



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3814

Introduced 2/25/2009, by Rep. Monique D. Davis

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.

LRB096 03796 RPM 13826 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public 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

1 requirements and campaign spending limitations;

2 (3) encouraging active citizen participation in the
3 regulatory process through involvement in the activities
4 of the organization; and

5 (4) creating an efficient method of funding for the
6 organization, involving no burden on the taxpayers of this
7 State.

8 Section 10. Definitions. In this Act:

9 "Campaign contribution" means:

10 (1) a gift subscription, loan, advance, deposit of
11 money, or anything of value made for the purpose of
12 electing a candidate to the board of directors of the
13 Corporation; or

14 (2) a contract, promise, or agreement, express or
15 implied, whether or not legally enforceable, to make any
16 campaign contributions.

17 "Campaign contribution" does not include (A) the value of
18 services provided without compensation by individuals who
19 volunteer a portion or all of their time on behalf of a
20 candidate or political committee, or (B) the use of real or
21 personal property and the cost of invitations, food, and
22 beverages voluntarily provided by an individual to a candidate
23 in rendering voluntary personal services on the individual's
24 residential premises for activities related to the candidate's
25 campaign if the cumulative value of the activities by the

1 individual on behalf of any candidate does not exceed \$100 for
2 any election.

3 "Campaign expenditure" means:

4 (1) a purchase, payment, distribution, loan, advance,
5 deposit, or gift of money or anything of value made for the
6 purpose of electing a candidate to the board of directors
7 of the Corporation; or

8 (2) a contract, promise, or agreement, express or
9 implied, whether or not legally enforceable, to make any
10 campaign expenditure.

11 "Campaign expenditure" does not include the use of real or
12 personal property and the cost of invitations, food, and
13 beverages voluntarily provided by an individual to a candidate
14 in rendering voluntary personal services on the individual's
15 residential premises for activities related to the candidate's
16 campaign if the cumulative value of the activities by the
17 individual on behalf of any candidate does not exceed \$100 for
18 any election.

19 "Corporation" means the Public Health Advocates.

20 "Director" means any person serving on the board of
21 directors of the Corporation.

22 "District" means a corporation district, the boundaries of
23 which are congruent with the boundaries of the State's
24 Congressional districts.

25 "District director" means a director elected from a
26 district.

1 "Health care company" means a corporation or other entity
2 engaged in the business of providing health care services,
3 health care products, or both health care services and products
4 within this State.

5 "Health care products" means products for the diagnosis,
6 prevention, treatment, cure, or relief of a physical or mental
7 health condition, illness, or injury or any other matter
8 concerning the provision and delivery of products to maintain
9 good health.

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

15 "Health insurance" means a contract relating to health care
16 where a person or entity undertakes to indemnify or to pay a
17 specified or determinable amount or benefit upon determinable
18 contingencies.

19 "Immediate family" means a person's spouse and legal
20 dependents.

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

24 "Political committee" means any committee, club,
25 association, or other group of persons that makes campaign
26 expenditures or receives campaign contributions during the

1 year before an election of the board of directors.

2 Section 15. Creation of Corporation; membership.

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

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

12 Section 20. Duties and powers.

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

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

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

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

5 (e) The Corporation may conduct, support, and assist
6 research, surveys, investigations, planning activities,
7 conferences, demonstration projects, counseling, and public
8 information activities concerning the interests of Illinois
9 health care consumers.

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

12 (g) The Corporation may represent the interests of its
13 members before federal, State, and local regulatory agencies,
14 legislative bodies, and other public bodies on matters
15 affecting health care consumers. The Corporation's
16 representation shall be on behalf of Illinois residents as a
17 whole or substantial numbers and is subject to the rules and
18 regulations of the governing agency or body.

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

21 (i) The Corporation shall have, in addition to the rights
22 and powers enumerated in this Act, any other incidental rights
23 and powers as are reasonably necessary to carry out the
24 foregoing powers and duties.

25 Section 25. Board of directors.

1 (a) The affairs of the Corporation shall be managed by a
2 board of directors.

3 (b) There shall be one director for each board district.
4 Corporation districts shall be divided into 2 groups for the
5 purpose of establishing terms for which the directors shall be
6 elected in each group. One group shall be comprised of the
7 even-numbered board districts and the odd-numbered board
8 districts shall comprise the other group.

9 (c) The interim board, within 60 days after its
10 appointment, shall meet and publicly determine by lot which
11 group shall be the first group and which group shall be the
12 second group. The Governor shall appoint the interim board
13 members.

