

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 Division of Banking Act is amended by  
5 changing Section 5 as follows:

6 (20 ILCS 3205/5) (from Ch. 17, par. 455)

7 Sec. 5. Powers. In addition to all the other powers and  
8 duties provided by law, the Commissioner shall have the  
9 following powers:

10 (a) To exercise the rights, powers and duties formerly  
11 vested by law in the Director of Financial Institutions under  
12 the Illinois Banking Act.

13 (b) To exercise the rights, powers and duties formerly  
14 vested by law in the Department of Financial Institutions under  
15 "An act to provide for and regulate the administration of  
16 trusts by trust companies", approved June 15, 1887, as amended.

17 (c) To exercise the rights, powers and duties formerly  
18 vested by law in the Director of Financial Institutions under  
19 "An act authorizing foreign corporations, including banks and  
20 national banking associations domiciled in other states, to act  
21 in a fiduciary capacity in this state upon certain conditions  
22 herein set forth", approved July 13, 1953, as amended.

23 (c-5) To exercise all of the rights, powers, and duties

1 granted to the Director or Secretary under the Illinois Banking  
2 Act, the Corporate Fiduciary Act, the Electronic Fund Transfer  
3 Act, the Illinois Bank Holding Company Act of 1957, the Savings  
4 Bank Act, the Illinois Savings and Loan Act of 1985, the  
5 Savings and Loan Share and Account Act, the Residential  
6 Mortgage License Act of 1987, and the Pawnbroker Regulation  
7 Act.

8 (c-10) To establish a Commercial Bank Regulatory Section  
9 and a Savings Bank Regulatory Section within the Division.

10 (c-15) To enter into cooperative agreements with  
11 appropriate federal and out-of-state state regulatory agencies  
12 to conduct and otherwise perform any examination of a regulated  
13 entity as authorized under the Illinois Banking Act, the  
14 Corporate Fiduciary Act, the Electronic Fund Transfer Act, the  
15 Illinois Bank Holding Company Act of 1957, the Savings Bank  
16 Act, the Illinois Savings and Loan Act of 1985, the Residential  
17 Mortgage License Act of 1987, and the Pawnbroker Regulation  
18 Act.

19 (d) Whenever the Commissioner is authorized or required by  
20 law to consider or to make findings regarding the character of  
21 incorporators, directors, management personnel, or other  
22 relevant individuals under the Illinois Banking Act, the  
23 Corporate Fiduciary Act, the Pawnbroker Regulation Act, or at  
24 other times as the Commissioner deems necessary for the purpose  
25 of carrying out the Commissioner's statutory powers and  
26 responsibilities, the Commissioner shall consider criminal

1 history record information, including nonconviction  
2 information, pursuant to the Criminal Identification Act. The  
3 Commissioner shall, in the form and manner required by the  
4 Department of State Police and the Federal Bureau of  
5 Investigation, cause to be conducted a criminal history record  
6 investigation to obtain information currently contained in the  
7 files of the Department of State Police or the Federal Bureau  
8 of Investigation, provided that the Commissioner need not cause  
9 additional criminal history record investigations to be  
10 conducted on individuals for whom the Commissioner, a federal  
11 bank regulatory agency, or any other government agency has  
12 caused such investigations to have been conducted previously  
13 unless such additional investigations are otherwise required  
14 by law or unless the Commissioner deems such additional  
15 investigations to be necessary for the purposes of carrying out  
16 the Commissioner's statutory powers and responsibilities. The  
17 Department of State Police shall provide, on the Commissioner's  
18 request, information concerning criminal charges and their  
19 disposition currently on file with respect to a relevant  
20 individual. Information obtained as a result of an  
21 investigation under this Section shall be used in determining  
22 eligibility to be an incorporator, director, management  
23 personnel, or other relevant individual in relation to a  
24 financial institution or other entity supervised by the  
25 Commissioner. Upon request and payment of fees in conformance  
26 with the requirements of Section 2605-400 of the Department of

1 State Police Law (20 ILCS 2605/2605-400), the Department of  
2 State Police is authorized to furnish, pursuant to positive  
3 identification, such information contained in State files as is  
4 necessary to fulfill the request.

5 (e) When issuing charters, permits, licenses, or other  
6 authorizations, the Commissioner may impose such terms and  
7 conditions on the issuance as he deems necessary or  
8 appropriate. Failure to abide by those terms and conditions may  
9 result in the revocation of the issuance, the imposition of  
10 corrective orders, or the imposition of civil money penalties.

11 (f) If the Commissioner has reasonable cause to believe  
12 that any entity that has not submitted an application for  
13 authorization or licensure is conducting any activity that  
14 would otherwise require authorization or licensure by the  
15 Commissioner, the Commissioner shall have the power to subpoena  
16 witnesses, to compel their attendance, to require the  
17 production of any relevant books, papers, accounts, and  
18 documents, and to conduct an examination of the entity in order  
19 to determine whether the entity is subject to authorization or  
20 licensure by the Commissioner or the Division. If the Secretary  
21 determines that the entity is subject to authorization or  
22 licensure by the Secretary, then the Secretary shall have the  
23 power to issue orders against or take any other action,  
24 including initiating a receivership against the unauthorized  
25 or unlicensed entity.

26 (g) The Commissioner may, through the Attorney General,

1 request the circuit court of any county to issue an injunction  
2 to restrain any person from violating the provisions of any Act  
3 administered by the Commissioner.

4 (h) Whenever the Commissioner is authorized to take any  
5 action or required by law to consider or make findings, the  
6 Commissioner may delegate or appoint, in writing, an officer or  
7 employee of the Division to take that action or make that  
8 finding.

9 (i) Whenever the Secretary determines that it is in the  
10 public's interest, he or she may publish any cease and desist  
11 order or other enforcement action issued by the Division.

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

13 Section 10. The State Finance Act is amended by changing  
14 Sections 5.214 and 8.12 as follows:

15 (30 ILCS 105/5.214) (from Ch. 127, par. 141.214)

16 Sec. 5.214. The ~~Savings and~~ Residential Finance Regulatory  
17 Fund.

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

19 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

20 Sec. 8.12. State Pensions Fund.

21 (a) The moneys in the State Pensions Fund shall be used  
22 exclusively for the administration of the Uniform Disposition  
23 of Unclaimed Property Act and for the expenses incurred by the

1 Auditor General for administering the provisions of Section  
2 2-8.1 of the Illinois State Auditing Act and for the funding of  
3 the unfunded liabilities of the designated retirement systems.  
4 Beginning in State fiscal year 2014, payments to the designated  
5 retirement systems under this Section shall be in addition to,  
6 and not in lieu of, any State contributions required under the  
7 Illinois Pension Code.

8 "Designated retirement systems" means:

9 (1) the State Employees' Retirement System of  
10 Illinois;

11 (2) the Teachers' Retirement System of the State of  
12 Illinois;

13 (3) the State Universities Retirement System;

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

15 (5) the General Assembly Retirement System.

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

19 Each month, the Commissioner of the Office of Banks and  
20 Real Estate shall certify to the State Treasurer the actual  
21 expenditures that the Office of Banks and Real Estate incurred  
22 conducting unclaimed property examinations under the Uniform  
23 Disposition of Unclaimed Property Act during the immediately  
24 preceding month. Within a reasonable time following the  
25 acceptance of such certification by the State Treasurer, the  
26 State Treasurer shall pay from its appropriation from the State

1 Pensions Fund to the Bank and Trust Company Fund, the Savings  
2 Institutions Regulatory Fund, and the ~~Savings and~~ Residential  
3 Finance Regulatory Fund an amount equal to the expenditures  
4 incurred by each Fund for that month.

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

16 (c) As soon as possible after the effective date of this  
17 amendatory Act of the 93rd General Assembly, the General  
18 Assembly shall appropriate from the State Pensions Fund (1) to  
19 the State Universities Retirement System the amount certified  
20 under Section 15-165 during the prior year, (2) to the Judges  
21 Retirement System of Illinois the amount certified under  
22 Section 18-140 during the prior year, and (3) to the General  
23 Assembly Retirement System the amount certified under Section  
24 2-134 during the prior year as part of the required State  
25 contributions to each of those designated retirement systems;  
26 except that amounts appropriated under this subsection (c) in

1 State fiscal year 2005 shall not reduce the amount in the State  
2 Pensions Fund below \$5,000,000. If the amount in the State  
3 Pensions Fund does not exceed the sum of the amounts certified  
4 in Sections 15-165, 18-140, and 2-134 by at least \$5,000,000,  
5 the amount paid to each designated retirement system under this  
6 subsection shall be reduced in proportion to the amount  
7 certified by each of those designated retirement systems.

8 (c-5) For fiscal years 2006 through 2013, the General  
9 Assembly shall appropriate from the State Pensions Fund to the  
10 State Universities Retirement System the amount estimated to be  
11 available during the fiscal year in the State Pensions Fund;  
12 provided, however, that the amounts appropriated under this  
13 subsection (c-5) shall not reduce the amount in the State  
14 Pensions Fund below \$5,000,000.

15 (c-6) For fiscal year 2014 and each fiscal year thereafter,  
16 as soon as may be practical after any money is deposited into  
17 the State Pensions Fund from the Unclaimed Property Trust Fund,  
18 the State Treasurer shall apportion the deposited amount among  
19 the designated retirement systems as defined in subsection (a)  
20 to reduce their actuarial reserve deficiencies. The State  
21 Comptroller and State Treasurer shall pay the apportioned  
22 amounts to the designated retirement systems to fund the  
23 unfunded liabilities of the designated retirement systems. The  
24 amount apportioned to each designated retirement system shall  
25 constitute a portion of the amount estimated to be available  
26 for appropriation from the State Pensions Fund that is the same



1 as that retirement system's portion of the total actual reserve  
2 deficiency of the systems, as determined annually by the  
3 Governor's Office of Management and Budget at the request of  
4 the State Treasurer. The amounts apportioned under this  
5 subsection shall not reduce the amount in the State Pensions  
6 Fund below \$5,000,000.

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

15 (d-1) As soon as practicable after the effective date of  
16 this amendatory Act of the 93rd General Assembly, the  
17 Comptroller shall direct and the Treasurer shall transfer from  
18 the State Pensions Fund to the General Revenue Fund, as funds  
19 become available, a sum equal to the amounts that would have  
20 been paid from the State Pensions Fund to the Teachers'  
21 Retirement System of the State of Illinois, the State  
22 Universities Retirement System, the Judges Retirement System  
23 of Illinois, the General Assembly Retirement System, and the  
24 State Employees' Retirement System of Illinois after the  
25 effective date of this amendatory Act during the remainder of  
26 fiscal year 2004 to the designated retirement systems from the

1 appropriations provided for in this Section if the transfers  
2 provided in Section 6z-61 had not occurred. The transfers  
3 described in this subsection (d-1) are to partially repay the  
4 General Revenue Fund for the costs associated with the bonds  
5 used to fund the moneys transferred to the designated  
6 retirement systems under Section 6z-61.

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

10 (Source: P.A. 96-959, eff. 7-1-10; 97-72, eff. 7-1-11; 97-732,  
11 eff. 6-30-12; revised 10-17-12.)

12 Section 5. The Illinois Banking Act is amended by changing  
13 Sections 48, 48.05 and 48.3 as follows:

14 (205 ILCS 5/48)

15 Sec. 48. Secretary's powers; duties. The Secretary shall  
16 have the powers and authority, and is charged with the duties  
17 and responsibilities designated in this Act, and a State bank  
18 shall not be subject to any other visitorial power other than  
19 as authorized by this Act, except those vested in the courts,  
20 or upon prior consultation with the Secretary, a foreign bank  
21 regulator with an appropriate supervisory interest in the  
22 parent or affiliate of a state bank. In the performance of the  
23 Secretary's duties:

24 (1) The Commissioner shall call for statements from all

1 State banks as provided in Section 47 at least one time during  
2 each calendar quarter.

3 (2) (a) The Commissioner, as often as the Commissioner  
4 shall deem necessary or proper, and no less frequently than 18  
5 months following the preceding examination, shall appoint a  
6 suitable person or persons to make an examination of the  
7 affairs of every State bank, except that for every eligible  
8 State bank, as defined by regulation, the Commissioner in lieu  
9 of the examination may accept on an alternating basis the  
10 examination made by the eligible State bank's appropriate  
11 federal banking agency pursuant to Section 111 of the Federal  
12 Deposit Insurance Corporation Improvement Act of 1991,  
13 provided the appropriate federal banking agency has made such  
14 an examination. A person so appointed shall not be a  
15 stockholder or officer or employee of any bank which that  
16 person may be directed to examine, and shall have powers to  
17 make a thorough examination into all the affairs of the bank  
18 and in so doing to examine any of the officers or agents or  
19 employees thereof on oath and shall make a full and detailed  
20 report of the condition of the bank to the Commissioner. In  
21 making the examination the examiners shall include an  
22 examination of the affairs of all the affiliates of the bank,  
23 as defined in subsection (b) of Section 35.2 of this Act, or  
24 subsidiaries of the bank as shall be necessary to disclose  
25 fully the conditions of the subsidiaries or affiliates, the  
26 relations between the bank and the subsidiaries or affiliates

1 and the effect of those relations upon the affairs of the bank,  
2 and in connection therewith shall have power to examine any of  
3 the officers, directors, agents, or employees of the  
4 subsidiaries or affiliates on oath. After May 31, 1997, the  
5 Commissioner may enter into cooperative agreements with state  
6 regulatory authorities of other states to provide for  
7 examination of State bank branches in those states, and the  
8 Commissioner may accept reports of examinations of State bank  
9 branches from those state regulatory authorities. These  
10 cooperative agreements may set forth the manner in which the  
11 other state regulatory authorities may be compensated for  
12 examinations prepared for and submitted to the Commissioner.

13 (b) After May 31, 1997, the Commissioner is authorized to  
14 examine, as often as the Commissioner shall deem necessary or  
15 proper, branches of out-of-state banks. The Commissioner may  
16 establish and may assess fees to be paid to the Commissioner  
17 for examinations under this subsection (b). The fees shall be  
18 borne by the out-of-state bank, unless the fees are borne by  
19 the state regulatory authority that chartered the out-of-state  
20 bank, as determined by a cooperative agreement between the  
21 Commissioner and the state regulatory authority that chartered  
22 the out-of-state bank.

23 (2.5) Whenever any State bank, any subsidiary or affiliate  
24 of a State bank, or after May 31, 1997, any branch of an  
25 out-of-state bank causes to be performed, by contract or  
26 otherwise, any bank services for itself, whether on or off its

1 premises:

2 (a) that performance shall be subject to examination by  
3 the Commissioner to the same extent as if services were  
4 being performed by the bank or, after May 31, 1997, branch  
5 of the out-of-state bank itself on its own premises; and

6 (b) the bank or, after May 31, 1997, branch of the  
7 out-of-state bank shall notify the Commissioner of the  
8 existence of a service relationship. The notification  
9 shall be submitted with the first statement of condition  
10 (as required by Section 47 of this Act) due after the  
11 making of the service contract or the performance of the  
12 service, whichever occurs first. The Commissioner shall be  
13 notified of each subsequent contract in the same manner.

14 For purposes of this subsection (2.5), the term "bank  
15 services" means services such as sorting and posting of checks  
16 and deposits, computation and posting of interest and other  
17 credits and charges, preparation and mailing of checks,  
18 statements, notices, and similar items, or any other clerical,  
19 bookkeeping, accounting, statistical, or similar functions  
20 performed for a State bank, including but not limited to  
21 electronic data processing related to those bank services.

