



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5010

Introduced 2/7/2012, by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 140/7

from Ch. 116, par. 207

Creates the State Bank of Illinois Act. Establishes The State Bank of Illinois and the State Bank of Illinois Board. Sets forth the membership of the State Board. Provides that the State Board shall appoint an advisory board of directors. Provides that the State Bank may accept deposits of private funds and public funds. Sets forth the powers of the State Bank. Provides that all deposits in the State Bank are guaranteed by the State. Provides that, whenever any public funds are deposited into the State Bank, the public official who deposited the funds is exempt from liability for loss of the funds while they are deposited in the State Bank. Amends the Freedom of Information Act to provide that certain records of the State Bank are exempt from disclosure.

LRB097 19473 PJG 64726 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning State government.

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 State  
5 Bank of Illinois Act.

6 Section 5. Definitions. As used in this Act:

7 "Advisory board" means the advisory board of directors  
8 created under Section 20.

9 "Board" or "State Board" means the State Bank of Illinois  
10 Board created under Section 15.

11 "Department" means the Department of Financial and  
12 Professional Regulation.

13 "Public funds" means funds under the control or in the  
14 custody of a public official by virtue of office.

15 "State Bank" means The State Bank of Illinois created under  
16 Section 10.

17 Section 10. The State Bank of Illinois.

18 (a) The State Bank of Illinois is established.

19 (b) The purposes of the State Bank are:

20 (1) to support the creation of jobs and broader  
21 economic development in this State by increasing access to  
22 capital for businesses and farms within this State in

1 partnership with local financial institutions;

2 (2) to provide stability to the local financial sector,  
3 issue bank stock loans to financial institutions organized  
4 under the laws of this State, and not in anyway to compete  
5 with community banks, credit unions, or other financial  
6 institutions;

7 (3) to reduce the costs paid by this State for basic  
8 banking services; and

9 (4) to return profits, beyond those necessary to  
10 accomplish the mission and continued sound operation of the  
11 State Bank, to the State.

12 Section 15. The State Bank of Illinois Board.

13 (a) The State Bank of Illinois Board is established. The  
14 Board shall operate, manage, and control the State Bank. The  
15 Board shall locate and maintain places of business of the State  
16 Bank and adopt and enforce orders, rules, and bylaws for the  
17 transaction of the State Bank's business.

18 (b) The Board consists of the Governor, the Treasurer, and  
19 the Speaker of the House of Representatives. The powers of the  
20 Board and the functions of the State Bank must be implemented  
21 through actions taken and policies and rules adopted by the  
22 Board.

23 (c) The Governor shall act as chairperson of the Board. The  
24 Board shall establish rules requiring the holding of regular  
25 meetings and specifying the means for providing notice of the

1 meetings.

2 (d) Two members of the Board constitute a quorum to  
3 transact business and exercise all rights, duties, and powers  
4 of the Board.

5 (e) A special meeting may be called at any time upon notice  
6 by the Governor, or by a majority of the members of the Board.

7 (f) The Board shall appoint a president of the State Bank.  
8 The person appointed as president must have extensive  
9 experience in banking. The Board may appoint and employ any  
10 subordinate officers, employees, and agents as the Board  
11 considers necessary, and shall define the duties, designate the  
12 titles, and fix the compensation of all those persons. The  
13 Board may designate, subject to approval by a majority of each  
14 house of the General Assembly, the president or other officers  
15 or employees as its agent in respect to the functions of the  
16 State Bank, subject to the supervision, limitation, and control  
17 of the Board.

18 (g) The Board may remove and discharge any and all persons  
19 appointed in the exercise of the powers granted by this Act.

20 Section 20. Advisory board of directors.

21 (a) To enlist the help of private enterprise and to  
22 encourage more active use of the purposes for which the State  
23 Bank was established, the State Board shall appoint an advisory  
24 board of directors that consists of 7 members.

25 (b) The members of the advisory board must include

1 representatives of this State's financial, business,  
2 agricultural, and labor sectors. At least 2 members must be  
3 officers of banks, the majority of the stock of which is owned  
4 by residents of this State. At least 2 members shall be  
5 nominated by the General Assembly, subject to approval by the  
6 State Board.

7 (c) The State Board shall appoint a chairperson,  
8 vice-chairperson, and secretary from the advisory board. The  
9 term of office of directors shall be set by the State Board,  
10 but may not exceed 4 years.

