

1 AN ACT concerning regulation.

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

4 Section 5. The State Finance Act is amended by changing
5 Sections 5.214, 5.805, and 8.12 as follows:

6 (30 ILCS 105/5.214) (from Ch. 127, par. 141.214)

7 Sec. 5.214. The ~~Savings and~~ Residential Finance Regulatory
8 Fund.

9 (Source: P.A. 85-1209; 86-1213.)

10 (30 ILCS 105/5.805)

11 Sec. 5.805. The Savings Bank ~~Institutions~~ Regulatory Fund.

12 (Source: P.A. 97-492, eff. 1-1-12; 97-813, eff. 7-13-12.)

13 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

14 Sec. 8.12. State Pensions Fund.

15 (a) The moneys in the State Pensions Fund shall be used
16 exclusively for the administration of the Uniform Disposition
17 of Unclaimed Property Act and for the expenses incurred by the
18 Auditor General for administering the provisions of Section
19 2-8.1 of the Illinois State Auditing Act and for the funding of
20 the unfunded liabilities of the designated retirement systems.
21 Beginning in State fiscal year 2015, payments to the designated

1 retirement systems under this Section shall be in addition to,
2 and not in lieu of, any State contributions required under the
3 Illinois Pension Code.

4 "Designated retirement systems" means:

5 (1) the State Employees' Retirement System of
6 Illinois;

7 (2) the Teachers' Retirement System of the State of
8 Illinois;

9 (3) the State Universities Retirement System;

10 (4) the Judges Retirement System of Illinois; and

11 (5) the General Assembly Retirement System.

12 (b) Each year the General Assembly may make appropriations
13 from the State Pensions Fund for the administration of the
14 Uniform Disposition of Unclaimed Property Act.

15 Each month, the Commissioner of the Office of Banks and
16 Real Estate shall certify to the State Treasurer the actual
17 expenditures that the Office of Banks and Real Estate incurred
18 conducting unclaimed property examinations under the Uniform
19 Disposition of Unclaimed Property Act during the immediately
20 preceding month. Within a reasonable time following the
21 acceptance of such certification by the State Treasurer, the
22 State Treasurer shall pay from its appropriation from the State
23 Pensions Fund to the Bank and Trust Company Fund, the Savings
24 Bank Regulatory Fund, and the ~~Savings and~~ Residential Finance
25 Regulatory Fund an amount equal to the expenditures incurred by
26 each Fund for that month.

1 Each month, the Director of Financial Institutions shall
2 certify to the State Treasurer the actual expenditures that the
3 Department of Financial Institutions incurred conducting
4 unclaimed property examinations under the Uniform Disposition
5 of Unclaimed Property Act during the immediately preceding
6 month. Within a reasonable time following the acceptance of
7 such certification by the State Treasurer, the State Treasurer
8 shall pay from its appropriation from the State Pensions Fund
9 to the Financial Institution Fund and the Credit Union Fund an
10 amount equal to the expenditures incurred by each Fund for that
11 month.

12 (c) As soon as possible after the effective date of this
13 amendatory Act of the 93rd General Assembly, the General
14 Assembly shall appropriate from the State Pensions Fund (1) to
15 the State Universities Retirement System the amount certified
16 under Section 15-165 during the prior year, (2) to the Judges
17 Retirement System of Illinois the amount certified under
18 Section 18-140 during the prior year, and (3) to the General
19 Assembly Retirement System the amount certified under Section
20 2-134 during the prior year as part of the required State
21 contributions to each of those designated retirement systems;
22 except that amounts appropriated under this subsection (c) in
23 State fiscal year 2005 shall not reduce the amount in the State
24 Pensions Fund below \$5,000,000. If the amount in the State
25 Pensions Fund does not exceed the sum of the amounts certified
26 in Sections 15-165, 18-140, and 2-134 by at least \$5,000,000,

1 the amount paid to each designated retirement system under this
2 subsection shall be reduced in proportion to the amount
3 certified by each of those designated retirement systems.

4 (c-5) For fiscal years 2006 through 2014, the General
5 Assembly shall appropriate from the State Pensions Fund to the
6 State Universities Retirement System the amount estimated to be
7 available during the fiscal year in the State Pensions Fund;
8 provided, however, that the amounts appropriated under this
9 subsection (c-5) shall not reduce the amount in the State
10 Pensions Fund below \$5,000,000.

