

1 AN ACT to create the Black Business Investment Board.

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
5 Black Business Investment Board Act.

6 Section 5. Legislative findings. The General Assembly
7 finds that the public interest of Illinois will be served by
8 the creation and growth of black business enterprises by:

9 (1) increasing opportunities for employment of
10 blacks, as well as the population in general;

11 (2) providing role models and establishing business
12 networks for the benefit of future generations of
13 aspiring black entrepreneurs;

14 (3) strengthening the economy of this State by
15 increasing the number of qualified black business
16 enterprises, which in turn will increase competition in
17 the marketplace and improve the welfare of economically
18 depressed neighborhoods; and

19 (4) taking measures to increase access of black
20 businesses to both debt and equity capital.

21 Section 10. Definitions. In this Act:

22 "Black American" or "black" means a person having origins
23 in any of the black racial groups in Africa.

24 "Black business enterprise" means any business concern
25 that (i) is organized to engage in commercial transactions
26 and (ii) is at least 51% owned by one or more black Americans
27 and whose management and daily operations are controlled by
28 those persons.

29 "Black business investment corporation" means a
30 subsidiary of a financial institution or a consortium of

1 financial institutions investing in, or lending to, black
2 business enterprises.

3 "Board" means the Black Business Investment Board.

4 "Consortium" means 2 or more financial institutions that
5 jointly negotiate and agree to provide assistance to black
6 business enterprises as provided in this Act.

7 "Department" means the Department of Commerce and
8 Community Affairs.

9 "Financial institution" means the same as in Section 2 of
10 the Illinois Banking Act.

11 Section 15. Black Business Investment Board.

12 (a) There is created within the Department of Commerce
13 and Community Affairs the Black Business Investment Board,
14 consisting of 7 members appointed by the Governor with the
15 advice and consent of the Senate. Six of the members must be
16 persons experienced in investment finance and banking and one
17 member must be a member of a black business investment
18 corporation. The Director of Commerce and Community Affairs
19 and the Chairman of the Illinois Development Finance
20 Authority shall be ex officio members of the Board.

21 (b) Of the members initially appointed by the Governor,
22 one member shall serve for one year, 2 members shall serve
23 for 2 years, 2 members shall serve for 3 years, and 2 members
24 shall serve for 4 years. Thereafter, all members shall serve
25 4-year terms and until their successors are appointed and
26 qualified, except in the case of an appointment to fill a
27 vacancy. Vacancies in the membership of the Board shall be
28 filled in the same manner as the original appointment. A
29 member appointed to fill a vacancy shall serve for the
30 remainder of the unexpired term.

31 Members may be reappointed to the Board.

32 Members shall serve without compensation, but may be
33 reimbursed for their reasonable expenses.

1 (c) The Governor shall designate one of the appointed
2 members of the Board to serve as chairperson. The Board
3 shall annually elect one of its members to serve as
4 vice-chairperson. The Board shall designate a
5 secretary-treasurer, who need not be a member of the Board.
6 The secretary-treasurer shall keep a record of the
7 proceedings of the Board and be the custodian of all books,
8 documents, papers, and minute books of the Board and of the
9 official seal.

10 (d) A majority of the members of the Board shall
11 constitute a quorum.

12 (e) Each member of the Board must file a statement of
13 economic interest under the Illinois Governmental Ethics Act.

14 Section 20. Executive director; employees.

15 (a) The Board shall appoint an executive director, who
16 may also serve as the secretary-treasurer of the Board. The
17 executive director shall be the chief administrative and
18 operational officer of the Board and shall direct and
19 supervise the administrative affairs and the general
20 management of the Board.

21 (b) The executive director shall:

22 (1) contract with or employ legal and technical
23 experts and any other employees, permanent and temporary,
24 that the Board authorizes;

25 (2) attend meetings of the Board; and

26 (3) cause copies to be made of all minutes and other
27 records and documents of the Board and certify that the
28 copies are true copies. All persons dealing with the
29 Board may rely upon the executive director's
30 certification.

31 (c) The executive director and all employees of the
32 Board are exempt from the provisions of the Personnel Code.

