

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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential under
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying
13 library users with specific materials under the Library Records
14 Confidentiality Act.

15 (c) Applications, related documents, and medical records
16 received by the Experimental Organ Transplantation Procedures
17 Board and any and all documents or other records prepared by
18 the Experimental Organ Transplantation Procedures Board or its
19 staff relating to applications it has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating to
22 known or suspected cases of sexually transmissible disease or
23 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

2 (e) Information the disclosure of which is exempted under
3 Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of the
5 Architectural, Engineering, and Land Surveying Qualifications
6 Based Selection Act.

7 (g) Information the disclosure of which is restricted and
8 exempted under Section 50 of the Illinois Prepaid Tuition Act.

9 (h) Information the disclosure of which is exempted under
10 the State Officials and Employees Ethics Act, and records of
11 any lawfully created State or local inspector general's office
12 that would be exempt if created or obtained by an Executive
13 Inspector General's office under that Act.

14 (i) Information contained in a local emergency energy plan
15 submitted to a municipality in accordance with a local
16 emergency energy plan ordinance that is adopted under Section
17 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution of
19 surcharge moneys collected and remitted by wireless carriers
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or
22 driver identification information compiled by a law
23 enforcement agency or the Department of Transportation under
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review
2 Team Act.

3 (m) Information provided to the predatory lending database
4 created pursuant to Article 3 of the Residential Real Property
5 Disclosure Act, except to the extent authorized under that
6 Article.

7 (n) Defense budgets and petitions for certification of
8 compensation and expenses for court appointed trial counsel as
9 provided under Sections 10 and 15 of the Capital Crimes
10 Litigation Act. This subsection (n) shall apply until the
11 conclusion of the trial of the case, even if the prosecution
12 chooses not to pursue the death penalty prior to trial or
13 sentencing.

14 (o) Information that is prohibited from being disclosed
15 under Section 4 of the Illinois Health and Hazardous Substances
16 Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Regional Transportation Authority under Section 2.11 of the
21 Regional Transportation Authority Act or the St. Clair County
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the
24 Personnel Records Review Act.

25 (r) Information prohibited from being disclosed by the
26 Illinois School Student Records Act.

1 (s) Information the disclosure of which is restricted under
2 Section 5-108 of the Public Utilities Act.

3 (t) All identified or deidentified health information in
4 the form of health data or medical records contained in, stored
5 in, submitted to, transferred by, or released from the Illinois
6 Health Information Exchange, and identified or deidentified
7 health information in the form of health data and medical
8 records of the Illinois Health Information Exchange in the
9 possession of the Illinois Health Information Exchange
10 Authority due to its administration of the Illinois Health
11 Information Exchange. The terms "identified" and
12 "deidentified" shall be given the same meaning as in the Health
13 Insurance Accountability and Portability Act of 1996, Public
14 Law 104-191, or any subsequent amendments thereto, and any
15 regulations promulgated thereunder.

16 (u) Records and information provided to an independent team
17 of experts under Brian's Law.

18 (v) Names and information of people who have applied for or
19 received Firearm Owner's Identification Cards under the
20 Firearm Owners Identification Card Act.

21 (w) ~~(v)~~ Personally identifiable information which is
22 exempted from disclosure under subsection (g) of Section 19.1
23 of the Toll Highway Act.

24 (x) Information disclosed pursuant to Section 7 of the
25 Pawnbroker Regulation Act.

26 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;

1 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
2 8-12-11; 97-342, eff. 8-12-11; revised 9-2-11.)

3 Section 15. The State Finance Act is amended by changing
4 Sections 5.214 and 8.12 as follows:

5 (30 ILCS 105/5.214) (from Ch. 127, par. 141.214)

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

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

9 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

10 Sec. 8.12. State Pensions Fund.

11 (a) The moneys in the State Pensions Fund shall be used
12 exclusively for the administration of the Uniform Disposition
13 of Unclaimed Property Act and for the funding of the unfunded
14 liabilities of the designated retirement systems. Payments to
15 the designated retirement systems under this Section shall be
16 in addition to, and not in lieu of, any State contributions
17 required under the Illinois Pension Code.

18 "Designated retirement systems" means:

19 (1) the State Employees' Retirement System of
20 Illinois;

21 (2) the Teachers' Retirement System of the State of
22 Illinois;

23 (3) the State Universities Retirement System;

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

2 (5) the General Assembly Retirement System.

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

6 Each month, the Commissioner of the Office of Banks and
7 Real Estate shall certify to the State Treasurer the actual
8 expenditures that the Office of Banks and Real Estate incurred
9 conducting unclaimed property examinations under the Uniform
10 Disposition of Unclaimed Property Act during the immediately
11 preceding month. Within a reasonable time following the
12 acceptance of such certification by the State Treasurer, the
13 State Treasurer shall pay from its appropriation from the State
14 Pensions Fund to the Bank and Trust Company Fund, the Savings
15 Institution Regulatory Fund, and the ~~Savings and~~ Residential
16 Finance Regulatory Fund an amount equal to the expenditures
17 incurred by each Fund for that month.

18 Each month, the Director of Financial Institutions shall
19 certify to the State Treasurer the actual expenditures that the
20 Department of Financial Institutions incurred conducting
21 unclaimed property examinations under the Uniform Disposition
22 of Unclaimed Property Act during the immediately preceding
23 month. Within a reasonable time following the acceptance of
24 such certification by the State Treasurer, the State Treasurer
25 shall pay from its appropriation from the State Pensions Fund
26 to the Financial Institutions Fund and the Credit Union Fund an

1 amount equal to the expenditures incurred by each Fund for that
2 month.

3 (c) As soon as possible after the effective date of this
4 amendatory Act of the 93rd General Assembly, the General
5 Assembly shall appropriate from the State Pensions Fund (1) to
6 the State Universities Retirement System the amount certified
7 under Section 15-165 during the prior year, (2) to the Judges
8 Retirement System of Illinois the amount certified under
9 Section 18-140 during the prior year, and (3) to the General
10 Assembly Retirement System the amount certified under Section
11 2-134 during the prior year as part of the required State
12 contributions to each of those designated retirement systems;
13 except that amounts appropriated under this subsection (c) in
14 State fiscal year 2005 shall not reduce the amount in the State
15 Pensions Fund below \$5,000,000. If the amount in the State
16 Pensions Fund does not exceed the sum of the amounts certified
17 in Sections 15-165, 18-140, and 2-134 by at least \$5,000,000,
18 the amount paid to each designated retirement system under this
19 subsection shall be reduced in proportion to the amount
20 certified by each of those designated retirement systems.

21 (c-5) For fiscal years 2006 through 2012, the General
22 Assembly shall appropriate from the State Pensions Fund to the
23 State Universities Retirement System the amount estimated to be
24 available during the fiscal year in the State Pensions Fund;
25 provided, however, that the amounts appropriated under this
26 subsection (c-5) shall not reduce the amount in the State

1 Pensions Fund below \$5,000,000.

2 (c-6) For fiscal year 2013 and each fiscal year thereafter,
3 as soon as may be practical after any money is deposited into
4 the State Pensions Fund from the Unclaimed Property Trust Fund,
5 the State Treasurer shall apportion the deposited amount among
6 the designated retirement systems as defined in subsection (a)
7 to reduce their actuarial reserve deficiencies. The State
8 Comptroller and State Treasurer shall pay the apportioned
9 amounts to the designated retirement systems to fund the
10 unfunded liabilities of the designated retirement systems. The
11 amount apportioned to each designated retirement system shall
12 constitute a portion of the amount estimated to be available
13 for appropriation from the State Pensions Fund that is the same
14 as that retirement system's portion of the total actual reserve
15 deficiency of the systems, as determined annually by the
16 Governor's Office of Management and Budget at the request of
17 the State Treasurer. The amounts apportioned under this
18 subsection shall not reduce the amount in the State Pensions
19 Fund below \$5,000,000.

20 (d) The Governor's Office of Management and Budget shall
21 determine the individual and total reserve deficiencies of the
22 designated retirement systems. For this purpose, the
23 Governor's Office of Management and Budget shall utilize the
24 latest available audit and actuarial reports of each of the
25 retirement systems and the relevant reports and statistics of
26 the Public Employee Pension Fund Division of the Department of

1 Insurance.

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

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

23 (Source: P.A. 96-959, eff. 7-1-10; 97-72, eff. 7-1-11.)

24 Section 20. The Illinois Banking Act is amended by changing
25 Sections 32, 48, 48.05, and 48.3 as follows:

1 (205 ILCS 5/32) (from Ch. 17, par. 339)

2 Sec. 32. Basic loaning limits. The liabilities outstanding
3 at one time to a state bank of a person for money borrowed,
4 including the liabilities of a partnership or joint venture in
5 the liabilities of the several members thereof, shall not
6 exceed 25% of the amount of the unimpaired capital and
7 unimpaired surplus of the bank.

8 The liabilities to any state bank of a person may exceed
9 25% of the unimpaired capital and unimpaired surplus of the
10 bank, provided that (i) the excess amount from time to time
11 outstanding is fully secured by readily marketable collateral
12 having a market value, as determined by reliable and
13 continuously available quotations, at least equal to the excess
14 amount outstanding; and (ii) the total liabilities shall not
15 exceed 30% of the unimpaired capital and unimpaired surplus of
16 the bank.

17 Beginning July 1, 2012, the following shall be considered
18 as money borrowed 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 the person;

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

1 and

2 (3) beginning January 2013, or such other time deemed
3 by the Secretary, any credit exposure to a person arising
4 from a derivative transaction between the state bank and
5 the person.

6 The term "derivative transaction" includes any transaction
7 that is a contract, agreement, swap, warrant, note, or option
8 that is based, in whole or in part, on the value of, any
9 interest in, or any quantitative measure or the occurrence of
10 any event relating to, one or more commodities, securities,
11 currencies, interest or other rates, indices, or other assets.

12 The following shall not be considered as money borrowed
13 within the meaning of this Section:

14 (1) The purchase or discount of bills of exchange drawn
15 in good faith against actually existing values.

