

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 Illinois Banking Act is amended by changing  
5 Sections 48, 48.05, and 78 as follows:

6 (205 ILCS 5/48)

7 Sec. 48. Secretary's powers; duties. The Secretary shall  
8 have the powers and authority, and is charged with the duties  
9 and responsibilities designated in this Act, and a State bank  
10 shall not be subject to any other visitorial power other than  
11 as authorized by this Act, except those vested in the courts,  
12 or upon prior consultation with the Secretary, a foreign bank  
13 regulator with an appropriate supervisory interest in the  
14 parent or affiliate of a state bank. In the performance of the  
15 Secretary's duties:

16 (1) The Commissioner shall call for statements from all  
17 State banks as provided in Section 47 at least one time  
18 during each calendar quarter.

19 (2) (a) The Commissioner, as often as the Commissioner  
20 shall deem necessary or proper, and no less frequently than  
21 18 months following the preceding examination, shall  
22 appoint a suitable person or persons to make an examination  
23 of the affairs of every State bank, except that for every

1 eligible State bank, as defined by regulation, the  
2 Commissioner in lieu of the examination may accept on an  
3 alternating basis the examination made by the eligible  
4 State bank's appropriate federal banking agency pursuant  
5 to Section 111 of the Federal Deposit Insurance Corporation  
6 Improvement Act of 1991, provided the appropriate federal  
7 banking agency has made such an examination. A person so  
8 appointed shall not be a stockholder or officer or employee  
9 of any bank which that person may be directed to examine,  
10 and shall have powers to make a thorough examination into  
11 all the affairs of the bank and in so doing to examine any  
12 of the officers or agents or employees thereof on oath and  
13 shall make a full and detailed report of the condition of  
14 the bank to the Commissioner. In making the examination the  
15 examiners shall include an examination of the affairs of  
16 all the affiliates of the bank, as defined in subsection  
17 (b) of Section 35.2 of this Act, or subsidiaries of the  
18 bank as shall be necessary to disclose fully the conditions  
19 of the subsidiaries or affiliates, the relations between  
20 the bank and the subsidiaries or affiliates and the effect  
21 of those relations upon the affairs of the bank, and in  
22 connection therewith shall have power to examine any of the  
23 officers, directors, agents, or employees of the  
24 subsidiaries or affiliates on oath. After May 31, 1997, the  
25 Commissioner may enter into cooperative agreements with  
26 state regulatory authorities of other states to provide for

1 examination of State bank branches in those states, and the  
2 Commissioner may accept reports of examinations of State  
3 bank branches from those state regulatory authorities.  
4 These cooperative agreements may set forth the manner in  
5 which the other state regulatory authorities may be  
6 compensated for examinations prepared for and submitted to  
7 the Commissioner.

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

19 (2.1) Pursuant to paragraph (a) of subsection (6) of  
20 this Section, the Secretary shall adopt rules that ensure  
21 consistency and due process in the examination process. The  
22 Secretary may also establish guidelines that (i) define the  
23 scope of the examination process and (ii) clarify  
24 examination items to be resolved. The rules, formal  
25 guidance, interpretive letters, or opinions furnished to  
26 State banks by the Secretary may be relied upon by the

1 State banks.

2 (2.5) Whenever any State bank, any subsidiary or  
3 affiliate of a State bank, or after May 31, 1997, any  
4 branch of an out-of-state bank causes to be performed, by  
5 contract or otherwise, any bank services for itself,  
6 whether on or off its premises:

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

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

21 For purposes of this subsection (2.5), the term "bank  
22 services" means services such as sorting and posting of  
23 checks and deposits, computation and posting of interest  
24 and other credits and charges, preparation and mailing of  
25 checks, statements, notices, and similar items, or any  
26 other clerical, bookkeeping, accounting, statistical, or

1 similar functions performed for a State bank, including but  
2 not limited to electronic data processing related to those  
3 bank services.