11 (c-6) For fiscal year 2015 and each fiscal year thereafter,
12 as soon as may be practical after any money is deposited into
13 the State Pensions Fund from the Unclaimed Property Trust Fund,
14 the State Treasurer shall apportion the deposited amount among
15 the designated retirement systems as defined in subsection (a)
16 to reduce their actuarial reserve deficiencies. The State
17 Comptroller and State Treasurer shall pay the apportioned
18 amounts to the designated retirement systems to fund the
19 unfunded liabilities of the designated retirement systems. The
20 amount apportioned to each designated retirement system shall
21 constitute a portion of the amount estimated to be available
22 for appropriation from the State Pensions Fund that is the same
23 as that retirement system's portion of the total actual reserve
24 deficiency of the systems, as determined annually by the
25 Governor's Office of Management and Budget at the request of
26 the State Treasurer. The amounts apportioned under this

1 subsection shall not reduce the amount in the State Pensions
2 Fund below \$5,000,000.

3 (d) The Governor's Office of Management and Budget shall
4 determine the individual and total reserve deficiencies of the
5 designated retirement systems. For this purpose, the
6 Governor's Office of Management and Budget shall utilize the
7 latest available audit and actuarial reports of each of the
8 retirement systems and the relevant reports and statistics of
9 the Public Employee Pension Fund Division of the Department of
10 Insurance.

11 (d-1) As soon as practicable after the effective date of
12 this amendatory Act of the 93rd General Assembly, the
13 Comptroller shall direct and the Treasurer shall transfer from
14 the State Pensions Fund to the General Revenue Fund, as funds
15 become available, a sum equal to the amounts that would have
16 been paid from the State Pensions Fund to the Teachers'
17 Retirement System of the State of Illinois, the State
18 Universities Retirement System, the Judges Retirement System
19 of Illinois, the General Assembly Retirement System, and the
20 State Employees' Retirement System of Illinois after the
21 effective date of this amendatory Act during the remainder of
22 fiscal year 2004 to the designated retirement systems from the
23 appropriations provided for in this Section if the transfers
24 provided in Section 6z-61 had not occurred. The transfers
25 described in this subsection (d-1) are to partially repay the
26 General Revenue Fund for the costs associated with the bonds

1 used to fund the moneys transferred to the designated
2 retirement systems under Section 6z-61.

3 (e) The changes to this Section made by this amendatory Act
4 of 1994 shall first apply to distributions from the Fund for
5 State fiscal year 1996.

6 (Source: P.A. 97-72, eff. 7-1-11; 97-732, eff. 6-30-12; 98-24,
7 eff. 6-19-13; 98-463, eff. 8-16-13.)

8 Section 10. The Illinois Banking Act is amended by changing
9 Section 71 as follows:

10 (205 ILCS 5/71) (from Ch. 17, par. 383)

11 Sec. 71. Voluntary dissolution; fees and expenses
12 ~~Commissioner's fee.~~

13 (a) Any bank that elects to dissolve voluntarily under this
14 Act shall pay to the Secretary a fee, which shall be paid upon
15 the Secretary's receipt of the bank's statement of intent. The
16 Secretary shall prescribe by rule the amount of such fee.

17 (b) All expenses incurred by the Secretary in connection
18 with the voluntary dissolution of any bank shall be paid by the
19 dissolving State bank. The expenses incurred under this
20 subsection shall be deemed to be a liability of the dissolving
21 bank.

22 ~~The Commissioner shall be entitled to a fee, which shall be~~
23 ~~paid at the time of deposit, on all money deposited with him~~
24 ~~for the account of one dissolving bank of two per cent of the~~

1 ~~first five thousand dollars and one per cent of all sums in~~
2 ~~excess of five thousand dollars.~~

3 (Source: Laws 1965, p. 2020.)

4 (205 ILCS 105/Act rep.)

5 Section 15. The Illinois Savings and Loan Act of 1985 is
6 repealed.

7 Section 20. The Savings Bank Act is amended by changing
8 Sections 1007.130, 4008, 9002, and 9002.5 and by adding
9 Sections 1007.150 and 9002.1 and Articles 12.1 and 12.2 as
10 follows:

11 (205 ILCS 205/1007.130)

12 Sec. 1007.130. Out-of-state savings bank. "Out-of-state
13 savings bank" means a savings bank or an association chartered
14 under the laws of a state other than Illinois, a territory of
15 the United States, or the District of Columbia.

16 (Source: P.A. 93-965, eff. 8-20-04.)

17 (205 ILCS 205/1007.150 new)

18 Sec. 1007.150. Applicability of other Acts. Whenever the
19 term "savings and loan", "building and loan", "mutual building
20 loan and homestead", or "building loan and homestead" or other
21 similar name is used with reference to an association organized
22 for the purposes of associations incorporated under the

1 Illinois Savings and Loan Act of 1985 or a similar Act, such
2 reference shall be applicable to a savings bank operating under
3 this Act. Whenever in any Act the term "members",
4 "shareholders", or "investors" is used in connection with such
5 associations, however named, the same shall refer to members
6 and holders of capital of savings banks operating under this
7 Act.