16 (2) The purchase or discount of commercial or business
17 paper actually owned by the person negotiating the same.

18 (3) The purchase of or loaning money in exchange for
19 evidences of indebtedness which shall be secured by
20 mortgage or trust deed upon productive real estate the
21 value of which, as ascertained by the oath of 2 qualified
22 appraisers, neither of whom shall be an officer, director,
23 or employee of the bank or of any subsidiary or affiliate
24 of the bank, is double the amount of the principal debt
25 secured at the time of the original purchase of evidence of
26 indebtedness or loan of money and which is still double the

1 amount of the principal debt secured at the time of any
2 renewal of the indebtedness or loan, and which mortgage or
3 trust deed is shown, either by a guaranty policy of a title
4 guaranty company approved by the Secretary ~~Commissioner~~ or
5 by a registrar's certificate of title in any county having
6 adopted the provisions of the Registered Titles (Torrens)
7 Act, or by the opinion of an attorney-at-law, to be a first
8 lien upon the real estate therein described, and real
9 estate shall not be deemed to be encumbered within the
10 meaning of this subsection (3) by reason of the existence
11 of instruments reserving rights-of-way, sewer rights and
12 rights in wells, building restrictions or other
13 restrictive covenants, nor by reason of the fact it is
14 subject to lease under which rents or profits are reserved
15 by the owners.

16 (4) The purchase of marketable investment securities.

17 (5) The liability to a state bank of a person who is an
18 accommodation party to, or guarantor of payment for, any
19 evidence of indebtedness of another person who obtains a
20 loan from or discounts paper with or sells paper to the
21 state bank; but the total liability to a state bank of a
22 person as an accommodation party or guarantor of payment in
23 respect of such evidences of indebtedness shall not exceed
24 25% of the amount of the unimpaired capital and unimpaired
25 surplus of the bank; provided however that the liability of
26 an accommodation party to paper excepted under subsection 2

1 of this Section shall not be included in the computation of
2 this limitation.

3 (6) The liability to a state bank of a person, who as a
4 guarantor, guarantees collection of the obligation or
5 indebtedness of another person.

6 The total liabilities of any one person, for money
7 borrowed, or otherwise, shall not exceed 25% of the deposits of
8 the bank, and those total liabilities shall at no time exceed
9 50% of the amount of the unimpaired capital and unimpaired
10 surplus of the bank. Absent an actual unremedied breach, the
11 obligation or responsibility for breach of warranties or
12 representations, express or implied, of a person transferring
13 negotiable or non-negotiable paper to a bank without recourse
14 and without guaranty of payment, shall not be included in
15 determining the amount of liabilities of the person to the bank
16 for borrowed money or otherwise; and in the event of and to the
17 extent of an unremedied breach, the amount remaining unpaid for
18 principal and interest on the paper in respect of which the
19 unremedied breach exists shall thereafter for the purpose of
20 determining whether subsequent transactions giving rise to
21 additional liability of the person to the state bank for
22 borrowed money or otherwise are within the limitations of
23 Sections 32 through 34 of this Act, be included in computing
24 the amount of liabilities of the person for borrowed money or
25 otherwise.

26 The liability of a person to a state bank on account of

1 acceptances made or issued by the state bank on behalf of the
2 person shall be included in the computation of the total
3 liabilities of the person for money borrowed except to the
4 extent the acceptances grow out of transactions of the
5 character described in subsection (6) of Section 34 of this Act
6 and are otherwise within the limitations of that subsection;
7 provided nevertheless that any such excepted acceptances
8 acquired by the state bank which accepted the same shall be
9 included in the computation of the liabilities of the person to
10 the state bank for money borrowed.

11 The Secretary may adopt rules to address the funding by
12 banks of any loan commitment, when such funding would involve
13 additional extensions of credit to be made after the unimpaired
14 capital and unimpaired surplus of the bank have decreased and
15 the Secretary determines that such decrease in unimpaired
16 capital and unimpaired surplus would cause the additional
17 extensions of credit to result in an unsafe and unsound
18 condition.

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

20 (205 ILCS 5/48)

21 Sec. 48. Secretary's powers; duties. The Secretary shall
22 have the powers and authority, and is charged with the duties
23 and responsibilities designated in this Act, and a State bank
24 shall not be subject to any other visitorial power other than
25 as authorized by this Act, except those vested in the courts,

1 or upon prior consultation with the Secretary, a foreign bank
2 regulator with an appropriate supervisory interest in the
3 parent or affiliate of a state bank. In the performance of the
4 Secretary's duties:

5 (1) The Secretary ~~Commissioner~~ shall call for statements
6 from all State banks as provided in Section 47 at least one
7 time during each calendar quarter.

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

1 include an examination of the affairs of all the affiliates of
2 the bank, as defined in subsection (b) of Section 35.2 of this
3 Act, or subsidiaries of the bank as shall be necessary to
4 disclose fully the conditions of the subsidiaries or
5 affiliates, the relations between the bank and the subsidiaries
6 or affiliates and the effect of those relations upon the
7 affairs of the bank, and in connection therewith shall have
8 power to examine any of the officers, directors, agents, or
9 employees of the subsidiaries or affiliates on oath. After May
10 31, 1997, the Secretary ~~Commissioner~~ may enter into cooperative
11 agreements with state regulatory authorities of other states to
12 provide for examination of State bank branches in those states,
13 and the Secretary ~~Commissioner~~ may accept reports of
14 examinations of State bank branches from those state regulatory
15 authorities. These cooperative agreements may set forth the
16 manner in which the other state regulatory authorities may be
17 compensated for examinations prepared for and submitted to the
18 Secretary ~~Commissioner~~.

19 (b) After May 31, 1997, the Secretary ~~Commissioner~~ is
20 authorized to examine, as often as the Secretary ~~Commissioner~~
21 shall deem necessary or proper, branches of out-of-state banks.
22 The Secretary ~~Commissioner~~ may establish and may assess fees to
23 be paid to the Secretary ~~Commissioner~~ for examinations under
24 this subsection (b). The fees shall be borne by the
25 out-of-state bank, unless the fees are borne by the state
26 regulatory authority that chartered the out-of-state bank, as

1 determined by a cooperative agreement between the Secretary
2 ~~Commissioner~~ and the state regulatory authority that chartered
3 the out-of-state bank.

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

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

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

25 For purposes of this subsection (2.5), the term "bank
26 services" means services such as sorting and posting of checks

1 and deposits, computation and posting of interest and other
2 credits and charges, preparation and mailing of checks,
3 statements, notices, and similar items, or any other clerical,
4 bookkeeping, accounting, statistical, or similar functions
5 performed for a State bank, including but not limited to
6 electronic data processing related to those bank services.

7 For purposes of this subsection (2.5), the terms "loan
8 syndication" and "loan securitization" shall be defined by
9 rule, as promulgated by the Department of Financial and
10 Professional Regulation pursuant to the Illinois
11 Administrative Procedure Act.

12 (3) The expense of administering this Act, including the
13 expense of the examinations of State banks as provided in this
14 Act, shall to the extent of the amounts resulting from the fees
15 provided for in paragraphs (a), (a-2), and (b) of this
16 subsection (3) be assessed against and borne by the State
17 banks:

18 (a) Each bank shall pay to the Secretary a Call Report
19 Fee which shall be paid in quarterly installments equal to
20 one-fourth of the sum of the annual fixed fee of \$800, plus
21 a variable fee based on the assets shown on the quarterly
22 statement of condition delivered to the Secretary in
23 accordance with Section 47 for the preceding quarter
24 according to the following schedule: 16¢ per \$1,000 of the
25 first \$5,000,000 of total assets, 15¢ per \$1,000 of the
26 next \$20,000,000 of total assets, 13¢ per \$1,000 of the

1 next \$75,000,000 of total assets, 9¢ per \$1,000 of the next
2 \$400,000,000 of total assets, 7¢ per \$1,000 of the next
3 \$500,000,000 of total assets, and 5¢ per \$1,000 of all
4 assets in excess of \$1,000,000,000, of the State bank. The
5 Call Report Fee shall be calculated by the Secretary and
6 billed to the banks for remittance at the time of the
7 quarterly statements of condition provided for in Section
8 47. The Secretary may require payment of the fees provided
9 in this Section by an electronic transfer of funds or an
10 automatic debit of an account of each of the State banks.
11 In case more than one examination of any bank is deemed by
12 the Secretary to be necessary in any examination frequency
13 cycle specified in subsection 2(a) of this Section, and is
14 performed at his direction, the Secretary may assess a
15 reasonable additional fee to recover the cost of the
16 additional examination; provided, however, that an
17 examination conducted at the request of the State Treasurer
18 pursuant to the Uniform Disposition of Unclaimed Property
19 Act shall not be deemed to be an additional examination
20 under this Section. In lieu of the method and amounts set
21 forth in this paragraph (a) for the calculation of the Call
22 Report Fee, the Secretary may specify by rule that the Call
23 Report Fees provided by this Section may be assessed
24 semiannually or some other period and may provide in the
25 rule the formula to be used for calculating and assessing
26 the periodic Call Report Fees to be paid by State banks.

1 (a-1) If in the opinion of the Secretary ~~Commissioner~~
2 an emergency exists or appears likely, the Secretary
3 ~~Commissioner~~ may assign an examiner or examiners to monitor
4 the affairs of a State bank with whatever frequency he
5 deems appropriate, including but not limited to a daily
6 basis. The reasonable and necessary expenses of the
7 Secretary ~~Commissioner~~ during the period of the monitoring
8 shall be borne by the subject bank. The Secretary
9 ~~Commissioner~~ shall furnish the State bank a statement of
10 time and expenses if requested to do so within 30 days of
11 the conclusion of the monitoring period.