1 Section 25. Powers and duties.

2 (a) The Board has all the powers necessary or convenient
3 to carry out and effectuate the purposes and provisions of
4 this Act, including but not limited to, the power to:

5 (1) adopt by-laws for the regulation of its affairs
6 and the conduct of its business and to adopt rules pursuant
7 to the Illinois Administrative Procedure Act in order to
8 implement this Act. Any proposed rules affecting the
9 operation or administration or financial well-being of any of
10 the black business investment corporations must be approved
11 by a majority of the black business investment corporations;

12 (2) adopt an official seal;

13 (3) sue and be sued in its own name;

14 (4) make and execute contracts and other
15 instruments necessary or convenient for the exercise of
16 its power and functions;

17 (5) acquire, hold, and dispose of personal property
18 for its corporate purposes;

19 (6) enter into agreements or other transactions
20 with any federal, State, or local agency;

21 (7) encourage financial institutions to participate
22 in consortia for the purpose of investing in black
23 business enterprises;

24 (8) ensure that moneys available to the Board for
25 purposes of this Act are disbursed on a statewide basis
26 and are not concentrated in one geographical area;

27 (9) acquire real property or any interest in real
28 property by purchase or foreclosure where the acquisition
29 is necessary or appropriate to protect or secure any
30 investment or loan in which the Board has an interest;

31 (10) sell, transfer, and convey any real property
32 and, in the event that the sale, transfer, or conveyance
33 cannot be effected with reasonable promptness or at a
34 reasonable price, to lease the property for occupancy by

1 eligible persons;

2 (11) invest any moneys of the Board that are not
3 required for immediate disbursement in any investments
4 authorized by the Public Funds Investment Act, provided
5 that the investments are made on behalf of the Board by
6 the State Treasurer;

7 (12) appear on its own behalf before boards,
8 commissions, departments, or other agencies of municipal,
9 county, State, or federal government;

10 (13) require bonds or insurance against any loss in
11 connection with its property in any amounts and from any
12 insurers that may be necessary or desirable;

13 (14) receive and accept from any federal, State, or
14 local agency grants, loans, or advances for, or in aid
15 of, the purposes of this Act and to receive and accept
16 contributions from any source of either money, property,
17 labor, or other things of value, to be held, used, and
18 applied for the purposes of this Act;

19 (15) create, issue, and buy and sell stock,
20 evidences of indebtedness, and capital participation
21 instruments; hold stock, evidences of indebtedness, and
22 capital participation instruments; and underwrite the
23 creation of a capital market for those securities in a
24 manner designed to enhance development of capital
25 ownership in black business enterprises;

26 (16) underwrite the creation of a capital market
27 for these securities in a manner designed to enhance
28 development of capital ownership in the target group;

29 (17) provide and pay for any advisory services and
30 technical assistance that are necessary or desirable to
31 carry out the purposes of this Act;

32 (18) engage in special programs to enhance the
33 development of black business enterprises as authorized
34 by this Act;

1 (19) promote black ownership of financial
2 institutions in this State; and

3 (20) any and all things necessary or convenient to
4 carry out the purposes of this Act.

5 (b) The Board must:

6 (1) establish certification criteria for black
7 business investment corporations. Certification criteria
8 must include criteria concerning administrative capacity
9 and fiduciary controls and, in the case of existing black
10 business investment corporations, criteria concerning the
11 solvency and soundness of prior loan decisions;

12 (2) include in the criteria for loan decisions
13 occupational forecasting results that target high growth
14 jobs;

15 (3) establish, in communities that are not
16 currently served by an existing black business investment
17 corporation, memoranda of understanding with local
18 financial institutions that will provide loan guarantees
19 for loans to black business enterprises;

20 (4) develop memoranda of understanding with the
21 Department of Labor, the Department of Employment
22 Security, the State Board of Education, the Department of
23 Transportation, the Department of Central Management
24 Services, and the Board of Higher Education detailing
25 efforts of common interest and collaborations to expand
26 black business development;

27 (5) intensify efforts to increase the number of the
28 black business enterprises in construction and
29 construction-related projects, focusing on construction
30 projects financed by federal, State, and local
31 governments; and

32 (6) annually prepare a report detailing the
33 performance of each black business investment
34 corporation, addressing the number of jobs created and

1 retained, the success and failure rates among loan
2 recipients, and the amount of funds leveraged from other
3 sources.

4 Section 30. Duty of black business investment
5 corporations. Black business investment corporations shall
6 coordinate with the Department in order to avoid duplication
7 and to develop local business and the necessary
8 infrastructure to support it.