14 (d) The first election of directors of the board is to be
15 held in accordance with Section 45 of this Act. Subsequent
16 elections of directors of the board shall be held every 2 years
17 after the first election. The board may change the election
18 date for the second election to up to one month before or after
19 the second anniversary of the first election. All subsequent
20 elections shall occur every 2 years on the anniversary of the
21 second election. If the election day falls on a weekend or
22 holiday, the election shall occur on the next business day. In
23 the year following a decennial redistricting, all directors'
24 terms shall end and elections for directors from the redrawn
25 board districts shall be held. Until the election that follows
26 the first redistricting after the effective date of this Act,

1 all elected members of the board shall be elected for terms of
2 2 years.

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

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

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

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

1 (i) No director nor member of his or her immediate family
2 may be, either directly or indirectly, employed for
3 compensation as a staff member or consultant of the
4 Corporation.

5 (j) The board shall hold regular meetings at least once
6 every 3 months on the dates and at the places as it may
7 determine. Special meetings may be called by the president or
8 by a majority of the directors upon at least 7 days prior
9 written notice. Unless otherwise provided in the bylaws of the
10 Corporation, a majority of the board of directors shall
11 constitute a quorum. In no event, however, shall a quorum
12 consist of less than one-third of the board of directors. The
13 act of the majority of the directors present at a meeting at
14 which a quorum is present shall be the act of the board of
15 directors unless the act of a greater number is required by
16 this Act or the Corporation's bylaws. A summary of the minutes
17 of every board meeting shall be made available to each public
18 library in the State upon request and to individuals upon
19 request.

20 (k) A director may not receive any compensation for his or
21 her services, but shall be reimbursed for necessary expenses,
22 including travel expenses incurred in the discharge of duties.
23 The board shall establish standard allowances for mileage,
24 room, and meals and the purposes for which allowances may be
25 made. The board shall determine the reasonableness and
26 necessity for reimbursements.

1 (1) Directors and employees eligible to disburse funds
2 shall be bonded. The costs of the bonds shall be paid by the
3 Corporation.

4 (m) The appointed directors shall:

5 (1) inform Illinois residents, by the means provided
6 for in this Act, of the existence, nature, and purposes of
7 the Corporation, and shall encourage Illinois residents to
8 participate in the Corporation's activities and to
9 contribute to its operating funds;

10 (2) elect officers as provided in Section 50 of this
11 Act;

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

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

17 (5) carry out all other duties and exercise all other
18 powers accorded to the board of directors in this Act.

19 (n) One director shall be elected from each district in the
20 State under procedures established in Section 45 of this Act.
21 Each director shall have one vote in the board of directors.
22 Elected directors shall be installed in office by the president
23 of the outgoing board of directors.

24 (o) When a director dies, resigns, is disqualified, or
25 otherwise vacates his or her office, the board of directors
26 shall select within 3 months after the vacancy occurs a

1 successor from the same district as the director for the
2 remainder of the director's term of office. Any director may
3 nominate any qualified person as successor. The board of
4 directors shall select the successor from among those nominated
5 by a two-thirds majority of the remaining directors present and
6 voting. The successor shall be installed in office by the
7 president of the board of directors.

8 (p) The elected board of directors shall have the following
9 duties:

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

12 (2) maintain minutes, books, and records that shall
13 reflect all the acts and transactions of the board of
14 directors that shall be open to examination by any member
15 during regular business hours;

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

21 (4) prepare quarterly statements of the financial and
22 substantive operations of the Corporation, and make copies
23 of the statements available to the general public;

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

1 (6) prepare and mail, as soon as practicable after the
2 close of the Corporation's fiscal year, an annual report of
3 the Corporation's financial and substantive operations to
4 each member;

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

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

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

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

15 Section 30. Director statement of financial interest. Each
16 director shall file annually with the Corporation a current
17 statement of financial interest that provides all the
18 information required to be in reports submitted by candidates
19 for election to the board pursuant to subsection (d) of Section
20 45 of this Act.

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

1 Section 40. Mailing procedure.

2 (a) As used in this Section:

3 "Enclosure" means a card, leaflet, envelope, or
4 combination thereof furnished by the Corporation under this
5 Section.

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

10 "Agency" means any officer, department, board, commission,
11 institution, or entity of the executive or legislative branches
12 of the State and any unit of local government.

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

17 (1) An agency furnished with an enclosure shall include
18 the enclosure within the mailing designated by the
19 corporation.

