32 association, or other group of persons that makes campaign
33 expenditures or receives campaign contributions during the
34 year before an election of the board of directors.

35 Section 15. Creation of Corporation; membership.

1 (a) There is created a nonprofit membership corporation to
2 be known as the Public Health Advocates, referred to as the
3 Corporation.

4 (b) The membership of the Corporation shall consist of all
5 Illinois residents who have contributed money to the
6 Corporation at least an amount set by the board of directors in
7 either its preceding or its current fiscal year as a minimum
8 fee. Any person may resign from membership. The fee shall be no
9 lower than \$5.

10 Section 20. Duties and powers.

11 (a) It shall be the duty of the Corporation to effectively
12 represent and protect the interests of Illinois health care
13 consumers on matters affecting access to affordable
14 prescription drugs and insurance, hospital and insurance
15 billing and collection, and potential environmental and
16 pharmaceutical dangers. All actions that it undertakes under
17 the provisions of this Act shall be directed toward these
18 duties.

19 (b) The Corporation shall have all powers accorded
20 generally to, and shall be subject to all duties imposed
21 generally upon, non-profit membership corporations under the
22 laws of this State.

23 (c) The Corporation may seek tax-exempt status under State
24 and federal law.

25 (d) The Corporation may solicit and accept gifts, grants,
26 and loans, except as prohibited in this Act.

27 (e) The Corporation may conduct, support, and assist
28 research, surveys, investigations, planning activities,
29 conferences, demonstration projects, counseling, and public
30 information activities concerning the interests of Illinois
31 health care consumers.

32 (f) The Corporation may contract for services that cannot
33 reasonably be performed by its employees.

34 (g) The Corporation may represent the interests of its
35 members before federal, State, and local regulatory agencies,

1 legislative bodies, and other public bodies on matters
2 affecting health care consumers. The Corporation's
3 representation shall be on behalf of Illinois residents as a
4 whole or substantial numbers and is subject to the rules and
5 regulations of the governing agency or body.

6 (h) The Corporation may support or oppose initiatives or
7 referenda concerning matters affecting public health.

8 (i) The Corporation shall have, in addition to the rights
9 and powers enumerated in this Act, any other incidental rights
10 and powers as are reasonably necessary to carry out the
11 foregoing powers and duties.

12 Section 25. Board of directors.

13 (a) The affairs of the Corporation shall be managed by a
14 board of directors.

15 (b) There shall be one director for each board district.
16 Corporation districts shall be divided into 2 groups for the
17 purpose of establishing terms for which the directors shall be
18 elected in each group. One group shall be comprised of the
19 even-numbered board districts and the odd-numbered board
20 districts shall comprise the other group.

21 (c) The interim board, within 60 days after its
22 appointment, shall meet and publicly determine by lot which
23 group shall be the first group and which group shall be the
24 second group. The Governor shall appoint the interim board
25 members.

26 (d) The first election of directors of the board is to be
27 held in accordance with Section 45 of this Act. Subsequent
28 elections of directors of the board shall be held every 2 years
29 after the first election. The board may change the election
30 date for the second election to up to one month before or after
31 the second anniversary of the first election. All subsequent
32 elections shall occur every 2 years on the anniversary of the
33 second election. If the election day falls on a weekend or
34 holiday, the election shall occur on the next business day. In
35 the year following a decennial redistricting, all directors'

1 terms shall end and elections for directors from the redrawn
2 board districts shall be held. Until the election that follows
3 the first redistricting after the effective date of this Act,
4 all elected members of the board shall be elected for terms of
5 2 years.

6 (e) Interim and elected board members shall serve until
7 their successors are elected and have qualified.