9 Section 35. Program requirements.

10 (a) The Board shall require of all programs in which the
11 Board participates that a black business enterprise
12 demonstrates that:

13 (1) the proposed investment is economically sound
14 and will benefit the people of this State by increasing
15 opportunities for employment, strengthening the economy
16 of the State, or expanding black business enterprises;
17 and

18 (2) the black business enterprise will be able to
19 compete successfully in the private sector if it obtains
20 the requested financial assistance and has, or will
21 obtain, necessary technical or managerial support through
22 a private mentor, a State or federally sponsored small
23 business assistance center, or other credible source. In
24 determining whether a black business enterprise will be
25 able to compete successfully, the entity shall consider
26 such factors as:

27 (A) the successful completion of, or
28 participation in, courses of study recognized by an
29 appropriate accrediting agency or appropriate State
30 agency as providing financial, technical, or
31 managerial skills related to the operation of the
32 business by the owner or partner;

1 (B) the prior success of the owner or partner
2 in personal, career, or business activities;

3 (C) the amount of local and other financial
4 assistance available to the black business
5 enterprise;

6 (D) the availability of ongoing technical or
7 managerial assistance by private sources; and

8 (E) any other factors identified by the Board.

9 (b) The Board must adopt rules that prescribe criteria
10 used by the Board to evaluate applications for financial
11 assistance to black business enterprises.

12 Section 40. Capital participation instruments.

13 (a) The Board may issue capital participation instruments
14 in the form of stock or equity investments repayable solely
15 from revenues derived from underlying equity or loans made to
16 black business enterprises and any payments from an insurer
17 or guarantor of loans.

18 (b) The Board may issue bonds to finance loan pools
19 developed under Section 55. The bonds shall be repayable
20 solely from the underlying loans and any payments from an
21 insurer or guarantor of the loans. The Board may issue the
22 bonds in the same manner as bonds issued under the General
23 Obligation Bond Act, except that:

24 (1) the bonds may be sold at either a public or a
25 private sale; and

26 (2) any bonds issued under this Act must state on
27 the face of the bond that the bonds are payable, both as
28 to principal and interest, solely out of the revenues
29 pledged, including any insurance or guaranties as to
30 revenues, and do not constitute an obligation, either
31 general or special, of the State.

32 Section 45. Annual report. On or before March 31 of each

1 year the Board must submit to the Governor, the President of
2 the Senate, the Speaker of the House of Representatives, the
3 Director of Labor, and the Director of Employment Security a
4 complete and detailed report setting forth:

5 (1) the operations and accomplishments of the Board;

6 (2) the number of black business enterprises that
7 participated during the past year in programs established
8 or administered by the Board;

9 (3) the number of black business enterprises
10 receiving assistance from the Board and the manner in
11 which the assistance was received;

12 (4) the status of black business enterprises that
13 participated in programs established or administered by
14 the Board;

15 (5) the total number of jobs represented by black
16 business enterprises participating in programs
17 established or administered by the Board;

18 (6) the receipts and expenditures of the Board
19 during the most recently completed fiscal year;

20 (7) the assets and liabilities of the Board at the
21 end of the most recently completed fiscal year and the
22 status of its trust funds; and

23 (8) a schedule of outstanding bonds issued under
24 this Act for the year and the total amount of bonds
25 issued to the date of the report.

26 Section 50. Illinois Investment Incentive Trust Fund.

27 (a) There is created in the State treasury the Illinois
28 Investment Incentive Trust Fund. All interest earned on
29 moneys in the Fund shall be deposited into the Fund. Moneys
30 appropriated to the Illinois Investment Incentive Trust Fund
31 and any grants, gifts, and contributions to the Board for the
32 purposes of this Section shall be deposited into the Fund.
33 Moneys in the Fund shall not be considered general revenue of

1 the State of Illinois.

2 (b) Moneys in the Illinois Investment Incentive Trust
3 Fund may be used, subject to appropriation, exclusively by
4 the Board to invest in black business investment corporations
5 that conduct, or agree to conduct, programs assisting in the
6 development of black business enterprises. Investments from
7 the Fund must be made under the conditions required by law
8 and that the Board, from time to time, requires. Investments
9 may take any of the following forms:

10 (1) purchases of stock, preferred or common, voting
11 or nonvoting, as determined by the Board;

12 (2) loans, with or without recourse, in either a
13 subordinated or priority position, as determined by the
14 Board; provided, however, that no more than 20% of the
15 capital base may be used for direct loans to black
16 business enterprises; or

17 (3) any other investment authorized by the Board
18 based on the expertise of its members.