22 (3) The expense of administering this Act, including the  
23 expense of the examinations of State banks as provided in this  
24 Act, shall to the extent of the amounts resulting from the fees  
25 provided for in paragraphs (a), (a-2), and (b) of this  
26 subsection (3) be assessed against and borne by the State

1 banks:

2 (a) Each bank shall pay to the Secretary a Call Report  
3 Fee which shall be paid in quarterly installments equal to  
4 one-fourth of the sum of the annual fixed fee of \$800, plus  
5 a variable fee based on the assets shown on the quarterly  
6 statement of condition delivered to the Secretary in  
7 accordance with Section 47 for the preceding quarter  
8 according to the following schedule: 16¢ per \$1,000 of the  
9 first \$5,000,000 of total assets, 15¢ per \$1,000 of the  
10 next \$20,000,000 of total assets, 13¢ per \$1,000 of the  
11 next \$75,000,000 of total assets, 9¢ per \$1,000 of the next  
12 \$400,000,000 of total assets, 7¢ per \$1,000 of the next  
13 \$500,000,000 of total assets, and 5¢ per \$1,000 of all  
14 assets in excess of \$1,000,000,000, of the State bank. The  
15 Call Report Fee shall be calculated by the Secretary and  
16 billed to the banks for remittance at the time of the  
17 quarterly statements of condition provided for in Section  
18 47. The Secretary may require payment of the fees provided  
19 in this Section by an electronic transfer of funds or an  
20 automatic debit of an account of each of the State banks.  
21 In case more than one examination of any bank is deemed by  
22 the Secretary to be necessary in any examination frequency  
23 cycle specified in subsection 2(a) of this Section, and is  
24 performed at his direction, the Secretary may assess a  
25 reasonable additional fee to recover the cost of the  
26 additional examination; provided, however, that an

1 examination conducted at the request of the State Treasurer  
2 pursuant to the Uniform Disposition of Unclaimed Property  
3 Act shall not be deemed to be an additional examination  
4 under this Section. In lieu of the method and amounts set  
5 forth in this paragraph (a) for the calculation of the Call  
6 Report Fee, the Secretary may specify by rule that the Call  
7 Report Fees provided by this Section may be assessed  
8 semiannually or some other period and may provide in the  
9 rule the formula to be used for calculating and assessing  
10 the periodic Call Report Fees to be paid by State banks.

11 (a-1) If in the opinion of the Commissioner an  
12 emergency exists or appears likely, the Commissioner may  
13 assign an examiner or examiners to monitor the affairs of a  
14 State bank with whatever frequency he deems appropriate,  
15 including but not limited to a daily basis. The reasonable  
16 and necessary expenses of the Commissioner during the  
17 period of the monitoring shall be borne by the subject  
18 bank. The Commissioner shall furnish the State bank a  
19 statement of time and expenses if requested to do so within  
20 30 days of the conclusion of the monitoring period.

21 (a-2) On and after January 1, 1990, the reasonable and  
22 necessary expenses of the Commissioner during examination  
23 of the performance of electronic data processing services  
24 under subsection (2.5) shall be borne by the banks for  
25 which the services are provided. An amount, based upon a  
26 fee structure prescribed by the Commissioner, shall be paid

1 by the banks or, after May 31, 1997, branches of  
2 out-of-state banks receiving the electronic data  
3 processing services along with the Call Report Fee assessed  
4 under paragraph (a) of this subsection (3).

5 (a-3) After May 31, 1997, the reasonable and necessary  
6 expenses of the Commissioner during examination of the  
7 performance of electronic data processing services under  
8 subsection (2.5) at or on behalf of branches of  
9 out-of-state banks shall be borne by the out-of-state  
10 banks, unless those expenses are borne by the state  
11 regulatory authorities that chartered the out-of-state  
12 banks, as determined by cooperative agreements between the  
13 Commissioner and the state regulatory authorities that  
14 chartered the out-of-state banks.

15 (b) "Fiscal year" for purposes of this Section 48 is  
16 defined as a period beginning July 1 of any year and ending  
17 June 30 of the next year. The Commissioner shall receive  
18 for each fiscal year, commencing with the fiscal year  
19 ending June 30, 1987, a contingent fee equal to the lesser  
20 of the aggregate of the fees paid by all State banks under  
21 paragraph (a) of subsection (3) for that year, or the  
22 amount, if any, whereby the aggregate of the administration  
23 expenses, as defined in paragraph (c), for that fiscal year  
24 exceeds the sum of the aggregate of the fees payable by all  
25 State banks for that year under paragraph (a) of subsection  
26 (3), plus any amounts transferred into the Bank and Trust



1 Company Fund from the State Pensions Fund for that year,  
2 plus all other amounts collected by the Commissioner for  
3 that year under any other provision of this Act, plus the  
4 aggregate of all fees collected for that year by the  
5 Commissioner under the Corporate Fiduciary Act, excluding  
6 the receivership fees provided for in Section 5-10 of the  
7 Corporate Fiduciary Act, and the Foreign Banking Office  
8 Act. The aggregate amount of the contingent fee thus  
9 arrived at for any fiscal year shall be apportioned  
10 amongst, assessed upon, and paid by the State banks and  
11 foreign banking corporations, respectively, in the same  
12 proportion that the fee of each under paragraph (a) of  
13 subsection (3), respectively, for that year bears to the  
14 aggregate for that year of the fees collected under  
15 paragraph (a) of subsection (3). The aggregate amount of  
16 the contingent fee, and the portion thereof to be assessed  
17 upon each State bank and foreign banking corporation,  
18 respectively, shall be determined by the Commissioner and  
19 shall be paid by each, respectively, within 120 days of the  
20 close of the period for which the contingent fee is  
21 computed and is payable, and the Commissioner shall give 20  
22 days advance notice of the amount of the contingent fee  
23 payable by the State bank and of the date fixed by the  
24 Commissioner for payment of the fee.

25 (c) The "administration expenses" for any fiscal year  
26 shall mean the ordinary and contingent expenses for that

1 year incident to making the examinations provided for by,  
2 and for otherwise administering, this Act, the Corporate  
3 Fiduciary Act, excluding the expenses paid from the  
4 Corporate Fiduciary Receivership account in the Bank and  
5 Trust Company Fund, the Foreign Banking Office Act, the  
6 Electronic Fund Transfer Act, and the Illinois Bank  
7 Examiners' Education Foundation Act, including all  
8 salaries and other compensation paid for personal services  
9 rendered for the State by officers or employees of the  
10 State, including the Commissioner and the Deputy  
11 Commissioners, communication equipment and services,  
12 office furnishings, surety bond premiums, and travel  
13 expenses of those officers and employees, employees,  
14 expenditures or charges for the acquisition, enlargement  
15 or improvement of, or for the use of, any office space,  
16 building, or structure, or expenditures for the  
17 maintenance thereof or for furnishing heat, light, or power  
18 with respect thereto, all to the extent that those  
19 expenditures are directly incidental to such examinations  
20 or administration. The Commissioner shall not be required  
21 by paragraphs (c) or (d-1) of this subsection (3) to  
22 maintain in any fiscal year's budget appropriated reserves  
23 for accrued vacation and accrued sick leave that is  
24 required to be paid to employees of the Commissioner upon  
25 termination of their service with the Commissioner in an  
26 amount that is more than is reasonably anticipated to be

1 necessary for any anticipated turnover in employees,  
2 whether due to normal attrition or due to layoffs,  
3 terminations, or resignations.

4 (d) The aggregate of all fees collected by the  
5 Secretary under this Act, the Corporate Fiduciary Act, or  
6 the Foreign Banking Office Act on and after July 1, 1979,  
7 shall be paid promptly after receipt of the same,  
8 accompanied by a detailed statement thereof, into the State  
9 treasury and shall be set apart in a special fund to be  
10 known as the "Bank and Trust Company Fund", except as  
11 provided in paragraph (c) of subsection (11) of this  
12 Section. All earnings received from investments of funds in  
13 the Bank and Trust Company Fund shall be deposited in the  
14 Bank and Trust Company Fund and may be used for the same  
15 purposes as fees deposited in that Fund. The amount from  
16 time to time deposited into the Bank and Trust Company Fund  
17 shall be used: (i) to offset the ordinary administrative  
18 expenses of the Secretary as defined in this Section or  
19 (ii) as a credit against fees under paragraph (d-1) of this  
20 subsection (3). Nothing in this amendatory Act of 1979  
21 shall prevent continuing the practice of paying expenses  
22 involving salaries, retirement, social security, and  
23 State-paid insurance premiums of State officers by  
24 appropriations from the General Revenue Fund. However, the  
25 General Revenue Fund shall be reimbursed for those payments  
26 made on and after July 1, 1979, by an annual transfer of

1 funds from the Bank and Trust Company Fund. Moneys in the  
2 Bank and Trust Company Fund may be transferred to the  
3 Professions Indirect Cost Fund, as authorized under  
4 Section 2105-300 of the Department of Professional  
5 Regulation Law of the Civil Administrative Code of  
6 Illinois.

7 Notwithstanding provisions in the State Finance Act,  
8 as now or hereafter amended, or any other law to the  
9 contrary, the sum of \$18,788,847 shall be transferred from  
10 the Bank and Trust Company Fund to the Financial  
11 Institutions Settlement of 2008 Fund on the effective date  
12 of this amendatory Act of the 95th General Assembly, or as  
13 soon thereafter as practical.

14 Notwithstanding provisions in the State Finance Act,  
15 as now or hereafter amended, or any other law to the  
16 contrary, the Governor may, during any fiscal year through  
17 January 10, 2011, from time to time direct the State  
18 Treasurer and Comptroller to transfer a specified sum not  
19 exceeding 10% of the revenues to be deposited into the Bank  
20 and Trust Company Fund during that fiscal year from that  
21 Fund to the General Revenue Fund in order to help defray  
22 the State's operating costs for the fiscal year.  
23 Notwithstanding provisions in the State Finance Act, as now  
24 or hereafter amended, or any other law to the contrary, the  
25 total sum transferred during any fiscal year through  
26 January 10, 2011, from the Bank and Trust Company Fund to

1 the General Revenue Fund pursuant to this provision shall  
2 not exceed during any fiscal year 10% of the revenues to be  
3 deposited into the Bank and Trust Company Fund during that  
4 fiscal year. The State Treasurer and Comptroller shall  
5 transfer the amounts designated under this Section as soon  
6 as may be practicable after receiving the direction to  
7 transfer from the Governor.

8 (d-1) Adequate funds shall be available in the Bank and  
9 Trust Company Fund to permit the timely payment of  
10 administration expenses. In each fiscal year the total  
11 administration expenses shall be deducted from the total  
12 fees collected by the Commissioner and the remainder  
13 transferred into the Cash Flow Reserve Account, unless the  
14 balance of the Cash Flow Reserve Account prior to the  
15 transfer equals or exceeds one-fourth of the total initial  
16 appropriations from the Bank and Trust Company Fund for the  
17 subsequent year, in which case the remainder shall be  
18 credited to State banks and foreign banking corporations  
19 and applied against their fees for the subsequent year. The  
20 amount credited to each State bank and foreign banking  
21 corporation shall be in the same proportion as the Call  
22 Report Fees paid by each for the year bear to the total  
23 Call Report Fees collected for the year. If, after a  
24 transfer to the Cash Flow Reserve Account is made or if no  
25 remainder is available for transfer, the balance of the  
26 Cash Flow Reserve Account is less than one-fourth of the

1 total initial appropriations for the subsequent year and  
2 the amount transferred is less than 5% of the total Call  
3 Report Fees for the year, additional amounts needed to make  
4 the transfer equal to 5% of the total Call Report Fees for  
5 the year shall be apportioned amongst, assessed upon, and  
6 paid by the State banks and foreign banking corporations in  
7 the same proportion that the Call Report Fees of each,  
8 respectively, for the year bear to the total Call Report  
9 Fees collected for the year. The additional amounts  
10 assessed shall be transferred into the Cash Flow Reserve  
11 Account. For purposes of this paragraph (d-1), the  
12 calculation of the fees collected by the Commissioner shall  
13 exclude the receivership fees provided for in Section 5-10  
14 of the Corporate Fiduciary Act.

15 (e) The Commissioner may upon request certify to any  
16 public record in his keeping and shall have authority to  
17 levy a reasonable charge for issuing certifications of any  
18 public record in his keeping.

19 (f) In addition to fees authorized elsewhere in this  
20 Act, the Commissioner may, in connection with a review,  
21 approval, or provision of a service, levy a reasonable  
22 charge to recover the cost of the review, approval, or  
23 service.

24 (4) Nothing contained in this Act shall be construed to  
25 limit the obligation relative to examinations and reports of  
26 any State bank, deposits in which are to any extent insured by

1 the United States or any agency thereof, nor to limit in any  
2 way the powers of the Commissioner with reference to  
3 examinations and reports of that bank.

4 (5) The nature and condition of the assets in or investment  
5 of any bonus, pension, or profit sharing plan for officers or  
6 employees of every State bank or, after May 31, 1997, branch of  
7 an out-of-state bank shall be deemed to be included in the  
8 affairs of that State bank or branch of an out-of-state bank  
9 subject to examination by the Commissioner under the provisions  
10 of subsection (2) of this Section, and if the Commissioner  
11 shall find from an examination that the condition of or  
12 operation of the investments or assets of the plan is unlawful,  
13 fraudulent, or unsafe, or that any trustee has abused his  
14 trust, the Commissioner shall, if the situation so found by the  
15 Commissioner shall not be corrected to his satisfaction within  
16 60 days after the Commissioner has given notice to the board of  
17 directors of the State bank or out-of-state bank of his  
18 findings, report the facts to the Attorney General who shall  
19 thereupon institute proceedings against the State bank or  
20 out-of-state bank, the board of directors thereof, or the  
21 trustees under such plan as the nature of the case may require.

22 (6) The Commissioner shall have the power:

23 (a) To promulgate reasonable rules for the purpose of  
24 administering the provisions of this Act.

25 (a-5) To impose conditions on any approval issued by  
26 the Commissioner if he determines that the conditions are

1           necessary or appropriate. These conditions shall be  
2           imposed in writing and shall continue in effect for the  
3           period prescribed by the Commissioner.

4           (b) To issue orders against any person, if the  
5           Commissioner has reasonable cause to believe that an unsafe  
6           or unsound banking practice has occurred, is occurring, or  
7           is about to occur, if any person has violated, is  
8           violating, or is about to violate any law, rule, or written  
9           agreement with the Commissioner, or for the purpose of  
10          administering the provisions of this Act and any rule  
11          promulgated in accordance with this Act.

12          (b-1) To enter into agreements with a bank establishing  
13          a program to correct the condition of the bank or its  
14          practices.

15          (c) To appoint hearing officers to execute any of the  
16          powers granted to the Commissioner under this Section for  
17          the purpose of administering this Act and any rule  
18          promulgated in accordance with this Act and otherwise to  
19          authorize, in writing, an officer or employee of the Office  
20          of Banks and Real Estate to exercise his powers under this  
21          Act.

22          (d) To subpoena witnesses, to compel their attendance,  
23          to administer an oath, to examine any person under oath,  
24          and to require the production of any relevant books,  
25          papers, accounts, and documents in the course of and  
26          pursuant to any investigation being conducted, or any



1 action being taken, by the Commissioner in respect of any  
2 matter relating to the duties imposed upon, or the powers  
3 vested in, the Commissioner under the provisions of this  
4 Act or any rule promulgated in accordance with this Act.

5 (e) To conduct hearings.

