



Rep. Maria Antonia Berrios

**Filed: 3/20/2014**

09800HB5685ham001

LRB098 17498 ZMM 56125 a

1 AMENDMENT TO HOUSE BILL 5685

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5685 by replacing  
3 everything after the enacting clause with the following:

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

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

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

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

10 (30 ILCS 105/5.805)

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

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

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

14 Sec. 8.12. State Pensions Fund.

1           (a) The moneys in the State Pensions Fund shall be used  
2 exclusively for the administration of the Uniform Disposition  
3 of Unclaimed Property Act and for the expenses incurred by the  
4 Auditor General for administering the provisions of Section  
5 2-8.1 of the Illinois State Auditing Act and for the funding of  
6 the unfunded liabilities of the designated retirement systems.  
7 Beginning in State fiscal year 2015, payments to the designated  
8 retirement systems under this Section shall be in addition to,  
9 and not in lieu of, any State contributions required under the  
10 Illinois Pension Code.

11           "Designated retirement systems" means:

12           (1) the State Employees' Retirement System of  
13 Illinois;

14           (2) the Teachers' Retirement System of the State of  
15 Illinois;

16           (3) the State Universities Retirement System;

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

18           (5) the General Assembly Retirement System.

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

22           Each month, the Commissioner of the Office of Banks and  
23 Real Estate shall certify to the State Treasurer the actual  
24 expenditures that the Office of Banks and Real Estate incurred  
25 conducting unclaimed property examinations under the Uniform  
26 Disposition of Unclaimed Property Act during the immediately

1 preceding month. Within a reasonable time following the  
2 acceptance of such certification by the State Treasurer, the  
3 State Treasurer shall pay from its appropriation from the State  
4 Pensions Fund to the Bank and Trust Company Fund, the Savings  
5 Bank Regulatory Fund, and the ~~Savings and~~ Residential Finance  
6 Regulatory Fund an amount equal to the expenditures incurred by  
7 each Fund for that month.

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

19 (c) As soon as possible after the effective date of this  
20 amendatory Act of the 93rd General Assembly, the General  
21 Assembly shall appropriate from the State Pensions Fund (1) to  
22 the State Universities Retirement System the amount certified  
23 under Section 15-165 during the prior year, (2) to the Judges  
24 Retirement System of Illinois the amount certified under  
25 Section 18-140 during the prior year, and (3) to the General  
26 Assembly Retirement System the amount certified under Section

1 2-134 during the prior year as part of the required State  
2 contributions to each of those designated retirement systems;  
3 except that amounts appropriated under this subsection (c) in  
4 State fiscal year 2005 shall not reduce the amount in the State  
5 Pensions Fund below \$5,000,000. If the amount in the State  
6 Pensions Fund does not exceed the sum of the amounts certified  
7 in Sections 15-165, 18-140, and 2-134 by at least \$5,000,000,  
8 the amount paid to each designated retirement system under this  
9 subsection shall be reduced in proportion to the amount  
10 certified by each of those designated retirement systems.

11 (c-5) For fiscal years 2006 through 2014, the General  
12 Assembly shall appropriate from the State Pensions Fund to the  
13 State Universities Retirement System the amount estimated to be  
14 available during the fiscal year in the State Pensions Fund;  
15 provided, however, that the amounts appropriated under this  
16 subsection (c-5) shall not reduce the amount in the State  
17 Pensions Fund below \$5,000,000.

18 (c-6) For fiscal year 2015 and each fiscal year thereafter,  
19 as soon as may be practical after any money is deposited into  
20 the State Pensions Fund from the Unclaimed Property Trust Fund,  
21 the State Treasurer shall apportion the deposited amount among  
22 the designated retirement systems as defined in subsection (a)  
23 to reduce their actuarial reserve deficiencies. The State  
24 Comptroller and State Treasurer shall pay the apportioned  
25 amounts to the designated retirement systems to fund the  
26 unfunded liabilities of the designated retirement systems. The

1 amount apportioned to each designated retirement system shall  
2 constitute a portion of the amount estimated to be available  
3 for appropriation from the State Pensions Fund that is the same  
4 as that retirement system's portion of the total actual reserve  
5 deficiency of the systems, as determined annually by the  
6 Governor's Office of Management and Budget at the request of  
7 the State Treasurer. The amounts apportioned under this  
8 subsection shall not reduce the amount in the State Pensions  
9 Fund below \$5,000,000.