19 (c) It is the intent of the General Assembly that if any
20 one type of investment authorized in subsection (b) is held
21 to be invalid all other valid investments remain available.

22 (d) All loans and investments, and any income related to
23 the loans and investments, must be used to carry out the
24 development of black business enterprises. Nothing in this
25 Section precludes a reasonable profit for the participating
26 black business investment corporation or for the return of
27 equity developed to the State and any participating financial
28 institutions upon any distribution of the assets or excess
29 income of the investment corporation.

30 Section 55. Guarantor funds.

31 (a) The Board may establish, with or without public or
32 private partners, guarantor funds to assure capital
33 availability to black business enterprises and to assist

1 qualified black business enterprises in obtaining surety
2 bonds and other credit instruments when required. The Board
3 may contract with a surety company authorized to do business
4 in this State in order to conduct a surety bond program for
5 black business enterprises.

6 There is created in the State treasury the Black
7 Contractors Bond Trust Fund. Moneys appropriated to the
8 Board for the purposes of this subsection; any grants, gifts,
9 or contributions received by the Board for the purposes of
10 this subsection; all moneys recovered following a default on
11 a surety bond; and any other moneys obtained by the Board for
12 the purposes of this subsection shall be deposited into the
13 Fund. Moneys in the Fund shall not be considered general
14 revenue of the State of Illinois. Moneys in the Fund shall
15 be used, subject to appropriation, exclusively by the Board
16 for the purposes of this subsection.

17 The Board may post or pledge moneys in the Black
18 Contractors Bond Trust Fund as collateral in amounts
19 necessary to secure the issuance of bid bonds and
20 construction contract bonds to black business enterprises.
21 The Board must establish a premium to be charged to the black
22 business enterprise for which the assets have been so posted
23 or pledged, pursuant to generally accepted actuarial
24 principles.

25 The Board must adopt any rules that may otherwise be
26 necessary to carry out the purposes of this subsection.

27 Any claims against the State arising from defaults shall
28 be payable from the Black Contractors Bond Trust Fund.

29 Nothing in this subsection shall be construed to prohibit
30 or restrict the Board from entering into a joint venture or
31 other contractual agreement with a private insurer or to
32 invest in a private entity to handle all or part of a black
33 contractors bonding program, credit program, or both for
34 black business enterprises. The investments or joint venture

1 shall be made under conditions required by law and as the
2 Board, from time to time, requires and may take any of the
3 forms described in Section 50.

4 (b) The Board may establish a loan guaranty program to
5 assure capital availability to black business enterprises.

6 There is created in the State treasury the Black Business
7 Loan Guaranty Trust Fund. Moneys appropriated to the Board
8 for the purposes of this subsection; any grants, gifts, or
9 contributions received by the Board for the purposes of this
10 subsection; all moneys recovered following a default on a
11 loan guaranty; and any other moneys obtained by the Board for
12 the purposes of this subsection shall be deposited into the
13 Fund. Moneys in the Fund shall not be considered general
14 revenue of the State of Illinois. Moneys in the Fund may be
15 used, subject to appropriation, by the Board to make loans
16 under this subsection.

17 The Board, as loan guarantor, may exercise all rights and
18 powers of a company authorized by the Department of Insurance
19 to make guarantees, but is not be subject to any requirements
20 of an insurance company under the Illinois Insurance Code.
21 The Board, however, shall refer to the Illinois Insurance
22 Code and rules adopted under it when designing and
23 administering the program. The Board must follow sound
24 actuarial principles when administering this program. The
25 Board must establish a premium for the loan guaranty and
26 adopt any rules that may be necessary to carry out the
27 purposes of this subsection.

28 The Board may use moneys in the Fund to guarantee no more
29 than 20% of the principal amount of a loan to a black
30 business enterprise.

31 (c) All premiums charged and collected in accordance
32 with this Section shall be deposited into the Black Business
33 Loan Guaranty Program Administrative and Loss Reserve Fund, a
34 special fund created in the State treasury. All interest

1 earned on moneys in the Fund shall be deposited into the
2 Fund.