6 (7) Whenever, in the opinion of the Secretary, any  
7 director, officer, employee, or agent of a State bank or any  
8 subsidiary or bank holding company of the bank or, after May  
9 31, 1997, of any branch of an out-of-state bank or any  
10 subsidiary or bank holding company of the bank shall have  
11 violated any law, rule, or order relating to that bank or any  
12 subsidiary or bank holding company of the bank, shall have  
13 obstructed or impeded any examination or investigation by the  
14 Secretary, shall have engaged in an unsafe or unsound practice  
15 in conducting the business of that bank or any subsidiary or  
16 bank holding company of the bank, or shall have violated any  
17 law or engaged or participated in any unsafe or unsound  
18 practice in connection with any financial institution or other  
19 business entity such that the character and fitness of the  
20 director, officer, employee, or agent does not assure  
21 reasonable promise of safe and sound operation of the State  
22 bank, the Secretary may issue an order of removal. If, in the  
23 opinion of the Secretary, any former director, officer,  
24 employee, or agent of a State bank or any subsidiary or bank  
25 holding company of the bank, prior to the termination of his or  
26 her service with that bank or any subsidiary or bank holding

1 company of the bank, violated any law, rule, or order relating  
2 to that State bank or any subsidiary or bank holding company of  
3 the bank, obstructed or impeded any examination or  
4 investigation by the Secretary, engaged in an unsafe or unsound  
5 practice in conducting the business of that bank or any  
6 subsidiary or bank holding company of the bank, or violated any  
7 law or engaged or participated in any unsafe or unsound  
8 practice in connection with any financial institution or other  
9 business entity such that the character and fitness of the  
10 director, officer, employee, or agent would not have assured  
11 reasonable promise of safe and sound operation of the State  
12 bank, the Secretary may issue an order prohibiting that person  
13 from further service with a bank or any subsidiary or bank  
14 holding company of the bank as a director, officer, employee,  
15 or agent. An order issued pursuant to this subsection shall be  
16 served upon the director, officer, employee, or agent. A copy  
17 of the order shall be sent to each director of the bank  
18 affected by registered mail. A copy of the order shall also be  
19 served upon the bank of which he is a director, officer,  
20 employee, or agent, whereupon he shall cease to be a director,  
21 officer, employee, or agent of that bank. The Secretary may  
22 institute a civil action against the director, officer, or  
23 agent of the State bank or, after May 31, 1997, of the branch  
24 of the out-of-state bank against whom any order provided for by  
25 this subsection (7) of this Section 48 has been issued, and  
26 against the State bank or, after May 31, 1997, out-of-state

1 bank, to enforce compliance with or to enjoin any violation of  
2 the terms of the order. Any person who has been the subject of  
3 an order of removal or an order of prohibition issued by the  
4 Secretary under this subsection or Section 5-6 of the Corporate  
5 Fiduciary Act may not thereafter serve as director, officer,  
6 employee, or agent of any State bank or of any branch of any  
7 out-of-state bank, or of any corporate fiduciary, as defined in  
8 Section 1-5.05 of the Corporate Fiduciary Act, or of any other  
9 entity that is subject to licensure or regulation by the  
10 Division of Banking unless the Secretary has granted prior  
11 approval in writing.

12 For purposes of this paragraph (7), "bank holding company"  
13 has the meaning prescribed in Section 2 of the Illinois Bank  
14 Holding Company Act of 1957.

15 (8) The Commissioner may impose civil penalties of up to  
16 \$100,000 against any person for each violation of any provision  
17 of this Act, any rule promulgated in accordance with this Act,  
18 any order of the Commissioner, or any other action which in the  
19 Commissioner's discretion is an unsafe or unsound banking  
20 practice.

21 (9) The Commissioner may impose civil penalties of up to  
22 \$100 against any person for the first failure to comply with  
23 reporting requirements set forth in the report of examination  
24 of the bank and up to \$200 for the second and subsequent  
25 failures to comply with those reporting requirements.

26 (10) All final administrative decisions of the

1 Commissioner hereunder shall be subject to judicial review  
2 pursuant to the provisions of the Administrative Review Law.  
3 For matters involving administrative review, venue shall be in  
4 either Sangamon County or Cook County.

5 (11) The endowment fund for the Illinois Bank Examiners'  
6 Education Foundation shall be administered as follows:

7 (a) (Blank).

8 (b) The Foundation is empowered to receive voluntary  
9 contributions, gifts, grants, bequests, and donations on  
10 behalf of the Illinois Bank Examiners' Education  
11 Foundation from national banks and other persons for the  
12 purpose of funding the endowment of the Illinois Bank  
13 Examiners' Education Foundation.

14 (c) The aggregate of all special educational fees  
15 collected by the Secretary and property received by the  
16 Secretary on behalf of the Illinois Bank Examiners'  
17 Education Foundation under this subsection (11) on or after  
18 June 30, 1986, shall be either (i) promptly paid after  
19 receipt of the same, accompanied by a detailed statement  
20 thereof, into the State Treasury and shall be set apart in  
21 a special fund to be known as "The Illinois Bank Examiners'  
22 Education Fund" to be invested by either the Treasurer of  
23 the State of Illinois in the Public Treasurers' Investment  
24 Pool or in any other investment he is authorized to make or  
25 by the Illinois State Board of Investment as the State  
26 Banking Board of Illinois may direct or (ii) deposited into

1 an account maintained in a commercial bank or corporate  
2 fiduciary in the name of the Illinois Bank Examiners'  
3 Education Foundation pursuant to the order and direction of  
4 the Board of Trustees of the Illinois Bank Examiners'  
5 Education Foundation.

6 (12) (Blank).

7 (13) The Secretary may borrow funds from the General  
8 Revenue Fund on behalf of the Bank and Trust Company Fund if  
9 the Director of Banking certifies to the Governor that there is  
10 an economic emergency affecting banking that requires a  
11 borrowing to provide additional funds to the Bank and Trust  
12 Company Fund. The borrowed funds shall be paid back within 3  
13 years and shall not exceed the total funding appropriated to  
14 the Agency in the previous year.

15 (14) The Secretary, when appointed as receiver, or any  
16 person appointed as receiver shall have the same powers,  
17 rights, and privileges as the Federal Deposit Insurance  
18 Corporation. These powers, rights, and privileges shall  
19 originate at the time of the appointment and continue through  
20 the term of the receivership.

21 (Source: P.A. 96-1163, eff. 1-1-11; 96-1365, eff. 7-28-10;  
22 97-333, eff. 8-12-11.)

23 (205 ILCS 5/48.05)

24 Sec. 48.05. Regulatory fees. For the fiscal year beginning  
25 July 1, 2007 and every year thereafter, each state bank

1 regulated by the Department shall pay a regulatory fee to the  
2 Department based upon its total assets as reflected in the most  
3 recent quarterly report of condition ~~shown by its year-end Call~~  
4 ~~Report~~ at the following rates:

5 19.295¢ per \$1,000 of the first \$5,000,000 of total  
6 assets;

7 18.16¢ per \$1,000 of the next \$20,000,000 of total  
8 assets;

9 15.89¢ per \$1,000 of the next \$75,000,000 of total  
10 assets;

11 10.7825¢ per \$1,000 of the next \$400,000,000 of total  
12 assets;

13 8.5125¢ per \$1,000 of the next \$500,000,000 of total  
14 assets;

15 6.2425¢ per \$1,000 of the next \$19,000,000,000 of total  
16 assets;

17 2.27¢ per \$1,000 of the next \$30,000,000,000 of total  
18 assets;

19 1.135¢ per \$1,000 of the next \$50,000,000,000 of total  
20 assets; and

21 0.5675¢ per \$1,000 of all assets in excess of  
22 \$100,000,000,000 of the state bank.

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

24 (205 ILCS 5/48.3) (from Ch. 17, par. 360.2)

25 Sec. 48.3. Disclosure of reports of examinations and

1 confidential supervisory information; limitations.

2 (a) Any report of examination, visitation, or  
3 investigation prepared by the Commissioner under this Act, the  
4 Electronic Fund Transfer Act, the Corporate Fiduciary Act, the  
5 Illinois Bank Holding Company Act of 1957, and the Foreign  
6 Banking Office Act, any report of examination, visitation, or  
7 investigation prepared by the state regulatory authority of  
8 another state that examines a branch of an Illinois State bank  
9 in that state, any document or record prepared or obtained in  
10 connection with or relating to any examination, visitation, or  
11 investigation, and any record prepared or obtained by the  
12 Commissioner to the extent that the record summarizes or  
13 contains information derived from any report, document, or  
14 record described in this subsection shall be deemed  
15 "confidential supervisory information". Confidential  
16 supervisory information shall not include any information or  
17 record routinely prepared by a bank or other financial  
18 institution and maintained in the ordinary course of business  
19 or any information or record that is required to be made  
20 publicly available pursuant to State or federal law or rule.  
21 Confidential supervisory information shall be the property of  
22 the Commissioner and shall only be disclosed under the  
23 circumstances and for the purposes set forth in this Section.

24 The Commissioner may disclose confidential supervisory  
25 information only under the following circumstances:

26 (1) The Commissioner may furnish confidential

1 supervisory information to the Board of Governors of the  
2 Federal Reserve System, the federal reserve bank of the  
3 federal reserve district in which the State bank is located  
4 or in which the parent or other affiliate of the State bank  
5 is located, any official or examiner thereof duly  
6 accredited for the purpose, or any other state regulator,  
7 federal regulator, or in the case of a foreign bank  
8 possessing a certificate of authority pursuant to the  
9 Foreign Banking Office Act or a license pursuant to the  
10 Foreign Bank Representative Office Act, the bank regulator  
11 in the country where the foreign bank is chartered, that  
12 the Commissioner determines to have an appropriate  
13 regulatory interest. Nothing contained in this Act shall be  
14 construed to limit the obligation of any member State bank  
15 to comply with the requirements relative to examinations  
16 and reports of the Federal Reserve Act and of the Board of  
17 Governors of the Federal Reserve System or the federal  
18 reserve bank of the federal reserve district in which the  
19 bank is located, nor to limit in any way the powers of the  
20 Commissioner with reference to examinations and reports.

21 (2) The Commissioner may furnish confidential  
22 supervisory information to the United States, any agency  
23 thereof that has insured a bank's deposits in whole or in  
24 part, or any official or examiner thereof duly accredited  
25 for the purpose. Nothing contained in this Act shall be  
26 construed to limit the obligation relative to examinations



1 and reports of any State bank, deposits in which are to any  
2 extent insured by the United States, any agency thereof,  
3 nor to limit in any way the powers of the Commissioner with  
4 reference to examination and reports of such bank.

5 (3) The Commissioner may furnish confidential  
6 supervisory information to the appropriate law enforcement  
7 authorities when the Commissioner reasonably believes a  
8 bank, which the Commissioner has caused to be examined, has  
9 been a victim of a crime.

10 (4) The Commissioner may furnish confidential  
11 supervisory information relating to a bank or other  
12 financial institution, which the Commissioner has caused  
13 to be examined, to be sent to the administrator of the  
14 Uniform Disposition of Unclaimed Property Act.

15 (5) The Commissioner may furnish confidential  
16 supervisory information relating to a bank or other  
17 financial institution, which the Commissioner has caused  
18 to be examined, relating to its performance of obligations  
19 under the Illinois Income Tax Act and the Illinois Estate  
20 and Generation-Skipping Transfer Tax Act to the Illinois  
21 Department of Revenue.

22 (6) The Commissioner may furnish confidential  
23 supervisory information relating to a bank or other  
24 financial institution, which the Commissioner has caused  
25 to be examined, under the federal Currency and Foreign  
26 Transactions Reporting Act, Title 31, United States Code,

1 Section 1051 et seq.

2 (6.5) The Commissioner may furnish confidential  
3 supervisory information to any other agency or entity that  
4 the Commissioner determines to have a legitimate  
5 regulatory interest.

6 (7) The Commissioner may furnish confidential  
7 supervisory information under any other statute that by its  
8 terms or by regulations promulgated thereunder requires  
9 the disclosure of financial records other than by subpoena,  
10 summons, warrant, or court order.

11 (8) At the request of the affected bank or other  
12 financial institution, the Commissioner may furnish  
13 confidential supervisory information relating to a bank or  
14 other financial institution, which the Commissioner has  
15 caused to be examined, in connection with the obtaining of  
16 insurance coverage or the pursuit of an insurance claim for  
17 or on behalf of the bank or other financial institution;  
18 provided that, when possible, the Commissioner shall  
19 disclose only relevant information while maintaining the  
20 confidentiality of financial records not relevant to such  
21 insurance coverage or claim and, when appropriate, may  
22 delete identifying data relating to any person or  
23 individual.

24 (9) The Commissioner may furnish a copy of a report of  
25 any examination performed by the Commissioner of the  
26 condition and affairs of any electronic data processing

1           entity to the banks serviced by the electronic data  
2           processing entity.

3           (10) In addition to the foregoing circumstances, the  
4           Commissioner may, but is not required to, furnish  
5           confidential supervisory information under the same  
6           circumstances authorized for the bank or financial  
7           institution pursuant to subsection (b) of this Section,  
8           except that the Commissioner shall provide confidential  
9           supervisory information under circumstances described in  
10          paragraph (3) of subsection (b) of this Section only upon  
11          the request of the bank or other financial institution.

12          (b) A bank or other financial institution or its officers,  
13          agents, and employees may disclose confidential supervisory  
14          information only under the following circumstances:

15                 (1) to the board of directors of the bank or other  
16                 financial institution, as well as the president,  
17                 vice-president, cashier, and other officers of the bank or  
18                 other financial institution to whom the board of directors  
19                 may delegate duties with respect to compliance with  
20                 recommendations for action, and to the board of directors  
21                 of a bank holding company that owns at least 80% of the  
22                 outstanding stock of the bank or other financial  
23                 institution;

24                 (2) to attorneys for the bank or other financial  
25                 institution and to a certified public accountant engaged by  
26                 the State bank or financial institution to perform an

1 independent audit provided that the attorney or certified  
2 public accountant shall not permit the confidential  
3 supervisory information to be further disseminated;

4 (3) to any person who seeks to acquire a controlling  
5 interest in, or who seeks to merge with, the bank or  
6 financial institution, provided that all attorneys,  
7 certified public accountants, officers, agents, or  
8 employees of that person shall agree to be bound to respect  
9 the confidentiality of the confidential supervisory  
10 information and to not further disseminate the information  
11 therein contained;

12 (4) (blank); or

13 (5) to the bank's insurance company in relation to an  
14 insurance claim or the effort by the bank to procure  
15 insurance coverage, provided that, when possible, the bank  
16 shall disclose only information that is relevant to the  
17 insurance claim or that is necessary to procure the  
18 insurance coverage, while maintaining the confidentiality  
19 of financial information pertaining to customers. When  
20 appropriate, the bank may delete identifying data relating  
21 to any person.

22 (6) to any person conducting a review of the bank on  
23 behalf of the bank for purposes of complying with any  
24 enforcement action taken by a bank regulatory agency so  
25 long as the bank obtains approval prior to release of the  
26 confidential supervisory information by the Secretary and

1       the person conducting the review agrees to maintain the  
2       confidentiality of the confidential supervisory  
3       information and to not further disseminate the  
4       confidential supervisory information.

5       The disclosure of confidential supervisory information by  
6       a bank or other financial institution pursuant to this  
7       subsection (b) and the disclosure of information to the  
8       Commissioner or other regulatory agency in connection with any  
9       examination, visitation, or investigation shall not constitute  
10      a waiver of any legal privilege otherwise available to the bank  
11      or other financial institution with respect to the information.

12      (c) (1) Notwithstanding any other provision of this Act or  
13      any other law, confidential supervisory information shall be  
14      the property of the Commissioner and shall be privileged from  
15      disclosure to any person except as provided in this Section. No  
16      person in possession of confidential supervisory information  
17      may disclose that information for any reason or under any  
18      circumstances not specified in this Section without the prior  
19      authorization of the Commissioner. Any person upon whom a  
20      demand for production of confidential supervisory information  
21      is made, whether by subpoena, order, or other judicial or  
22      administrative process, must withhold production of the  
23      confidential supervisory information and must notify the  
24      Commissioner of the demand, at which time the Commissioner is  
25      authorized to intervene for the purpose of enforcing the  
26      limitations of this Section or seeking the withdrawal or

1 termination of the attempt to compel production of the  
2 confidential supervisory information.

3 (2) Any request for discovery or disclosure of confidential  
4 supervisory information, whether by subpoena, order, or other  
5 judicial or administrative process, shall be made to the  
6 Commissioner, and the Commissioner shall determine within 15  
7 days whether to disclose the information pursuant to procedures  
8 and standards that the Commissioner shall establish by rule. If  
9 the Commissioner determines that such information will not be  
10 disclosed, the Commissioner's decision shall be subject to  
11 judicial review under the provisions of the Administrative  
12 Review Law, and venue shall be in either Sangamon County or  
13 Cook County.

14 (3) Any court order that compels disclosure of confidential  
15 supervisory information may be immediately appealed by the  
16 Commissioner, and the order shall be automatically stayed  
17 pending the outcome of the appeal.