11 (d) The advisory board shall:

12 (1) meet regularly with the management of the State  
13 Bank to review the State Bank's operations and finances to  
14 determine whether recommendations should be made by the  
15 advisory board to the State Board relating to improved  
16 management performance, better customer service, and  
17 overall improvement in internal methods, procedures, and  
18 operating policies of the State Bank;

19 (2) make recommendations to the State Board relating to  
20 the establishment of additional objectives for the  
21 operation of the State Bank;

22 (3) make recommendations to the State Board concerning  
23 the appointment of officers of the State Bank;

24 (4) meet regularly with the State Board to present any  
25 recommendations concerning the State Bank; and

26 (5) participate on loan committees.

1 Section 25. Fund deposits.

2 (a) The State Bank may accept deposits of private funds and  
3 public funds. All income earned by the State Bank for its own  
4 account on public funds must be credited to and become a part  
5 of the revenues and income of the State Bank.

6 (b) Whenever any public funds are deposited in the State  
7 Bank, the official having control of the public funds and the  
8 sureties on the bond of the official are exempt from all  
9 liability by reason of loss of any of the funds while deposited  
10 in the State Bank.

11 (c) The State Bank shall pay interest on public deposits at  
12 a rate comparable to average statewide rates paid by private  
13 depositories of public funds and may offer other financial  
14 products to the State Treasurer on a competitive basis.

15 (d) The State Treasurer shall deposit with the State Bank  
16 from moneys received by the State Treasurer an amount necessary  
17 to allow the bank to fulfill its duties under this Act, but in  
18 any event not less than 30% of total State deposits, increasing  
19 to not less than 75% of State deposits by the fifth year of the  
20 State Bank's operation.

21 Section 30. Powers of the State Bank. The State Bank may:

22 (a) make, purchase, guarantee, or hold loans:

23 (1) to State-chartered or federally-chartered lending  
24 agencies or institutions or any other financial

1 institutions;

2 (2) that are insured or guaranteed in whole or in part  
3 by the United States, its agencies, or instrumentalities;

4 (3) obtained as security pledged for, or originated in  
5 the restructuring of, any other loan properly originated or  
6 participated in by the bank; or

7 (4) to instrumentalities of this State;

8 (b) purchase participation interests in loans made or held  
9 by a bank, bank holding company, lending agency or institution  
10 organized under the laws of this State or conducting the  
11 majority of its business in this State, and any other financial  
12 institution or entity that provides financial services  
13 organized under the laws of this State or conducting the  
14 majority of its business in this State, that meets underwriting  
15 standards that are generally accepted by State or federal  
16 financial regulatory agencies;

17 (c) invest its funds in conformity with policies of the  
18 Board;

19 (d) buy and sell federal funds;

20 (e) lease, assign, sell, exchange, transfer, convey,  
21 grant, pledge, or mortgage all real and personal property,  
22 title to which has been acquired in any manner;

23 (f) perform all acts and do all things necessary,  
24 convenient, advisable, or desirable to carry out the powers  
25 expressly granted or necessarily implied in this Act through or  
26 by means of its president, officers, agents, or employees or by

1 contracts with any person, firm, or corporation;

2 (g) purchase, guarantee, or hold loans originated by a  
3 financial institution organized under the laws of this State or  
4 conducting the majority of its business in this State;

5 (h) make loans in the form of participation loans to  
6 qualified persons residing in or doing business in this State  
7 where the originator of the loan is a private financial  
8 institution organized under the laws of the State or conducting  
9 the majority of its business in the State;

10 (i) act as a custodian bank for financial institutions  
11 organized under the laws of this State and accept deposits from  
12 the financial institutions in connection with this function;

13 (j) issue bank stock loans to financial institutions  
14 organized under the laws of this State and doing the majority  
15 of their business in this State; and

16 (k) for financial institutions that make the State Bank a  
17 reserve depository, perform the functions and render the  
18 services of a clearinghouse, including all facilities for  
19 providing domestic and foreign exchange and may rediscount  
20 paper, on terms prescribed by the Board.

21 Section 35. Excess income. As soon as possible after the  
22 end of each calendar year, the Board shall determine the amount  
23 of income, if any, earned by the State Bank in that calendar  
24 year that is in excess of amounts necessary to pay for expenses  
25 of administering the activities of the State Bank and shall, in



1 consultation with the General Assembly, determine how much of  
2 the excess shall be transferred to the State.