4 (3) The expense of administering this Act, including  
5 the expense of the examinations of State banks as provided  
6 in this Act, shall to the extent of the amounts resulting  
7 from the fees provided for in paragraphs (a), (a-2), and  
8 (b) of this subsection (3) be assessed against and borne by  
9 the State banks:

10 (a) Each bank shall pay to the Secretary a Call  
11 Report Fee which shall be paid in quarterly  
12 installments equal to one-fourth of the sum of the  
13 annual fixed fee of \$800, plus a variable fee based on  
14 the assets shown on the quarterly statement of  
15 condition delivered to the Secretary in accordance  
16 with Section 47 for the preceding quarter according to  
17 the following schedule: 16¢ per \$1,000 of the first  
18 \$5,000,000 of total assets, 15¢ per \$1,000 of the next  
19 \$20,000,000 of total assets, 13¢ per \$1,000 of the next  
20 \$75,000,000 of total assets, 9¢ per \$1,000 of the next  
21 \$400,000,000 of total assets, 7¢ per \$1,000 of the next  
22 \$500,000,000 of total assets, and 5¢ per \$1,000 of all  
23 assets in excess of \$1,000,000,000, of the State bank.  
24 The Call Report Fee shall be calculated by the  
25 Secretary and billed to the banks for remittance at the  
26 time of the quarterly statements of condition provided

1           for in Section 47. The Secretary may require payment of  
2           the fees provided in this Section by an electronic  
3           transfer of funds or an automatic debit of an account  
4           of each of the State banks. In case more than one  
5           examination of any bank is deemed by the Secretary to  
6           be necessary in any examination frequency cycle  
7           specified in subsection 2(a) of this Section, and is  
8           performed at his direction, the Secretary may assess a  
9           reasonable additional fee to recover the cost of the  
10          additional examination; provided, however, that an  
11          examination conducted at the request of the State  
12          Treasurer pursuant to the Uniform Disposition of  
13          Unclaimed Property Act shall not be deemed to be an  
14          additional examination under this Section. In lieu of  
15          the method and amounts set forth in this paragraph (a)  
16          for the calculation of the Call Report Fee, the  
17          Secretary may specify by rule that the Call Report Fees  
18          provided by this Section may be assessed semiannually  
19          or some other period and may provide in the rule the  
20          formula to be used for calculating and assessing the  
21          periodic Call Report Fees to be paid by State banks.

22                 (a-1) If in the opinion of the Commissioner an  
23                 emergency exists or appears likely, the Commissioner  
24                 may assign an examiner or examiners to monitor the  
25                 affairs of a State bank with whatever frequency he  
26                 deems appropriate, including but not limited to a daily

1 basis. The reasonable and necessary expenses of the  
2 Commissioner during the period of the monitoring shall  
3 be borne by the subject bank. The Commissioner shall  
4 furnish the State bank a statement of time and expenses  
5 if requested to do so within 30 days of the conclusion  
6 of the monitoring period.

7 (a-2) On and after January 1, 1990, the reasonable  
8 and necessary expenses of the Commissioner during  
9 examination of the performance of electronic data  
10 processing services under subsection (2.5) shall be  
11 borne by the banks for which the services are provided.  
12 An amount, based upon a fee structure prescribed by the  
13 Commissioner, shall be paid by the banks or, after May  
14 31, 1997, branches of out-of-state banks receiving the  
15 electronic data processing services along with the  
16 Call Report Fee assessed under paragraph (a) of this  
17 subsection (3).

18 (a-3) After May 31, 1997, the reasonable and  
19 necessary expenses of the Commissioner during  
20 examination of the performance of electronic data  
21 processing services under subsection (2.5) at or on  
22 behalf of branches of out-of-state banks shall be borne  
23 by the out-of-state banks, unless those expenses are  
24 borne by the state regulatory authorities that  
25 chartered the out-of-state banks, as determined by  
26 cooperative agreements between the Commissioner and

1 the state regulatory authorities that chartered the  
2 out-of-state banks.