3 All expenses of the Board in carrying out the purposes of
4 subsection (b) shall be paid from the Black Business Loan
5 Guaranty Program Administrative and Loss Reserve Fund. Any
6 moneys to the credit of the Black Business Loan Guaranty
7 Program Administrative and Loss Reserve Fund in excess of the
8 amount necessary to fund the Board's activity shall be held
9 as a loss reserve to pay claims arising from defaults on
10 loans underwritten in accordance with subsection (b).

11 Any claims against the State arising from defaults shall
12 be payable initially from the Black Business Loan Guaranty
13 Program Administrative and Loss Reserve Fund and,
14 secondarily, from the Black Business Loan Guaranty Trust
15 Fund.

16 (d) The Board may establish a program to develop a
17 secondary market for loans to black business enterprises. The
18 Board may cooperate with the federal Small Business
19 Administration in identifying market opportunities and
20 barriers to efficient and effective handling of a secondary
21 market for loans to black business enterprises.

22 If the Board finds that an insufficient or ineffective
23 secondary market exists in this State for loans to black
24 business enterprises, the Board may develop, with or without
25 public or private partners, investment pools for those loans.
26 The Board may insure the investment pools, use any of the
27 moneys available to it to establish reserve funds, and charge
28 any premiums that may be necessary to carry out the
29 provisions of this subsection (d).

30 (e) Nothing in this Section authorizes any State moneys
31 to be granted or pledged to any obligee or other person other
32 than the moneys in the Black Contractors Bond Trust Fund, the
33 Black Business Loan Guaranty Trust Fund, the Black Business
34 Loan Guaranty Program Administrative and Loss Reserve Fund,

1 or moneys available to the Board for the purposes of this
2 Section.

3 (f) Personal financial records of persons participating
4 in the programs pursuant to this Section are confidential and
5 exempt from the provisions of the Freedom of Information Act.

6 Section 900. The Freedom of Information Act is amended
7 by changing Section 7 as follows:

8 (5 ILCS 140/7) (from Ch. 116, par. 207)

9 Sec. 7. Exemptions.

10 (1) The following shall be exempt from inspection and
11 copying:

12 (a) Information specifically prohibited from
13 disclosure by federal or State law or rules and
14 regulations adopted under federal or State law.

15 (b) Information that, if disclosed, would
16 constitute a clearly unwarranted invasion of personal
17 privacy, unless the disclosure is consented to in writing
18 by the individual subjects of the information. The
19 disclosure of information that bears on the public duties
20 of public employees and officials shall not be considered
21 an invasion of personal privacy. Information exempted
22 under this subsection (b) shall include but is not
23 limited to:

24 (i) files and personal information maintained
25 with respect to clients, patients, residents,
26 students or other individuals receiving social,
27 medical, educational, vocational, financial,
28 supervisory or custodial care or services directly
29 or indirectly from federal agencies or public
30 bodies;

31 (ii) personnel files and personal information
32 maintained with respect to employees, appointees or

1 elected officials of any public body or applicants
2 for those positions;

3 (iii) files and personal information
4 maintained with respect to any applicant, registrant
5 or licensee by any public body cooperating with or
6 engaged in professional or occupational
7 registration, licensure or discipline;

8 (iv) information required of any taxpayer in
9 connection with the assessment or collection of any
10 tax unless disclosure is otherwise required by State
11 statute; and

12 (v) information revealing the identity of
13 persons who file complaints with or provide
14 information to administrative, investigative, law
15 enforcement or penal agencies; provided, however,
16 that identification of witnesses to traffic
17 accidents, traffic accident reports, and rescue
18 reports may be provided by agencies of local
19 government, except in a case for which a criminal
20 investigation is ongoing, without constituting a
21 clearly unwarranted per se invasion of personal
22 privacy under this subsection.

23 (c) Records compiled by any public body for
24 administrative enforcement proceedings and any law
25 enforcement or correctional agency for law enforcement
26 purposes or for internal matters of a public body, but
27 only to the extent that disclosure would:

28 (i) interfere with pending or actually and
29 reasonably contemplated law enforcement proceedings
30 conducted by any law enforcement or correctional
31 agency;

32 (ii) interfere with pending administrative
33 enforcement proceedings conducted by any public
34 body;

1 (iii) deprive a person of a fair trial or an
2 impartial hearing;

3 (iv) unavoidably disclose the identity of a
4 confidential source or confidential information
5 furnished only by the confidential source;

6 (v) disclose unique or specialized
7 investigative techniques other than those generally
8 used and known or disclose internal documents of
9 correctional agencies related to detection,
10 observation or investigation of incidents of crime
11 or misconduct;

12 (vi) constitute an invasion of personal
13 privacy under subsection (b) of this Section;

14 (vii) endanger the life or physical safety of
15 law enforcement personnel or any other person; or

16 (viii) obstruct an ongoing criminal
17 investigation.