3 Section 40. Rulemaking authority.

4 (a) The Board shall adopt rules in accordance with the  
5 Illinois Administrative Procedure Act to:

6 (1) ensure the safety and soundness of the State Bank,  
7 adhere to sound underwriting practices, avoid excessive  
8 risk, and, to the extent possible, reflect applicable  
9 standards for safety and soundness set forth in 12 C.F.R.  
10 part 364;

11 (2) specify the State Bank's powers and permissible  
12 investments and activities;

13 (3) authorize specific services that the State Bank may  
14 provide;

15 (4) specify limits for loans and other obligations the  
16 State Bank makes or undertakes;

17 (5) specify reserve requirements; and

18 (6) set other requirements that the Board considers  
19 necessary to administer the State Bank under this Act.

20 (b) The Department of Financial and Professional  
21 Regulation shall examine the State Bank at least once each  
22 calendar quarter to verify and ensure that the bank is  
23 complying with the rules the Board adopted under subsection (a)  
24 of this Section. The Department shall report the results of the  
25 examination to the Board and to the Secretary of State. The

1 Department's report is a public record subject to disclosure.

2 (c) The State Bank shall conduct an independent audit of  
3 the accounts and financial affairs of the State Bank at least  
4 once every 2 years.

5 Section 45. Deposit guarantee.

6 (a) All deposits in the State Bank are guaranteed by the  
7 State of Illinois.

8 (b) The deposits and any income earned by the State Bank  
9 are not subject to State, county, city, or district taxes of  
10 any kind.

11 Section 50. Civil actions.

12 (a) Civil actions may be brought as provided in this  
13 Section against the State on account of claims for relief  
14 claimed to have arisen out of transactions connected with the  
15 operation of the State Bank.

16 (b) In an action brought under this Section, the State must  
17 be designated as "The State of Illinois, doing business as The  
18 State Bank of Illinois".

19 (c) An action brought under this Section may be brought in  
20 the same manner and is subject to the same provisions of law as  
21 other civil actions. The action must be brought in Sangamon  
22 County.

23 Section 55. Public official liability. Whenever any public

1 funds are deposited in the State Bank, the public official who  
2 deposited the funds and the sureties on any bond of the public  
3 official are exempt from liability by reason of loss of any of  
4 the funds while the funds are deposited in the State Bank

5 Section 60. Title and other instruments.

6 (a) All business of the State Bank must be conducted under  
7 the name of "The State Bank of Illinois". Title to property  
8 pertaining to the operation of the State Bank must be obtained  
9 and conveyed in the name of "The State of Illinois, doing  
10 business as The State Bank of Illinois".

11 (b) Instruments must be executed in the name of the State  
12 of Illinois. Within the scope of authority granted by the  
13 Board, the president of the State Bank may execute instruments  
14 on behalf of the State Bank, including any instrument granting,  
15 conveying, or otherwise affecting any interest in or lien upon  
16 real or personal property.

17 (c) Other officers or employees of, and legal counsel to,  
18 the State Bank may execute instruments on behalf of the State  
19 Bank when authorized by the Board.

20 Section 65. Confidentiality.

21 (a) The following records of the State Bank are  
22 confidential and may not be disclosed:

23 (1) commercial or financial information of a customer  
24 of the State Bank, whether obtained directly or indirectly,

1 other than routine credit inquiries concerning information  
2 that is required to be disclosed in accordance with due  
3 legal process;

4 (2) internal or interagency memoranda or letters that  
5 would not be available by law to a party other than in  
6 litigation with the State Bank; and

7 (3) except as provided in Section 40 of this Act,  
8 information that is contained in or related to a report of  
9 an examination or operating or condition reports prepared  
10 by, on behalf of, or for the use of a State or federal  
11 agency responsible for the regulation or supervision of any  
12 bank activity.

13 (b) As used in this Section, "customer" means any person  
14 who has transacted or is transacting business with, or has used  
15 or is using the services of, the State Bank, or for whom the  
16 State Bank has acted or is acting as a fiduciary with respect  
17 to trust property.

18 Section 70. The Freedom of Information Act is amended by  
19 changing Section 7 as follows:

20 (5 ILCS 140/7) (from Ch. 116, par. 207)

21 Sec. 7. Exemptions.

22 (1) When a request is made to inspect or copy a public  
23 record that contains information that is exempt from disclosure  
24 under this Section, but also contains information that is not

1 exempt from disclosure, the public body may elect to redact the  
2 information that is exempt. The public body shall make the  
3 remaining information available for inspection and copying.  
4 Subject to this requirement, the following shall be exempt from  
5 inspection and copying:

6 (a) Information specifically prohibited from  
7 disclosure by federal or State law or rules and regulations  
8 implementing federal or State law.