8 (f) Within 45 days after the redistricted board districts
9 are enacted, the board shall publicly allocate terms by lot
10 between the 2 groups of districts as provided in paragraph (b)
11 of this subsection. Board members or their successors from the
12 first group shall be elected for successive terms of 2 years, 4
13 years, and 4 years and members or their successors from the
14 second group shall be elected for successive terms of 4 years,
15 4 years, and 2 years. In the year following a decennial
16 redistricting all directors' terms shall end and elections for
17 directors from the redrawn board districts shall be held.

18 (g) In the event that board districts are redrawn for
19 reasons other than a decennial restricting, within 45 days
20 after the redistricted county board districts are enacted, the
21 board shall publicly allocate terms by lot between the 2 groups
22 of districts as provided in paragraph (b) of this subsection.
23 The board shall select terms for both groups in a manner
24 consistent, to the extent possible, with subsection (f) of this
25 Section to ensure staggered elections until a decennial
26 redistricting occurs.

27 (h) Directors shall be residents of the State of Illinois
28 and members of the Corporation. No director may hold any
29 elective position in federal, State, or local government.

30 (i) No director nor member of his or her immediate family
31 may be, either directly or indirectly, employed for
32 compensation as a staff member or consultant of the
33 Corporation.

34 (j) The board shall hold regular meetings at least once
35 every 3 months on the dates and at the places as it may
36 determine. Special meetings may be called by the president or

1 by a majority of the directors upon at least 7 days prior
2 written notice. Unless otherwise provided in the bylaws of the
3 Corporation, a majority of the board of directors shall
4 constitute a quorum. In no event, however, shall a quorum
5 consist of less than one-third of the board of directors. The
6 act of the majority of the directors present at a meeting at
7 which a quorum is present shall be the act of the board of
8 directors unless the act of a greater number is required by
9 this Act or the Corporation's bylaws. A summary of the minutes
10 of every board meeting shall be made available to each public
11 library in the State upon request and to individuals upon
12 request.

13 (k) A director may not receive any compensation for his or
14 her services, but shall be reimbursed for necessary expenses,
15 including travel expenses incurred in the discharge of duties.
16 The board shall establish standard allowances for mileage,
17 room, and meals and the purposes for which allowances may be
18 made. The board shall determine the reasonableness and
19 necessity for reimbursements.

20 (l) Directors and employees eligible to disburse funds
21 shall be bonded. The costs of the bonds shall be paid by the
22 Corporation.

23 (m) The appointed directors shall:

24 (1) inform Illinois residents, by the means provided
25 for in this Act, of the existence, nature, and purposes of
26 the Corporation, and shall encourage Illinois residents to
27 participate in the Corporation's activities and to
28 contribute to its operating funds;

29 (2) elect officers as provided in Section 50 of this
30 Act;

31 (3) employ such staff as the directors deem necessary
32 to carry out the purposes of this Act;

33 (4) make all necessary preparations for the first
34 election of directors, oversee the election campaign, and
35 tally the votes, as provided in Section 45 of this Act; and

36 (5) carry out all other duties and exercise all other

1 powers accorded to the board of directors in this Act.

2 (n) One director shall be elected from each district in the
3 State under procedures established in Section 45 of this Act.
4 Each director shall have one vote in the board of directors.
5 Elected directors shall be installed in office by the president
6 of the outgoing board of directors.

7 (o) When a director dies, resigns, is disqualified, or
8 otherwise vacates his or her office, the board of directors
9 shall select within 3 months after the vacancy occurs a
10 successor from the same district as the director for the
11 remainder of the director's term of office. Any director may
12 nominate any qualified person as successor. The board of
13 directors shall select the successor from among those nominated
14 by a two-thirds majority of the remaining directors present and
15 voting. The successor shall be installed in office by the
16 president of the board of directors.