3 (b) "Fiscal year" for purposes of this Section 48  
4 is defined as a period beginning July 1 of any year and  
5 ending June 30 of the next year. The Commissioner shall  
6 receive for each fiscal year, commencing with the  
7 fiscal year ending June 30, 1987, a contingent fee  
8 equal to the lesser of the aggregate of the fees paid  
9 by all State banks under paragraph (a) of subsection  
10 (3) for that year, or the amount, if any, whereby the  
11 aggregate of the administration expenses, as defined  
12 in paragraph (c), for that fiscal year exceeds the sum  
13 of the aggregate of the fees payable by all State banks  
14 for that year under paragraph (a) of subsection (3),  
15 plus any amounts transferred into the Bank and Trust  
16 Company Fund from the State Pensions Fund for that  
17 year, plus all other amounts collected by the  
18 Commissioner for that year under any other provision of  
19 this Act, plus the aggregate of all fees collected for  
20 that year by the Commissioner under the Corporate  
21 Fiduciary Act, excluding the receivership fees  
22 provided for in Section 5-10 of the Corporate Fiduciary  
23 Act, and the Foreign Banking Office Act. The aggregate  
24 amount of the contingent fee thus arrived at for any  
25 fiscal year shall be apportioned amongst, assessed  
26 upon, and paid by the State banks and foreign banking



1 corporations, respectively, in the same proportion  
2 that the fee of each under paragraph (a) of subsection  
3 (3), respectively, for that year bears to the aggregate  
4 for that year of the fees collected under paragraph (a)  
5 of subsection (3). The aggregate amount of the  
6 contingent fee, and the portion thereof to be assessed  
7 upon each State bank and foreign banking corporation,  
8 respectively, shall be determined by the Commissioner  
9 and shall be paid by each, respectively, within 120  
10 days of the close of the period for which the  
11 contingent fee is computed and is payable, and the  
12 Commissioner shall give 20 days advance notice of the  
13 amount of the contingent fee payable by the State bank  
14 and of the date fixed by the Commissioner for payment  
15 of the fee.

16 (c) The "administration expenses" for any fiscal  
17 year shall mean the ordinary and contingent expenses  
18 for that year incident to making the examinations  
19 provided for by, and for otherwise administering, this  
20 Act, the Corporate Fiduciary Act, excluding the  
21 expenses paid from the Corporate Fiduciary  
22 Receivership account in the Bank and Trust Company  
23 Fund, the Foreign Banking Office Act, the Electronic  
24 Fund Transfer Act, and the Illinois Bank Examiners'  
25 Education Foundation Act, including all salaries and  
26 other compensation paid for personal services rendered

1 for the State by officers or employees of the State,  
2 including the Commissioner and the Deputy  
3 Commissioners, communication equipment and services,  
4 office furnishings, surety bond premiums, and travel  
5 expenses of those officers and employees, employees,  
6 expenditures or charges for the acquisition,  
7 enlargement or improvement of, or for the use of, any  
8 office space, building, or structure, or expenditures  
9 for the maintenance thereof or for furnishing heat,  
10 light, or power with respect thereto, all to the extent  
11 that those expenditures are directly incidental to  
12 such examinations or administration. The Commissioner  
13 shall not be required by paragraphs (c) or (d-1) of  
14 this subsection (3) to maintain in any fiscal year's  
15 budget appropriated reserves for accrued vacation and  
16 accrued sick leave that is required to be paid to  
17 employees of the Commissioner upon termination of  
18 their service with the Commissioner in an amount that  
19 is more than is reasonably anticipated to be necessary  
20 for any anticipated turnover in employees, whether due  
21 to normal attrition or due to layoffs, terminations, or  
22 resignations.

23 (d) The aggregate of all fees collected by the  
24 Secretary under this Act, the Corporate Fiduciary Act,  
25 or the Foreign Banking Office Act on and after July 1,  
26 1979, shall be paid promptly after receipt of the same,

1 accompanied by a detailed statement thereof, into the  
2 State treasury and shall be set apart in a special fund  
3 to be known as the "Bank and Trust Company Fund",  
4 except as provided in paragraph (c) of subsection (11)  
5 of this Section. All earnings received from  
6 investments of funds in the Bank and Trust Company Fund  
7 shall be deposited in the Bank and Trust Company Fund  
8 and may be used for the same purposes as fees deposited  
9 in that Fund. The amount from time to time deposited  
10 into the Bank and Trust Company Fund shall be used: (i)  
11 to offset the ordinary administrative expenses of the  
12 Secretary as defined in this Section or (ii) as a  
13 credit against fees under paragraph (d-1) of this  
14 subsection (3). Nothing in this amendatory Act of 1979  
15 shall prevent continuing the practice of paying  
16 expenses involving salaries, retirement, social  
17 security, and State-paid insurance premiums of State  
18 officers by appropriations from the General Revenue  
19 Fund. However, the General Revenue Fund shall be  
20 reimbursed for those payments made on and after July 1,  
21 1979, by an annual transfer of funds from the Bank and  
22 Trust Company Fund. Moneys in the Bank and Trust  
23 Company Fund may be transferred to the Professions  
24 Indirect Cost Fund, as authorized under Section  
25 2105-300 of the Department of Professional Regulation  
26 Law of the Civil Administrative Code of Illinois.