8 (205 ILCS 205/4008) (from Ch. 17, par. 7304-8)

9 Sec. 4008. Directors. The business and affairs of the
10 savings bank shall be exercised by its elected board of
11 directors. The board of directors shall consist of the number
12 of directors fixed by the bylaws, but shall not be fewer than
13 5. No more than 40% of the directors shall be salaried
14 employees of the savings bank, except that a higher percentage
15 may be allowed with the prior written approval of the
16 Commissioner. ~~At least two thirds of the directors shall be~~
17 ~~residents of this State.~~

18 (Source: P.A. 90-301, eff. 8-1-97.)

19 (205 ILCS 205/9002) (from Ch. 17, par. 7309-2)

20 Sec. 9002. Powers of Secretary. The Secretary shall have
21 the following powers and duties:

22 (1) To exercise the rights, powers, and duties set
23 forth in this Act or in any related Act.

24 (2) To establish regulations as may be reasonable or

1 necessary to accomplish the purposes of this Act.

2 (3) To make an annual report regarding the work of his
3 office under this Act as he may consider desirable to the
4 Governor, or as the Governor may request.

5 (4) To cause a suit to be filed in his name to enforce
6 any law of this State that applies to savings banks, their
7 service corporations, subsidiaries, affiliates, or holding
8 companies operating under this Act, including the
9 enforcement of any obligation of the officers, directors,
10 agents, or employees of any savings bank.

11 (5) To prescribe a uniform manner in which the books
12 and records of every savings bank are to be maintained.

13 (6) To establish a reasonable fee structure for savings
14 banks and holding companies operating under this Act and
15 for their service corporations and subsidiaries. The fees
16 shall include, but not be limited to, annual fees,
17 application fees, regular and special examination fees,
18 and other fees as the Secretary establishes and
19 demonstrates to be directly resultant from the Secretary's
20 responsibilities under this Act and as are directly
21 attributable to individual entities operating under this
22 Act. The aggregate of all moneys collected by the Secretary
23 on and after the effective date of this Act shall be paid
24 promptly after receipt of the same, accompanied by a
25 detailed statement thereof, into the Savings Bank
26 Regulatory Fund established under Section 9002.1 of this

1 ~~Act. Savings and Residential Finance Regulatory Fund~~
2 ~~subject to the provisions of Section 7-19.1 of the Illinois~~
3 ~~Savings and Loan Act of 1985 including without limitation~~
4 ~~the provision for credits against regulatory fees. The~~
5 ~~amounts deposited into the Fund shall be used for the~~
6 ~~ordinary and contingent expenses of the Office of Banks and~~
7 ~~Real Estate. Notwithstanding any other provision of this~~
8 ~~paragraph (6), the aggregate of all moneys collected by the~~
9 ~~Secretary under this Act shall be paid promptly after~~
10 ~~receipt of same, accompanied by a detailed statement~~
11 ~~thereof, into the Savings Institutions Regulatory Fund~~
12 ~~upon the creation of that fund under Section 7-19.2 of the~~
13 ~~Illinois Savings and Loan Act of 1985, subject to the~~
14 ~~provisions of Section 7-19.2 of the Illinois Savings and~~
15 ~~Loan Act of 1985, including without limitation the~~
16 ~~provision for credits against regulatory fees. The amounts~~
17 ~~deposited into the Savings Institutions Regulatory Fund~~
18 ~~under this paragraph (6) shall be used for the ordinary and~~
19 ~~contingent expenses of administering and enforcing this~~
20 ~~Act.~~ Nothing in this Act shall prevent continuing the
21 practice of paying expenses involving salaries,
22 retirement, social security, and State-paid insurance of
23 State officers by appropriation from the General Revenue
24 Fund. The Secretary may require payment of the fees under
25 this Act by an electronic transfer of funds or an automatic
26 debit of an account of each of the savings banks.

1 (Source: P.A. 96-1365, eff. 7-28-10; 97-492, eff. 1-1-12.)