18 (d) Criminal history record information maintained
19 by State or local criminal justice agencies, except the
20 following which shall be open for public inspection and
21 copying:

22 (i) chronologically maintained arrest
23 information, such as traditional arrest logs or
24 blotters;

25 (ii) the name of a person in the custody of a
26 law enforcement agency and the charges for which
27 that person is being held;

28 (iii) court records that are public;

29 (iv) records that are otherwise available
30 under State or local law; or

31 (v) records in which the requesting party is
32 the individual identified, except as provided under
33 part (vii) of paragraph (c) of subsection (1) of
34 this Section.

1 "Criminal history record information" means data
2 identifiable to an individual and consisting of
3 descriptions or notations of arrests, detentions,
4 indictments, informations, pre-trial proceedings, trials,
5 or other formal events in the criminal justice system or
6 descriptions or notations of criminal charges (including
7 criminal violations of local municipal ordinances) and
8 the nature of any disposition arising therefrom,
9 including sentencing, court or correctional supervision,
10 rehabilitation and release. The term does not apply to
11 statistical records and reports in which individuals are
12 not identified and from which their identities are not
13 ascertainable, or to information that is for criminal
14 investigative or intelligence purposes.

15 (e) Records that relate to or affect the security
16 of 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
24 records of officers and agencies of the General Assembly
25 that pertain to the preparation of legislative documents.

26 (g) Trade secrets and commercial or financial
27 information obtained from a person or business where the
28 trade secrets or information are proprietary, privileged
29 or confidential, or where disclosure of the trade secrets
30 or information may cause competitive harm, including all
31 information determined to be confidential under Section
32 4002 of the Technology Advancement and Development Act.
33 Nothing contained in this paragraph (g) shall be
34 construed to prevent a person or business from consenting

1 to disclosure.

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

10 (i) Valuable formulae, designs, drawings and
11 research data obtained or produced by any public body
12 when disclosure could reasonably be expected to produce
13 private gain or public loss.

14 (j) Test questions, scoring keys and other
15 examination data used to administer an academic
16 examination or determined the qualifications of an
17 applicant for a license or employment.

18 (k) Architects' plans and engineers' technical
19 submissions for projects not constructed or developed in
20 whole or in part with public funds and for projects
21 constructed or developed with public funds, to the extent
22 that disclosure would compromise security.

23 (l) Library circulation and order records
24 identifying library users with specific materials.

25 (m) Minutes of meetings of public bodies closed to
26 the public as provided in the Open Meetings Act until the
27 public body makes the minutes available to the public
28 under Section 2.06 of the Open Meetings Act.

29 (n) Communications between a public body and an
30 attorney or auditor representing the public body that
31 would not be subject to discovery in litigation, and
32 materials prepared or compiled by or for a public body in
33 anticipation of a criminal, civil or administrative
34 proceeding upon the request of an attorney advising the

1 public body, and materials prepared or compiled with
2 respect to internal audits of public bodies.

3 (o) Information received by a primary or secondary
4 school, college or university under its procedures for
5 the evaluation of faculty members by their academic
6 peers.

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

17 (q) Documents or materials relating to collective
18 negotiating matters between public bodies and their
19 employees or representatives, except that any final
20 contract or agreement shall be subject to inspection and
21 copying.

22 (r) Drafts, notes, recommendations and memoranda
23 pertaining to the financing and marketing transactions of
24 the public body. The records of ownership, registration,
25 transfer, and exchange of municipal debt obligations, and
26 of persons to whom payment with respect to these
27 obligations is made.

28 (s) The records, documents and information relating
29 to real estate purchase negotiations until those
30 negotiations have been completed or otherwise terminated.
31 With regard to a parcel involved in a pending or actually
32 and reasonably contemplated eminent domain proceeding
33 under Article VII of the Code of Civil Procedure,
34 records, documents and information relating to that

1 parcel shall be exempt except as may be allowed under
2 discovery rules adopted by the Illinois Supreme Court.
3 The records, documents and information relating to a real
4 estate sale shall be exempt until a sale is consummated.