17 (p) The elected board of directors shall have the following
18 duties:

19 (1) maintain up-to-date membership rolls and to keep
20 the rolls in confidence;

21 (2) maintain minutes, books, and records that shall
22 reflect all the acts and transactions of the board of
23 directors that shall be open to examination by any member
24 during regular business hours;

25 (3) make (i) all reports, studies, and other
26 information compiled by the Corporation under subsection
27 (e) of Section 20 of this Act and (ii) all data pertaining
28 to the finances of the Corporation available for public
29 inspection during regular business hours;

30 (4) prepare quarterly statements of the financial and
31 substantive operations of the Corporation, and make copies
32 of the statements available to the general public;

33 (5) cause the Corporation's books to be audited by a
34 certified public accountant at least once each fiscal year,
35 and make the audit available to the general public;

36 (6) prepare and mail, as soon as practicable after the

1 close of the Corporation's fiscal year, an annual report of
2 the Corporation's financial and substantive operations to
3 each member;

4 (7) report to the membership meeting the past and
5 projected activities and policies of the Corporation;

6 (8) employ an executive director and direct and
7 supervise his or her activities; and

8 (9) carry out all other duties and responsibilities
9 imposed upon the Corporation and the board of directors by
10 this Act.

11 The Corporation treasurer shall reimburse directors for
12 actual expenses necessarily incurred by them in the performance
13 of their duties.

14 Section 30. Director statement of financial interest. Each
15 director shall file annually with the Corporation a current
16 statement of financial interest that provides all the
17 information required to be in reports submitted by candidates
18 for election to the board pursuant to subsection (d) of Section
19 45 of this Act.

20 Section 35. Nonpartisan Corporation. The Corporation may
21 not sponsor, endorse, or otherwise support or oppose any
22 political party or the candidacy of any person for public
23 office.

24 Section 40. Mailing procedure.

25 (a) As used in this Section:

26 "Enclosure" means a card, leaflet, envelope, or
27 combination thereof furnished by the Corporation under this
28 Section.

29 "Mailing" means any communication by a State agency or unit
30 of local government that is sent through the United States
31 Postal Service to more than 500 persons within a 12-month
32 period.

33 "Agency" means any officer, department, board, commission,

1 institution, or entity of the executive or legislative branches
2 of the State and any unit of local government.

3 (b) To accomplish its powers and duties under this Act, the
4 Corporation may prepare and furnish to any agency an enclosure
5 to be included with a mailing by that agency subject to the
6 following limitations:

7 (1) An agency furnished with an enclosure shall include
8 the enclosure within the mailing designated by the
9 corporation.

10 (2) An enclosure furnished by the Corporation under
11 this Section shall be provided to the agency in a
12 reasonable period of time in advance of the mailing.

13 (3) An enclosure furnished by the Corporation under
14 this Section shall be limited to informing the reader of
15 the purpose, nature, and activities of the Corporation as
16 set forth in this Act and informing the reader that it may
17 become a member in the Corporation, maintain membership in
18 the Corporation, and contribute money to the Corporation
19 directly.

20 (c) The Corporation shall reimburse each agency for all
21 reasonable incremental costs incurred by the agency in
22 complying with this Section above the agency's normal mailing
23 and handling costs, provided that the agency shall first
24 furnish the Corporation with an itemized accounting of the
25 additional cost and the Corporation shall not be required to
26 reimburse the agency for postage costs if the weight of the
27 corporation's enclosure does not exceed 0.35 ounce
28 avoirdupois. If the Corporation's enclosure exceeds that
29 weight, then it shall only be required to reimburse the agency
30 for postage cost over and above what the agency's postage cost
31 would have been had the enclosure weighed only 0.35 ounce
32 avoirdupois.

33 (d) In the event that an agency is furnished with an
34 enclosure by the Corporation and by the Citizens Utility Board,
35 as provided in Section 9 of the Citizens Utility Board Act,
36 designated for the same mailing, the agency shall include

1 whichever enclosure it received first within the designated
2 mailing. The agency shall notify the Corporation or the
3 Citizens Utility Board, as the case may be, that its mailing
4 will not go out until the next mailing. It shall include the
5 other enclosure with the next mailing designated by the entity
6 that furnished it.