2 (205 ILCS 205/9002.1 new)

3 Sec. 9002.1. Savings Bank Regulatory Fund.

4 (a) The aggregate of all moneys collected by the Secretary
5 under this Act shall be paid promptly after receipt of the
6 same, accompanied by a detailed statement thereof, into the
7 State treasury and shall be set apart in the Savings Bank
8 Regulatory Fund. All earnings received from investments of
9 funds in the Savings Bank Regulatory Fund shall be deposited
10 into the Savings Bank Regulatory Fund and may be used for the
11 same purposes as fees deposited into the Savings Bank
12 Regulatory Fund. The amount from time to time deposited into
13 the Fund shall be used (i) to offset the ordinary
14 administration expenses as defined in subsection (c) of this
15 Section or (ii) as a credit against fees under subsection (b)
16 of this Section. Nothing in this Section shall prevent
17 continuing the practice of paying expenses involving salaries,
18 retirement, Social Security, and State paid insurance premiums
19 of State officers by appropriation from the General Revenue
20 Fund. However, the General Revenue Fund shall be reimbursed for
21 those payments made by an annual transfer of funds from the
22 Savings Bank Regulatory Fund. Money in the Savings Bank
23 Regulatory Fund may be transferred to the Professions Indirect
24 Cost Fund as authorized under Section 2105-300 of the
25 Department of Professional Regulation Law of the Civil

1 Administrative Code of Illinois.

2 (b) Adequate funds shall be available in the Savings Bank
3 Regulatory Fund to permit the timely payment of administration
4 expenses. In each fiscal year, the total administration
5 expenses shall be deducted from the total fees collected by the
6 Secretary and the remainder transferred into the Cash Flow
7 Reserve Account, unless the balance of the Cash Flow Reserve
8 Account prior to the transfer equals or exceeds one-fourth of
9 the total initial appropriations from the Savings Bank
10 Regulatory Fund for the subsequent year, in which case the
11 remainder shall be credited to savings banks and applied
12 against their fees for the subsequent year. The amount credited
13 to each savings bank shall be in the same proportion as the
14 regulatory fees paid by each for the year bear to the total
15 regulatory fees collected for the year. If, after a transfer to
16 the Cash Flow Reserve Account is made or if no remainder is
17 available for transfer, the balance of the Cash Flow Reserve
18 Account is less than one-fourth of the total initial
19 appropriations for the subsequent year and the amount
20 transferred is less than 5% of the total regulatory fees for
21 the year, additional amounts needed to make the transfer equal
22 to 5% of the total regulatory fees for the year shall be
23 apportioned amongst, assessed upon, and paid by savings banks
24 in the same proportion that the regulatory fees of each,
25 respectively, for the year bear to the total regulatory fees
26 collected for the year. The additional amounts assessed shall

1 be transferred into the Cash Flow Reserve Account.

2 (c) For purposes of this Section, the following terms shall
3 have the following meanings:

4 "Administration expenses", for any fiscal year, means the
5 ordinary and contingent expenses for that year incident to
6 making the examinations provided for by, and for otherwise
7 administering, this Act, including all salaries and other
8 compensation paid for personal services rendered for the State
9 by officers or employees of the State, including the Secretary
10 and the Director of the Division, communication equipment and
11 services, office furnishings, surety bond premiums, and travel
12 expenses of those officers and employees, expenditures or
13 charges for the acquisition, enlargement or improvement of, or
14 for the use of, any office space, building, or structure, or
15 expenditures for the maintenance thereof or for furnishing
16 heat, light, or power with respect thereto, all to the extent
17 that those expenditures are directly incidental to such
18 examinations or administration. The Secretary shall not be
19 required by this subsection to maintain in any fiscal year's
20 budget appropriated reserves for accrued vacation and accrued
21 sick leave that is required to be paid to employees of the
22 Secretary upon termination of their service with the Secretary
23 in an amount that is more than is reasonably anticipated to be
24 necessary for any anticipated turnover in employees, whether
25 due to normal attrition or due to layoffs, terminations, or
26 resignations.

1 "Regulatory fees" includes both fees collected under
2 Section 9002.5 and fees collected for examinations conducted by
3 the Secretary or his examiners or designees under authority of
4 this Act.

5 "Fiscal year" means a period beginning July 1 of any year
6 and ending June 30 of the next year.

7 (205 ILCS 205/9002.5)

8 Sec. 9002.5. Regulatory fees.

9 (a) For the fiscal year beginning July 1, 2007 and every
10 year thereafter, each savings bank and each service corporation
11 operating under this Act shall pay a fixed fee of \$520, plus a
12 variable fee based on the total assets of the savings bank or
13 service corporation at the following rates:

14 24.97¢ per \$1,000 of the first \$2,000,000 of total
15 assets;

16 22.70¢ per \$1,000 of the next \$3,000,000 of total
17 assets;

18 20.43¢ per \$1,000 of the next \$5,000,000 of total
19 assets;

20 17.025¢ per \$1,000 of the next \$15,000,000 of total
21 assets;

22 14.755¢ per \$1,000 of the next \$25,000,000 of total
23 assets;

24 12.485¢ per \$1,000 of the next \$50,000,000 of total
25 assets;

1 10.215¢ per \$1,000 of the next \$400,000,000 of total
2 assets;

3 6.81¢ per \$1,000 of the next \$500,000,000 of total
4 assets; and

5 4.54¢ per \$1,000 of all total assets in excess of
6 \$1,000,000,000 of such savings bank or service
7 corporation.