18 (d) If any officer, agent, attorney, or employee of a bank  
19 or financial institution knowingly and willfully furnishes  
20 confidential supervisory information in violation of this  
21 Section, the Commissioner may impose a civil monetary penalty  
22 up to \$1,000 for the violation against the officer, agent,  
23 attorney, or employee.

24 (Source: P.A. 90-301, eff. 8-1-97; 91-201, eff. 1-1-00.)

25 Section 15. The Savings Bank Act is amended by changing

1 Sections 1007.130, 1007, 1008, 2007, 3003, 4007, 4008, 4010,  
2 4013, 6002, 6013, 6014, 8006, 8012, 9002, 9002.5, 9012, 11001,  
3 and 11008 and by adding Section 9002.1 and the heading of  
4 Article 12.1 and Sections 12101, 12102, 12103, 12104, 12105,  
5 12106, 12107, 12108, 12109, and 12110 and the heading of  
6 Article 12.2 and Sections 12201, 12202, and 12203 as follows:

7 (205 ILCS 205/1007.130)

8 Sec. 1007.130. Out-of-state savings bank. "Out-of-state  
9 savings bank" means a savings bank or a savings and loan  
10 association chartered under the laws of a state other than  
11 Illinois, a territory of the United States, or the District of  
12 Columbia.

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

14 (205 ILCS 205/1008) (from Ch. 17, par. 7301-8)

15 Sec. 1008. General corporate powers.

16 (a) A savings bank operating under this Act shall be a body  
17 corporate and politic and shall have all of the powers  
18 conferred by this Act including, but not limited to, the  
19 following powers:

20 (1) To sue and be sued, complain, and defend in its  
21 corporate name and to have a common seal, which it may  
22 alter or renew at pleasure.

23 (2) To obtain and maintain insurance by a deposit  
24 insurance corporation as defined in this Act.

1           (3) To act as a fiscal agent for the United States, the  
2           State of Illinois or any department, branch, arm, or agency  
3           of the State or any unit of local government or school  
4           district in the State, when duly designated for that  
5           purpose, and as agent to perform reasonable functions as  
6           may be required of it.

7           (4) To become a member of or deal with any corporation  
8           or agency of the United States or the State of Illinois, to  
9           the extent that the agency assists in furthering or  
10          facilitating its purposes or powers and to that end to  
11          purchase stock or securities thereof or deposit money  
12          therewith, and to comply with any other conditions of  
13          membership or credit.

14          (5) To make donations in reasonable amounts for the  
15          public welfare or for charitable, scientific, religious,  
16          or educational purposes.

17          (6) To adopt and operate reasonable insurance, bonus,  
18          profit sharing, and retirement plans for officers and  
19          employees and for directors including, but not limited to,  
20          advisory, honorary, and emeritus directors, who are not  
21          officers or employees.

22          (7) To reject any application for membership; to retire  
23          deposit accounts by enforced retirement as provided in this  
24          Act and the bylaws; and to limit the issuance of, or  
25          payments on, deposit accounts, subject, however, to  
26          contractual obligations.



1           (8) To purchase stock or membership interests in  
2           service corporations and to invest in any form of  
3           indebtedness of any service corporation as defined in this  
4           Act, subject to regulations of the Secretary.

5           (9) To purchase stock of a corporation whose principal  
6           purpose is to operate a safe deposit company or escrow  
7           service company.

8           (10) To exercise all the powers necessary to qualify as  
9           a trustee or custodian under federal or State law, provided  
10          that the authority to accept and execute trusts is subject  
11          to the provisions of the Corporate Fiduciary Act and to the  
12          supervision of those activities by the Secretary.

13          (11) (Blank).

14          (12) To establish, maintain, and operate terminals as  
15          authorized by the Electronic Fund Transfer Act.

16          (13) To pledge its assets:

17                (A) to enable it to act as agent for the sale of  
18                obligations of the United States;

19                (B) to secure deposits;

20                (C) to secure deposits of money whenever required  
21                by the National Bankruptcy Act;

22                (D) (blank); and

23                (E) to secure trust funds commingled with the  
24                savings bank's funds, whether deposited by the savings  
25                bank or an affiliate of the savings bank, as required  
26                under Section 2-8 of the Corporate Fiduciary Act.

1           (14) To accept for payment at a future date not to  
2 exceed one year from the date of acceptance, drafts drawn  
3 upon it by its customers; and to issue, advise, or confirm  
4 letters of credit authorizing holders thereof to draw  
5 drafts upon it or its correspondents.

6           (15) Subject to the regulations of the Secretary, to  
7 own and lease personal property acquired by the savings  
8 bank at the request of a prospective lessee and, upon the  
9 agreement of that person, to lease the personal property.

10          (16) To establish temporary service booths at any  
11 International Fair in this State that is approved by the  
12 United States Department of Commerce for the duration of  
13 the international fair for the purpose of providing a  
14 convenient place for foreign trade customers to exchange  
15 their home countries' currency into United States currency  
16 or the converse. To provide temporary periodic service to  
17 persons residing in a bona fide nursing home, senior  
18 citizens' retirement home, or long-term care facility.  
19 These powers shall not be construed as establishing a new  
20 place or change of location for the savings bank providing  
21 the service booth.

22          (17) To indemnify its officers, directors, employees,  
23 and agents, as authorized for corporations under Section  
24 8.75 of the Business Corporations Act of 1983.

25          (18) To provide data processing services to others on a  
26 for-profit basis.

1           (19) To utilize any electronic technology to provide  
2 customers with home banking services.

3           (20) Subject to the regulations of the Secretary, to  
4 enter into an agreement to act as a surety.

5           (21) Subject to the regulations of the Secretary, to  
6 issue credit cards, extend credit therewith, and otherwise  
7 engage in or participate in credit card operations.

8           (22) To purchase for its own account shares of stock of  
9 a bankers' bank, described in Section 13(b)(1) of the  
10 Illinois Banking Act, on the same terms and conditions as a  
11 bank may purchase such shares. In no event shall the total  
12 amount of such stock held by a savings bank in such  
13 bankers' bank exceed 10% of its capital and surplus  
14 (including undivided profits) and in no event shall a  
15 savings bank acquire more than 5% of any class of voting  
16 securities of such bankers' bank.

17           (23) With respect to affiliate facilities:

18           (A) to conduct at affiliate facilities any of the  
19 following transactions for and on behalf of any  
20 affiliated depository institution, if so authorized by  
21 the affiliate or affiliates: receiving deposits;  
22 renewing deposits; cashing and issuing checks, drafts,  
23 money orders, travelers checks, or similar  
24 instruments; changing money; receiving payments on  
25 existing indebtedness; and conducting ministerial  
26 functions with respect to loan applications, servicing

1 loans, and providing loan account information; and

2 (B) to authorize an affiliated depository  
3 institution to conduct for and on behalf of it, any of  
4 the transactions listed in this subsection at one or  
5 more affiliate facilities.

6 A savings bank intending to conduct or to authorize an  
7 affiliated depository institution to conduct at an  
8 affiliate facility any of the transactions specified in  
9 this subsection shall give written notice to the Secretary  
10 at least 30 days before any such transaction is conducted  
11 at an affiliate facility. All conduct under this subsection  
12 shall be on terms consistent with safe and sound banking  
13 practices and applicable law.

14 (24) Subject to Article XLIV of the Illinois Insurance  
15 Code, to act as the agent for any fire, life, or other  
16 insurance company authorized by the State of Illinois, by  
17 soliciting and selling insurance and collecting premiums  
18 on policies issued by such company; and may receive for  
19 services so rendered such fees or commissions as may be  
20 agreed upon between the said savings bank and the insurance  
21 company for which it may act as agent; provided, however,  
22 that no such savings bank shall in any case assume or  
23 guarantee the payment of any premium on insurance policies  
24 issued through its agency by its principal; and provided  
25 further, that the savings bank shall not guarantee the  
26 truth of any statement made by an assured in filing his

1 application for insurance.

2 (25) To become a member of the Federal Home Loan Bank  
3 ~~and to have the powers granted to a savings association~~  
4 ~~organized under the Illinois Savings and Loan Act of 1985~~  
5 ~~or the laws of the United States, subject to regulations of~~  
6 ~~the Secretary.~~

7 (26) To offer any product or service that is at the  
8 time authorized or permitted to a bank by applicable law,  
9 but subject always to the same limitations and restrictions  
10 that are applicable to the bank for the product or service  
11 by such applicable law and subject to the applicable  
12 provisions of the Financial Institutions Insurance Sales  
13 Law and rules of the Secretary.

14 (b) If this Act or the regulations adopted under this Act  
15 fail to provide specific guidance in matters of corporate  
16 governance, the provisions of the Business Corporation Act of  
17 1983 may be used, or if the savings bank is a limited liability  
18 company, the provisions of the Limited Liability Company shall  
19 be used.

20 (c) A savings bank may be organized as a limited liability  
21 company, may convert to a limited liability company, or may  
22 merge with and into a limited liability company, under the  
23 applicable laws of this State and of the United States,  
24 including any rules promulgated thereunder. A savings bank  
25 organized as a limited liability company shall be subject to  
26 the provisions of the Limited Liability Company Act in addition

1 to this Act, provided that if a provision of the Limited  
2 Liability Company Act conflicts with a provision of this Act or  
3 with any rule of the Secretary, the provision of this Act or  
4 the rule of the Secretary shall apply.

5 Any filing required to be made under the Limited Liability  
6 Company Act shall be made exclusively with the Secretary, and  
7 the Secretary shall possess the exclusive authority to regulate  
8 the savings bank as provided in this Act.

9 Any organization as, conversion to, and merger with or into  
10 a limited liability company shall be subject to the prior  
11 approval of the Secretary.

12 A savings bank that is a limited liability company shall be  
13 subject to all of the provisions of this Act in the same manner  
14 as a savings bank that is organized in stock form.

15 The Secretary may promulgate rules to ensure that a savings  
16 bank that is a limited liability company (i) is operating in a  
17 safe and sound manner and (ii) is subject to the Secretary's  
18 authority in the same manner as a savings bank that is  
19 organized in stock form.

20 (Source: P.A. 97-492, eff. 1-1-12.)

21 (205 ILCS 205/2007) (from Ch. 17, par. 7302-7)

22 Sec. 2007. Reorganization to become a holding company.

23 (a) A savings bank, including a mutual savings bank  
24 operating under this Act, may reorganize so as to become a  
25 holding company by:

1           (1) chartering one or more subsidiary savings banks,  
2           the ownership of which shall be evidenced by stock shares,  
3           to be owned by the chartering parent savings bank; and

4           (2) either of the following:

5                 (i) transferring the substantial portion of its  
6                 assets and all of its insured deposits and part or all  
7                 of its other liabilities to one or more subsidiary  
8                 savings banks; or

9                 (ii) reorganizing in any other manner as approved  
10                by the Secretary.

11           (b) In order to effect reorganization under subsection (a),  
12           the board of directors of the original savings bank must  
13           approve a plan providing for the reorganization that shall be  
14           submitted for approval by a majority of the voting members of  
15           the savings bank. Approval must occur in accordance with the  
16           savings bank's articles of incorporation and bylaws at a  
17           meeting called by the board of directors. The Secretary may  
18           charter mutual and stock holding companies in connection with a  
19           mutual savings bank reorganization and may promulgate rules to  
20           regulate the formation of and the ongoing business of the  
21           subsidiaries and the holding company, including the rights of  
22           members, levels of investment in holding company subsidiaries,  
23           and stock sales.

24           (Source: P.A. 97-492, eff. 1-1-12.)

25           (205 ILCS 205/3003) (from Ch. 17, par. 7303-3)

1           Sec. 3003. Contents of articles of incorporation.

2           (a) The articles of incorporation shall set forth:

3                 (1) The name of the savings bank.

4                 (2) The initial location of the business office.

5                 (3) The duration of existence, which shall be perpetual  
6 unless otherwise specified.

7                 (4) The initial number of directors, not less than 5.

8                 (5) The authorization, if any, to issue deposit  
9 accounts, the aggregate amount of which may be unlimited.

10                (6) The authorization, if any, to issue stock, the  
11 aggregate number of shares and the par value per share,  
12 ~~which shall not be less than \$1.~~

13                (7) The quorum required for action of members if a  
14 quorum other than that specified in this Act is desired.

15                (8) Any other provision, not inconsistent with law,  
16 which the subscribers or members may desire, for the  
17 internal regulation of the affairs of the savings bank.

18           (b) A savings bank may include in its original articles of  
19 incorporation or amended articles a requirement that proposed  
20 amendments to the articles of incorporation shall be adopted by  
21 the affirmative vote of two-thirds of the total number of votes  
22 entitled to be cast.

23           (c) The articles of incorporation need not set forth any of  
24 the powers that this Act confers.

25           (Source: P.A. 89-74, eff. 6-30-95.)



1 (205 ILCS 205/4007) (from Ch. 17, par. 7304-7)

2 Sec. 4007. Proxies.

3 (a) Voting at a meeting may be either in person or by proxy  
4 executed in writing by the member or shareholder or by his duly  
5 authorized attorney-in-fact. ~~The forms and wording of all~~  
6 ~~proxies must receive prior approval of the Commissioner.~~

7 (b) No proxy shall be valid:

8 (1) After 11 months from the date of its execution,  
9 unless otherwise provided in the proxy.

10 (2) Unless executed in an instrument separate from  
11 other forms or documents relating to the member's accounts.

12 (3) For any meeting at which the member who gave it is  
13 present, provided that notice is given by the member in  
14 writing, prior to the taking of any vote, to an official  
15 whom the savings bank shall identify at the meeting as  
16 having responsibility for the matter.

17 (4) Unless the member giving the proxy is told by the  
18 person to whom it is given that the proxy is optional and  
19 that the voting rights it represents can be exercised by  
20 the member himself.

21 (Source: P.A. 86-1213.)

22 (205 ILCS 205/4008) (from Ch. 17, par. 7304-8)

23 Sec. 4008. Directors. The business and affairs of the  
24 savings bank shall be exercised by its elected board of  
25 directors. The board of directors shall consist of the number

1 of directors fixed by the bylaws, but shall not be fewer than  
2 5. No more than 40% of the directors shall be salaried  
3 employees of the savings bank, except that a higher percentage  
4 may be allowed with the prior written approval of the  
5 Commissioner. ~~At least two thirds of the directors shall be~~  
6 ~~residents of this State.~~

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

8 (205 ILCS 205/4010) (from Ch. 17, par. 7304-10)

9 Sec. 4010. Conduct of directors and officers.

10 (a) Directors and officers occupy a fiduciary relationship  
11 to the savings bank of which they are directors or officers,  
12 and a director or officer shall not engage or participate,  
13 directly or indirectly, in any business or transaction  
14 conducted on behalf of or involving the savings bank that would  
15 result in a conflict of their own personal interests with those  
16 of the savings bank which they serve, unless: (i) the business  
17 or transactions are conducted in good faith and are honest,  
18 fair, and reasonable to the savings bank; (ii) a full  
19 disclosure of the business or transaction and the nature of the  
20 director's or officer's interest is made to the board of  
21 directors; and (iii) the business or transaction is approved in  
22 good faith by the board of directors with any interested  
23 director abstaining. The approval of the business or  
24 transaction shall be recorded in the minutes. Any profits  
25 inuring to the officer or director shall not be at the expense

1 of the savings bank. The business or transaction shall not  
2 represent a breach of the officer's or director's fiduciary  
3 duty and shall not be fraudulent or illegal. Notwithstanding  
4 any other provisions of this Section, the Secretary  
5 ~~Commissioner~~ may require the disclosure by directors,  
6 officers, and employees of their personal interest, directly or  
7 indirectly, in any business or transaction on behalf of or  
8 involving the savings bank and of their control of or active  
9 participation in enterprises having activities related to the  
10 business of the savings bank. The following restrictions  
11 governing the conduct of directors and officers expressly are  
12 specified, but that specification does not excuse those persons  
13 from the observance of any other aspect of the general  
14 fiduciary duty owed by them to the savings bank which they  
15 serve:

16 (1) An officer or director of a mutual savings bank  
17 shall not hold office or status as a director or officer of  
18 another mutual savings bank subject to this Act.