9 (b) Private information, unless disclosure is required  
10 by another provision of this Act, a State or federal law or  
11 a court order.

12 (b-5) Files, documents, and other data or databases  
13 maintained by one or more law enforcement agencies and  
14 specifically designed to provide information to one or more  
15 law enforcement agencies regarding the physical or mental  
16 status of one or more individual subjects.

17 (c) Personal information contained within public  
18 records, the disclosure of which would constitute a clearly  
19 unwarranted invasion of personal privacy, unless the  
20 disclosure is consented to in writing by the individual  
21 subjects of the information. "Unwarranted invasion of  
22 personal privacy" means the disclosure of information that  
23 is highly personal or objectionable to a reasonable person  
24 and in which the subject's right to privacy outweighs any  
25 legitimate public interest in obtaining the information.  
26 The disclosure of information that bears on the public

1 duties of public employees and officials shall not be  
2 considered an invasion of personal privacy.

3 (d) Records in the possession of any public body  
4 created in the course of administrative enforcement  
5 proceedings, and any law enforcement or correctional  
6 agency for law enforcement purposes, but only to the extent  
7 that disclosure would:

8 (i) interfere with pending or actually and  
9 reasonably contemplated law enforcement proceedings  
10 conducted by any law enforcement or correctional  
11 agency that is the recipient of the request;

12 (ii) interfere with active administrative  
13 enforcement proceedings conducted by the public body  
14 that is the recipient of the request;

15 (iii) create a substantial likelihood that a  
16 person will be deprived of a fair trial or an impartial  
17 hearing;

18 (iv) unavoidably disclose the identity of a  
19 confidential source, confidential information  
20 furnished only by the confidential source, or persons  
21 who file complaints with or provide information to  
22 administrative, investigative, law enforcement, or  
23 penal agencies; except that the identities of  
24 witnesses to traffic accidents, traffic accident  
25 reports, and rescue reports shall be provided by  
26 agencies of local government, except when disclosure

1 would interfere with an active criminal investigation  
2 conducted by the agency that is the recipient of the  
3 request;

4 (v) disclose unique or specialized investigative  
5 techniques other than those generally used and known or  
6 disclose internal documents of correctional agencies  
7 related to detection, observation or investigation of  
8 incidents of crime or misconduct, and disclosure would  
9 result in demonstrable harm to the agency or public  
10 body that is the recipient of the request;

11 (vi) endanger the life or physical safety of law  
12 enforcement personnel or any other person; or

13 (vii) obstruct an ongoing criminal investigation  
14 by the agency that is the recipient of the request.

15 (e) Records that relate to or affect the security of  
16 correctional institutions and detention facilities.

17 (f) Preliminary drafts, notes, recommendations,  
18 memoranda and other records in which opinions are  
19 expressed, or policies or actions are formulated, except  
20 that a specific record or relevant portion of a record  
21 shall not be exempt when the record is publicly cited and  
22 identified by the head of the public body. The exemption  
23 provided in this paragraph (f) extends to all those records  
24 of officers and agencies of the General Assembly that  
25 pertain to the preparation of legislative documents.

26 (g) Trade secrets and commercial or financial

1 information obtained from a person or business where the  
2 trade secrets or commercial or financial information are  
3 furnished under a claim that they are proprietary,  
4 privileged or confidential, and that disclosure of the  
5 trade secrets or commercial or financial information would  
6 cause competitive harm to the person or business, and only  
7 insofar as the claim directly applies to the records  
8 requested.

9 The information included under this exemption includes  
10 all trade secrets and commercial or financial information  
11 obtained by a public body, including a public pension fund,  
12 from a private equity fund or a privately held company  
13 within the investment portfolio of a private equity fund as  
14 a result of either investing or evaluating a potential  
15 investment of public funds in a private equity fund. The  
16 exemption contained in this item does not apply to the  
17 aggregate financial performance information of a private  
18 equity fund, nor to the identity of the fund's managers or  
19 general partners. The exemption contained in this item does  
20 not apply to the identity of a privately held company  
21 within the investment portfolio of a private equity fund,  
22 unless the disclosure of the identity of a privately held  
23 company may cause competitive harm.