8 (b) The Secretary shall receive and there shall be paid to
9 the Secretary an additional fee as an adjustment to the
10 supervisory fee, based upon the difference between the total
11 assets of each savings bank and each service corporation as
12 shown by its financial report filed with the Secretary for the
13 reporting period of the calendar year ended December 31 on
14 which the supervisory fee was based and the total assets of
15 each savings bank and each service corporation as shown by its
16 financial report filed with the Secretary for the reporting
17 period of the calendar year ended December 31 in which the
18 quarterly payments are made according to the following
19 schedule:

20 24.97¢ per \$1,000 of the first \$2,000,000 of total
21 assets;

22 22.70¢ per \$1,000 of the next \$3,000,000 of total
23 assets;

24 20.43¢ per \$1,000 of the next \$5,000,000 of total
25 assets;

26 17.025¢ per \$1,000 of the next \$15,000,000 of total

1 assets;

2 14.755¢ per \$1,000 of the next \$25,000,000 of total

3 assets;

4 12.485¢ per \$1,000 of the next \$50,000,000 of total

5 assets;

6 10.215¢ per \$1,000 of the next \$400,000,000 of total

7 assets;

8 6.81¢ per \$1,000 of the next \$500,000,000 of total

9 assets; and

10 4.54¢ per \$1,000 of all total assets in excess of

11 \$1,000,000,000 of such savings bank or service

12 corporation.

13 (c) The Secretary shall receive and there shall be paid to

14 the Secretary by each savings bank and each service corporation

15 a fee of \$520 for each approved branch office or facility

16 office established under the Illinois Administrative Code. The

17 determination of the fees shall be made annually as of the

18 close of business of the prior calendar year ended December 31.

19 (d) The Secretary shall receive for each fiscal year,

20 commencing with the fiscal year ending June 30, 2014, a

21 contingent fee equal to the lesser of the aggregate of the fees

22 paid by all savings banks under subsections (a), (b), and (c)

23 of this Section for that year, or the amount, if any, whereby

24 the aggregate of the administration expenses, as defined in

25 subsection (c) of Section 9002.1 of this Act, for that fiscal

26 year exceeds the sum of the aggregate of the fees payable by

1 all savings banks for that year under subsections (a), (b), and
2 (c) of this Section, plus any amounts transferred into the
3 Savings Bank Regulatory Fund from the State Pensions Fund for
4 that year, plus all other amounts collected by the Secretary
5 for that year under any other provision of this Act. The
6 aggregate amount of the contingent fee thus arrived at for any
7 fiscal year shall be apportioned amongst, assessed upon, and
8 paid by the savings banks, respectively, in the same proportion
9 that the fee of each under subsections (a), (b), and (c) of
10 this Section, respectively, for that year bears to the
11 aggregate for that year of the fees collected under subsections
12 (a), (b), and (c) of this Section. The aggregate amount of the
13 contingent fee, and the portion thereof to be assessed upon
14 each savings bank, respectively, shall be determined by the
15 Secretary and shall be paid by each, respectively, within 120
16 days of the close of the period for which the contingent fee is
17 computed and is payable, and the Secretary shall give 20 days
18 advance notice of the amount of the contingent fee payable by
19 the savings bank and of the date fixed by the Secretary for
20 payment of the fee.

21 (Source: P.A. 95-1047, eff. 4-6-09.)

22 (205 ILCS 205/Art. 12.1 heading new)

23 ARTICLE 12.1. Effect of Repeal of Illinois

24 Savings and Loan Act of 1985

1 (205 ILCS 205/12101 new)

2 Sec. 12101. Effect of repeal. This Article sets forth the
3 effect of and means of transition necessitated by the repeal of
4 the Illinois Savings and Loan Act of 1985.