19 (2) A director shall receive as remuneration only  
20 reasonable fees for services as a director or for service  
21 as a member of a committee of directors. A director who is  
22 also an officer or employee of the savings bank may receive  
23 compensation for service as an officer or employee.

24 (3) A director or officer shall not have any interest,  
25 direct or indirect, in the purchase at less than its face  
26 value of any evidence of a savings account, deposit, or

1 other indebtedness issued by the savings bank.

2 (4) A savings bank or director or officer thereof shall  
3 not directly or indirectly require, as a condition to the  
4 granting of any loan or the extension of any other service  
5 by the savings bank or its affiliates that the borrower or  
6 any other person undertake a contract of insurance or any  
7 other agreement or understanding with respect to the direct  
8 or indirect furnishing of any other goods or services with  
9 any specific company, agency, or individual.

10 (5) An officer or director acting as proxy for a member  
11 of a mutual savings bank shall not exercise, transfer, or  
12 delegate that right in any consideration of a private  
13 benefit or advantage, direct or indirect, accruing to  
14 himself nor surrender control or pass his office to any  
15 other for any consideration of a private benefit or  
16 advantage, direct or indirect. The voting rights of members  
17 shall not be the subject of sale or similar transaction,  
18 either directly or indirectly. Any officer or director who  
19 violates the provisions of this subsection shall be held  
20 accountable to the savings bank for any increment.

21 (6) A director or officer shall not solicit, accept, or  
22 agree to accept, directly or indirectly, from any person  
23 other than the savings bank any gratuity, compensation, or  
24 other personal benefit for any action taken by the savings  
25 bank or for endeavoring to procure any action by the  
26 savings bank.

1           (7) ~~A Subject to the approval of the Commissioner, a~~  
2           savings bank's bylaws may provide for reasonable  
3           indemnification to its officers, directors, and employees  
4           in connection with the faithful performance of their duties  
5           for the savings bank. The Secretary ~~Commissioner~~ may  
6           promulgate model indemnification provisions and may  
7           consider provisions available under the Business  
8           Corporation Act of 1983, the Illinois Banking Act, and  
9           those available to national banks.

10          (b) The bylaws of a savings bank may contain a provision  
11          providing that a director is not personally liable to the  
12          savings bank or its shareholders for monetary damages for a  
13          breach of the director's fiduciary duty; provided, however,  
14          that such provision may not eliminate or limit the liability of  
15          a director for any of the following:

16                (1) An act or omission that is grossly negligent.

17                (2) A breach of the director's duty of loyalty to the  
18                savings bank or its shareholders.

19                (3) Acts or omissions not in good faith or that involve  
20                intentional misconduct or a knowing violation of law.

21                (4) A transaction from which the director derived an  
22                improper personal benefit.

23                (5) An act or omission occurring before the effective  
24                date of the provision in the bylaws authorized by this  
25                subsection.

26          (Source: P.A. 89-320, eff. 1-1-96.)

1 (205 ILCS 205/4013) (from Ch. 17, par. 7304-13)

2 Sec. 4013. Access to books and records; communication with  
3 members and shareholders.

4 (a) Every customer ~~member or shareholder~~ shall have the  
5 right to inspect financial ~~books and~~ records of the savings  
6 bank that pertain to his or her accounts. Otherwise, the right  
7 of inspection and examination of the books and records shall be  
8 limited as provided in this Act. Only members shall be entitled  
9 to a list of members of the savings bank ~~, and no other person~~  
10 ~~shall have access to the books and records nor shall be~~  
11 ~~entitled to a list of the members or shareholders.~~

12 (b) For the purpose of this Section, the term "financial  
13 records" means any original, any copy, or any summary of (1) a  
14 document granting signature authority over a deposit or  
15 account; (2) a statement, ledger card, or other record on any  
16 deposit or account that shows each transaction in or with  
17 respect to that account; (3) a check, draft, or money order  
18 drawn on a savings bank or issued and payable by a savings  
19 bank; or (4) any other item containing information pertaining  
20 to any relationship established in the ordinary course of a  
21 savings bank's business between a savings bank and its  
22 customer, including financial statements or other financial  
23 information provided by the customer ~~member or shareholder~~.

24 (b-5) For purposes of this Section, subject to the  
25 Secretary's rules, the term "customer" means a person who

1 applies for or is provided with a financial service or product  
2 by the savings bank. "Customer" does not include a person who  
3 (i) is a customer of another financial institution and the  
4 savings bank acts solely as agent for, or provides processing  
5 or other services to, that other financial institution; (ii)  
6 solely has designated the savings bank as trustee for a trust;  
7 (iii) solely is a beneficiary of a trust for which the savings  
8 bank is a trustee; or (iv) solely is a participant or a  
9 beneficiary of an employee benefit plan that the savings bank  
10 sponsors or for which the savings bank acts as a trustee or  
11 fiduciary.

12 (c) This Section does not prohibit:

13 (1) The preparation examination, handling, or  
14 maintenance of any financial records by any officer,  
15 employee, or agent of a savings bank having custody of  
16 records or examination of records by a certified public  
17 accountant engaged by the savings bank to perform an  
18 independent audit.

19 (2) The examination of any financial records by, or the  
20 furnishing of financial records by a savings bank to, any  
21 officer, employee, or agent of the Secretary ~~Commissioner~~  
22 ~~of Banks and Real Estate~~ or the federal depository  
23 institution regulator for use solely in the exercise of his  
24 duties as an officer, employee, or agent.

25 (3) The publication of data furnished from financial  
26 records relating to customers ~~members or holders of capital~~

1 where the data cannot be identified to any particular  
2 customer ~~member, shareholder,~~ or account.

3 (4) The making of reports or returns required under  
4 Chapter 61 of the Internal Revenue Code of 1986.

5 (5) Furnishing information concerning the dishonor of  
6 any negotiable instrument permitted to be disclosed under  
7 the Uniform Commercial Code.

8 (6) The exchange in the regular course of business of  
9 (i) credit information between a savings bank and other  
10 savings banks or financial institutions or commercial  
11 enterprises, directly or through a consumer reporting  
12 agency or (ii) financial records or information derived  
13 from financial records between a savings bank and other  
14 savings banks or financial institutions or commercial  
15 enterprises for the purpose of conducting due diligence  
16 pursuant to a purchase or sale involving the savings bank  
17 or assets or liabilities of the savings bank.

18 (7) The furnishing of information to the appropriate  
19 law enforcement authorities where the savings bank  
20 reasonably believes it has been the victim of a crime.

21 (8) The furnishing of information pursuant to the  
22 Uniform Disposition of Unclaimed Property Act.

23 (9) The furnishing of information pursuant to the  
24 Illinois Income Tax Act and the Illinois Estate and  
25 Generation-Skipping Transfer Tax Act.

26 (10) The furnishing of information pursuant to the



1 federal "Currency and Foreign Transactions Reporting Act",  
2 (Title 31, United States Code, Section 1051 et seq.).

3 (11) The furnishing of information pursuant to any  
4 other statute which by its terms or by regulations  
5 promulgated thereunder requires the disclosure of  
6 financial records other than by subpoena, summons,  
7 warrant, or court order.

8 (12) The furnishing of information in accordance with  
9 the federal Personal Responsibility and Work Opportunity  
10 Reconciliation Act of 1996. Any savings bank governed by  
11 this Act shall enter into an agreement for data exchanges  
12 with a State agency provided the State agency pays to the  
13 savings bank a reasonable fee not to exceed its actual cost  
14 incurred. A savings bank providing information in  
15 accordance with this item shall not be liable to any  
16 account holder or other person for any disclosure of  
17 information to a State agency, for encumbering or  
18 surrendering any assets held by the savings bank in  
19 response to a lien or order to withhold and deliver issued  
20 by a State agency, or for any other action taken pursuant  
21 to this item, including individual or mechanical errors,  
22 provided the action does not constitute gross negligence or  
23 willful misconduct. A savings bank shall have no obligation  
24 to hold, encumber, or surrender assets until it has been  
25 served with a subpoena, summons, warrant, court or  
26 administrative order, lien, or levy.

1           (13) The furnishing of information to law enforcement  
2 authorities, the Illinois Department on Aging and its  
3 regional administrative and provider agencies, the  
4 Department of Human Services Office of Inspector General,  
5 or public guardians: (i) upon subpoena by the investigatory  
6 entity or the guardian, or (ii) if there is suspicion by  
7 the savings bank that a customer who is an elderly or  
8 disabled person has been or may become the victim of  
9 financial exploitation. For the purposes of this item (13),  
10 the term: (i) "elderly person" means a person who is 60 or  
11 more years of age, (ii) "disabled person" means a person  
12 who has or reasonably appears to the savings bank to have a  
13 physical or mental disability that impairs his or her  
14 ability to seek or obtain protection from or prevent  
15 financial exploitation, and (iii) "financial exploitation"  
16 means tortious or illegal use of the assets or resources of  
17 an elderly or disabled person, and includes, without  
18 limitation, misappropriation of the elderly or disabled  
19 person's assets or resources by undue influence, breach of  
20 fiduciary relationship, intimidation, fraud, deception,  
21 extortion, or the use of assets or resources in any manner  
22 contrary to law. A savings bank or person furnishing  
23 information pursuant to this item (13) shall be entitled to  
24 the same rights and protections as a person furnishing  
25 information under the Elder Abuse and Neglect Act, the  
26 Illinois Domestic Violence Act of 1986, and the Abuse of

1 Adults with Disabilities Intervention Act.

2 (14) The disclosure of financial records or  
3 information as necessary to effect, administer, or enforce  
4 a transaction requested or authorized by the member or  
5 holder of capital, or in connection with:

6 (A) servicing or processing a financial product or  
7 service requested or authorized by the customer ~~member~~  
8 ~~or holder of capital~~;

9 (B) maintaining or servicing an account of a  
10 customer ~~member or holder of capital~~ with the savings  
11 bank; or

12 (C) a proposed or actual securitization or  
13 secondary market sale (including sales of servicing  
14 rights) related to a transaction of a customer ~~member~~  
15 ~~or holder of capital~~.

16 Nothing in this item (14), however, authorizes the sale  
17 of the financial records or information of a customer  
18 ~~member or holder of capital~~ without the consent of the  
19 customer ~~member or holder of capital~~.

20 (15) The exchange in the regular course of business of  
21 information between a savings bank and any commonly owned  
22 affiliate of the savings bank, subject to the provisions of  
23 the Financial Institutions Insurance Sales Law.

24 (16) The disclosure of financial records or  
25 information as necessary to protect against or prevent  
26 actual or potential fraud, unauthorized transactions,

1 claims, or other liability.

2 (17) (a) The disclosure of financial records or  
3 information related to a private label credit program  
4 between a financial institution and a private label party  
5 in connection with that private label credit program. Such  
6 information is limited to outstanding balance, available  
7 credit, payment and performance and account history,  
8 product references, purchase information, and information  
9 related to the identity of the customer.

10 (b) (1) For purposes of this paragraph (17) of  
11 subsection (c) of Section 4013, a "private label credit  
12 program" means a credit program involving a financial  
13 institution and a private label party that is used by a  
14 customer of the financial institution and the private label  
15 party primarily for payment for goods or services sold,  
16 manufactured, or distributed by a private label party.

17 (2) For purposes of this paragraph (17) of subsection  
18 (c) of Section 4013, a "private label party" means, with  
19 respect to a private label credit program, any of the  
20 following: a retailer, a merchant, a manufacturer, a trade  
21 group, or any such person's affiliate, subsidiary, member,  
22 agent, or service provider.

23 (d) A savings bank may not disclose to any person, except  
24 to the customer ~~member or holder of capital~~ or his duly  
25 authorized agent, any financial records relating to that  
26 customer ~~member or shareholder~~ of the savings bank unless:

1           (1) the customer ~~member or shareholder~~ has authorized  
2 disclosure to the person; or

3           (2) the financial records are disclosed in response to  
4 a lawful subpoena, summons, warrant, citation to discover  
5 assets, or court order that meets the requirements of  
6 subsection (e) of this Section.

7           (e) A savings bank shall disclose financial records under  
8 subsection (d) of this Section pursuant to a lawful subpoena,  
9 summons, warrant, citation to discover assets, or court order  
10 only after the savings bank mails a copy of the subpoena,  
11 summons, warrant, citation to discover assets, or court order  
12 to the person establishing the relationship with the savings  
13 bank, if living, and otherwise, his personal representative, if  
14 known, at his last known address by first class mail, postage  
15 prepaid, unless the savings bank is specifically prohibited  
16 from notifying the person by order of court.

17           (f) Any officer or employee of a savings bank who knowingly  
18 and willfully furnishes financial records in violation of this  
19 Section is guilty of a business offense and, upon conviction,  
20 shall be fined not more than \$1,000.

21           (g) Any person who knowingly and willfully induces or  
22 attempts to induce any officer or employee of a savings bank to  
23 disclose financial records in violation of this Section is  
24 guilty of a business offense and, upon conviction, shall be  
25 fined not more than \$1,000.

26           (h) If any member or shareholder desires to communicate

1 with the other members or shareholders of the savings bank with  
2 reference to any question pending or to be presented at an  
3 annual or special meeting, the savings bank shall give that  
4 person, upon request, a statement of the approximate number of  
5 members or shareholders entitled to vote at the meeting and an  
6 estimate of the cost of preparing and mailing the  
7 communication. The requesting member shall submit the  
8 communication to the Secretary ~~Commissioner~~ who, upon finding  
9 it to be appropriate and truthful, shall direct that it be  
10 prepared and mailed to the members upon the requesting member's  
11 or shareholder's payment or adequate provision for payment of  
12 the expenses of preparation and mailing.

13 (i) A savings bank shall be reimbursed for costs that are  
14 necessary and that have been directly incurred in searching  
15 for, reproducing, or transporting books, papers, records, or  
16 other data of a customer required to be reproduced pursuant to  
17 a lawful subpoena, warrant, citation to discover assets, or  
18 court order.

19 (j) Notwithstanding the provisions of this Section, a  
20 savings bank may sell or otherwise make use of lists of  
21 customers' names and addresses. All other information  
22 regarding a customer's account are subject to the disclosure  
23 provisions of this Section. At the request of any customer,  
24 that customer's name and address shall be deleted from any list  
25 that is to be sold or used in any other manner beyond  
26 identification of the customer's accounts.

1 (Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06;  
2 95-661, eff. 1-1-08.)

3 (205 ILCS 205/6002) (from Ch. 17, par. 7306-2)

4 Sec. 6002. Investment in loans. Subject to the regulations  
5 of the Secretary ~~Commissioner~~, a savings bank may loan funds as  
6 follows:

7 (1) On the security of deposit accounts, but no such loan  
8 shall exceed the withdrawal value of the pledged account.

9 (2) On the security of real estate:

10 (A) of a value, determined in accordance with this Act,  
11 sufficient to provide good and ample security for the loan;

12 (B) with a fee simple title or a leasehold title;

13 (C) with the title established by evidence of title as  
14 is consistent with sound lending practices in the locality;

15 (D) with the security interest in the real estate  
16 evidenced by an appropriate written instrument and the loan  
17 evidenced by a note, bond, or similar written instrument; a  
18 loan on the security of the whole of the beneficial  
19 interest in a land trust satisfies the requirements of this  
20 paragraph if the title to the land is held by a corporate  
21 trustee and if the real estate held in the land trust meets  
22 the other requirements of this subsection;

23 (E) with a mortgage loan not to exceed 40 years.

24 (3) For the purpose of repair, improvement,  
25 rehabilitation, furnishing, or equipment of real estate.

1           (4) For the purpose of financing or refinancing an existing  
2 ownership interest in certificates of stock, certificates of  
3 beneficial interest, other evidence of an ownership interest  
4 in, or a proprietary lease from a corporation, trust, or  
5 partnership formed for the purpose of the cooperative ownership  
6 of real estate, secured by the assignment or transfer of  
7 certificates or other evidence of ownership of the borrower.