24 Nothing contained in this paragraph (g) shall be  
25 construed to prevent a person or business from consenting  
26 to disclosure.



1           (h) Proposals and bids for any contract, grant, or  
2 agreement, including information which if it were  
3 disclosed would frustrate procurement or give an advantage  
4 to any person proposing to enter into a contractor  
5 agreement with the body, until an award or final selection  
6 is made. Information prepared by or for the body in  
7 preparation of a bid solicitation shall be exempt until an  
8 award or final selection is made.

9           (i) Valuable formulae, computer geographic systems,  
10 designs, drawings and research data obtained or produced by  
11 any public body when disclosure could reasonably be  
12 expected to produce private gain or public loss. The  
13 exemption for "computer geographic systems" provided in  
14 this paragraph (i) does not extend to requests made by news  
15 media as defined in Section 2 of this Act when the  
16 requested information is not otherwise exempt and the only  
17 purpose of the request is to access and disseminate  
18 information regarding the health, safety, welfare, or  
19 legal rights of the general public.

20           (j) The following information pertaining to  
21 educational matters:

22           (i) test questions, scoring keys and other  
23 examination data used to administer an academic  
24 examination;

25           (ii) information received by a primary or  
26 secondary school, college, or university under its

1 procedures for the evaluation of faculty members by  
2 their academic peers;

3 (iii) information concerning a school or  
4 university's adjudication of student disciplinary  
5 cases, but only to the extent that disclosure would  
6 unavoidably reveal the identity of the student; and

7 (iv) course materials or research materials used  
8 by faculty members.

9 (k) Architects' plans, engineers' technical  
10 submissions, and other construction related technical  
11 documents for projects not constructed or developed in  
12 whole or in part with public funds and the same for  
13 projects constructed or developed with public funds,  
14 including but not limited to power generating and  
15 distribution stations and other transmission and  
16 distribution facilities, water treatment facilities,  
17 airport facilities, sport stadiums, convention centers,  
18 and all government owned, operated, or occupied buildings,  
19 but only to the extent that disclosure would compromise  
20 security.

21 (l) Minutes of meetings of public bodies closed to the  
22 public as provided in the Open Meetings Act until the  
23 public body makes the minutes available to the public under  
24 Section 2.06 of the Open Meetings Act.

25 (m) Communications between a public body and an  
26 attorney or auditor representing the public body that would

1 not be subject to discovery in litigation, and materials  
2 prepared or compiled by or for a public body in  
3 anticipation of a criminal, civil or administrative  
4 proceeding upon the request of an attorney advising the  
5 public body, and materials prepared or compiled with  
6 respect to internal audits of public bodies.

7 (n) Records relating to a public body's adjudication of  
8 employee grievances or disciplinary cases; however, this  
9 exemption shall not extend to the final outcome of cases in  
10 which discipline is imposed.

11 (o) Administrative or technical information associated  
12 with automated data processing operations, including but  
13 not limited to software, operating protocols, computer  
14 program abstracts, file layouts, source listings, object  
15 modules, load modules, user guides, documentation  
16 pertaining to all logical and physical design of  
17 computerized systems, employee manuals, and any other  
18 information that, if disclosed, would jeopardize the  
19 security of the system or its data or the security of  
20 materials exempt under this Section.

21 (p) Records relating to collective negotiating matters  
22 between public bodies and their employees or  
23 representatives, except that any final contract or  
24 agreement shall be subject to inspection and copying.

25 (q) Test questions, scoring keys, and other  
26 examination data used to determine the qualifications of an

1 applicant for a license or employment.

2 (r) The records, documents, and information relating  
3 to real estate purchase negotiations until those  
4 negotiations have been completed or otherwise terminated.  
5 With regard to a parcel involved in a pending or actually  
6 and reasonably contemplated eminent domain proceeding  
7 under the Eminent Domain Act, records, documents and  
8 information relating to that parcel shall be exempt except  
9 as may be allowed under discovery rules adopted by the  
10 Illinois Supreme Court. The records, documents and  
11 information relating to a real estate sale shall be exempt  
12 until a sale is consummated.

13 (s) Any and all proprietary information and records  
14 related to the operation of an intergovernmental risk  
15 management association or self-insurance pool or jointly  
16 self-administered health and accident cooperative or pool.  
17 Insurance or self insurance (including any  
18 intergovernmental risk management association or self  
19 insurance pool) claims, loss or risk management  
20 information, records, data, advice or communications.