5 (205 ILCS 205/12102 new)

6 Sec. 12102. Effect on special funds.

7 (a) The Savings and Residential Finance Regulatory Fund
8 established under Section 7-19.1 of the Illinois Savings and
9 Loan Act of 1985 is hereby redesignated the Residential Finance
10 Regulatory Fund. The fund shall continue in existence under the
11 Illinois Residential Mortgage License Act of 1987 without
12 interruption and shall retain all moneys therein, except moneys
13 required to be transferred or returned from Savings and
14 Residential Finance Regulatory Fund, now designated the
15 Residential Finance Regulatory Fund, to the Savings
16 Institutions Regulatory Fund, now designated the Savings Bank
17 Regulatory Fund, pursuant to subsection (e) of Section 7-19.2
18 of the Illinois Savings and Loan Act of 1985, shall continue to
19 be required to be transferred or returned to the Savings
20 Institutions Regulatory Fund, now designated the Savings Bank
21 Regulatory Fund, as if subsection (e) of Section 7-19.2 of the
22 Illinois Savings and Loan Act of 1985 had not been repealed.

23 (b) The Savings Institutions Regulatory Fund established
24 under Section 7-19.2 of the Illinois Savings and Loan Act of
25 1985 is hereby redesignated the Savings Bank Regulatory Fund.

1 The fund shall continue in existence under Section 9002.1 of
2 this Act without interruption and shall retain all moneys
3 therein.

4 (205 ILCS 205/12103 new)

5 Sec. 12103. Effect on foreign associations.

6 (a) Any existing foreign association shall be deemed to be
7 an out-of-state savings bank under this Act.

8 (b) Notwithstanding any other provision of this Act, an
9 existing foreign association may retain any branch or office in
10 the State that properly existed in the State at the time of the
11 repeal of the Illinois Savings and Loan Act of 1985, and
12 continue to engage in the same activities in the State
13 therefrom as were engaged in immediately prior to the repeal of
14 the Illinois Savings and Loan Act, without further application
15 or notice to or approval of the Secretary.

16 (c) An existing foreign association may retain a
17 representative office in the State that properly existed in the
18 State at the time of the repeal of the Illinois Savings and
19 Loan Act of 1985, provided that the foreign association obtains
20 a license under the Foreign Bank Representative Office Act.

21 (205 ILCS 205/12104 new)

22 Sec. 12104. Effect on the Board of Savings Institutions.

23 The Board of Savings Institutions is hereby redesignated as the
24 Board of Savings Banks. The Board shall continue to operate

1 without interruption and as if it had been originally
2 established under Article 12.2 of this Act. The current members
3 of the Board of Savings Institutions shall continue to serve
4 the balance of their terms. Thereafter, the Board of Savings
5 Institutions shall be composed of members as required by
6 Section 12202 of this Act.

7 (205 ILCS 205/12105 new)

8 Sec. 12105. Applicability of other Acts. Whenever in any
9 Act the term "savings and loan", "building and loan", "mutual
10 building loan and homestead", or "building loan and homestead"
11 or other similar name is used with reference to an association
12 organized for the purposes of associations incorporated under
13 the Illinois Savings and Loan Act of 1985 or a similar Act,
14 such reference shall be applicable to a savings bank operating
15 under this Act. Whenever in any Act the term "members",
16 "shareholders", or "investors" is used in connection with such
17 associations, however named, the same shall refer to members
18 and holders of capital of savings banks operating under this
19 Act.

20 (205 ILCS 205/Art. 12.2 heading new)

21 ARTICLE 12.2. Board of Savings Banks

22 (205 ILCS 205/12201 new)

23 Sec. 12201. Board of Savings Banks; appointment. The Board

1 of Savings Bank is established pursuant to Section 12104 of
2 this Act. The Board of Savings Banks shall be composed of the
3 Director of Banking, who shall be its chairperson and have the
4 power to vote, and 7 persons appointed by the Governor. Two of
5 the 7 persons appointed by the Governor shall represent the
6 public interest and the remainder shall have been engaged
7 actively in savings bank or savings and loan management in this
8 State for at least 5 years immediately prior to appointment.
9 Each member of the Board appointed by the Governor shall be
10 reimbursed for ordinary and necessary expenses incurred in
11 attending the meetings of the Board. Members, excluding the
12 chairperson, shall be appointed for 4-year terms to expire on
13 the third Monday in January. Except as otherwise provided in
14 this Section, members of the Board shall serve until their
15 respective successors are appointed and qualified. A member who
16 tenders a written resignation shall serve only until the
17 resignation is accepted by the chairperson. A member who fails
18 to attend 3 consecutive Board meetings without an excused
19 absence shall no longer serve as a member. The Governor shall
20 fill any vacancy by the appointment of a member for the
21 unexpired term in the same manner as in the making of original
22 appointments.