8           (5) Through the purchase of loans that, at the time of  
9 purchase, the savings bank could make in accordance with this  
10 Section and the bylaws.

11           (6) Through the purchase of installment contracts for the  
12 sale of real estate and title thereto that is subject to the  
13 contracts, but in each instance only if the savings bank, at  
14 the time of purchase, could make a mortgage loan of the same  
15 amount and for the same length of time on the security of the  
16 real estate.

17           (7) Through loans guaranteed or insured, wholly or in part,  
18 by the United States or any of its instrumentalities.

19           (8) Subject to regulations adopted by the Secretary  
20 ~~Commissioner~~, through secured or unsecured loans for business,  
21 corporate, commercial, or agricultural purposes; provided that  
22 the total of all loans granted under this paragraph shall not  
23 exceed 15% of the savings bank's total assets unless a greater  
24 amount is authorized in writing by the Secretary ~~Commissioner~~.

25           (9) For the purpose of mobile home financing ~~subject,~~  
26 ~~however, to the regulation of the Commissioner.~~



1 (10) Through loans secured by the cash surrender value of  
2 any life insurance policy or any collateral that would be a  
3 legal investment under the terms of this Act if made by the  
4 savings bank.

5 (11) Any provision of this Act or any other law, except for  
6 paragraph (18) of Section 6003, to the contrary  
7 notwithstanding, but subject to the Financial Institutions  
8 Insurance Sales Law and subject to the Secretary's  
9 ~~Commissioner's~~ regulations, any savings bank may make any loan  
10 or investment or engage in any activity that it could make or  
11 engage in if it were organized under State law as a savings and  
12 loan association or under federal law as a federal savings and  
13 loan association or federal savings bank.

14 (12) A savings bank may issue letters of credit or other  
15 similar arrangements only as provided for by regulation of the  
16 Secretary ~~Commissioner~~ with regard to aggregate amounts  
17 permitted, take out commitments for stand-by letters of credit,  
18 underlying documentation and underwriting, legal limitations  
19 on loans of the savings bank, control and subsidiary records,  
20 and other procedures deemed necessary by the Secretary  
21 ~~Commissioner~~.

22 (13) For the purpose of vehicle ~~automobile~~ financing,  
23 ~~subject to the regulation of the Commissioner.~~ "Vehicle" shall  
24 include all motorized forms of transportation that constitute  
25 adequate collateral.

26 (14) For the purpose of financing primary, secondary,

1 undergraduate, or postgraduate education.

2 (15) Through revolving lines of credit on the security of a  
3 first or junior lien on the borrower's personal residence,  
4 based primarily on the borrower's equity, the proceeds of which  
5 may be used for any purpose; those loans being commonly  
6 referred to as home equity loans.

7 (16) As secured or unsecured credit to cover the payment of  
8 checks, drafts, or other funds transfer orders in excess of the  
9 available balance of an account on which they are drawn,  
10 subject to the regulations of the Secretary ~~Commissioner~~.

11 (Source: P.A. 90-301, eff. 8-1-97; 91-97, eff. 7-9-99.)

12 (205 ILCS 205/6013) (from Ch. 17, par. 7306-13)

13 Sec. 6013. Loans to one borrower.

14 (a) Except as provided in subsection (c), the total loans  
15 and extensions of credit, both direct and indirect, by a  
16 savings bank to any person, other than a municipal corporation  
17 for money borrowed, outstanding at one time shall not exceed  
18 25% of the savings bank's total capital plus general loan loss  
19 reserves.

20 (b) Except as provided in subsection (c), the total loans  
21 and extensions of credit, both direct and indirect, by a  
22 savings bank to any person outstanding at one time and at least  
23 100% secured by readily marketable collateral having a market  
24 value, as determined by reliable and continuously available  
25 price quotations, shall not exceed 10% of the savings bank's

1 total capital plus general loan loss reserves. This limitation  
2 shall be separate from and in addition to the limitation  
3 contained in subsection (a).

4 (c) If the limit under subsection (a) or (b) on total loans  
5 to one borrower is less than \$500,000, a savings bank that  
6 meets its minimum capital requirement under this Act may have  
7 loan and extensions of credit, both direct and indirect,  
8 outstanding to any person at one time not to exceed \$500,000.  
9 With the prior written approval of the Commissioner, a savings  
10 bank that has capital in excess of 6% of assets may make loans  
11 and extensions of credit to one borrower for the development of  
12 residential housing properties, located or to be located in  
13 this State, not to exceed 30% of the savings bank's total  
14 capital plus general loan loss reserves.

15 (d) For purposes of this Section, the term "person" shall  
16 be deemed to include an individual, firm, corporation, business  
17 trust, partnership, trust, estate, association, joint venture,  
18 pool, syndicate, sole proprietorship, unincorporated  
19 association, any political subdivision, or any similar entity  
20 or organization.

21 (e) For the purposes of this Section any loan or extension  
22 of credit granted to one person, the proceeds of which are used  
23 for the direct benefit of a second person, shall be deemed a  
24 loan or extension of credit to the second person as well as the  
25 first person. In addition, a loan or extension of credit to one  
26 person shall be deemed a loan or extension of credit to others

1 when a common enterprise exists between the first person and  
2 such other persons.

3 (f) For the purposes of this Section, the total liabilities  
4 of a firm, partnership, pool, syndicate, or joint venture shall  
5 include the liabilities of the members of the entity.

6 (g) For the purposes of this Section, the term "readily  
7 marketable collateral" means financial instruments or bullion  
8 that are salable under ordinary circumstances with reasonable  
9 promptness at a fair market value on an auction or a similarly  
10 available daily bid-and-ask price market. "Financial  
11 instruments" include stocks, bonds, notes, debentures traded  
12 on a national exchange or over the counter, commercial paper,  
13 negotiable certificates of deposit, bankers' acceptances, and  
14 shares in money market or mutual funds.

15 (h) Each savings bank shall institute adequate procedures  
16 to ensure that collateral fully secures the outstanding loan or  
17 extension of credit at all times.

18 (i) If collateral values fall below 100% of the outstanding  
19 loan or extension of credit to the extent that the loan or  
20 extension of credit no longer is in conformance with subsection  
21 (b) and exceeds the 25% limitation of subsection (a), the loan  
22 must be brought into conformance with this Section within 5  
23 business days except where judicial proceedings or other  
24 similar extraordinary occurrences prevent the savings bank  
25 from taking action.

26 (j) This Section shall not apply to loans or extensions of

1 credit to the United States of America or its agencies or this  
2 State or its agencies or to any loan, investment, or extension  
3 of credit made pursuant to Section 6003 of this Act.

4 (k) This Section does not apply to the obligations as  
5 endorser, whether with or without recourse, or as guarantor,  
6 whether conditional or unconditional, of negotiable or  
7 nonnegotiable installment consumer paper of the person  
8 transferring the same if the bank's files or the knowledge of  
9 its officers of the financial condition of each maker of those  
10 obligations is reasonably adequate and if an officer of the  
11 bank, designated for that purpose by the board of directors of  
12 the bank, certifies that the responsibility of each maker of  
13 the obligations has been evaluated and that the bank is relying  
14 primarily upon each maker for the payment of the obligations.  
15 The certification shall be in writing and shall be retained as  
16 part of the records of the bank.

17 (1) The following shall be considered a loan or extension  
18 of credit within the meaning of this Section:

19 (1) all direct or indirect advances of funds to a  
20 person made on the basis of any obligation of that person  
21 to repay the funds or repayable from specific property  
22 pledged by or on behalf of that person; and

23 (2) to the extent specified by the Secretary, any  
24 liability of a savings bank to advance funds to or on  
25 behalf of a person pursuant to a contractual commitment.

26 (m) ~~(l)~~ The Secretary ~~Commissioner~~ may prescribe rules to

1 carry out the purposes of this Section and to establish limits  
2 or requirements other than those specified in this Section for  
3 particular types of loans and extensions of credit.

4 (Source: P.A. 92-483, eff. 8-23-01; 92-700, eff. 7-19-02.)

5 (205 ILCS 205/6014) (from Ch. 17, par. 7306-14)

6 Sec. 6014. Secretary's ~~Commissioner's~~ regulations.

7 (a) The Secretary may ~~Commissioner shall~~ promulgate rules  
8 and regulations to determine permissible levels of investment  
9 and permissible concentrations of assets for savings banks  
10 applicable to all lending and investment authority granted by  
11 this Article 6. The rules and regulations shall give due regard  
12 to capital adequacy, operating income, underwriting standards,  
13 risk inherent in the investment or loan, and competitive parity  
14 with other financial institutions.

15 (b) Violations of any of the provisions of this Article 6  
16 shall constitute an unsafe and unsound practice and may subject  
17 the savings bank, its directors, officers, or agents to  
18 enforcement actions, civil money penalties, or other sanctions  
19 as provided in this Act.

20 (Source: P.A. 86-1213.)

21 (205 ILCS 205/8006) (from Ch. 17, par. 7308-6)

22 Sec. 8006. Merger; Secretary's certificate. The executed  
23 merger agreement together with copies of the resolutions of the  
24 members or stockholders of each merging depository institution

1 approving it, certified by the president or vice president, and  
2 attested to by the secretary of the savings bank, shall be  
3 filed with the Secretary. The Secretary shall then issue to the  
4 continuing savings bank a certificate of merger, setting forth  
5 the name of each merging depository institution, the name of  
6 the continuing savings bank, and the articles of incorporation  
7 of the continuing savings bank. The merger takes effect upon  
8 the issuance of the certificate of merger ~~recording of the~~  
9 ~~certificate in the same manner as the articles of incorporation~~  
10 ~~in each county in which the business office of any of the~~  
11 ~~merging depository institutions was located and in the county~~  
12 ~~in which the business office of the continuing savings bank is~~  
13 ~~located. When duly recorded, the certificate shall be~~  
14 ~~conclusive evidence of the merger and of the correctness of the~~  
15 ~~proceedings therefor except against the State.~~

16 (Source: P.A. 97-492, eff. 1-1-12.)

17 (205 ILCS 205/8012) (from Ch. 17, par. 7308-12)

18 Sec. 8012. Conversion of an existing depository  
19 institution to a savings bank.

20 (a) Except as provided in subsection (b), an existing  
21 depository institution may become an Illinois savings bank by:

22 (1) Applying to the Secretary ~~Commissioner of Banks and~~  
23 ~~Real Estate~~ for an Illinois savings bank charter.

24 (2) Obtaining insurance of accounts from a deposit  
25 insurance corporation.

1           (3) Complying with the provisions of this Act and the  
2 rules and regulations of the Secretary ~~Commissioner~~,  
3 except that any requirements of publication, notice, and  
4 public hearing are hereby waived.

5           (4) Paying all outstanding bills for supervisory fees,  
6 examination fees, membership fees, other fees, penalties,  
7 and assessments associated with its original charter.

8           (5) (Blank). ~~Recording a savings bank charter in the~~  
9 ~~county of its company headquarters.~~

10           (6) Giving notice to its original chartering authority  
11 and surrendering its charter to its chartering authority  
12 upon approval of the Secretary ~~Commissioner~~.

13           (b) A federal association required by a law of the United  
14 States to convert to a national bank or to a depository  
15 institution chartered under the laws of the State of Illinois  
16 that elects to become a savings bank may apply for an expedited  
17 process under this subsection. Upon filing with the Secretary  
18 ~~Commissioner~~ a certified copy of the conversion registration  
19 statement filed with the appropriate federal regulatory agency  
20 and a certificate issued by that federal regulatory agency  
21 showing that the federal association has complied with the  
22 provisions of federal law, the Secretary ~~Commissioner~~ shall  
23 issue a savings bank charter to the converting federal  
24 association, provided the converting federal association:

25           (i) furnishes evidence of insurance of accounts from a  
26 deposit insurance corporation; and



1 (ii) complies with the provisions of this Act and the  
2 rules of the Secretary Commissioner, except that any  
3 requirements of publication notice and public hearing are  
4 waived. ~~and~~

5 ~~(iii) records the savings bank charter in the county of~~  
6 ~~its principal place of business.~~

7 (c) A federal savings association that converts to a  
8 savings bank under subsection (b) of this Section shall not be  
9 required to pay any application fees in connection with the  
10 conversion.

11 (Source: P.A. 89-508, eff. 7-3-96; 90-270, eff. 7-30-97.)

12 (205 ILCS 205/9002) (from Ch. 17, par. 7309-2)

13 Sec. 9002. Powers of Secretary. The Secretary shall have  
14 the following powers ~~and duties~~:

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

17 (2) To establish regulations as may be reasonable or  
18 necessary to accomplish the purposes of this Act.

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

22 (4) To cause a suit to be filed in his name to enforce  
23 any law of this State that applies to savings banks, their  
24 service corporations, subsidiaries, affiliates, or holding  
25 companies operating under this Act, including the

1 enforcement of any obligation of the officers, directors,  
2 agents, or employees of any savings bank.

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

5 (6) To establish a reasonable fee structure for savings  
6 banks and holding companies operating under this Act and  
7 for their service corporations and subsidiaries. The fees  
8 shall include, but not be limited to, annual fees,  
9 application fees, regular and special examination fees,  
10 and other fees as the Secretary establishes and  
11 demonstrates to be directly resultant from the Secretary's  
12 responsibilities under this Act and as are directly  
13 attributable to individual entities operating under this  
14 Act. The aggregate of all moneys collected by the Secretary  
15 on and after the effective date of this Act ~~shall be paid~~  
16 ~~promptly after receipt of the same, accompanied by a~~  
17 ~~detailed statement thereof, into the Savings and~~  
18 ~~Residential Finance Regulatory Fund subject to the~~  
19 ~~provisions of Section 7-19.1 of the Illinois Savings and~~  
20 ~~Loan Act of 1985 including without limitation the provision~~  
21 ~~for credits against regulatory fees. The amounts deposited~~  
22 ~~into the Fund shall be used for the ordinary and contingent~~  
23 ~~expenses of the Office of Banks and Real Estate.~~  
24 ~~Notwithstanding any other provision of this paragraph (6),~~  
25 ~~the aggregate of all moneys collected by the Secretary~~  
26 ~~under this Act shall be paid promptly after receipt of~~

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

18 (7) To establish a Savings Bank Regulatory Section  
19 within the Division of Banking.

20 The Secretary, when appointed as receiver, or any person  
21 appointed as receiver shall have the same powers, rights, and  
22 privileges as the Federal Deposit Insurance Corporation, which  
23 shall originate at the time of the appointment and continue  
24 through the term of the receivership.

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

1 (205 ILCS 205/9002.1 new)

2 Sec. 9002.1. Savings Institutions Regulatory Fund.

3 (a) The aggregate of all moneys collected by the Secretary  
4 under this Act shall be paid promptly after receipt of the  
5 same, accompanied by a detailed statement thereof, into the  
6 State treasury and shall be set apart in the Savings  
7 Institutions Regulatory Fund. All earnings received from  
8 investments of funds in the Savings Institutions Regulatory  
9 Fund shall be deposited into the Savings Institutions  
10 Regulatory Fund and may be used for the same purposes as fees  
11 deposited into the Savings Institutions Regulatory Fund. The  
12 amount from time to time deposited into the Fund shall be used  
13 (i) to offset the ordinary administrative expenses as defined  
14 in this Section or (ii) as a credit against fees under  
15 subsection (b) of this Section. Nothing in this Section shall  
16 prevent continuing the practice of paying expenses involving  
17 salaries, retirement, Social Security, and State paid  
18 insurance of State officers by appropriation from the General  
19 Revenue Fund. However, the General Revenue Fund shall be  
20 reimbursed for those payments made on and after July 1, 1979 by  
21 an annual transfer of funds from the Savings Institutions  
22 Regulatory Fund. Money in the Savings Institutions Regulatory  
23 Fund may be transferred to the Professions Indirect Cost Fund  
24 as authorized under Section 2105-300 of the Department of  
25 Professional Regulation Law of the Civil Administrative Code of  
26 Illinois.