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

23 (a-3) After May 31, 1997, the reasonable and necessary
24 expenses of the Secretary ~~Commissioner~~ during examination
25 of the performance of electronic data processing services
26 under subsection (2.5) at or on behalf of branches of

1 out-of-state banks shall be borne by the out-of-state
2 banks, unless those expenses are borne by the state
3 regulatory authorities that chartered the out-of-state
4 banks, as determined by cooperative agreements between the
5 Secretary ~~Commissioner~~ and the state regulatory
6 authorities that chartered the out-of-state banks.

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

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

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

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

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

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

26 Notwithstanding provisions in the State Finance Act,

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

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

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

1 respectively, for the year bear to the total Call Report
2 Fees collected for the year. The additional amounts
3 assessed shall be transferred into the Cash Flow Reserve
4 Account. For purposes of this paragraph (d-1), the
5 calculation of the fees collected by the Secretary
6 ~~Commissioner~~ shall exclude the receivership fees provided
7 for in Section 5-10 of the Corporate Fiduciary Act.

8 (e) The Secretary ~~Commissioner~~ may upon request
9 certify to any public record in his keeping and shall have
10 authority to levy a reasonable charge for issuing
11 certifications of any public record in his keeping.

12 (f) In addition to fees authorized elsewhere in this
13 Act, the Secretary ~~Commissioner~~ may, in connection with a
14 review, approval, or provision of a service, levy a
15 reasonable charge to recover the cost of the review,
16 approval, or service.

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

23 (5) The nature and condition of the assets in or investment
24 of any bonus, pension, or profit sharing plan for officers or
25 employees of every State bank or, after May 31, 1997, branch of
26 an out-of-state bank shall be deemed to be included in the

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

16 (6) The Secretary ~~Commissioner~~ shall have the power:

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

19 (a-5) To impose conditions on any approval issued by
20 the Secretary ~~Commissioner~~ if he determines that the
21 conditions are necessary or appropriate. These conditions
22 shall be imposed in writing and shall continue in effect
23 for the period prescribed by the Secretary ~~Commissioner~~.

24 (b) To issue orders against any person, if the
25 Secretary ~~Commissioner~~ has reasonable cause to believe
26 that an unsafe or unsound banking practice has occurred, is

1 occurring, or is about to occur, if any person has
2 violated, is violating, or is about to violate any law,
3 rule, or written agreement with the Secretary
4 ~~Commissioner~~, or for the purpose of administering the
5 provisions of this Act and any rule promulgated in
6 accordance with this Act.

7 (b-1) To enter into agreements with a bank establishing
8 a program to correct the condition of the bank or its
9 practices.

10 (c) To appoint hearing officers to execute any of the
11 powers granted to the Secretary ~~Commissioner~~ under this
12 Section for the purpose of administering this Act and any
13 rule promulgated in accordance with this Act and otherwise
14 to authorize, in writing, an officer or employee of the
15 Office of Banks and Real Estate to exercise his powers
16 under this Act.

17 (d) To subpoena witnesses, to compel their attendance,
18 to administer an oath, to examine any person under oath,
19 and to require the production of any relevant books,
20 papers, accounts, and documents in the course of and
21 pursuant to any investigation being conducted, or any
22 action being taken, by the Secretary ~~Commissioner~~ in
23 respect of any matter relating to the duties imposed upon,
24 or the powers vested in, the Secretary ~~Commissioner~~ under
25 the provisions of this Act or any rule promulgated in
26 accordance with this Act.

1 (e) To conduct hearings.

2 (7) Whenever, in the opinion of the Secretary, any
3 director, officer, employee, or agent of a State bank or any
4 subsidiary or bank holding company of the bank or, after May
5 31, 1997, of any branch of an out-of-state bank or any
6 subsidiary or bank holding company of the bank shall have
7 violated any law, rule, or order relating to that bank or any
8 subsidiary or bank holding company of the bank, shall have
9 obstructed or impeded any examination or investigation by the
10 Secretary, shall have engaged in an unsafe or unsound practice
11 in conducting the business of that bank or any subsidiary or
12 bank holding company of the bank, or shall have violated any
13 law or engaged or participated in any unsafe or unsound
14 practice in connection with any financial institution or other
15 business entity such that the character and fitness of the
16 director, officer, employee, or agent does not assure
17 reasonable promise of safe and sound operation of the State
18 bank, the Secretary may issue an order of removal. If, in the
19 opinion of the Secretary, any former director, officer,
20 employee, or agent of a State bank or any subsidiary or bank
21 holding company of the bank, prior to the termination of his or
22 her service with that bank or any subsidiary or bank holding
23 company of the bank, violated any law, rule, or order relating
24 to that State bank or any subsidiary or bank holding company of
25 the bank, obstructed or impeded any examination or
26 investigation by the Secretary, engaged in an unsafe or unsound

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

1 Fiduciary Act may not thereafter serve as director, officer,
2 employee, or agent of any State bank or of any branch of any
3 out-of-state bank, or of any corporate fiduciary, as defined in
4 Section 1-5.05 of the Corporate Fiduciary Act, or of any other
5 entity that is subject to licensure or regulation by the
6 Division of Banking unless the Secretary has granted prior
7 approval in writing.

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

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

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

23 (10) All final administrative decisions of the Secretary
24 ~~Commissioner~~ hereunder shall be subject to judicial review
25 pursuant to the provisions of the Administrative Review Law.
26 For matters involving administrative review, venue shall be in

1 either Sangamon County or Cook County.

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

4 (a) (Blank).

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

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

1 the Board of Trustees of the Illinois Bank Examiners'
2 Education Foundation.

3 (12) (Blank).

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

12 (14) The Secretary when appointed as receiver or any person
13 appointed as receiver shall have all of the powers, rights, and
14 privileges as the Federal Deposit Insurance Corporation, which
15 shall originate at the time of the appointment and continue
16 through the term of the receivership.

17 (Source: P.A. 96-1163, eff. 1-1-11; 96-1365, eff. 7-28-10;
18 97-333, eff. 8-12-11.)

19 (205 ILCS 5/48.05)

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

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

3 18.16¢ per \$1,000 of the next \$20,000,000 of total
4 assets;

5 15.89¢ per \$1,000 of the next \$75,000,000 of total
6 assets;

7 10.7825¢ per \$1,000 of the next \$400,000,000 of total
8 assets;

9 8.5125¢ per \$1,000 of the next \$500,000,000 of total
10 assets;

11 6.2425¢ per \$1,000 of the next \$19,000,000,000 of total
12 assets;

13 2.27¢ per \$1,000 of the next \$30,000,000,000 of total
14 assets;

15 1.135¢ per \$1,000 of the next \$50,000,000,000 of total
16 assets; and

17 0.5675¢ per \$1,000 of all assets in excess of
18 \$100,000,000,000 of the state bank.

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

20 (205 ILCS 5/48.3) (from Ch. 17, par. 360.2)

21 Sec. 48.3. Disclosure of reports of examinations and
22 confidential supervisory information; limitations.

23 (a) Any report of examination, visitation, or
24 investigation prepared by the Secretary ~~Commissioner~~ under
25 this Act, the Electronic Fund Transfer Act, the Corporate

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

21 The Secretary ~~Commissioner~~ may disclose confidential
22 supervisory information only under the following
23 circumstances:

- 24 (1) The Secretary ~~Commissioner~~ may furnish
25 confidential supervisory information to the Board of
26 Governors of the Federal Reserve System, the federal

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

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

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

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

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

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

24 (6) The Secretary ~~Commissioner~~ may furnish
25 confidential supervisory information relating to a bank or
26 other financial institution, which the Secretary

1 ~~Commissioner~~ has caused to be examined, under the federal
2 Currency and Foreign Transactions Reporting Act, Title 31,
3 United States Code, Section 1051 et seq.

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

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

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

26 (9) The Secretary ~~Commissioner~~ may furnish a copy of a

1 report of any examination performed by the Secretary
2 ~~Commissioner~~ of the condition and affairs of any electronic
3 data processing entity to the banks serviced by the
4 electronic data processing entity.

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

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

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

1 (2) to attorneys for the bank or other financial
2 institution and to a certified public accountant engaged by
3 the State bank or financial institution to perform an
4 independent audit provided that the attorney or certified
5 public accountant shall not permit the confidential
6 supervisory information to be further disseminated;

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

15 (4) (blank); ~~or~~

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

25 (6) to any person conducting a review of the bank on
26 behalf of the bank for purposes of complying with any

1 enforcement action taken by a bank regulatory agency so
2 long as the bank obtains pre-approval for release of said
3 confidential supervisory information by the Secretary and
4 said person agrees to maintain the confidentiality of the
5 confidential supervisory information and to not further
6 disseminate the confidential supervisory information.

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

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

1 must notify the Secretary ~~Commissioner~~ of the demand, at which
2 time the Secretary ~~Commissioner~~ is authorized to intervene for
3 the purpose of enforcing the limitations of this Section or
4 seeking the withdrawal or termination of the attempt to compel
5 production of the confidential supervisory information.

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

18 (3) Any court order that compels disclosure of confidential
19 supervisory information may be immediately appealed by the
20 Secretary ~~Commissioner~~, and the order shall be automatically
21 stayed pending the outcome of the appeal.

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

1 agent, attorney, or employee.

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

3 (205 ILCS 105/Act rep.)