5 (t) Any and all proprietary information and records
6 related to the operation of an intergovernmental risk
7 management association or self-insurance pool or jointly
8 self-administered health and accident cooperative or
9 pool.

10 (u) Information concerning a university's
11 adjudication of student or employee grievance or
12 disciplinary cases, to the extent that disclosure would
13 reveal the identity of the student or employee and
14 information concerning any public body's adjudication of
15 student or employee grievances or disciplinary cases,
16 except for the final outcome of the cases.

17 (v) Course materials or research materials used by
18 faculty members.

19 (w) Information related solely to the internal
20 personnel rules and practices of a public body.

21 (x) 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.

27 (y) Information the disclosure of which is
28 restricted under Section 5-108 of the Public Utilities
29 Act.

30 (z) Manuals or instruction to staff that relate to
31 establishment or collection of liability for any State
32 tax or that relate to investigations by a public body to
33 determine violation of any criminal law.

34 (aa) Applications, related documents, and medical

1 records received by the Experimental Organ
2 Transplantation Procedures Board and any and all
3 documents or other records prepared by the Experimental
4 Organ Transplantation Procedures Board or its staff
5 relating to applications it has received.

6 (bb) Insurance or self insurance (including any
7 intergovernmental risk management association or self
8 insurance pool) claims, loss or risk management
9 information, records, data, advice or communications.

10 (cc) Information and records held by the Department
11 of Public Health and its authorized representatives
12 relating to known or suspected cases of sexually
13 transmissible disease or any information the disclosure
14 of which is restricted under the Illinois Sexually
15 Transmissible Disease Control Act.

16 (dd) Information the disclosure of which is
17 exempted under Section 30 of the Radon Industry Licensing
18 Act.

19 (ee) Firm performance evaluations under Section 55
20 of the Architectural, Engineering, and Land Surveying
21 Qualifications Based Selection Act.

22 (ff) Security portions of system safety program
23 plans, investigation reports, surveys, schedules, lists,
24 data, or information compiled, collected, or prepared by
25 or for the Regional Transportation Authority under
26 Section 2.11 of the Regional Transportation Authority Act
27 or the State of Missouri under the Bi-State Transit
28 Safety Act.

29 (gg) Information the disclosure of which is
30 restricted and exempted under Section 50 of the Illinois
31 Prepaid Tuition Act.

32 (hh) Information the disclosure of which is
33 exempted under Section 80 of the State Gift Ban Act.

34 (ii) Beginning July 1, 1999, information that would

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

6 (jj) Information contained in a local emergency
7 energy plan submitted to a municipality in accordance
8 with a local emergency energy plan ordinance that is
9 adopted under Section 11-21.5-5 of the Illinois Municipal
10 Code.

11 (kk) (jj) Information and data concerning the
12 distribution of surcharge moneys collected and remitted
13 by wireless carriers under the Wireless Emergency
14 Telephone Safety Act.

15 (ll) Personal financial records of persons
16 participating in programs under Section 55 of the Black
17 Business Investment Board Act.

18 (2) This Section does not authorize withholding of
19 information or limit the availability of records to the
20 public, except as stated in this Section or otherwise
21 provided in this Act.

22 (Source: P.A. 90-262, eff. 7-30-97; 90-273, eff. 7-30-97;
23 90-546, eff. 12-1-97; 90-655, eff. 7-30-98; 90-737, eff.
24 1-1-99; 90-759, eff. 7-1-99; 91-137, eff. 7-16-99; 91-357,
25 eff. 7-29-99; 91-660, eff. 12-22-99; revised 1-17-00.)

26 Section 905. The State Finance Act is amended by adding
27 Sections 5.545, 5.546, and 5.547 as follows:

28 (30 ILCS 105/5.545 new)
29 Sec. 5.545. The Black Business Loan Guaranty Program
30 Administrative and Loss Reserve Fund.

31 (30 ILCS 105/5.546 new)

1 Sec. 5.546. The Illinois Investment Incentive Trust
2 Fund.

3 (30 ILCS 105/5.547 new)

4 Sec. 5.547. The Black Contractors Bond Trust Fund.