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

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

1 under this Section as soon as may be practicable after  
2 receiving the direction to transfer from the Governor.

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

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

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

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

21 (4) Nothing contained in this Act shall be construed to  
22 limit the obligation relative to examinations and reports  
23 of any State bank, deposits in which are to any extent  
24 insured by the United States or any agency thereof, nor to  
25 limit in any way the powers of the Commissioner with  
26 reference to examinations and reports of that bank.

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

21           (6) The Commissioner shall have the power:

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

24           (a-5) To impose conditions on any approval issued  
25 by the Commissioner if he determines that the  
26 conditions are necessary or appropriate. These

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

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

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

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

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



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

7 (e) To conduct hearings.

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

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

1 director, officer, or agent of the State bank or, after May  
2 31, 1997, of the branch of the out-of-state bank against  
3 whom any order provided for by this subsection (7) of this  
4 Section 48 has been issued, and against the State bank or,  
5 after May 31, 1997, out-of-state bank, to enforce  
6 compliance with or to enjoin any violation of the terms of  
7 the order. Any person who has been the subject of an order  
8 of removal or an order of prohibition issued by the  
9 Secretary under this subsection or Section 5-6 of the  
10 Corporate Fiduciary Act may not thereafter serve as  
11 director, officer, employee, or agent of any State bank or  
12 of any branch of any out-of-state bank, or of any corporate  
13 fiduciary, as defined in Section 1-5.05 of the Corporate  
14 Fiduciary Act, or of any other entity that is subject to  
15 licensure or regulation by the Division of Banking unless  
16 the Secretary has granted prior approval in writing.

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

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

26 (9) The Commissioner may impose civil penalties of up

1 to \$100 against any person for the first failure to comply  
2 with reporting requirements set forth in the report of  
3 examination of the bank and up to \$200 for the second and  
4 subsequent failures to comply with those reporting  
5 requirements.

6 (10) All final administrative decisions of the  
7 Commissioner hereunder shall be subject to judicial review  
8 pursuant to the provisions of the Administrative Review  
9 Law. For matters involving administrative review, venue  
10 shall be in either Sangamon County or Cook County.

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

14 (a) (Blank).

15 (b) The Foundation is empowered to receive  
16 voluntary contributions, gifts, grants, bequests, and  
17 donations on behalf of the Illinois Bank Examiners'  
18 Education Foundation from national banks and other  
19 persons for the purpose of funding the endowment of the  
20 Illinois Bank Examiners' Education Foundation.

21 (c) The aggregate of all special educational fees  
22 collected by the Secretary and property received by the  
23 Secretary on behalf of the Illinois Bank Examiners'  
24 Education Foundation under this subsection (11) on or  
25 after June 30, 1986, shall be either (i) promptly paid  
26 after receipt of the same, accompanied by a detailed

1 statement thereof, into the State Treasury and shall be  
2 set apart in a special fund to be known as "The  
3 Illinois Bank Examiners' Education Fund" to be  
4 invested by either the Treasurer of the State of  
5 Illinois in the Public Treasurers' Investment Pool or  
6 in any other investment he is authorized to make or by  
7 the Illinois State Board of Investment as the State  
8 Banking Board of Illinois may direct or (ii) deposited  
9 into an account maintained in a commercial bank or  
10 corporate fiduciary in the name of the Illinois Bank  
11 Examiners' Education Foundation pursuant to the order  
12 and direction of the Board of Trustees of the Illinois  
13 Bank Examiners' Education Foundation.

14 (12) (Blank).

15 (13) The Secretary may borrow funds from the General  
16 Revenue Fund on behalf of the Bank and Trust Company Fund  
17 if the Director of Banking certifies to the Governor that  
18 there is an economic emergency affecting banking that  
19 requires a borrowing to provide additional funds to the  
20 Bank and Trust Company Fund. The borrowed funds shall be  
21 paid back within 3 years and shall not exceed the total  
22 funding appropriated to the Agency in the previous year.