23 (205 ILCS 205/12202 new)

24 Sec. 12202. Board of Savings Banks; organization and
25 meetings. The Board shall elect a vice chairperson and

1 secretary of the Board; shall adopt by-laws for the holding and
2 conducting of meetings and appointing officers and committees;
3 and shall keep a record of all meetings and transactions and
4 make such other provisions for the daily conduct of its
5 business as it deems necessary. A majority of the members of
6 the Board, excluding those members who are no longer serving as
7 members as provided in Section 12201 of this Act, shall
8 constitute a quorum. The act of the majority of the members of
9 the Board present at a meeting at which a quorum is present
10 shall be the act of the Board. Regular meetings shall be held
11 as provided in the by-laws, and special meetings may be called
12 by the chairperson or upon the request of any 3 members of the
13 Board or the Secretary. The Board shall maintain at the office
14 of the Secretary permanent records of its meetings, hearings,
15 and decisions. The Secretary shall provide adequate quarters
16 and personnel for use by the Board.

17 (205 ILCS 205/12203 new)

18 Sec. 12203. Board of Savings Banks; powers. The Board shall
19 have the power to:

20 (a) advise the Governor and Secretary on all matters
21 relating to the regulation of savings banks; and

22 (b) advise the Governor on legislation proposed to amend
23 this Act or any related Act.

24 (205 ILCS 205/1007.70 rep.)

1 (205 ILCS 205/9017 rep.)

2 Section 25. The Savings Bank Act is amended by repealing
3 Sections 1007.70 and 9017.

4 Section 30. The Residential Mortgage License Act of 1987 is
5 amended by changing Section 4-1 and by adding Section 4-1.5 as
6 follows:

7 (205 ILCS 635/4-1) (from Ch. 17, par. 2324-1)

8 Sec. 4-1. Commissioner of Banks and Real Estate; functions,
9 powers, and duties. The functions, powers, and duties of the
10 Commissioner of Banks and Real Estate shall include the
11 following:

12 (a) to issue or refuse to issue any license as provided
13 by this Act;

14 (b) to revoke or suspend for cause any license issued
15 under this Act;

16 (c) to keep records of all licenses issued under this
17 Act;

18 (d) to receive, consider, investigate, and act upon
19 complaints made by any person in connection with any
20 residential mortgage licensee in this State;

21 (e) to consider and act upon any recommendations from
22 the Residential Mortgage Board;

23 (f) to prescribe the forms of and receive:

24 (1) applications for licenses; and

1 (2) all reports and all books and records required
2 to be made by any licensee under this Act, including
3 annual audited financial statements and annual reports
4 of mortgage activity;

5 (g) to adopt rules and regulations necessary and proper
6 for the administration of this Act;

7 (h) to subpoena documents and witnesses and compel
8 their attendance and production, to administer oaths, and
9 to require the production of any books, papers, or other
10 materials relevant to any inquiry authorized by this Act;

11 (h-1) to issue orders against any person, if the
12 Commissioner has reasonable cause to believe that an
13 unsafe, unsound, or unlawful practice has occurred, is
14 occurring, or is about to occur, if any person has
15 violated, is violating, or is about to violate any law,
16 rule, or written agreement with the Commissioner, or for
17 the purpose of administering the provisions of this Act and
18 any rule adopted in accordance with the Act;

19 (h-2) to address any inquiries to any licensee, or the
20 officers thereof, in relation to its activities and
21 conditions, or any other matter connected with its affairs,
22 and it shall be the duty of any licensee or person so
23 addressed, to promptly reply in writing to such inquiries.
24 The Commissioner may also require reports from any licensee
25 at any time the Commissioner may deem desirable;

26 (i) to require information with regard to any license

1 applicant as he or she may deem desirable, with due regard
2 to the paramount interests of the public as to the
3 experience, background, honesty, truthfulness, integrity,
4 and competency of the license applicant as to financial
5 transactions involving primary or subordinate mortgage
6 financing, and where the license applicant is an entity
7 other than an individual, as to the honesty, truthfulness,
8 integrity, and competency of any officer or director of the
9 corporation, association, or other entity, or the members
10 of a partnership;

11 (j) to examine the books and records of every licensee
12 under this Act at intervals as specified in Section 4-2;

13 (k) to enforce provisions of this Act;

14 (l) to levy fees, fines, and charges for services
15 performed in administering this Act; the aggregate of all
16 fees collected by the Commissioner on and after the
17 effective date of this Act shall be paid promptly after
18 receipt of the same, accompanied by a detailed statement
19 thereof, into the ~~Savings~~ and Residential Finance
20 Regulatory Fund under Section 4-1.5 of this Act; the
21 amounts deposited into that Fund shall be used for the
22 ordinary and contingent expenses of the Office of Banks and
23 Real Estate. Nothing in this Act shall prevent continuing
24 the practice of paying expenses involving salaries,
25 retirement, social security, and State-paid insurance of
26 State officers by appropriation from the General Revenue