7 Section 45. Election of directors.

8 (a) The time of elections shall be as follows:

9 (1) When the membership of the Corporation has reached
10 1,000 persons and the Corporation has received \$10,000 in
11 contributions, the appointed directors shall promptly fix
12 a date for the first election of directors. The election
13 shall be held not less than 4 months and not more than 6
14 months after the membership and contributions have reached
15 the prescribed levels.

16 (2) Subsequent elections of directors shall be held at
17 2 year intervals after the first election as provided in
18 Section 25 of this Act. The dates of the elections shall be
19 fixed not less than 4 months in advance by the board of
20 directors.

21 (b) To be eligible for election to the board of directors,
22 a candidate must:

23 (1) be a resident of the district that he or she seeks
24 to represent;

25 (2) have his or her nomination certified by the board
26 of directors under subsection (c) of this Section;

27 (3) submit to the board of directors a statement of
28 financial interests in accordance with subsection (d) of
29 this Section and a statement of personal background and
30 positions in accordance with subsection (e) of this
31 Section; and

32 (4) make the affirmation prescribed in paragraph (5) of
33 subsection (f) of this Section.

34 (c) A candidate for election to the board of directors
35 shall submit to the board, not later than 60 days prior to the

1 election, a statement of intent to be a candidate. Upon receipt
2 of the statement of intent the board shall certify the
3 nomination of the candidate.

4 (d) A candidate for election to the board of directors
5 shall submit to the board, not later than 60 days prior to the
6 election, a statement of financial interest upon a form
7 approved by the board of directors. The statement of financial
8 interests shall include the following information:

9 (1) the occupation, employer, and position at place of
10 employment of the candidate and of his or her immediate
11 family members;

12 (2) a list of all corporate directorships or other
13 offices, and of all fiduciary relationships, held in the
14 past 3 years by the candidate and by his or her immediate
15 family members;

16 (3) the name of any corporation in which the candidate
17 holds a security, the current market value of which is
18 \$2,500 or more;

19 (4) the name of any corporation in which the
20 candidate's immediate family members hold a security, the
21 current market value of which is \$2,500 or more;

22 (5) an affirmation, subject to penalty of perjury, that
23 the information contained in the statement of financial
24 interest is true and complete.

25 (e) A candidate for election to the board of directors
26 shall submit to the board, not later than 60 days prior to the
27 election, a 2 page statement concerning his or her personal
28 background and positions on issues relating to public health
29 initiatives, health care services, health care products, or the
30 operations of the Corporation. The statement shall contain an
31 affirmation, subject to penalty of perjury, that the candidate
32 meets the qualifications prescribed for directors in
33 subsection (d) of this Section and is a resident of the
34 district that he or she seeks to represent. The board of
35 directors may limit the number of words a candidate may use on
36 the statement.

1 (f) Restrictions on and reporting of campaign
2 contributions and expenditures shall be as follows:

3 (1) each candidate may accept no more than \$100 in
4 campaign contributions from any person or political
5 committee from one year before the date of an election
6 through the date of the election;

7 (2) each candidate shall keep complete records of all
8 contributions to his or her campaign of \$25 or more made
9 from one year before the date of an election through the
10 date of the election;

11 (3) each candidate who avails himself or herself of the
12 Corporation's distribution of his or her statement of
13 personal background and positions under subparagraph (C)
14 of paragraph (1) of subsection (g) may incur no more than
15 \$1,000 in campaign expenditures from the time he or she
16 commences circulation of petitions for nomination or from 4
17 months prior to the election, whichever is earlier, through
18 the date of the election;

19 (4) each candidate shall keep complete records of his
20 or her campaign expenditures, and shall make the records
21 available for inspection by the Corporation; and

22 (5) no earlier than 14 days and no later than 8 days
23 preceding the election and no earlier than 21 days and no
24 later than 30 days after the election, each candidate for
25 election to the board shall submit to the board an accurate
26 statement of his or her campaign contributions, swearing
27 that he or she has fully complied with the requirements of
28 this subsection.