23 (14) In addition to the fees authorized in this Act,  
24 the Secretary may assess reasonable receivership fees  
25 against any State bank that does not maintain insurance  
26 with the Federal Deposit Insurance Corporation. All fees

1       collected under this subsection (14) shall be paid into the  
2       Non-insured Institutions Receivership account in the Bank  
3       and Trust Company Fund, as established by the Secretary.  
4       The fees assessed under this subsection (14) shall provide  
5       for the expenses that arise from the administration of the  
6       receivership of any such institution required to pay into  
7       the Non-insured Institutions Receivership account, whether  
8       pursuant to this Act, the Corporate Fiduciary Act, the  
9       Foreign Banking Office Act, or any other Act that requires  
10       payments into the Non-insured Institutions Receivership  
11       account. The Secretary may establish by rule a reasonable  
12       manner of assessing fees under this subsection (14).

13       (Source: P.A. 97-333, eff. 8-12-11; 98-784, eff. 7-24-14.)

14       (205 ILCS 5/48.05)

15       Sec. 48.05. Regulatory fees. For the fiscal year beginning  
16       July 1, 2007 and every year thereafter, each state bank  
17       regulated by the Department shall pay a regulatory fee to the  
18       Department based upon its total assets as reflected in the most  
19       recent quarterly report of condition ~~shown by its year-end Call~~  
20       ~~Report~~ at the following rates:

21               19.295¢ per \$1,000 of the first \$5,000,000 of total  
22       assets;

23               18.16¢ per \$1,000 of the next \$20,000,000 of total  
24       assets;

25               15.89¢ per \$1,000 of the next \$75,000,000 of total

1 assets;

2 10.7825¢ per \$1,000 of the next \$400,000,000 of total

3 assets;

4 8.5125¢ per \$1,000 of the next \$500,000,000 of total

5 assets;

6 6.2425¢ per \$1,000 of the next \$19,000,000,000 of total

7 assets;

8 2.27¢ per \$1,000 of the next \$30,000,000,000 of total

9 assets;

10 1.135¢ per \$1,000 of the next \$50,000,000,000 of total

11 assets; and

12 0.5675¢ per \$1,000 of all assets in excess of

13 \$100,000,000,000 of the state bank.

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

15 (205 ILCS 5/78) (from Ch. 17, par. 390)

16 Sec. 78. Board of banks and trust companies; creation,

17 members, appointment. There is created a Board which shall be

18 known as the State Banking Board of Illinois which shall

19 consist of the Director of Banking, who shall be its chairman,

20 and 11 additional members. The Board shall be comprised of

21 individuals interested in the banking industry. Two members

22 shall be from State banks having total assets of not more than

23 \$75,000,000 at the time of their appointment; 2 members shall

24 be from State banks having total assets of more than

25 \$75,000,000, but not more than \$150,000,000 at the time of

1 their appointment; 2 members shall be from State banks having  
2 total assets of more than \$150,000,000, but not more than  
3 \$500,000,000 at the time of their appointment; 2 members shall  
4 be from State banks having total assets of more than  
5 \$500,000,000, but not more than \$2,000,000,000 at the time of  
6 their appointment, and one member shall be from a State bank  
7 having total assets of more than \$2,000,000,000 at the time of  
8 his or her appointment. There shall be 2 public members,  
9 neither of whom shall be an officer or director of or owner,  
10 whether directly or indirectly, of more than 5% of the  
11 outstanding capital stock of any bank. Members of the State  
12 Banking Board of Illinois cease to be eligible to serve on the  
13 Board once they no longer meet the requirements of their  
14 original appointment; however, a member from a State bank shall  
15 not be disqualified solely due to a change in the bank's asset  
16 size.

17 (Source: P.A. 96-1163, eff. 1-1-11.)