4 Section 22. The Illinois Savings and Loan Act of 1985 is
5 repealed.

6 Section 25. The Savings Bank Act is amended by changing
7 Sections 1007.130, 2007, 3003, 4008, 4010, 4013, 6002, 6013,
8 6014, 9002, 9002.5, and 9012 and by adding Articles 12.1 and
9 12.2 and Section 9002.1 as follows:

10 (205 ILCS 205/1007.130)

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

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

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

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

19 (a) A savings bank, including a mutual savings bank
20 operating under this Act, may reorganize so as to become a
21 holding company by:

22 (1) chartering one or more subsidiary savings banks,

1 the ownership of which shall be evidenced by stock shares,
2 to be owned by the chartering parent savings bank; and

3 (2) either of the following:

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

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

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

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

24 (205 ILCS 205/3003) (from Ch. 17, par. 7303-3)

25 Sec. 3003. Contents of articles of incorporation.

- 1 (a) The articles of incorporation shall set forth:
- 2 (1) The name of the savings bank.
- 3 (2) The initial location of the business office.
- 4 (3) The duration of existence, which shall be perpetual
- 5 unless otherwise specified.
- 6 (4) The initial number of directors, not less than 5.
- 7 (5) The authorization, if any, to issue deposit
- 8 accounts, the aggregate amount of which may be unlimited.
- 9 (6) The authorization, if any, to issue stock, the
- 10 aggregate number of shares and the par value per share,
- 11 ~~which shall not be less than \$1.~~
- 12 (7) The quorum required for action of members if a
- 13 quorum other than that specified in this Act is desired.
- 14 (8) Any other provision, not inconsistent with law,
- 15 which the subscribers or members may desire, for the
- 16 internal regulation of the affairs of the savings bank.
- 17 (b) A savings bank may include in its original articles of
- 18 incorporation or amended articles a requirement that proposed
- 19 amendments to the articles of incorporation shall be adopted by
- 20 the affirmative vote of two-thirds of the total number of votes
- 21 entitled to be cast.
- 22 (c) The articles of incorporation need not set forth any of
- 23 the powers that this Act confers.
- 24 (Source: P.A. 89-74, eff. 6-30-95.)

1 Sec. 4008. Directors. The business and affairs of the
2 savings bank shall be exercised by its elected board of
3 directors. The board of directors shall consist of the number
4 of directors fixed by the bylaws, but shall not be fewer than
5 5. No more than 40% of the directors shall be salaried
6 employees of the savings bank, except that a higher percentage
7 may be allowed with the prior written approval of the Secretary
8 ~~Commissioner. At least two thirds of the directors shall be~~
9 ~~residents of this State.~~

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

11 (205 ILCS 205/4010) (from Ch. 17, par. 7304-10)

12 Sec. 4010. Conduct of directors and officers.

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

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

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

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

1 (3) A director or officer shall not have any interest,
2 direct or indirect, in the purchase at less than its face
3 value of any evidence of a savings account, deposit, or
4 other indebtedness issued by the savings bank.

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

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

24 (6) A director or officer shall not solicit, accept, or
25 agree to accept, directly or indirectly, from any person
26 other than the savings bank any gratuity, compensation, or

1 other personal benefit for any action taken by the savings
2 bank or for endeavoring to procure any action by the
3 savings bank.

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

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

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

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

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

24 (4) A transaction from which the director derived an
25 improper personal benefit.

26 (5) An act or omission occurring before the effective

1 date of the provision in the bylaws authorized by this
2 subsection.

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

4 (205 ILCS 205/4013) (from Ch. 17, par. 7304-13)

5 Sec. 4013. Access to books and records; communication with
6 members and shareholders.

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

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

1 information provided by the customer ~~member or shareholder~~.

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

15 (c) This Section does not prohibit:

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

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

1 duties as an officer, employee, or agent.

2 (3) The publication of data furnished from financial
3 records relating to customers ~~members or holders of capital~~
4 where the data cannot be identified to any particular
5 customer ~~member, shareholder,~~ or account.

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

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

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

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

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

26 (9) The furnishing of information pursuant to the

1 Illinois Income Tax Act and the Illinois Estate and
2 Generation-Skipping Transfer Tax Act.

3 (10) The furnishing of information pursuant to the
4 federal "Currency and Foreign Transactions Reporting Act",
5 (Title 31, United States Code, Section 1051 et seq.).

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

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

1 to hold, encumber, or surrender assets until it has been
2 served with a subpoena, summons, warrant, court or
3 administrative order, lien, or levy.

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

1 the same rights and protections as a person furnishing
2 information under the Elder Abuse and Neglect Act, the
3 Illinois Domestic Violence Act of 1986, and the Abuse of
4 Adults with Disabilities Intervention Act.

5 (14) The disclosure of financial records or
6 information as necessary to effect, administer, or enforce
7 a transaction requested or authorized by the customer
8 ~~member or holder of capital~~, or in connection with:

9 (A) servicing or processing a financial product or
10 service requested or authorized by the customer ~~member~~
11 ~~or holder of capital~~;

12 (B) maintaining or servicing an account of a
13 customer ~~member or holder of capital~~ with the savings
14 bank; or

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

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

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

1 (16) The disclosure of financial records or
2 information as necessary to protect against or prevent
3 actual or potential fraud, unauthorized transactions,
4 claims, or other liability.

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

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

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

26 (d) A savings bank may not disclose to any person, except

1 to the customer ~~member or holder of capital~~ or his duly
2 authorized agent, any financial records relating to that
3 customer ~~member or shareholder~~ of the savings bank unless:

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

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

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

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

24 (g) Any person who knowingly and willfully induces or
25 attempts to induce any officer or employee of a savings bank to
26 disclose financial records in violation of this Section is

1 guilty of a business offense and, upon conviction, shall be
2 fined not more than \$1,000.

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

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

22 (j) Notwithstanding the provisions of this Section, a
23 savings bank may sell or otherwise make use of lists of
24 customers' names and addresses. All other information
25 regarding a customer's account are subject to the disclosure
26 provisions of this Section. At the request of any customer,

1 that customer's name and address shall be deleted from any list
2 that is to be sold or used in any other manner beyond
3 identification of the customer's accounts.

4 (Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06;
5 95-661, eff. 1-1-08.)

6 (205 ILCS 205/6002) (from Ch. 17, par. 7306-2)

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

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

12 (2) On the security of real estate:

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

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

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

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

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

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

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

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

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

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

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

1 amount is authorized in writing by the Secretary ~~Commissioner~~.

2 (9) For the purpose of mobile home financing subject,
3 however, to the regulation of the Secretary ~~Commissioner~~.

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

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

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

25 (13) For the purpose of vehicle ~~automobile~~ financing,
26 subject to the regulation of the Secretary. "Vehicle" shall

1 include all motorized forms of transportation that constitute
2 adequate collateral ~~Commissioner.~~

3 (14) For the purpose of financing primary, secondary,
4 undergraduate, or postgraduate education.

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

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

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

15 (205 ILCS 205/6013) (from Ch. 17, par. 7306-13)

16 Sec. 6013. Loans to one borrower.

17 (a) Except as provided in subsection (c), the total loans
18 and extensions of credit, both direct and indirect, by a
19 savings bank to any person, other than a municipal corporation
20 for money borrowed, outstanding at one time shall not exceed
21 25% of the savings bank's total capital plus general loan loss
22 reserves.

23 (b) Except as provided in subsection (c), the total loans
24 and extensions of credit, both direct and indirect, by a
25 savings bank to any person outstanding at one time and at least

1 100% secured by readily marketable collateral having a market
2 value, as determined by reliable and continuously available
3 price quotations, shall not exceed 10% of the savings bank's
4 total capital plus general loan loss reserves. This limitation
5 shall be separate from and in addition to the limitation
6 contained in subsection (a).

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

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

24 (e) For the purposes of this Section any loan or extension
25 of credit granted to one person, the proceeds of which are used
26 for the direct benefit of a second person, shall be deemed a

1 loan or extension of credit to the second person as well as the
2 first person. In addition, a loan or extension of credit to one
3 person shall be deemed a loan or extension of credit to others
4 when a common enterprise exists between the first person and
5 such other persons.

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

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

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

21 (i) If collateral values fall below 100% of the outstanding
22 loan or extension of credit to the extent that the loan or
23 extension of credit no longer is in conformance with subsection
24 (b) and exceeds the 25% limitation of subsection (a), the loan
25 must be brought into conformance with this Section within 5
26 business days except where judicial proceedings or other

1 similar extraordinary occurrences prevent the savings bank
2 from taking action.

3 (j) This Section shall not apply to loans or extensions of
4 credit to the United States of America or its agencies or this
5 State or its agencies or to any loan, investment, or extension
6 of credit made pursuant to Section 6003 of this Act.

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

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

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

26 (2) to the extent specified by the Secretary, any

1 liability of a savings bank to advance funds to or on
2 behalf of a person pursuant to a contractual commitment;
3 and

4 (3) any credit exposure to a person arising from a
5 derivative transaction between the savings bank and the
6 person; the term "derivative transaction" includes any
7 transaction that is a contract, agreement, swap, warrant,
8 note, or option that is based, in whole or in part, on the
9 value of, any interest in, or any quantitative measure or
10 the occurrence of any event relating to, one or more
11 commodities, securities, currencies, interest or other
12 rates, indices, or other assets.

13 (m) The Secretary ~~Commissioner~~ may prescribe rules to carry
14 out the purposes of this Section and to establish limits or
15 requirements other than those specified in this Section for
16 particular types of loans and extensions of credit.

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

18 (205 ILCS 205/6014) (from Ch. 17, par. 7306-14)

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

20 (a) The Secretary may ~~Commissioner shall~~ promulgate rules
21 and regulations to determine permissible levels of investment
22 and permissible concentrations of assets for savings banks
23 applicable to all lending and investment authority granted by
24 this Article 6. The rules and regulations shall give due regard
25 to capital adequacy, operating income, underwriting standards,

1 risk inherent in the investment or loan, and competitive parity
2 with other financial institutions.

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

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

9 (205 ILCS 205/9002) (from Ch. 17, par. 7309-2)

10 Sec. 9002. Powers of Secretary. The Secretary shall have
11 the following powers and duties:

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

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

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

19 (4) To cause a suit to be filed in his name to enforce
20 any law of this State that applies to savings banks, their
21 service corporations, subsidiaries, affiliates, or holding
22 companies operating under this Act, including the
23 enforcement of any obligation of the officers, directors,
24 agents, or employees of any savings bank.

25 (5) To prescribe a uniform manner in which the books

1 and records of every savings bank are to be maintained.