29 (g) Election procedures shall be as follows:

30 (1) The board of directors shall send by first class
31 mail to each member in districts where more than one
32 candidate has been certified no sooner than 21 days and not
33 later than 14 days before the date fixed for the election:

34 (A) an official ballot listing all candidates for
35 district director from the member's district whose
36 nominations the board has certified and who have

1 complied with the requirements of subsections (d) and
2 (e) of this Section;

3 (B) each candidate's statement of financial
4 interest; and

5 (C) the statement of personal background and
6 position of each candidate who requests the mailing of
7 his or her statement at the time he or she submits it
8 to the board.

9 (2) Each member may cast a vote in the election by
10 returning his or her official ballot, properly marked, to
11 the head office of the Corporation by 8 p.m. of the date
12 fixed for the election or, if it is sent by mail, the
13 ballot shall be deemed to have been received on time if it
14 is postmarked on the date of the election.

15 (3) Voting shall be by secret ballot.

16 (4) The board of directors shall tally votes with all
17 reasonable speed and shall inform the membership promptly
18 of the names of the candidates elected.

19 (5) In each district, the district director candidate
20 with the most votes shall be declared elected.

21 (h) The president of the board of directors shall install,
22 within 30 days after the election, all elected candidates who
23 meet the qualifications under subsection (b) of this Section.

24 (i) The board of directors may prescribe rules for the
25 conduct of elections and election campaigns not inconsistent
26 with this Act.

27 Section 50. Officers.

28 (a) At the first regular meeting of the board of directors
29 at which a quorum is present subsequent to the initial
30 appointments of Directors and at the first regular meeting of
31 the board at which a quorum is present subsequent to the
32 installation of new directors following each election, the
33 board shall elect by majority vote of members present and
34 voting from among the directors a president, a vice president,
35 a secretary, and a treasurer. The board shall also have the

1 power to elect a comptroller and any other officers as it deems
2 necessary.

3 (b) Officers shall be installed by the president
4 immediately upon their election. The term of office of officers
5 shall be one year. An officer may resign or may be removed from
6 office by a two-thirds vote of all the directors. After an
7 officer's term of office has expired, the officer shall
8 continue to serve until his or her successor is installed. When
9 an officer dies, resigns, is removed, or otherwise vacates his
10 or her office, the board of directors shall elect a successor
11 to serve out the officer's term of office.

12 (c) Officers shall exercise the powers and perform the
13 duties as are prescribed by this Act or as delegated to them by
14 the board of directors.

15 Section 55. Annual membership meeting.

16 (a) An annual meeting of the membership shall be held once
17 each year on a date and at a place within the State to be
18 determined by the board of directors.

19 (b) All members shall be eligible to attend, participate
20 in, and vote in the annual membership meeting.

21 (c) The form of the annual membership meeting shall be as
22 provided in the law of this State regarding nonprofit
23 membership corporations.

24 (d) The annual membership meeting shall be open to the
25 public.

26 Section 60. Corrupt practices and conflicts of interest.

27 (a) The Corporation and its directors, employees, or agents
28 shall not accept anything of monetary value above \$100 from any
29 public official or official or employee of any health care
30 company or employer covered by this Act or agent thereof,
31 except as otherwise provided in this Act.

32 (b) No public official or official or employee of a health
33 care company or employer covered by this Act or agent thereof
34 shall offer anything of monetary value to, or accept anything

1 of monetary value from, the Corporation or its directors,
2 employees, or agents except as otherwise provided in this Act.

3 (c) The office of a director found in violation of
4 subsection (a) or (b) of this Section shall be declared vacant.