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

23 (3) An enclosure furnished by the Corporation under
24 this Section shall be limited to informing the reader of
25 the purpose, nature, and activities of the Corporation as

1 set forth in this Act and informing the reader that it may
2 become a member in the Corporation, maintain membership in
3 the Corporation, and contribute money to the Corporation
4 directly.

5 (c) The Corporation shall reimburse each agency for all
6 reasonable incremental costs incurred by the agency in
7 complying with this Section above the agency's normal mailing
8 and handling costs, provided that the agency shall first
9 furnish the Corporation with an itemized accounting of the
10 additional cost and the Corporation shall not be required to
11 reimburse the agency for postage costs if the weight of the
12 corporation's enclosure does not exceed 0.35 ounce
13 avoirdupois. If the Corporation's enclosure exceeds that
14 weight, then it shall only be required to reimburse the agency
15 for postage cost over and above what the agency's postage cost
16 would have been had the enclosure weighed only 0.35 ounce
17 avoirdupois.

18 (d) In the event that an agency is furnished with an
19 enclosure by the Corporation and by the Citizens Utility Board,
20 as provided in Section 9 of the Citizens Utility Board Act,
21 designated for the same mailing, the agency shall include
22 whichever enclosure it received first within the designated
23 mailing. The agency shall notify the Corporation or the
24 Citizens Utility Board, as the case may be, that its mailing
25 will not go out until the next mailing. It shall include the
26 other enclosure with the next mailing designated by the entity

1 that furnished it.

2 Section 45. Election of directors.

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

4 (1) When the membership of the Corporation has reached
5 1,000 persons and the Corporation has received \$10,000 in
6 contributions, the appointed directors shall promptly fix
7 a date for the first election of directors. The election
8 shall be held not less than 4 months and not more than 6
9 months after the membership and contributions have reached
10 the prescribed levels.

11 (2) Subsequent elections of directors shall be held at
12 2 year intervals after the first election as provided in
13 Section 25 of this Act. The dates of the elections shall be
14 fixed not less than 4 months in advance by the board of
15 directors.

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

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

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

22 (3) submit to the board of directors a statement of
23 financial interests in accordance with subsection (d) of
24 this Section and a statement of personal background and
25 positions in accordance with subsection (e) of this

1 Section; and

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

4 (c) 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 intent to be a candidate. Upon receipt
7 of the statement of intent, the board shall certify the
8 nomination of the candidate.

9 (d) A candidate for election to the board of directors
10 shall submit to the board, not later than 60 days prior to the
11 election, a statement of financial interest upon a form
12 approved by the board of directors. The statement of financial
13 interests shall include the following information:

14 (1) the occupation, employer, and position at place of
15 employment of the candidate and of his or her immediate
16 family members;

17 (2) a list of all corporate directorships or other
18 offices, and of all fiduciary relationships, held in the
19 past 3 years by the candidate and by his or her immediate
20 family members;

21 (3) the name of any corporation in which the candidate
22 holds a security, the current market value of which is
23 \$2,500 or more;

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

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

4 (e) 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 2 page statement concerning his or her personal
7 background and positions on issues relating to public health
8 initiatives, health care services, health care products, or the
9 operations of the Corporation. The statement shall contain an
10 affirmation, subject to penalty of perjury, that the candidate
11 meets the qualifications prescribed for directors in
12 subsection (d) of this Section and is a resident of the
13 district that he or she seeks to represent. The board of
14 directors may limit the number of words a candidate may use on
15 the statement.

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

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

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

26 (3) each candidate who avails himself or herself of the

1 Corporation's distribution of his or her statement of
2 personal background and positions under subparagraph (C)
3 of paragraph (1) of subsection (g) may incur no more than
4 \$1,000 in campaign expenditures from the time he or she
5 commences circulation of petitions for nomination or from 4
6 months prior to the election, whichever is earlier, through
7 the date of the election;

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

11 (5) no earlier than 14 days and no later than 8 days
12 preceding the election and no earlier than 21 days and no
13 later than 30 days after the election, each candidate for
14 election to the board shall submit to the board an accurate
15 statement of his or her campaign contributions, swearing
16 that he or she has fully complied with the requirements of
17 this subsection.

18 (g) Election procedures shall be as follows:

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

23 (A) an official ballot listing all candidates for
24 district director from the member's district whose
25 nominations the board has certified and who have
26 complied with the requirements of subsections (d) and

1 (e) of this Section;

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

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

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

14 (3) Voting shall be by secret ballot.