21 (t) Information contained in or related to  
22 examination, operating, or condition reports prepared by,  
23 on behalf of, or for the use of a public body responsible  
24 for the regulation or supervision of financial  
25 institutions or insurance companies, unless disclosure is  
26 otherwise required by State law.

1           (u) Information that would disclose or might lead to  
2           the disclosure of secret or confidential information,  
3           codes, algorithms, programs, or private keys intended to be  
4           used to create electronic or digital signatures under the  
5           Electronic Commerce Security Act.

6           (v) Vulnerability assessments, security measures, and  
7           response policies or plans that are designed to identify,  
8           prevent, or respond to potential attacks upon a community's  
9           population or systems, facilities, or installations, the  
10          destruction or contamination of which would constitute a  
11          clear and present danger to the health or safety of the  
12          community, but only to the extent that disclosure could  
13          reasonably be expected to jeopardize the effectiveness of  
14          the measures or the safety of the personnel who implement  
15          them or the public. Information exempt under this item may  
16          include such things as details pertaining to the  
17          mobilization or deployment of personnel or equipment, to  
18          the operation of communication systems or protocols, or to  
19          tactical operations.

20          (w) (Blank).

21          (x) Maps and other records regarding the location or  
22          security of generation, transmission, distribution,  
23          storage, gathering, treatment, or switching facilities  
24          owned by a utility, by a power generator, or by the  
25          Illinois Power Agency.

26          (y) Information contained in or related to proposals,

1 bids, or negotiations related to electric power  
2 procurement under Section 1-75 of the Illinois Power Agency  
3 Act and Section 16-111.5 of the Public Utilities Act that  
4 is determined to be confidential and proprietary by the  
5 Illinois Power Agency or by the Illinois Commerce  
6 Commission.

7 (z) Information about students exempted from  
8 disclosure under Sections 10-20.38 or 34-18.29 of the  
9 School Code, and information about undergraduate students  
10 enrolled at an institution of higher education exempted  
11 from disclosure under Section 25 of the Illinois Credit  
12 Card Marketing Act of 2009.

13 (aa) Information the disclosure of which is exempted  
14 under the Viatical Settlements Act of 2009.

15 (bb) Records and information provided to a mortality  
16 review team and records maintained by a mortality review  
17 team appointed under the Department of Juvenile Justice  
18 Mortality Review Team Act.

19 (cc) Information regarding interments, entombments, or  
20 inurnments of human remains that are submitted to the  
21 Cemetery Oversight Database under the Cemetery Care Act or  
22 the Cemetery Oversight Act, whichever is applicable.

23 (dd) Correspondence and records (i) that may not be  
24 disclosed under Section 11-9 of the Public Aid Code or (ii)  
25 that pertain to appeals under Section 11-8 of the Public  
26 Aid Code.

1            (ee) ~~(dd)~~ The names, addresses, or other personal  
2 information of persons who are minors and are also  
3 participants and registrants in programs of park  
4 districts, forest preserve districts, conservation  
5 districts, recreation agencies, and special recreation  
6 associations.

7            (ff) ~~(ee)~~ The names, addresses, or other personal  
8 information of participants and registrants in programs of  
9 park districts, forest preserve districts, conservation  
10 districts, recreation agencies, and special recreation  
11 associations where such programs are targeted primarily to  
12 minors.

13            (gg) Records of the State Bank of Illinois that may not  
14 be disclosed under Section 65 of the State Bank of Illinois  
15 Act.

16            (2) A public record that is not in the possession of a  
17 public body but is in the possession of a party with whom the  
18 agency has contracted to perform a governmental function on  
19 behalf of the public body, and that directly relates to the  
20 governmental function and is not otherwise exempt under this  
21 Act, shall be considered a public record of the public body,  
22 for purposes of this Act.

23            (3) This Section does not authorize withholding of  
24 information or limit the availability of records to the public,  
25 except as stated in this Section or otherwise provided in this  
26 Act.

1 (Source: P.A. 96-261, eff. 1-1-10; 96-328, eff. 8-11-09;  
2 96-542, eff. 1-1-10; 96-558, eff. 1-1-10; 96-736, eff. 7-1-10;  
3 96-863, eff. 3-1-10; 96-1378, eff. 7-29-10; 97-333, eff.  
4 8-12-11; 97-385, eff. 8-15-11; 97-452, eff. 8-19-11; revised  
5 9-2-11.)