5 Section 65. Initial expenses. For the purposes of meeting
6 the necessary expenses of postage, preparing and printing
7 enclosures, initial organization, and operation of the
8 Corporation for the period commencing on the effective date of
9 this Act and continuing until the first election the board of
10 directors under Section 45, the Corporation or any individual
11 may borrow such moneys as it requires, including moneys which
12 may be loaned by the State from funds appropriated for that
13 purpose by law. Moneys borrowed by the Corporation or any
14 individual shall subsequently be repaid with appropriate
15 interest over a reasonable period of time. Any loans that may
16 be made to the Corporation by the State shall be repaid within
17 24 months from the date the loan is made.

18 Section 70. Construction of the Act.

19 (a) The provisions of this Act shall be construed in a
20 manner to enable the Corporation to effectively represent and
21 protect the interests of Illinois residents on matters
22 affecting public health.

23 (b) Nothing in this Act shall be construed to limit the
24 right of any person to initiate, intervene in, or otherwise
25 participate in any regulatory agency proceeding or court
26 action, nor to relieve any regulatory agency or court of any
27 obligation, or to affect its discretion, to permit intervention
28 or participation by any person in any proceeding or action.

29 Section 75. The Citizens Utility Board Act is amended by
30 changing Section 9 as follows:

31 (220 ILCS 10/9) (from Ch. 111 2/3, par. 909)

32 Sec. 9. Mailing procedure.

1 (1) As used in this Section:

2 (a) "Enclosure" means a card, leaflet, envelope or
3 combination thereof furnished by the corporation under
4 this Section.

5 (b) "Mailing" means any communication by a State
6 agency, other than a mailing made by the Department of
7 Revenue under the Senior Citizens and Disabled Persons
8 Property Tax Relief and Pharmaceutical Assistance Act,
9 that is sent through the United States Postal Service to
10 more than 50,000 persons within a 12-month period.

11 (c) "State agency" means any officer, department,
12 board, commission, institution or entity of the executive
13 or legislative branches of State government.

14 (2) To accomplish its powers and duties under Section 5
15 this Act, the corporation, subject to the following
16 limitations, may prepare and furnish to any State agency an
17 enclosure to be included with a mailing by that agency.

18 (a) Except as provided in Section 40 of the Public
19 Health Advocates Act, a ~~A~~ State agency furnished with an
20 enclosure shall include the enclosure within the mailing
21 designated by the corporation.

22 (b) An enclosure furnished by the corporation under
23 this Section shall be provided to the State agency a
24 reasonable period of time in advance of the mailing.

25 (c) An enclosure furnished by the corporation under
26 this Section shall be limited to informing the reader of
27 the purpose, nature and activities of the corporation as
28 set forth in this Act and informing the reader that it may
29 become a member in the corporation, maintain membership in
30 the corporation and contribute money to the corporation
31 directly.

32 (d) Prior to furnishing an enclosure to the State
33 agency, the corporation shall seek and obtain approval of
34 the content of the enclosure from the Illinois Commerce
35 Commission. The Commission shall approve the enclosure if
36 it determines that the enclosure (i) is not false or

1 misleading and (ii) satisfies the requirements of this Act.
2 The Commission shall be deemed to have approved the
3 enclosure unless it disapproves the enclosure within 14
4 days from the date of receipt.

5 (3) The corporation shall reimburse each State agency for
6 all reasonable incremental costs incurred by the State agency
7 in complying with this Section above the agency's normal
8 mailing and handling costs, provided that:

9 (a) The State agency shall first furnish the
10 corporation with an itemized accounting of such additional
11 cost; and

12 (b) The corporation shall not be required to reimburse
13 the State agency for postage costs if the weight of the
14 corporation's enclosure does not exceed .35 ounce
15 avoirdupois. If the corporation's enclosure exceeds that
16 weight, then it shall only be required to reimburse the
17 State agency for postage cost over and above what the
18 agency's postage cost would have been had the enclosure
19 weighed only .35 ounce avoirdupois.

20 (Source: P.A. 87-205.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.