2 (6) To establish a reasonable fee structure for savings
3 banks and holding companies operating under this Act and
4 for their service corporations and subsidiaries. The fees
5 shall include, but not be limited to, annual fees,
6 application fees, regular and special examination fees,
7 and other fees as the Secretary establishes and
8 demonstrates to be directly resultant from the Secretary's
9 responsibilities under this Act and as are directly
10 attributable to individual entities operating under this
11 Act. The aggregate of all moneys collected by the Secretary
12 on and after the effective date of this Act ~~shall be paid~~
13 ~~promptly after receipt of the same, accompanied by a~~
14 ~~detailed statement thereof, into the Savings and~~
15 ~~Residential Finance Regulatory Fund subject to the~~
16 ~~provisions of Section 7 19.1 of the Illinois Savings and~~
17 ~~Loan Act of 1985 including without limitation the provision~~
18 ~~for credits against regulatory fees. The amounts deposited~~
19 ~~into the Fund shall be used for the ordinary and contingent~~
20 ~~expenses of the Office of Banks and Real Estate.~~
21 ~~Notwithstanding any other provision of this paragraph (6),~~
22 ~~the aggregate of all moneys collected by the Secretary~~
23 ~~under this Act shall be paid promptly after receipt of~~
24 ~~same, accompanied by a detailed statement thereof, into the~~
25 ~~Savings Institutions Regulatory Fund upon the creation of~~
26 ~~that fund under Section 7 19.2 of the Illinois Savings and~~

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

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

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

22 (205 ILCS 205/9002.1 new)

23 Sec. 9002.1. Savings Institutions Regulatory Fund.

24 (a) The aggregate of all moneys collected by the Secretary
25 under this Act shall be paid promptly after receipt of the

1 same, accompanied by a detailed statement thereof, into the
2 State treasury and shall be set apart in the Savings
3 Institutions Regulatory Fund, a special fund created in the
4 State treasury. The amounts deposited into the Fund shall be
5 used for the ordinary and contingent expenses of the Department
6 of Financial and Professional Regulation and the Division of
7 Banking, or their successors, in administering and enforcing
8 the Savings Bank Act and other laws, rules, and regulations as
9 may apply to the administration and enforcement of the
10 foregoing laws, rules, and regulations, as amended from time to
11 time. Nothing in this Act shall prevent continuing the practice
12 of paying expenses involving salaries, retirement, Social
13 Security, and State paid insurance of State officers by
14 appropriation from the General Revenue Fund.

15 (b) Moneys in the Savings Institutions Regulatory Fund may
16 be transferred to the Professions Indirect Cost Fund as
17 authorized under Section 2105-300 of the Department of
18 Professional Regulation Law of the Civil Administrative Code of
19 Illinois.

20 (c) All earnings received from investments of funds in the
21 Savings Institutions Regulatory Fund shall be deposited into
22 that Fund and may be used for the same purposes as fees
23 deposited into that Fund.

24 (d) When the balance in the Savings Institutions Regulatory
25 Fund at the end of a fiscal year exceeds 25% of the total
26 actual administrative and operational expenses incurred by the

1 State for that fiscal year in administering and enforcing the
2 Savings Bank Act and such other laws, rules, and regulations as
3 may apply to the administration and enforcement of the
4 foregoing laws, rules, and regulations, the excess shall be
5 credited to the appropriate savings banks and entities and
6 applied against their regulatory fees for the subsequent fiscal
7 year. The amount credited to each savings bank or entity shall
8 be in the same proportion that the regulatory fees paid by the
9 savings bank or entity for the fiscal year in which the excess
10 is produced bear to the aggregate amount of all fees collected
11 by the Secretary under the Savings Bank Act for the same fiscal
12 year. For the purpose of this Section, "fiscal year" means the
13 period beginning July 1 of any year and ending June 30 of the
14 next calendar year.

15 (e) Moneys in the Residential Finance Regulatory Fund
16 apportioned to the moneys collected under the Illinois Savings
17 and Loan Act of 1985 and the Savings Bank Act shall be
18 transferred to the Savings Institutions Regulatory Fund. Any
19 amount used or borrowed from the moneys apportioned to the
20 moneys collected under the Illinois Savings and Loan Act of
21 1985 and this Act that would have been required to be returned
22 to that apportionment shall be instead paid into the Savings
23 Institutions Regulatory Fund in the same manner.

24 (205 ILCS 205/9002.5)

25 Sec. 9002.5. Regulatory fees.

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

8 24.97¢ per \$1,000 of the first \$2,000,000 of total
9 assets;

10 22.70¢ per \$1,000 of the next \$3,000,000 of total
11 assets;

12 20.43¢ per \$1,000 of the next \$5,000,000 of total
13 assets;

14 17.025¢ per \$1,000 of the next \$15,000,000 of total
15 assets;

16 14.755¢ per \$1,000 of the next \$25,000,000 of total
17 assets;

18 12.485¢ per \$1,000 of the next \$50,000,000 of total
19 assets;

20 10.215¢ per \$1,000 of the next \$400,000,000 of total
21 assets;

22 6.81¢ per \$1,000 of the next \$500,000,000 of total
23 assets; and

24 4.54¢ per \$1,000 of all total assets in excess of
25 \$1,000,000,000 of such savings bank or service
26 corporation.

1 "Quarterly statement of condition" means the Report of
2 Condition and Income (Call Report) filed with the appropriate
3 federal banking agency, as defined by Section 3 of the Federal
4 Deposit Insurance Act (12 U.S.C. 1813).

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

17 ~~24.97¢ per \$1,000 of the first \$2,000,000 of total~~
18 ~~assets;~~

19 ~~22.70¢ per \$1,000 of the next \$3,000,000 of total~~
20 ~~assets;~~

21 ~~20.43¢ per \$1,000 of the next \$5,000,000 of total~~
22 ~~assets;~~

23 ~~17.025¢ per \$1,000 of the next \$15,000,000 of total~~
24 ~~assets;~~

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

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

3 ~~10.215¢ per \$1,000 of the next \$400,000,000 of total~~
4 ~~assets;~~

5 ~~6.81¢ per \$1,000 of the next \$500,000,000 of total~~
6 ~~assets; and~~

7 ~~4.54¢ per \$1,000 of all total assets in excess of~~
8 ~~\$1,000,000,000 of such savings bank or service~~
9 ~~corporation.~~

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

17 (d) The Secretary shall receive for each fiscal year,
18 commencing with the fiscal year ending June 30, 2013, a
19 contingent fee equal to the lesser of the aggregate of the fees
20 paid by all savings banks under subsection (a) of this Section
21 for that year, or the amount, if any, whereby the aggregate of
22 the administration expenses, as defined in subsection (e) of
23 this Section, for that fiscal year exceeds the sum of the
24 aggregate of the fees payable by all savings banks for that
25 year under subsection (a) of this Section, plus any amounts
26 transferred into the Savings Institutions Regulatory Fund from

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

17 (e) For purposes of subsection (d) of this Section, the
18 following terms shall have the following meanings:

19 (1) "administration expenses" means for any fiscal
20 year the ordinary and contingent expenses for that year
21 incident to making the examinations provided for by, and
22 for otherwise administering, this Act, including all
23 salaries and other compensation paid for personal services
24 rendered for the State by officers or employees of the
25 State, including the Secretary and the Director,
26 communication equipment and services, office furnishings,

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

18 (2) "fiscal year" means a period beginning July 1 of
19 any year and ending June 30 of the next year.

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

21 (205 ILCS 205/9012) (from Ch. 17, par. 7309-12)

22 Sec. 9012. Disclosure of reports of examinations and
23 confidential supervisory information; limitations.

24 (a) Any report of examination, visitation, or
25 investigation prepared by the Secretary ~~Commissioner~~ under

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

19 The Secretary ~~Commissioner~~ may disclose confidential
20 supervisory information only under the following
21 circumstances:

- 22 (1) The Secretary ~~Commissioner~~ may furnish
23 confidential supervisory information to federal and state
24 depository institution regulators, or any official or
25 examiner thereof duly accredited for the purpose. Nothing
26 contained in this Act shall be construed to limit the

1 obligation of any savings bank to comply with the
2 requirements relative to examinations and reports nor to
3 limit in any way the powers of the Secretary ~~Commissioner~~
4 relative to examinations and reports.

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

16 (3) The Secretary ~~Commissioner~~ may furnish
17 confidential supervisory information to the appropriate
18 law enforcement authorities when the Secretary
19 ~~Commissioner~~ reasonably believes a savings bank, which the
20 Secretary ~~Commissioner~~ has caused to be examined, has been
21 a victim of a crime.

22 (4) The Secretary ~~Commissioner~~ may furnish
23 confidential supervisory information related to a savings
24 bank, which the Secretary ~~Commissioner~~ has caused to be
25 examined, to the administrator of the Uniform Disposition
26 of Unclaimed Property Act.

1 (5) The Secretary ~~Commissioner~~ may furnish
2 confidential supervisory information relating to a savings
3 bank, which the Secretary ~~Commissioner~~ has caused to be
4 examined, relating to its performance of obligations under
5 the Illinois Income Tax Act and the Illinois Estate and
6 Generation-Skipping Transfer Tax Act to the Illinois
7 Department of Revenue.

8 (6) The Secretary ~~Commissioner~~ may furnish
9 confidential supervisory information relating to a savings
10 bank, which the Secretary ~~Commissioner~~ has caused to be
11 examined, under the federal Currency and Foreign
12 Transactions Reporting Act, 31 United States Code, Section
13 1051 et seq.

14 (7) The Secretary ~~Commissioner~~ may furnish
15 confidential supervisory information to any other agency
16 or entity that the Secretary ~~Commissioner~~ determines to
17 have a legitimate regulatory interest.

18 (8) The Secretary ~~Commissioner~~ may furnish
19 confidential supervisory information as otherwise
20 permitted or required by this Act and may furnish
21 confidential supervisory information under any other
22 statute that by its terms or by regulations promulgated
23 thereunder requires the disclosure of financial records
24 other than by subpoena, summons, warrant, or court order.