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

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

1 State Employees' Retirement System of Illinois after the  
2 effective date of this amendatory Act during the remainder of  
3 fiscal year 2004 to the designated retirement systems from the  
4 appropriations provided for in this Section if the transfers  
5 provided in Section 6z-61 had not occurred. The transfers  
6 described in this subsection (d-1) are to partially repay the  
7 General Revenue Fund for the costs associated with the bonds  
8 used to fund the moneys transferred to the designated  
9 retirement systems under Section 6z-61.

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

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

15 Section 10. The Illinois Banking Act is amended by changing  
16 Section 71 as follows:

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

18 Sec. 71. Voluntary dissolution; fees and expenses  
19 ~~Commissioner's fee.~~

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

24 (b) All expenses incurred by the Secretary in connection

1 with the voluntary dissolution of any bank shall be paid by the  
2 dissolving State bank. The expenses incurred under this  
3 subsection shall be deemed to be a liability of the dissolving  
4 bank.

5 ~~The Commissioner shall be entitled to a fee, which shall be~~  
6 ~~paid at the time of deposit, on all money deposited with him~~  
7 ~~for the account of one dissolving bank of two per cent of the~~  
8 ~~first five thousand dollars and one per cent of all sums in~~  
9 ~~excess of five thousand dollars.~~

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

11 (205 ILCS 105/Act rep.)

12 Section 15. The Illinois Savings and Loan Act of 1985 is  
13 repealed.

14 Section 20. The Savings Bank Act is amended by changing  
15 Sections 1007.130, 9002, 9002.5, and 9017 and by adding  
16 Sections 1007.150 and 9002.1 and Articles 12.1 and 12.2 as  
17 follows:

18 (205 ILCS 205/1007.130)

19 Sec. 1007.130. Out-of-state savings bank. "Out-of-state  
20 savings bank" means a savings bank or an association chartered  
21 under the laws of a state other than Illinois, a territory of  
22 the United States, or the District of Columbia.

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

1 (205 ILCS 205/1007.150 new)

2 Sec. 1007.150. Applicability of other Acts. Whenever the  
3 term "savings and loan", "building and loan", "mutual building  
4 loan and homestead", or "building loan and homestead" or other  
5 similar name is used with reference to an association organized  
6 for the purposes of associations incorporated under the  
7 Illinois Savings and Loan Act of 1985 or a similar Act, such  
8 reference shall be applicable to a savings bank operating under  
9 this Act. Whenever in any Act the term "members",  
10 "shareholders", or "investors" is used in connection with such  
11 associations, however named, the same shall refer to members  
12 and holders of capital of savings banks operating under this  
13 Act.

14 (205 ILCS 205/9002) (from Ch. 17, par. 7309-2)

15 Sec. 9002. Powers of Secretary. The Secretary shall have  
16 the following powers and duties:

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

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

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

24 (4) To cause a suit to be filed in his name to enforce



1 any law of this State that applies to savings banks, their  
2 service corporations, subsidiaries, affiliates, or holding  
3 companies operating under this Act, including the  
4 enforcement of any obligation of the officers, directors,  
5 agents, or employees of any savings bank.