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

1       (c) Moneys in the Residential Finance Regulatory Fund  
2       apportioned to the moneys collected under the Illinois Savings  
3       and Loan Act of 1985 and the Savings Bank Act shall be  
4       transferred to the Savings Institutions Regulatory Fund. Any  
5       amount used or borrowed from the moneys apportioned to the  
6       moneys collected under the Illinois Savings and Loan Act of  
7       1985 and this Act that would have been required to be returned  
8       to that apportionment shall be instead paid into the Savings  
9       Institutions Regulatory Fund in the same manner.

10       (205 ILCS 205/9002.5)

11       Sec. 9002.5. Regulatory fees.

12       (a) For the fiscal year beginning July 1, 2007 and every  
13       year thereafter, each savings bank and each service corporation  
14       operating under this Act shall pay in quarterly installments  
15       equal to one-fourth of a fixed fee of \$520, plus a variable fee  
16       based on one-fourth the total assets of the savings bank or  
17       service corporation, as shown in the corresponding quarterly  
18       statement of condition, at the following rates:

19               24.97¢ per \$1,000 of the first \$2,000,000 of total  
20       assets;

21               22.70¢ per \$1,000 of the next \$3,000,000 of total  
22       assets;

23               20.43¢ per \$1,000 of the next \$5,000,000 of total  
24       assets;

25               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 "Quarterly statement of condition" means the Report of

14 Condition and Income (Call Report) filed with the appropriate

15 federal banking agency, as defined by Section 3 of the Federal

16 Deposit Insurance Act (12 U.S.C. 1813).

17 (b) (Blank). ~~The Secretary shall receive and there shall be~~

18 ~~paid to the Secretary an additional fee as an adjustment to the~~

19 ~~supervisory fee, based upon the difference between the total~~

20 ~~assets of each savings bank and each service corporation as~~

21 ~~shown by its financial report filed with the Secretary for the~~

22 ~~reporting period of the calendar year ended December 31 on~~

23 ~~which the supervisory fee was based and the total assets of~~

24 ~~each savings bank and each service corporation as shown by its~~

25 ~~financial report filed with the Secretary for the reporting~~

26 ~~period of the calendar year ended December 31 in which the~~

1 ~~quarterly payments are made according to the following~~  
2 ~~schedule:~~

3 ~~24.97¢ per \$1,000 of the first \$2,000,000 of total~~  
4 ~~assets;~~

5 ~~22.70¢ per \$1,000 of the next \$3,000,000 of total~~  
6 ~~assets;~~

7 ~~20.43¢ per \$1,000 of the next \$5,000,000 of total~~  
8 ~~assets;~~

9 ~~17.025¢ per \$1,000 of the next \$15,000,000 of total~~  
10 ~~assets;~~

11 ~~14.755¢ per \$1,000 of the next \$25,000,000 of total~~  
12 ~~assets;~~

13 ~~12.485¢ per \$1,000 of the next \$50,000,000 of total~~  
14 ~~assets;~~

15 ~~10.215¢ per \$1,000 of the next \$400,000,000 of total~~  
16 ~~assets;~~

17 ~~6.81¢ per \$1,000 of the next \$500,000,000 of total~~  
18 ~~assets; and~~

19 ~~4.54¢ per \$1,000 of all total assets in excess of~~  
20 ~~\$1,000,000,000 of such savings bank or service~~  
21 ~~corporation.~~

22 (c) (Blank). ~~The Secretary shall receive and there shall be~~  
23 ~~paid to the Secretary by each savings bank and each service~~  
24 ~~corporation a fee of \$520 for each approved branch office or~~  
25 ~~facility office established under the Illinois Administrative~~  
26 ~~Code. The determination of the fees shall be made annually as~~



1 ~~of the close of business of the prior calendar year ended~~  
2 ~~December 31.~~

3 (d) For purposes of this Section, "fiscal year" means a  
4 period beginning July 1 of any year and ending June 30 of the  
5 next year. The Secretary shall receive for each fiscal year,  
6 commencing with the fiscal year ending June 30, 2013, a  
7 contingent fee equal to the lesser of the aggregate of the fees  
8 paid by all savings banks under subsection (a) of this Section  
9 for that year, or the amount, if any, whereby the aggregate of  
10 the administration expenses, as defined in subsection (e) of  
11 this Section, for that fiscal year exceeds the sum of the  
12 aggregate of the fees payable by all savings banks for that  
13 year under subsection (a) of this Section, plus any amounts  
14 transferred into the Savings Institutions Regulatory Fund from  
15 the State Pensions Fund for that year, plus all other amounts  
16 collected by the Secretary for that year under any other  
17 provision of this Act. The aggregate amount of the contingent  
18 fee thus arrived at for any fiscal year shall be apportioned  
19 amongst, assessed upon, and paid by the savings banks,  
20 respectively, in the same proportion that the fee of each under  
21 subsection (a) of this Section for that year bears to the  
22 aggregate for that year of the fees collected under subsection  
23 (a) of this Section. The aggregate amount of the contingent  
24 fee, and the portion thereof to be assessed upon each savings  
25 bank, respectively, shall be determined by the Secretary and  
26 shall be paid by each, respectively, within 120 days after the

1 close of the period for which the contingent fee is computed  
2 and is payable, and the Secretary shall give advance notice of  
3 the amount of the contingent fee payable by the savings bank  
4 and of the date fixed by the Secretary for payment of the fee.

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

1 attrition or due to layoffs, terminations, or resignations.

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

3 (205 ILCS 205/9012) (from Ch. 17, par. 7309-12)

4 Sec. 9012. Disclosure of reports of examinations and  
5 confidential supervisory information; limitations.

6 (a) Any report of examination, visitation, or  
7 investigation prepared by the Secretary ~~Commissioner~~ under  
8 this Act, any report of examination, visitation, or  
9 investigation prepared by the state regulatory authority of  
10 another state that examines a branch of an Illinois State  
11 savings bank in that state, any document or record prepared or  
12 obtained in connection with or relating to any examination,  
13 visitation, or investigation, and any record prepared or  
14 obtained by the Secretary ~~Commissioner~~ to the extent that the  
15 record summarizes or contains information derived from any  
16 report, document, or record described in this subsection shall  
17 be deemed confidential supervisory information. "Confidential  
18 supervisory information" shall not include any information or  
19 record routinely prepared by a savings bank and maintained in  
20 the ordinary course of business or any information or record  
21 that is required to be made publicly available pursuant to  
22 State or federal law or rule. Confidential supervisory  
23 information shall be the property of the Secretary ~~Commissioner~~  
24 and shall only be disclosed under the circumstances and for the  
25 purposes set forth in this Section.

1           The Secretary ~~Commissioner~~ may disclose confidential  
2 supervisory information only under the following  
3 circumstances:

4           (1) The Secretary ~~Commissioner~~ may furnish  
5 confidential supervisory information to federal and state  
6 depository institution regulators, or any official or  
7 examiner thereof duly accredited for the purpose. Nothing  
8 contained in this Act shall be construed to limit the  
9 obligation of any savings bank to comply with the  
10 requirements relative to examinations and reports nor to  
11 limit in any way the powers of the Commissioner relative to  
12 examinations and reports.

13           (2) The Secretary ~~Commissioner~~ may furnish  
14 confidential supervisory information to the United States  
15 or any agency thereof that to any extent has insured a  
16 savings bank's deposits, or any official or examiner  
17 thereof duly accredited for the purpose. Nothing contained  
18 in this Act shall be construed to limit the obligation  
19 relative to examinations and reports of any savings bank in  
20 which deposits are to any extent insured by the United  
21 States or any agency thereof nor to limit in any way the  
22 powers of the Commissioner with reference to examination  
23 and reports of the savings bank.

24           (3) The Secretary ~~Commissioner~~ may furnish  
25 confidential supervisory information to the appropriate  
26 law enforcement authorities when the Secretary

1 ~~Commissioner~~ reasonably believes a savings bank, which the  
2 Secretary ~~Commissioner~~ has caused to be examined, has been  
3 a victim of a crime.

4 (4) The Secretary ~~Commissioner~~ may furnish  
5 confidential supervisory information related to a savings  
6 bank, which the Secretary ~~Commissioner~~ has caused to be  
7 examined, to the administrator of the Uniform Disposition  
8 of Unclaimed Property Act.

9 (5) The Secretary ~~Commissioner~~ may furnish  
10 confidential supervisory information relating to a savings  
11 bank, which the Secretary ~~Commissioner~~ has caused to be  
12 examined, relating to its performance of obligations under  
13 the Illinois Income Tax Act and the Illinois Estate and  
14 Generation-Skipping Transfer Tax Act to the Illinois  
15 Department of Revenue.

16 (6) The Secretary ~~Commissioner~~ may furnish  
17 confidential supervisory information relating to a savings  
18 bank, which the Secretary ~~Commissioner~~ has caused to be  
19 examined, under the federal Currency and Foreign  
20 Transactions Reporting Act, 31 United States Code, Section  
21 1051 et seq.

22 (7) The Secretary ~~Commissioner~~ may furnish  
23 confidential supervisory information to any other agency  
24 or entity that the Secretary ~~Commissioner~~ determines to  
25 have a legitimate regulatory interest.

26 (8) The Secretary ~~Commissioner~~ may furnish

1 confidential supervisory information as otherwise  
2 permitted or required by this Act and may furnish  
3 confidential supervisory information under any other  
4 statute that by its terms or by regulations promulgated  
5 thereunder requires the disclosure of financial records  
6 other than by subpoena, summons, warrant, or court order.

7 (9) At the request of the affected savings bank, the  
8 Secretary ~~Commissioner~~ may furnish confidential  
9 supervisory information relating to the savings bank,  
10 which the Secretary ~~Commissioner~~ has caused to be examined,  
11 in connection with the obtaining of insurance coverage or  
12 the pursuit of an insurance claim for or on behalf of the  
13 savings bank; provided that, when possible, the Secretary  
14 ~~Commissioner~~ shall disclose only relevant information  
15 while maintaining the confidentiality of financial records  
16 not relevant to such insurance coverage or claim and, when  
17 appropriate, may delete identifying data relating to any  
18 person.

19 (10) The Secretary ~~Commissioner~~ may furnish a copy of a  
20 report of any examination performed by the Secretary  
21 ~~Commissioner~~ of the condition and affairs of any electronic  
22 data processing entity to the savings banks serviced by the  
23 electronic data processing entity.

24 (11) In addition to the foregoing circumstances, the  
25 Secretary ~~Commissioner~~ may, but is not required to, furnish  
26 confidential supervisory information under the same

1 circumstances authorized for the savings bank pursuant to  
2 subsection (b) of this Section, except that the Secretary  
3 ~~Commissioner~~ shall provide confidential supervisory  
4 information under circumstances described in paragraph (3)  
5 of subsection (b) of this Section only upon the request of  
6 the savings bank.

7 (b) A savings bank or its officers, agents, and employees  
8 may disclose confidential supervisory information only under  
9 the following circumstances:

10 (1) to the board of directors of the savings bank, as  
11 well as the president, vice-president, cashier, and other  
12 officers of the savings bank to whom the board of directors  
13 may delegate duties with respect to compliance with  
14 recommendations for action, and to the board of directors  
15 of a savings bank holding company that owns at least 80% of  
16 the outstanding stock of the savings bank or other  
17 financial institution; -

18 (2) to attorneys for the savings bank and to a  
19 certified public accountant engaged by the savings bank to  
20 perform an independent audit; provided that the attorney or  
21 certified public accountant shall not permit the  
22 confidential supervisory information to be further  
23 disseminated; -

24 (3) to any person who seeks to acquire a controlling  
25 interest in, or who seeks to merge with, the savings bank;  
26 provided that the person shall agree to be bound to respect

1 the confidentiality of the confidential supervisory  
2 information and to not further disseminate the information  
3 other than to attorneys, certified public accountants,  
4 officers, agents, or employees of that person who likewise  
5 shall agree to be bound to respect the confidentiality of  
6 the confidential supervisory information and to not  
7 further disseminate the information; or -

8 (4) to the savings bank's insurance company, if the  
9 supervisory information contains information that is  
10 otherwise unavailable and is strictly necessary to  
11 obtaining insurance coverage or pursuing an insurance  
12 claim for or on behalf of the savings bank; provided that,  
13 when possible, the savings bank shall disclose only  
14 information that is relevant to obtaining insurance  
15 coverage or pursuing an insurance claim, while maintaining  
16 the confidentiality of financial information pertaining to  
17 customers; and provided further that, when appropriate,  
18 the savings bank may delete identifying data relating to  
19 any person; or -

20 (5) to any person conducting a review of the savings  
21 bank on behalf of the savings bank for purposes of  
22 complying with any enforcement action taken by a bank  
23 regulatory agency, only if the bank obtains preapproval for  
24 release of the confidential supervisory information by the  
25 Secretary and the person agrees to maintain the  
26 confidentiality of the confidential supervisory



1       information and to not further disseminate the  
2       confidential supervisory information.

3       The disclosure of confidential supervisory information by  
4 a savings bank pursuant to this subsection (b) and the  
5 disclosure of information to the Secretary ~~Commissioner~~ or  
6 other regulatory agency in connection with any examination,  
7 visitation, or investigation shall not constitute a waiver of  
8 any legal privilege otherwise available to the savings bank  
9 with respect to the information.

10       (c) (1) Notwithstanding any other provision of this Act or  
11 any other law, confidential supervisory information shall be  
12 the property of the Secretary ~~Commissioner~~ and shall be  
13 privileged from disclosure to any person except as provided in  
14 this Section. No person in possession of confidential  
15 supervisory information may disclose that information for any  
16 reason or under any circumstances not specified in this Section  
17 without the prior authorization of the Secretary ~~Commissioner~~.  
18 Any person upon whom a demand for production of confidential  
19 supervisory information is made, whether by subpoena, order, or  
20 other judicial or administrative process, must withhold  
21 production of the confidential supervisory information and  
22 must notify the Secretary ~~Commissioner~~ of the demand, at which  
23 time the Secretary ~~Commissioner~~ is authorized to intervene for  
24 the purpose of enforcing the limitations of this Section or  
25 seeking the withdrawal or termination of the attempt to compel  
26 production of the confidential supervisory information.

1           (2) Any request for discovery or disclosure of confidential  
2 supervisory information, whether by subpoena, order, or other  
3 judicial or administrative process, shall be made to the  
4 Secretary ~~Commissioner~~, and the Secretary ~~Commissioner~~ shall  
5 determine within 15 days whether to disclose the information  
6 pursuant to procedures and standards that the Secretary  
7 ~~Commissioner~~ shall establish by rule. If the Secretary  
8 ~~Commissioner~~ determines that such information will not be  
9 disclosed, the Secretary's ~~Commissioner's~~ decision shall be  
10 subject to judicial review under the provisions of the  
11 Administrative Review Law, and venue shall be in either  
12 Sangamon County or Cook County.

13           (3) Any court order that compels disclosure of confidential  
14 supervisory information may be immediately appealed by the  
15 Secretary ~~Commissioner~~, and the order shall be automatically  
16 stayed pending the outcome of the appeal.

17           (d) If any officer, agent, attorney, or employee of a  
18 savings bank knowingly and willfully furnishes confidential  
19 supervisory information in violation of this Section, the  
20 Secretary ~~Commissioner~~ may impose a civil monetary penalty up  
21 to \$1,000 for the violation against the officer, agent,  
22 attorney, or employee.

23           (e) Subject to the limits of this Section, the Secretary  
24 ~~Commissioner~~ also may promulgate regulations to set procedures  
25 and standards for disclosure of the following items:

26           (1) All fixed orders and opinions made in cases of

1 appeals of the Secretary's ~~Commissioner's~~ actions.

2 (2) Statements of policy and interpretations adopted  
3 by the Secretary's ~~Commissioner's~~ office, but not  
4 otherwise made public.

5 (3) Nonconfidential portions of application files,  
6 including applications for new charters. The Secretary  
7 ~~Commissioner~~ shall specify by rule as to what part of the  
8 files are confidential.

9 (4) Quarterly reports of income, deposits, and  
10 financial condition.