25 (9) At the request of the affected savings bank, the
26 Secretary ~~Commissioner~~ may furnish confidential

1 supervisory information relating to the savings bank,
2 which the Secretary ~~Commissioner~~ has caused to be examined,
3 in connection with the obtaining of insurance coverage or
4 the pursuit of an insurance claim for or on behalf of the
5 savings bank; provided that, when possible, the Secretary
6 ~~Commissioner~~ shall disclose only relevant information
7 while maintaining the confidentiality of financial records
8 not relevant to such insurance coverage or claim and, when
9 appropriate, may delete identifying data relating to any
10 person.

11 (10) The Secretary ~~Commissioner~~ may furnish a copy of a
12 report of any examination performed by the Secretary
13 ~~Commissioner~~ of the condition and affairs of any electronic
14 data processing entity to the savings banks serviced by the
15 electronic data processing entity.

16 (11) In addition to the foregoing circumstances, the
17 Secretary ~~Commissioner~~ may, but is not required to, furnish
18 confidential supervisory information under the same
19 circumstances authorized for the savings bank pursuant to
20 subsection (b) of this Section, except that the Secretary
21 ~~Commissioner~~ shall provide confidential supervisory
22 information under circumstances described in paragraph (3)
23 of subsection (b) of this Section only upon the request of
24 the savings bank.

25 (b) A savings bank or its officers, agents, and employees
26 may disclose confidential supervisory information only under

1 the following circumstances:

2 (1) to the board of directors of the savings bank, as
3 well as the president, vice-president, cashier, and other
4 officers of the savings bank to whom the board of directors
5 may delegate duties with respect to compliance with
6 recommendations for action, and to the board of directors
7 of a savings bank holding company that owns at least 80% of
8 the outstanding stock of the savings bank or other
9 financial institution; ; -

10 (2) to attorneys for the savings bank and to a
11 certified public accountant engaged by the savings bank to
12 perform an independent audit; provided that the attorney or
13 certified public accountant shall not permit the
14 confidential supervisory information to be further
15 disseminated; ; -

16 (3) to any person who seeks to acquire a controlling
17 interest in, or who seeks to merge with, the savings bank;
18 provided that the person shall agree to be bound to respect
19 the confidentiality of the confidential supervisory
20 information and to not further disseminate the information
21 other than to attorneys, certified public accountants,
22 officers, agents, or employees of that person who likewise
23 shall agree to be bound to respect the confidentiality of
24 the confidential supervisory information and to not
25 further disseminate the information; ; -

26 (4) to the savings bank's insurance company, if the

1 supervisory information contains information that is
2 otherwise unavailable and is strictly necessary to
3 obtaining insurance coverage or pursuing an insurance
4 claim for or on behalf of the savings bank; provided that,
5 when possible, the savings bank shall disclose only
6 information that is relevant to obtaining insurance
7 coverage or pursuing an insurance claim, while maintaining
8 the confidentiality of financial information pertaining to
9 customers; and provided further that, when appropriate,
10 the savings bank may delete identifying data relating to
11 any person; or -

12 (5) to any person conducting a review of the bank on
13 behalf of the bank for purposes of complying with any
14 enforcement action taken by a bank regulatory agency so
15 long as the bank obtains preapproval for release of said
16 confidential supervisory information by the Secretary and
17 said person agrees to maintain the confidentiality of the
18 confidential supervisory information and to not further
19 disseminate the confidential supervisory information.

20 The disclosure of confidential supervisory information by
21 a savings bank pursuant to this subsection (b) and the
22 disclosure of information to the Secretary ~~Commissioner~~ or
23 other regulatory agency in connection with any examination,
24 visitation, or investigation shall not constitute a waiver of
25 any legal privilege otherwise available to the savings bank
26 with respect to the information.

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

18 (2) Any request for discovery or disclosure of confidential
19 supervisory information, whether by subpoena, order, or other
20 judicial or administrative process, shall be made to the
21 Secretary ~~Commissioner~~, and the Secretary ~~Commissioner~~ shall
22 determine within 15 days whether to disclose the information
23 pursuant to procedures and standards that the Secretary
24 ~~Commissioner~~ shall establish by rule. If the Secretary
25 ~~Commissioner~~ determines that such information will not be
26 disclosed, the Secretary's ~~Commissioner's~~ decision shall be

1 subject to judicial review under the provisions of the
2 Administrative Review Law, and venue shall be in either
3 Sangamon County or Cook County.

4 (3) Any court order that compels disclosure of confidential
5 supervisory information may be immediately appealed by the
6 Secretary ~~Commissioner~~, and the order shall be automatically
7 stayed pending the outcome of the appeal.

8 (d) If any officer, agent, attorney, or employee of a
9 savings bank knowingly and willfully furnishes confidential
10 supervisory information in violation of this Section, the
11 Secretary ~~Commissioner~~ may impose a civil monetary penalty up
12 to \$1,000 for the violation against the officer, agent,
13 attorney, or employee.

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

17 (1) All fixed orders and opinions made in cases of
18 appeals of the Secretary's ~~Commissioner's~~ actions.

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

22 (3) Nonconfidential portions of application files,
23 including applications for new charters. The Secretary
24 ~~Commissioner~~ shall specify by rule as to what part of the
25 files are confidential.

26 (4) Quarterly reports of income, deposits, and

1 financial condition.

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

3 (205 ILCS 205/Art. 12.1 heading new)

4 ARTICLE 12.1. Effect of Repeal of
5 Illinois Savings and Loan Act of 1985

6 (205 ILCS 205/12101 new)

7 Sec. 12101. Effect of repeal. This Article sets forth the
8 effect of and means of transition necessitated by the repeal of
9 the Illinois Savings and Loan Act of 1985.

10 (205 ILCS 205/12102 new)

11 Sec. 12102. Effect on existing associations. Any existing
12 association organized under the Illinois Savings and Loan Act
13 of 1985 shall be deemed, without approval of the association,
14 its members, or the Secretary, to be a savings bank as if the
15 association had been organized under this Act. The resulting
16 savings bank, from the date of the repeal of the Illinois
17 Savings and Loan Act of 1985, shall be operated in accordance
18 with this Act and the rules established pursuant to this Act.

19 (205 ILCS 205/12103 new)

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

22 "Existing association" means an association organized or,

1 except for existing foreign associations, otherwise operating
2 under the Illinois Savings and Loan Act of 1985 at the time
3 that Act was repealed pursuant to Section 12101 of this Act.

4 "Existing foreign association" means an association or
5 savings bank organized under the laws of any other state,
6 territory, or country, but not including an association or
7 savings bank chartered under the laws of the United States,
8 that, at the time of the repeal of the Illinois Savings and
9 Loan Act of 1985, operated in this State under Article 2B of
10 the Illinois Savings and Loan Act of 1985.

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

13 "Resulting savings bank" means a savings bank under this
14 Act that was an existing association that is deemed to be a
15 savings bank pursuant to Section 12102 of this Act.

16 (205 ILCS 205/12104 new)

17 Sec. 12104. Charter, bylaws, and directors of resulting
18 savings bank.

19 (a) The statement of incorporation, charter, or
20 certificate of complete organization of any existing
21 association shall be deemed to be the charter of the resulting
22 savings bank until such time, which shall be no more than one
23 year after the date of the repeal of the Illinois Savings and
24 Loan Act of 1985, articles of incorporation in compliance with
25 this Act and the rules established pursuant to this Act are

1 proposed by the resulting savings bank and are approved by and
2 a charter issued accordingly by the Secretary.

3 (b) The bylaws of any existing association shall be deemed
4 to be the bylaws of the resulting savings bank until such time,
5 which shall be no more than one year after the date of the
6 repeal of the Illinois Savings and Loan Act of 1985, bylaws in
7 compliance with this Act and the rules established pursuant to
8 this Act are adopted by the resulting savings bank. The
9 resulting savings bank shall promptly notify the Secretary of
10 the adoption of these bylaws.

11 (c) The directors of any existing association shall be
12 deemed to be the directors of the resulting savings bank until
13 the first election of directors after the existing association
14 is deemed a savings bank under Section 12102 of this Act, or
15 until expiration of their terms as directors, and shall have
16 the power to manage the resulting savings bank pursuant to this
17 Act.

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

21 (e) The Secretary shall charge no fee for actions
22 undertaken by a resulting savings bank to comply with this
23 Section.

24 (205 ILCS 205/12105 new)

25 Sec. 12105. Powers of resulting savings bank. A resulting

1 savings bank shall have all the rights, privileges, and powers
2 granted by this Act and other laws applicable to savings banks,
3 and the entire assets, business, and goodwill of the existing
4 association shall be vested in the resulting savings bank
5 without deed or transfer, provided the resulting savings bank
6 may execute deeds or instruments of conveyance as may be
7 convenient to confirm such transfer, and such resulting savings
8 bank shall assume and be liable for all debts, accounts,
9 undertaking, contractual obligations, and liabilities of the
10 existing association.

11 (205 ILCS 205/12106 new)

12 Sec. 12106. Obligations of resulting savings bank. The
13 resulting savings bank shall be subject to the duties,
14 relations, obligations, trusts, and liabilities of the
15 existing association, whether as debtor, depository,
16 registrar, transfer agent, executor, administrator, trustee,
17 or otherwise and shall be liable to pay and discharge all such
18 debts and liabilities, to perform all such duties, and to
19 administer all such trusts in the same manner and to the same
20 extent as if the resulting savings bank had itself incurred the
21 obligation or liability or assumed the duty, relation, or
22 trust; and all rights of creditors and all liens upon property
23 of the resulting savings bank shall be entitled to receive,
24 accept, collect, hold, and enjoy any and all gifts, bequests,
25 devises, conveyances, trusts, and appointments in favor of or

1 in the name of the existing association, whether made or
2 created to take effect before or after the establishment of the
3 resulting savings bank.

4 (205 ILCS 205/12107 new)

5 Sec. 12107. Effect on special funds.

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

21 (b) The Savings Institutions Regulatory Fund established
22 under Section 7-19.2 of the Illinois Savings and Loan Act of
23 1985 shall continue in existence under Section 9002.1 of this
24 Act without interruption and shall retain all moneys therein.