18 Section 10. The Savings Bank Act is amended by changing  
19 Sections 9002.5, 10085, and 12201 as follows:

20 (205 ILCS 205/9002.5)

21 Sec. 9002.5. Regulatory fees.

22 (a) For the fiscal year beginning July 1, 2007 and every  
23 year thereafter, each savings bank and each service corporation  
24 operating under this Act shall pay in quarterly installments



1 equal to one-fourth of a fixed fee of \$520, plus a variable fee  
2 based on the total assets of the savings bank or service  
3 corporation, as shown in the quarterly report of condition, at  
4 the following rates:

5           24.97¢ per \$1,000 of the first \$2,000,000 of total  
6 assets;

7           22.70¢ per \$1,000 of the next \$3,000,000 of total  
8 assets;

9           20.43¢ per \$1,000 of the next \$5,000,000 of total  
10 assets;

11           17.025¢ per \$1,000 of the next \$15,000,000 of total  
12 assets;

13           14.755¢ per \$1,000 of the next \$25,000,000 of total  
14 assets;

15           12.485¢ per \$1,000 of the next \$50,000,000 of total  
16 assets;

17           10.215¢ per \$1,000 of the next \$400,000,000 of total  
18 assets;

19           6.81¢ per \$1,000 of the next \$500,000,000 of total  
20 assets; and

21           4.54¢ per \$1,000 of all total assets in excess of  
22 \$1,000,000,000 of such savings bank or service  
23 corporation.

24 As used in this Section, "quarterly report of condition"  
25 means the Report of Condition and Income (Call Report), which  
26 the Secretary requires.

1           (b) (Blank). ~~The Secretary shall receive and there shall be~~  
2 ~~paid to the Secretary an additional fee as an adjustment to the~~  
3 ~~supervisory fee, based upon the difference between the total~~  
4 ~~assets of each savings bank and each service corporation as~~  
5 ~~shown by its financial report filed with the Secretary for the~~  
6 ~~reporting period of the calendar year ended December 31 on~~  
7 ~~which the supervisory fee was based and the total assets of~~  
8 ~~each savings bank and each service corporation as shown by its~~  
9 ~~financial report filed with the Secretary for the reporting~~  
10 ~~period of the calendar year ended December 31 in which the~~  
11 ~~quarterly payments are made according to the following~~  
12 ~~schedule:~~

13           ~~24.97¢ per \$1,000 of the first \$2,000,000 of total~~  
14 ~~assets;~~

15           ~~22.70¢ per \$1,000 of the next \$3,000,000 of total~~  
16 ~~assets;~~

17           ~~20.43¢ per \$1,000 of the next \$5,000,000 of total~~  
18 ~~assets;~~

19           ~~17.025¢ per \$1,000 of the next \$15,000,000 of total~~  
20 ~~assets;~~

21           ~~14.755¢ per \$1,000 of the next \$25,000,000 of total~~  
22 ~~assets;~~

23           ~~12.485¢ per \$1,000 of the next \$50,000,000 of total~~  
24 ~~assets;~~

25           ~~10.215¢ per \$1,000 of the next \$400,000,000 of total~~  
26 ~~assets;~~

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

3 ~~4.54¢ per \$1,000 of all total assets in excess of~~  
4 ~~\$1,000,000,000 of such savings bank or service~~  
5 ~~corporation.~~

6 (c) The Secretary shall receive and there shall be paid to  
7 the Secretary by each savings bank and each service corporation  
8 a fee of \$520 for each approved branch office or facility  
9 office established under the Illinois Administrative Code. The  
10 determination of the fees shall be made annually as of the  
11 close of business of the prior calendar year ended December 31.

12 (d) The Secretary shall receive for each fiscal year,  
13 commencing with the fiscal year ending June 30, 2014, a  
14 contingent fee equal to the lesser of the aggregate of the fees  
15 paid by all savings banks under subsections (a), (b), and (c)  
16 of this Section for that year, or the amount, if any, whereby  
17 the aggregate of the administration expenses, as defined in  
18 subsection (c) of Section 9002.1 of this Act, for that fiscal  
19 year exceeds the sum of the aggregate of the fees payable by  
20 all savings banks for that year under subsections (a), (b), and  
21 (c) of this Section, plus any amounts transferred into the  
22 Savings Bank Regulatory Fund from the State Pensions Fund for  
23 that year, plus all other amounts collected by the Secretary  
24 for that year under any other provision of this Act. The  
25 aggregate amount of the contingent fee thus arrived at for any  
26 fiscal year shall be apportioned amongst, assessed upon, and