1 Fund.

2 (m) to appoint examiners, supervisors, experts, and
3 special assistants as needed to effectively and
4 efficiently administer this Act;

5 (n) to conduct hearings for the purpose of:

6 (1) appeals of orders of the Commissioner;

7 (2) suspensions or revocations of licenses, or
8 fining of licensees;

9 (3) investigating:

10 (i) complaints against licensees; or

11 (ii) annual gross delinquency rates; and

12 (4) carrying out the purposes of this Act;

13 (o) to exercise exclusive visitorial power over a
14 licensee unless otherwise authorized by this Act or as
15 vested in the courts, or upon prior consultation with the
16 Commissioner, a foreign residential mortgage regulator
17 with an appropriate supervisory interest in the parent or
18 affiliate of a licensee;

19 (p) to enter into cooperative agreements with state
20 regulatory authorities of other states to provide for
21 examination of corporate offices or branches of those
22 states and to accept reports of such examinations;

23 (q) to assign an examiner or examiners to monitor the
24 affairs of a licensee with whatever frequency the
25 Commissioner determines appropriate and to charge the
26 licensee for reasonable and necessary expenses of the

1 Commissioner, if in the opinion of the Commissioner an
2 emergency exists or appears likely to occur;

3 (r) to impose civil penalties of up to \$50 per day
4 against a licensee for failing to respond to a regulatory
5 request or reporting requirement; and

6 (s) to enter into agreements in connection with the
7 Nationwide Mortgage Licensing System and Registry.

8 (Source: P.A. 96-112, eff. 7-31-09; 96-1000, eff. 7-2-10.)

9 (205 ILCS 635/4-1.5 new)

10 Sec. 4-1.5. Residential Finance Regulatory Fund.

11 (a) The aggregate of all moneys collected by the Secretary
12 under this Act shall be paid promptly after receipt of the
13 same, accompanied by a detailed statement thereof, into the
14 State treasury and shall be set apart in the Residential
15 Finance Regulatory Fund, formerly designated the Savings and
16 Residential Finance Regulatory Fund, a special fund created in
17 the State treasury. The amounts deposited into the Fund shall
18 be used for the ordinary and contingent expenses of the
19 Department of Financial and Professional Regulation and the
20 Division of Banking, or their successors, in administering and
21 enforcing the Residential Mortgage License Act of 1987 and
22 other laws, rules, and regulations as may apply to the
23 administration and enforcement of the foregoing laws, rules,
24 and regulations, as amended from time to time. Nothing in this
25 Act shall prevent continuing the practice of paying expenses

1 involving salaries, retirement, social security, and State
2 paid insurance of State officers by appropriation from the
3 General Revenue Fund.

4 (b) Moneys in the Residential Finance Regulatory Fund may
5 be transferred to the Professions Indirect Cost Fund, as
6 authorized under Section 2105-300 of the Department of
7 Professional Regulation Law of the Civil Administrative Code of
8 Illinois.

9 (c) All earnings received from investments of funds in the
10 Residential Finance Regulatory Fund shall be deposited into
11 that Fund and may be used for the same purposes as fees
12 deposited into that Fund.

13 Section 35. The Foreign Bank Representative Office Act is
14 amended by changing Section 2 as follows:

15 (205 ILCS 650/2) (from Ch. 17, par. 2852)

16 Sec. 2. Definitions. As used in this Act, unless the
17 context requires otherwise:

18 (a) "Commissioner" means the Secretary of Financial and
19 Professional Regulation or a person authorized by the
20 Secretary, the Division of Banking Act, or this Act to act in
21 the Secretary's stead.

22 (b) "Foreign bank" means (1) a bank, savings bank, savings
23 association, or trust company which is organized under the laws
24 of any state or territory of the United States, including the

1 District of Columbia, other than the State of Illinois; (2) a
2 national bank having its principal place of business in any
3 state or territory of the United States, including the District
4 of Columbia, other than the State of Illinois; or (3) a bank or
5 trust company organized and operating under the laws of a
6 country other than the United States of America.

7 (c) "Representative office" means an office in the State of
8 Illinois at which a foreign bank engages in representational
9 functions but does not conduct a commercial banking business.

10 (d) "Division" means the Division of Banking within the
11 Department of Financial and Professional Regulation.

12 (Source: P.A. 96-1365, eff. 7-28-10.)