1 (205 ILCS 205/12108 new)

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

18 (205 ILCS 205/12109 new)

19 Sec. 12109. Effect on the Board of Savings Institutions.
20 The Board shall continue to operate without interruption and as
21 if it had been originally established under Article 12.2 of
22 this Act. The current members of the Board of Savings
23 Institutions shall continue to serve the balance of their
24 terms.

1 (205 ILCS 205/Art. 12.2 heading new)

2 ARTICLE 12.2. Board of Savings Institutions

3 (205 ILCS 205/12201 new)

4 Sec. 12201. Board of Savings Institutions; appointment.

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

1 (205 ILCS 205/12202 new)

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

18 (205 ILCS 205/12203 new)

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

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

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

1 (205 ILCS 205/1007.70 rep.)

2 (205 ILCS 205/9017 rep.)

3 Section 30. The Savings Bank Act is amended by repealing
4 Sections 1007.70 and 9017.

5 Section 35. The Pawnbroker Regulation Act is amended by
6 changing Sections 0.05, 4, and 7 as follows:

7 (205 ILCS 510/0.05)

8 Sec. 0.05. Administration of Act.

9 (a) This Act shall be administered by the Secretary of
10 Financial and Professional Regulation, and, beginning on July
11 28, 2010 (the effective date of Public Act 96-1365), all
12 references in this Act to the Commissioner of Banks and Real
13 Estate are deemed, in appropriate contexts, to be references to
14 the Secretary of Financial and Professional Regulation, who
15 shall have all of the following powers and duties in
16 administering this Act:

17 (1) To promulgate reasonable rules for the purpose of
18 administering the provisions of this Act.

19 (2) To issue orders for the purpose of administering
20 the provisions of this Act and any rule promulgated in
21 accordance with this Act.

22 (2.5) To order restitution to consumers suffering
23 damages resulting from violations of this Act, rules

1 promulgated in accordance with this Act, or other laws or
2 regulations related to the operation of a pawnshop.

3 (3) To appoint hearing officers and to hire employees
4 or to contract with appropriate persons to execute any of
5 the powers granted to the Secretary under this Section for
6 the purpose of administering this Act and any rule
7 promulgated in accordance with this Act.

8 (4) To subpoena witnesses, to compel their attendance,
9 to administer an oath, to examine any person under oath,
10 and to require the production of any relevant books,
11 papers, accounts, and documents in the course of and
12 pursuant to any investigation being conducted, or any
13 action being taken, by the Secretary in respect of any
14 matter relating to the duties imposed upon, or the powers
15 vested in, the Secretary under the provisions of this Act
16 or any rule promulgated in accordance with this Act.

17 (5) To conduct hearings.

18 (6) To impose civil penalties ~~graduated~~ up to \$10,000
19 ~~\$1,000~~ against any person for each day that person violates
20 ~~violation of~~ any provision of this Act, any rule
21 promulgated in accordance with this Act, any State or
22 federal law affecting pawnbrokers, or any order of the
23 Secretary based upon the seriousness of the violation.

24 (6.5) To initiate, through the Attorney General,
25 injunction proceedings whenever it appears to the
26 Secretary that any person, whether licensed under this Act

1 or not, is engaged or about to engage in an act or practice
2 that constitutes or will constitute a violation of this Act
3 or any rule prescribed under the authority of this Act. The
4 Secretary may, in his or her discretion, through the
5 Attorney General, apply for an injunction, and upon a
6 proper showing, any circuit court may enter a permanent or
7 preliminary injunction or a temporary restraining order
8 without bond to enforce this Act in addition to the
9 penalties and other remedies provided for in this Act.

10 (7) To issue a cease and desist order and, for
11 violations of this Act, any order issued by the Secretary
12 pursuant to this Act, any rule promulgated in accordance
13 with this Act, or any other applicable law in connection
14 with the operation of a pawnshop, to suspend a license
15 issued under this Act for up to 30 days.

16 (8) To determine compliance with applicable law and
17 rules related to the operation of pawnshops and to verify
18 the accuracy of reports filed with the Secretary, the
19 Secretary, not more than one time every 2 years, may, but
20 is not required to, conduct a routine examination of a
21 pawnshop, and in addition, the Secretary may examine the
22 affairs of any pawnshop at any time if the Secretary has
23 reasonable cause to believe that unlawful or fraudulent
24 activity is occurring, or has occurred, therein.

25 (9) In response to a complaint, to address any
26 inquiries to any pawnshop in relation to its affairs, and

1 it shall be the duty of the pawnshop to promptly reply in
2 writing to such inquiries. The Secretary may also require
3 reports or information from any pawnshop at any time the
4 Secretary may deem desirable.

5 (10) To revoke a license issued under this Act if the
6 Secretary determines that (a) a licensee has been convicted
7 of a felony in connection with the operations of a
8 pawnshop; (b) a licensee knowingly, recklessly, or
9 continuously violated this Act or State or federal law or
10 regulation, a rule promulgated in accordance with this Act,
11 or any order of the Secretary; (c) a fact or condition
12 exists that, if it had existed or had been known at the
13 time of the original application, would have justified
14 license refusal; (d) the licensee knowingly submits
15 materially false or misleading documents with the intent to
16 deceive the Secretary or any other party; or (e) the
17 licensee is unable or ceases to continue to operate the
18 pawnshop.

19 (10.2) To remove or prohibit the employment of any
20 officer, director, employee, or agent of the pawnshop who
21 engages in or has engaged in unlawful activities that
22 relate to the operation of a pawnshop.

23 (10.7) To prohibit the hiring of employees who have
24 been convicted of a financial crime or any crime involving
25 breach of trust who do not meet exceptions as established
26 by rule of the Secretary.

1 (11) Following license revocation, to take possession
2 and control of a pawnshop for the purpose of examination,
3 reorganization, or liquidation through receivership and to
4 appoint a receiver, which may be the Secretary, a pawnshop,
5 or another suitable person.

6 (b) After consultation with local law enforcement
7 officers, the Attorney General, and the industry, the Secretary
8 may by rule require that pawnbrokers operate video camera
9 surveillance systems to record photographic representations of
10 customers and retain the tapes produced for up to 30 days.

11 (c) Pursuant to rule, the Secretary shall issue licenses on
12 an annual or multi-year basis for operating a pawnshop. Any
13 person currently operating or who has operated a pawnshop in
14 this State during the 2 years preceding the effective date of
15 this amendatory Act of 1997 shall be issued a license upon
16 payment of the fee required under this Act. New applicants
17 shall meet standards for a license as established by the
18 Secretary. Except with the prior written consent of the
19 Secretary, no individual, either a new applicant or a person
20 currently operating a pawnshop, may be issued a license to
21 operate a pawnshop if the individual has been convicted of a
22 felony or of any criminal offense relating to dishonesty or
23 breach of trust in connection with the operations of a
24 pawnshop. The Secretary shall establish license fees. The fees
25 shall not exceed the amount reasonably required for
26 administration of this Act. It shall be unlawful to operate a

1 pawnshop without a license issued by the Secretary.

2 (d) In addition to license fees, the Secretary may, by
3 rule, establish fees in connection with a review, approval, or
4 provision of a service, and levy a reasonable charge to recover
5 the cost of the review, approval, or service (such as a change
6 in control, change in location, or renewal of a license). The
7 Secretary may also levy a reasonable charge to recover the cost
8 of an examination if the Secretary determines that unlawful or
9 fraudulent activity has occurred. The Secretary may require
10 payment of the fees and charges provided in this Act by
11 certified check, money order, an electronic transfer of funds,
12 or an automatic debit of an account.

13 (e) The Pawnbroker Regulation Fund is established as a
14 special fund in the State treasury. Moneys collected under this
15 Act shall be deposited into the Fund and used for the
16 administration of this Act. In the event that General Revenue
17 Funds are appropriated to the Department of Financial and
18 Professional Regulation for the initial implementation of this
19 Act, the Governor may direct the repayment from the Pawnbroker
20 Regulation Fund to the General Revenue Fund of such advance in
21 an amount not to exceed \$30,000. The Governor may direct this
22 interfund transfer at such time as he deems appropriate by
23 giving appropriate written notice. Moneys in the Pawnbroker
24 Regulation Fund may be transferred to the Professions Indirect
25 Cost Fund, as authorized under Section 2105-300 of the
26 Department of Professional Regulation Law of the Civil

1 Administrative Code of Illinois.

2 (f) The Secretary may, by rule, require all pawnshops to
3 provide for the expenses that would arise from the
4 administration of the receivership of a pawnshop under this Act
5 through the assessment of fees, the requirement to pledge
6 surety bonds, or such other methods as determined by the
7 Secretary.

8 (g) All final administrative decisions of the Secretary
9 under this Act shall be subject to judicial review pursuant to
10 the provisions of the Administrative Review Law. For matters
11 involving administrative review, venue shall be in either
12 Sangamon County or Cook County.

13 (Source: P.A. 96-1038, eff. 7-14-10; 96-1365, eff. 7-28-10;
14 97-333, eff. 8-12-11.)

15 (205 ILCS 510/4) (from Ch. 17, par. 4654)

16 Sec. 4. Every pawnbroker shall, at the time of making any
17 advancement or loan, deliver to the person pawning or pledging
18 any property, a memorandum, contract, or note signed by him
19 containing an accurate account and description, in the English
20 language, of all the goods, articles or other things pawned or
21 pledged, the amount of money, ~~value of things loaned thereon,~~
22 the time of pledging the same, the rate of interest to be paid
23 on the loan, the name and residence of the person making the
24 pawn or pledge, and the amount of any fees as specified in
25 Section 2 of this Act.

1 (Source: P.A. 87-802.)