1 paid by the savings banks, respectively, in the same proportion  
2 that the fee of each under subsections (a), (b), and (c) of  
3 this Section, respectively, for that year bears to the  
4 aggregate for that year of the fees collected under subsections  
5 (a), (b), and (c) of this Section. The aggregate amount of the  
6 contingent fee, and the portion thereof to be assessed upon  
7 each savings bank, respectively, shall be determined by the  
8 Secretary and shall be paid by each, respectively, within 120  
9 days of the close of the period for which the contingent fee is  
10 computed and is payable, and the Secretary shall give 20 days  
11 advance notice of the amount of the contingent fee payable by  
12 the savings bank and of the date fixed by the Secretary for  
13 payment of the fee.

14 (Source: P.A. 98-1081, eff. 1-1-15.)

15 (205 ILCS 205/10085)

16 Sec. 10085. Expenses and fees.

17 (a) In addition to the fees authorized in this Act, the  
18 Secretary may assess reasonable receivership fees against any  
19 savings bank operating under this Act that does not maintain  
20 insurance with the Federal Deposit Insurance Corporation. All  
21 fees collected under this subsection (a) shall be paid into the  
22 Non-insured Institutions Receivership account in the Bank and  
23 Trust Company Fund, as established by the Secretary. The fees  
24 assessed under this subsection (a) shall provide for the  
25 expenses that arise from the administration of the receivership

1 of any such institution required to pay into the Non-insured  
2 Institutions Receivership account, whether pursuant to this  
3 Act, the Illinois Banking Act, the Corporate Fiduciary Act, the  
4 Foreign Banking Office Act, or any other Act that requires  
5 payments into the Non-insured Institutions Receivership  
6 account.

7 (b) The Secretary may establish by rule a reasonable manner  
8 of assessing fees under subsection (a).

9 (c) All expenses of a receivership, including reasonable  
10 receiver's and attorney's fees approved by the Secretary, shall  
11 be paid out of the assets of the savings bank. If the funds in  
12 the estate of the savings bank are insufficient to cover the  
13 expenses that arise from the administration of a receivership,  
14 the Secretary may pay such expenses from the Non-insured  
15 Institutions Receivership account. All expenses of any  
16 preliminary or other examination into the condition of any such  
17 savings bank or receivership and all expenses incident to and  
18 in connection with the possession and control of the bank and  
19 its assets for the purpose of examination, reorganization, or  
20 liquidation through receivership shall be paid out of the  
21 assets of the savings bank; if such funds are insufficient, the  
22 Secretary may pay such expenses from the Non-insured  
23 Institutions Receivership account. The payment authorized  
24 under this subsection (c) ~~Section~~ may be made by the Secretary  
25 with moneys and property of the bank in his or her possession  
26 and control and shall have priority over all claims.

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

2 (205 ILCS 205/12201)

3 Sec. 12201. Board of Savings Banks; appointment. The Board  
4 of Savings Bank is established pursuant to Section 12104 of  
5 this Act. The Board of Savings Banks shall be composed of the  
6 Director of Banking, who shall be its chairperson and have the  
7 power to vote, and 7 persons appointed by the Governor. Two of  
8 the 7 persons appointed by the Governor shall represent the  
9 public interest and the remainder shall have been engaged  
10 actively in savings bank or savings and loan management in this  
11 State for at least 5 years immediately prior to appointment.  
12 Each member of the Board appointed by the Governor shall be  
13 reimbursed for ordinary and necessary expenses incurred in  
14 attending the meetings of the Board. Members, excluding the  
15 chairperson, shall be appointed for 4-year terms to expire on  
16 the third Monday in January. Except as otherwise provided in  
17 this Section, members of the Board shall serve until their  
18 respective successors are appointed and qualified. A member who  
19 tenders a written resignation shall serve only until the  
20 resignation is accepted by the chairperson. A member who fails  
21 to attend 3 consecutive Board meetings without an excused  
22 absence shall no longer serve as a member. Members of the Board  
23 of Savings Banks cease to be eligible to serve on the Board  
24 once they no longer meet the requirements of their original  
25 appointment. The Governor shall fill any vacancy by the

1 appointment of a member for the unexpired term in the same  
2 manner as in the making of original appointments.

3 (Source: P.A. 98-1081, eff. 1-1-15.)