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

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

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

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

1 Section 50. Officers.

2 (a) At the first regular meeting of the board of directors
3 at which a quorum is present subsequent to the initial
4 appointments of Directors and at the first regular meeting of
5 the board at which a quorum is present subsequent to the
6 installation of new directors following each election, the
7 board shall elect by majority vote of members present and
8 voting from among the directors a president, a vice president,
9 a secretary, and a treasurer. The board shall also have the
10 power to elect a comptroller and any other officers as it deems
11 necessary.

12 (b) Officers shall be installed by the president
13 immediately upon their election. The term of office of officers
14 shall be one year. An officer may resign or may be removed from
15 office by a two-thirds vote of all the directors. After an
16 officer's term of office has expired, the officer shall
17 continue to serve until his or her successor is installed. When
18 an officer dies, resigns, is removed, or otherwise vacates his
19 or her office, the board of directors shall elect a successor
20 to serve out the officer's term of office.

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

24 Section 55. Annual membership meeting.

25 (a) An annual meeting of the membership shall be held once

1 each year on a date and at a place within the State to be
2 determined by the board of directors.

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

5 (c) The form of the annual membership meeting shall be as
6 provided in the law of this State regarding nonprofit
7 membership corporations.

8 (d) The annual membership meeting shall be open to the
9 public.

10 Section 60. Corrupt practices and conflicts of interest.

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

16 (b) No public official or official or employee of a health
17 care company or employer covered by this Act or agent thereof
18 shall offer anything of monetary value to, or accept anything
19 of monetary value from, the Corporation or its directors,
20 employees, or agents except as otherwise provided in this Act.

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

23 Section 65. Initial expenses. For the purposes of meeting
24 the necessary expenses of postage, preparing and printing

1 enclosures, initial organization, and operation of the
2 Corporation for the period commencing on the effective date of
3 this Act and continuing until the first election of the board
4 of directors under Section 45, the Corporation or any
5 individual may borrow such moneys as it requires, including
6 moneys which may be loaned by the State from funds appropriated
7 for that purpose by law. Moneys borrowed by the Corporation or
8 any individual shall subsequently be repaid with appropriate
9 interest over a reasonable period of time. Any loans that may
10 be made to the Corporation by the State shall be repaid within
11 24 months from the date the loan is made.

12 Section 70. Construction of the Act.

13 (a) The provisions of this Act shall be construed in a
14 manner to enable the Corporation to effectively represent and
15 protect the interests of Illinois residents on matters
16 affecting public health.

17 (b) Nothing in this Act shall be construed to limit the
18 right of any person to initiate, intervene in, or otherwise
19 participate in any regulatory agency proceeding or court
20 action, nor to relieve any regulatory agency or court of any
21 obligation, or to affect its discretion, to permit intervention
22 or participation by any person in any proceeding or action.

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

1 (220 ILCS 10/9) (from Ch. 111 2/3, par. 909)

2 Sec. 9. Mailing procedure.

3 (1) As used in this Section:

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

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

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

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

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

24 (b) An enclosure furnished by the corporation under
25 this Section shall be provided to the State agency a

1 reasonable period of time in advance of the mailing.

2 (c) An enclosure furnished by the corporation under
3 this Section shall be limited to informing the reader of
4 the purpose, nature and activities of the corporation as
5 set forth in this Act and informing the reader that it may
6 become a member in the corporation, maintain membership in
7 the corporation and contribute money to the corporation
8 directly.

9 (d) Prior to furnishing an enclosure to the State
10 agency, the corporation shall seek and obtain approval of
11 the content of the enclosure from the Illinois Commerce
12 Commission. The Commission shall approve the enclosure if
13 it determines that the enclosure (i) is not false or
14 misleading and (ii) satisfies the requirements of this Act.
15 The Commission shall be deemed to have approved the
16 enclosure unless it disapproves the enclosure within 14
17 days from the date of receipt.

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

22 (a) The State agency shall first furnish the
23 corporation with an itemized accounting of such additional
24 cost; and

25 (b) The corporation shall not be required to reimburse
26 the State agency for postage costs if the weight of the

1 corporation's enclosure does not exceed .35 ounce
2 avoirdupois. If the corporation's enclosure exceeds that
3 weight, then it shall only be required to reimburse the
4 State agency for postage cost over and above what the
5 agency's postage cost would have been had the enclosure
6 weighed only .35 ounce avoirdupois.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.