2 (205 ILCS 510/7) (from Ch. 17, par. 4657)

3 Sec. 7. Daily report.

4 (a) Except as provided in subsection (b), it shall be the
5 duty of every pawnbroker to make out and deliver to the sheriff
6 of the county in which such pawnbroker does business, on each
7 day before the hours of 12 o'clock noon, a legible and exact
8 copy from the standard record book, as required in Section 5 of
9 this Act, that lists all personal property and any other
10 valuable thing received on deposit or purchased during the
11 preceding day, including the exact time when received or
12 purchased, and a description of the person or person by whom
13 left in pledge, or from whom the same were purchased; provided,
14 that in cities or towns having 25,000 or more inhabitants, a
15 copy of the such report shall at the same time also be
16 delivered to the superintendent of police or the chief police
17 officer of such city or town. Such report may be made by
18 computer printout or input memory device if the format has been
19 approved by the local law enforcement agency.

20 (b) In counties with more than 3,000,000 inhabitants, a
21 pawnbroker must provide the daily report to the sheriff only if
22 the pawnshop is located in an unincorporated area of the
23 county. Pawnbrokers located in cities or towns in such counties
24 must deliver such reports to the superintendent of police or
25 the chief police officer of such city or town.

1 (c) All information provided to law enforcement according
2 to the reporting requirements of this Section is confidential
3 and is not subject to disclosure under the Freedom of
4 Information Act.

5 (Source: P.A. 90-477, eff. 7-1-98; 90-602, eff. 7-1-98.)

6 Section 40. The Corporate Fiduciary Act is amended by
7 changing Sections 5-10.5 and 6-5 as follows:

8 (205 ILCS 620/5-10.5)

9 Sec. 5-10.5. Disclosure of records. A corporate fiduciary
10 may not disclose to any person, except to the customer or the
11 customer's duly authorized agent, any records pertaining to the
12 fiduciary relationship between the corporate fiduciary and the
13 customer unless:

14 (1) the instrument or court order establishing the
15 fiduciary relationship permits the record to be disclosed under
16 the circumstances;

17 (2) applicable law authorizes the disclosure;

18 (3) disclosure by the corporate fiduciary is necessary to
19 perform a transaction or act that is authorized by the
20 instrument or court order establishing the fiduciary relation
21 ship; ~~or~~

22 (4) Section 48.1 of the Illinois Banking Act would permit a
23 bank to disclose the record to the same extent under the
24 circumstances; or ~~or~~

1 (5) disclosure by the corporate fiduciary is necessary for
2 any person conducting a review on behalf of the corporate
3 fiduciary for purposes of complying with any enforcement action
4 taken by a bank regulatory agency, so long as the corporate
5 fiduciary obtains pre-approval for release of said
6 confidential supervisory information by the Secretary and said
7 person agrees to maintain the confidentiality of the
8 confidential supervisory information and to not further
9 disseminate the confidential supervisory information.

10 For purposes of this Section, "customer" means the person
11 or individual who contracted to establish the fiduciary
12 relationship or who executed any instrument or document from
13 which the fiduciary relationship was established, a person
14 authorized by the customer to provide such direction or, if the
15 instrument, law, or court order so permits, the beneficiaries
16 of the fiduciary relationship.

17 (Source: P.A. 89-364, eff. 8-18-95.)

18 (205 ILCS 620/6-5) (from Ch. 17, par. 1556-5)

19 Sec. 6-5. When the Secretary ~~Commissioner~~ has taken
20 possession and control of a corporate fiduciary and its assets,
21 he shall be vested with the full powers of management and
22 control, including but not limited to, the following:

23 (1) The power to continue or to discontinue the
24 business;

25 (2) The power to stop or to limit the payment of its

1 obligations;

2 (3) The power to collect and to use its assets and to
3 give valid receipts and acquittances therefor;

4 (4) The power to employ and to pay any necessary
5 assistants;

6 (5) The power to execute any instrument in the name of
7 the corporate fiduciary;

8 (6) The power to commence, defend and conduct in its
9 name any action or proceeding in which it may be a party;

10 (7) The power, upon the order of the court, to sell and
11 convey its assets in whole or in part, and to sell or
12 compound bad or doubtful debts upon such terms and
13 conditions as may be fixed in such order;

14 (8) The power, upon the order of the court, to make and
15 to carry out agreements with other corporate fiduciaries,
16 financial institutions or with the United States or any
17 agency thereof, for the payment or assumption of the
18 corporate fiduciaries liabilities, in whole or in part, and
19 to transfer assets and to make guaranties, in whole or in
20 part, and to transfer assets and to make guaranties in
21 connection therewith;

22 (9) The power, upon the order of the court, to borrow
23 money in the name of the corporate fiduciary and to pledge
24 its assets as security for the loan;

25 (10) The power to terminate his possession and control
26 by restoring the corporate fiduciary to its board of

1 directors;

2 (11) The power to reorganize the corporate fiduciary as
3 provided in this Act;

4 (12) The power to appoint a receiver which may be the
5 Office of the Secretary ~~Commissioner~~, a corporate
6 fiduciary or another suitable person and to order
7 liquidation of the corporate fiduciary as provided in this
8 Act; and

9 (13) The power, upon the order of the court and without
10 the appointment of a receiver, to determine that the
11 corporate fiduciary has been closed for the purpose of
12 liquidation without adequate provision being made for
13 payment of its fiduciary obligations, and thereupon the
14 corporate fiduciary shall be deemed to have been closed on
15 account of inability to meet its obligations to its
16 beneficiaries.

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

22 (Source: P.A. 86-754.)

23 Section 45. The Residential Mortgage License Act of 1987 is
24 amended by changing Section 4-1 and by adding Section 4-1.5 as
25 follows:

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

2 Sec. 4-1. Secretary of Financial and Professional
3 Regulation ~~Commissioner of Banks and Real Estate~~; functions,
4 powers, and duties. The functions, powers, and duties of the
5 Secretary of Financial and Professional Regulation
6 ~~Commissioner of Banks and Real Estate~~ shall include the
7 following:

8 (a) to issue or refuse to issue any license as provided
9 by this Act;

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

12 (c) to keep records of all licenses issued under this
13 Act;

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

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

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

20 (1) applications for licenses; and

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

25 (g) to adopt rules and regulations necessary and proper

1 for the administration of this Act;

2 (h) to subpoena documents and witnesses and compel
3 their attendance and production, to administer oaths, and
4 to require the production of any books, papers, or other
5 materials relevant to any inquiry authorized by this Act;

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

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

23 (i) to require information with regard to any license
24 applicant as he or she may deem desirable, with due regard
25 to the paramount interests of the public as to the
26 experience, background, honesty, truthfulness, integrity,

1 and competency of the license applicant as to financial
2 transactions involving primary or subordinate mortgage
3 financing, and where the license applicant is an entity
4 other than an individual, as to the honesty, truthfulness,
5 integrity, and competency of any officer or director of the
6 corporation, association, or other entity, or the members
7 of a partnership;

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

10 (k) to enforce provisions of this Act;

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

26 (m) to appoint examiners, supervisors, experts, and

1 special assistants as needed to effectively and
2 efficiently administer this Act;

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

4 (1) appeals of orders of the Secretary
5 ~~Commissioner~~;

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

8 (3) investigating:

9 (i) complaints against licensees; or

10 (ii) annual gross delinquency rates; and

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

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

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

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

1 ~~Commissioner~~ an emergency exists or appears likely to
2 occur;

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

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

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

9 (205 ILCS 635/4-1.5 new)

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

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

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

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

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

13 (d) Moneys in the Residential Finance Regulatory Fund,
14 formerly designated the Savings and Residential Finance
15 Regulatory Fund, apportioned to the moneys collected under the
16 Illinois Savings and Loan Act of 1985 and the Savings Bank Act
17 shall be transferred to the Savings Institutions Regulatory
18 Fund. Any amount used or borrowed from the moneys apportioned
19 to the moneys collected under the Illinois Savings and Loan Act
20 of 1985 and the Savings Bank Act that would have been required
21 to be returned to that apportionment shall be instead paid into
22 the Savings Institutions Regulatory Fund in the same manner.

23 Section 50. The Foreign Bank Representative Office Act is
24 amended by changing Section 2 and adding Section 9 as follows:

1 (205 ILCS 650/2) (from Ch. 17, par. 2852)

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

4 (a) "Commissioner" means the Secretary of Financial and
5 Professional Regulation or a person authorized by the
6 Secretary, the Division of Banking Act, or this Act to act in
7 the Secretary's stead.

8 (b) "Foreign bank" means (1) a bank, savings bank, savings
9 and loan association, or trust company which is organized under
10 the laws of any state or territory of the United States,
11 including the District of Columbia, other than the State of
12 Illinois; (2) a national bank, a federal savings bank, or a
13 federal savings and loan association having its principal place
14 of business in any state or territory of the United States,
15 including the District of Columbia, other than the State of
16 Illinois; or (3) a bank, savings bank, savings and loan
17 association, or trust company organized and operating under the
18 laws of a country other than the United States of America.

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

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

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

25 (205 ILCS 650/9 new)

1 Sec. 9. Foreign associations. Within 60 days after the
2 effective date of this amendatory Act of the 97th General
3 Assembly, an existing foreign association, as defined in
4 Section 12103 of the Savings Bank Act, that maintains a
5 representative office in Illinois at the time of the repeal of
6 the Illinois Savings and Loan Act of 1985 shall be issued,
7 after submitting the required application and fee, a license in
8 accordance with Section 4 of this Act and, beginning 60 days
9 after the effective date of this amendatory Act of the 97th
10 General Assembly, shall be subject to the provisions of this
11 Act.

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14 205 ILCS 205/12201 new
15 205 ILCS 205/12202 new
16 205 ILCS 205/12203 new
17 205 ILCS 205/1007.70 rep.
18 205 ILCS 205/9017 rep.
19 205 ILCS 510/0.05
20 205 ILCS 510/7 from Ch. 17, par. 4657
21 205 ILCS 620/5-10.5
22 205 ILCS 620/6-5 from Ch. 17, par. 1556-5
23 205 ILCS 635/4-1 from Ch. 17, par. 2324-1
24 205 ILCS 635/4-1.5 new
25 205 ILCS 650/2 from Ch. 17, par. 2852
26 205 ILCS 650/9 new