11 (Source: P.A. 93-271, eff. 7-22-03.)

12 (205 ILCS 205/11001) (from Ch. 17, par. 7311-1)

13 Sec. 11001. Affirmative action to correct conditions  
14 resulting from violations of law, regulations, or orders or any  
15 other formal or informal enforcement actions from practices.

16 The Commissioner is hereby granted authority to issue orders  
17 under this Act that require a savings bank or an  
18 institution-affiliated party to take affirmative action to  
19 correct any conditions resulting from any violations or  
20 practices cited with respect to the order. The order may  
21 require the savings bank or the institution-affiliated party  
22 to:

23 (1) Make restitution or provide reimbursement,  
24 indemnification, or guarantees for or against losses if:

25 (A) the savings bank or the institution affiliated

1 party was unjustly enriched or received direct or  
2 indirect personal benefit in connection with the  
3 violation or practice; or

4 (B) the violation or practice involved a reckless  
5 disregard for applicable laws, regulations, or written  
6 agreements or written orders of the Commissioner or  
7 other appropriate regulator.

8 (2) Restrict the savings bank's growth or institute  
9 appropriate operating restrictions.

10 (3) Dispose of any loan or asset involved.

11 (4) Rescind agreements or contracts.

12 (5) Submit candidates for future directors, employees,  
13 or officers to the Commissioner for approval.

14 (6) Take any other actions the Commissioner deems  
15 necessary.

16 (Source: P.A. 86-1213.)

17 (205 ILCS 205/11008) (from Ch. 17, par. 7311-8)

18 Sec. 11008. Unauthorized participation by convicted  
19 individual.

20 (a) Except with the prior written consent of the Secretary  
21 ~~Commissioner~~, no savings bank shall knowingly employ or  
22 otherwise permit an individual to serve as an officer,  
23 director, employee, or agent of the savings bank if the  
24 individual ~~person who~~ has been convicted of a felony or any  
25 criminal offense involving dishonesty or a breach of trust ~~may~~

1 ~~own or control directly or indirectly more than 0.001% of the~~  
2 ~~capital stock of, receive benefit directly or indirectly from,~~  
3 ~~or participate directly or indirectly in any manner in the~~  
4 ~~affairs of a savings bank.~~

5 ~~(b) A savings bank may not permit participation by a person~~  
6 ~~described in subsection (a).~~

7 ~~(c) Whoever knowingly violates subsection (a) or (b) is~~  
8 ~~guilty of a Class 3 felony and may be fined not more than~~  
9 ~~\$10,000 for each day of violation.~~

10 (Source: P.A. 91-97, eff. 7-9-99; 92-483, eff. 8-23-01.)

11 (205 ILCS 205/Art. 12.1 heading new)

12 ARTICLE 12.1. Effect of Repeal of  
13 Illinois Savings and Loan Act of 1985

14 (205 ILCS 205/12101 new)

15 Sec. 12101. Effect of repeal. This Article sets forth the  
16 effect of and means of transition necessitated by the repeal of  
17 the Illinois Savings and Loan Act of 1985.

18 (205 ILCS 205/12102 new)

19 Sec. 12102. Effect on existing associations. Any existing  
20 association organized under the Illinois Savings and Loan Act  
21 of 1985 shall be deemed, without approval of the association,  
22 its members, or the Secretary, to be a savings bank as if the  
23 association had been organized under this Act. The resulting

1 savings bank, from the date of the repeal of the Illinois  
2 Savings and Loan Act of 1985, shall be operated in accordance  
3 with this Act and the rules established pursuant to this Act.

4 (205 ILCS 205/12103 new)

5 Sec. 12103. Definitions. For purposes of this Article,  
6 terms are defined as follows:

7 "Existing association" means an association organized or,  
8 except for existing foreign associations, otherwise operating  
9 under the Illinois Savings and Loan Act of 1985 at the time  
10 that Act was repealed pursuant to this amendatory Act of the  
11 98th General Assembly.

12 "Existing foreign association" means an association or  
13 savings bank organized under the laws of any other state,  
14 territory, or country, but not including an association or  
15 savings bank chartered under the laws of the United States,  
16 that, at the time of the repeal of the Illinois Savings and  
17 Loan Act of 1985, operated in this State under Article 2B of  
18 the Illinois Savings and Loan Act of 1985.

19 "Representative office" shall have the meaning ascribed to  
20 it in Section 2 of the Foreign Bank Representative Office Act.

21 "Resulting savings bank" means a savings bank under this  
22 Act that was an existing association that is deemed to be a  
23 savings bank pursuant to Section 12102 of this Act.

24 (205 ILCS 205/12104 new)

1       Sec. 12104. Charter, bylaws, and directors of resulting  
2 savings bank.

3       (a) The statement of incorporation, charter, or  
4 certificate of complete organization of any existing  
5 association shall be deemed to be the charter of the resulting  
6 savings bank until such time, which shall be no more than one  
7 year after the date of the repeal of the Illinois Savings and  
8 Loan Act of 1985, articles of incorporation in compliance with  
9 this Act and the rules established pursuant to this Act are  
10 proposed by the resulting savings bank and are approved by and  
11 a charter issued accordingly by the Secretary.

12       (b) The bylaws of any existing association shall be deemed  
13 to be the bylaws of the resulting savings bank until such time,  
14 which shall be no more than one year after the date of the  
15 repeal of the Illinois Savings and Loan Act of 1985, bylaws in  
16 compliance with this Act and the rules established pursuant to  
17 this Act are adopted by the resulting savings bank. The  
18 resulting savings bank shall promptly notify the Secretary of  
19 the adoption of these bylaws.

20       (c) The directors of any existing association shall be  
21 deemed to be the directors of the resulting savings bank until  
22 the first election of directors after the existing association  
23 is deemed a savings bank under Section 12102 of this Act, or  
24 until expiration of their terms as directors, and shall have  
25 the power to manage the resulting savings bank pursuant to this  
26 Act.

1       (d) Except as it relates to the terms of directors, the  
2       Secretary for good cause may extend up to one year the time  
3       limits imposed by this Section.

4       (e) The Secretary shall charge no fee for actions  
5       undertaken by a resulting savings bank to comply with this  
6       Section.

7           (205 ILCS 205/12105 new)

8       Sec. 12105. Powers of resulting savings bank. A resulting  
9       savings bank shall have all the rights, privileges, and powers  
10       granted by this Act and other laws applicable to savings banks,  
11       and the entire assets, business, and goodwill of the existing  
12       association shall be vested in the resulting savings bank  
13       without deed or transfer, provided the resulting savings bank  
14       may execute deeds or instruments of conveyance as may be  
15       convenient to confirm such transfer, and such resulting savings  
16       bank shall assume and be liable for all debts, accounts,  
17       undertaking, contractual obligations, and liabilities of the  
18       existing association.

19           (205 ILCS 205/12106 new)

20       Sec. 12106. Obligations of resulting savings bank. The  
21       resulting savings bank shall be subject to the duties,  
22       relations, obligations, trusts, and liabilities of the  
23       existing association, whether as debtor, depository,  
24       registrar, transfer agent, executor, administrator, trustee,



1 or otherwise and shall be liable to pay and discharge all such  
2 debts and liabilities, to perform all such duties, and to  
3 administer all such trusts in the same manner and to the same  
4 extent as if the resulting savings bank had itself incurred the  
5 obligation or liability or assumed the duty, relation, or  
6 trust; and all rights of creditors and all liens upon property  
7 of the resulting savings bank shall be entitled to receive,  
8 accept, collect, hold, and enjoy any and all gifts, bequests,  
9 devises, conveyances, trusts, and appointments in favor of or  
10 in the name of the existing association, whether made or  
11 created to take effect before or after the establishment of the  
12 resulting savings bank.

13 (205 ILCS 205/12107 new)

14 Sec. 12107. Effect on special funds.

15 (a) The Savings and Residential Finance Regulatory Fund  
16 established under Section 7-19.1 of the Illinois Savings and  
17 Loan Act of 1985 is hereby re-designated the Residential  
18 Finance Regulatory Fund. The fund shall continue in existence  
19 under the Illinois Residential Mortgage License Act of 1987, as  
20 amended, without interruption and shall retain all moneys  
21 therein, except moneys required to be transferred or returned  
22 from the Savings and Residential Finance Regulatory Fund, now  
23 designated the Residential Finance Regulatory Fund, to the  
24 Savings Institutions Regulatory Fund pursuant to subsection  
25 (e) of Section 7-19.2 of the Illinois Savings and Loan Act of

1 1985 shall continue to be required to be transferred or  
2 returned to the Savings Institutions Regulatory Fund as if  
3 subsection (e) of Section 7-19.2 of the Illinois Savings and  
4 Loan Act of 1985 had not been repealed.

5 (b) The Savings Institutions Regulatory Fund established  
6 under Section 7-19.2 of the Illinois Savings and Loan Act of  
7 1985 shall continue in existence under Section 9002.1 of this  
8 Act without interruption and shall retain all moneys therein.

9 (205 ILCS 205/12108 new)

10 Sec. 12108. Effect on foreign associations. Any existing  
11 foreign association shall be deemed to be an out-of-state  
12 savings bank under this Act. Notwithstanding any other  
13 provision of this Act or the Foreign Bank Representative Office  
14 Act, an existing foreign association may retain any branch or  
15 office in the State that properly existed in the State at the  
16 time of the repeal of the Illinois Savings and Loan Act of 1985  
17 and continue to engage in the same activities in the State  
18 therefrom as were engaged in at the time of the repeal of the  
19 Illinois Savings and Loan Act without further application or  
20 notice to or approval of the Secretary. An existing foreign  
21 association that maintains a representative office in Illinois  
22 at the time of the repeal of the Illinois Savings and Loan Act  
23 of 1985 shall be issued a license and shall be subject to the  
24 Foreign Bank Representative Office Act in accordance with  
25 Section 9 of that Act.

1 (205 ILCS 205/12109 new)

2 Sec. 12109. Effect on the Board of Savings Institutions.  
3 The Board shall continue to operate without interruption and as  
4 if it had been originally established under Article 12.2 of  
5 this Act. The members of the Board of Savings Institutions  
6 serving on the effective date of this amendatory Act of the  
7 98th General Assembly shall continue to serve the balance of  
8 their terms.

9 (205 ILCS 205/12110 new)

10 Sec. 12110. Applicability of other Acts. Whenever in any  
11 Act the terms "savings and loan", "building and loan", "mutual  
12 building loan and homestead", "building loan and homestead", or  
13 other similar name are used with reference to an association  
14 organized for the purposes of associations incorporated under  
15 the Illinois Savings and Loan Act of 1985 or a similar act,  
16 such reference shall be applicable to a savings bank operating  
17 under this Act. Whenever in any Act the terms "members",  
18 "shareholders" or "investors" are used in connection with such  
19 associations, however named, the same shall refer to members  
20 and holders of capital of savings banks operating under this  
21 Act.

22 (205 ILCS 205/Art. 12.2 heading new)

23 ARTICLE 12.2. Board of Savings Institutions

1 (205 ILCS 205/12201 new)

2 Sec. 12201. Board of Savings Institutions; appointment.  
3 The Board of Savings Institutions shall be composed of the  
4 Director of Banking, who shall be its chairman and have power  
5 to vote, and 7 additional persons appointed by the Governor.  
6 Three of the 7 persons appointed by the Governor shall  
7 represent the public interest. Four of the 7 additional persons  
8 appointed by the Governor shall have been engaged actively in  
9 savings and loan or savings bank management in this State for  
10 at least 5 years immediately prior to appointment. Each member  
11 of the Board appointed by the Governor shall be reimbursed for  
12 ordinary and necessary expenses incurred in attending the  
13 meetings of the Board. Members, excluding the chairman, shall  
14 be appointed for 4-year terms to expire on the third Monday in  
15 January. Except as otherwise provided in this Section, members  
16 of the Board shall serve until their respective successors are  
17 appointed and qualified. A member who tenders a written  
18 resignation shall serve only until the resignation is accepted  
19 by the chairman. The chairman may remove a member who fails to  
20 attend 3 consecutive Board meetings without an excused absence.  
21 The Governor shall fill any vacancy by the appointment of a  
22 member for the unexpired term in the same manner as in the  
23 making of original appointments.

24 (205 ILCS 205/12202 new)

1       Sec. 12202. Board of Savings Institutions; organization  
2 and meetings. The Board of Savings Institutions shall adopt  
3 bylaws for the holding and conducting of meetings and shall  
4 keep a record of all meetings and transactions and make such  
5 other provisions for the daily conduct of its business as it  
6 deems necessary. A majority of the members of the Board,  
7 excluding those members who are no longer serving as members as  
8 provided in Section 12201 of this Act, shall constitute a  
9 quorum. The act of the majority of the members of the Board  
10 present at a meeting at which a quorum is present shall be the  
11 act of the Board. Regular meetings shall be held as provided in  
12 the bylaws and special meetings may be called by the chairman  
13 or upon the request of any 3 members of the Board. The Board  
14 shall maintain permanent records of its meetings, hearings, and  
15 decisions at the office of the chairman. The chairman shall  
16 provide adequate quarters and personnel for use by the Board.

17       (205 ILCS 205/12203 new)

18       Sec. 12203. Board of Savings Institutions; powers. The  
19 Board of Savings Institutions shall have the following powers:

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

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

24       (205 ILCS 105/Act rep.)

1           Section 20. The Illinois Savings and Loan Act of 1985 is  
2 repealed.

3           (205 ILCS 205/1007.70 rep.)

4           (205 ILCS 205/9017 rep.)

5           Section 25. The Savings Bank Act is amended by repealing  
6 Sections 1007.70 and 9017.

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

1

## INDEX

2

## Statutes amended in order of appearance

3	20 ILCS 3205/5	from Ch. 17, par. 455
4	30 ILCS 105/5.214	from Ch. 127, par. 141.214
5	30 ILCS 105/8.12	from Ch. 127, par. 144.12
6	205 ILCS 205/1007.130	
7	205 ILCS 205/1008	from Ch. 17, par. 7301-8
8	205 ILCS 205/2007	from Ch. 17, par. 7302-7
9	205 ILCS 205/3003	from Ch. 17, par. 7303-3
10	205 ILCS 205/4007	from Ch. 17, par. 7304-7
11	205 ILCS 205/4008	from Ch. 17, par. 7304-8
12	205 ILCS 205/4010	from Ch. 17, par. 7304-10
13	205 ILCS 205/4013	from Ch. 17, par. 7304-13
14	205 ILCS 205/6002	from Ch. 17, par. 7306-2
15	205 ILCS 205/6013	from Ch. 17, par. 7306-13
16	205 ILCS 205/6014	from Ch. 17, par. 7306-14
17	205 ILCS 205/8006	from Ch. 17, par. 7308-6
18	205 ILCS 205/8012	from Ch. 17, par. 7308-12
19	205 ILCS 205/9002	from Ch. 17, par. 7309-2
20	205 ILCS 205/9002.1 new	
21	205 ILCS 205/9002.5	
22	205 ILCS 205/9012	from Ch. 17, par. 7309-12
23	205 ILCS 205/11001	from Ch. 17, par. 7311-1
24	205 ILCS 205/11008	from Ch. 17, par. 7311-8

- 1 205 ILCS 205/Art. 12.1
- 2 heading new
- 3 205 ILCS 205/12101 new
- 4 205 ILCS 205/12102 new
- 5 205 ILCS 205/12103 new
- 6 205 ILCS 205/12104 new
- 7 205 ILCS 205/12105 new
- 8 205 ILCS 205/12106 new
- 9 205 ILCS 205/12107 new
- 10 205 ILCS 205/12108 new
- 11 205 ILCS 205/12109 new
- 12 205 ILCS 205/12110 new
- 13 205 ILCS 205/Art. 12.2
- 14 heading new
- 15 205 ILCS 205/12201 new
- 16 205 ILCS 205/12202 new
- 17 205 ILCS 205/12203 new
- 18 205 ILCS 105/Act rep.
- 19 205 ILCS 205/1007.70 rep.
- 20 205 ILCS 205/9017 rep.