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

8 (6) To establish a reasonable fee structure for savings  
9 banks and holding companies operating under this Act and  
10 for their service corporations and subsidiaries. The fees  
11 shall include, but not be limited to, annual fees,  
12 application fees, regular and special examination fees,  
13 and other fees as the Secretary establishes and  
14 demonstrates to be directly resultant from the Secretary's  
15 responsibilities under this Act and as are directly  
16 attributable to individual entities operating under this  
17 Act. The aggregate of all moneys collected by the Secretary  
18 on and after the effective date of this Act shall be paid  
19 promptly after receipt of the same, accompanied by a  
20 detailed statement thereof, into the Savings Bank  
21 Regulatory Fund established under Section 9002.1 of this  
22 Act. ~~Savings and Residential Finance Regulatory Fund~~  
23 ~~subject to the provisions of Section 7-19.1 of the Illinois~~  
24 ~~Savings and Loan Act of 1985 including without limitation~~  
25 ~~the provision for credits against regulatory fees. The~~  
26 ~~amounts deposited into the Fund shall be used for the~~

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

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

23 (205 ILCS 205/9002.1 new)

24 Sec. 9002.1. Savings Bank Regulatory Fund.

25 (a) The aggregate of all moneys collected by the Secretary

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

23 (b) Adequate funds shall be available in the Savings Bank  
24 Regulatory Fund to permit the timely payment of administration  
25 expenses. In each fiscal year, the total administration  
26 expenses shall be deducted from the total fees collected by the

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

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

25 "Administration expenses", for any fiscal year, means the  
26 ordinary and contingent expenses for that year incident to

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

22 "Regulatory fees" includes both fees collected under  
23 Section 9002.5 and fees collected for examinations conducted by  
24 the Secretary or his examiners or designees under authority of  
25 this Act.

26 "Fiscal year" means a period beginning July 1 of any year

1 and ending June 30 of the next year.

2 (205 ILCS 205/9002.5)

3 Sec. 9002.5. Regulatory fees.

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

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

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

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

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

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

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

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

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

25 4.54¢ per \$1,000 of all total assets in excess of

1           \$1,000,000,000 of such savings bank or service  
2           corporation.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

17 (205 ILCS 205/Art. 12.1 heading new)

18 ARTICLE 12.1. Effect of Repeal of Illinois

19 Savings and Loan Act of 1985

20 (205 ILCS 205/12101 new)

21 Sec. 12101. Effect of repeal. This Article sets forth the  
22 effect of and means of transition necessitated by the repeal of  
23 the Illinois Savings and Loan Act of 1985.

1 (205 ILCS 205/12102 new)

2 Sec. 12102. Effect on special funds.

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

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

25 (205 ILCS 205/12103 new)

1       Sec. 12103. Effect on foreign associations.

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

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

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

17       (205 ILCS 205/12104 new)

18       Sec. 12104. Effect on the Board of Savings Institutions.  
19 The Board of Savings Institutions is hereby redesignated as the  
20 Board of Savings Banks. The Board shall continue to operate  
21 without interruption and as if it had been originally  
22 established under Article 12.2 of this Act. The current members  
23 of the Board of Savings Institutions shall continue to serve  
24 the balance of their terms. Thereafter, the Board of Savings  
25 Institutions shall be composed of members as required by

1 Section 12202 of this Act.

2 (205 ILCS 205/12105 new)

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

15 (205 ILCS 205/Art. 12.2 heading new)

16 ARTICLE 12.2. Board of Savings Banks

17 (205 ILCS 205/12201 new)

18 Sec. 12201. Board of Savings Banks; appointment. The Board  
19 of Savings Bank is established pursuant to Section 12104 of  
20 this Act. The Board of Savings Banks shall be composed of the  
21 Director of Banking, who shall be its chairperson and have the  
22 power to vote, and 7 persons appointed by the Governor. Two of  
23 the 7 persons appointed by the Governor shall represent the

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

18 (205 ILCS 205/12202 new)

19 Sec. 12202. Board of Savings Banks; organization and  
20 meetings. The Board shall elect a vice chairperson and  
21 secretary of the Board; shall adopt by-laws for the holding and  
22 conducting of meetings and appointing officers and committees;  
23 and shall keep a record of all meetings and transactions and  
24 make such other provisions for the daily conduct of its  
25 business as it deems necessary. A majority of the members of

1 the Board, excluding those members who are no longer serving as  
2 members as provided in Section 12201 of this Act, shall  
3 constitute a quorum. The act of the majority of the members of  
4 the Board present at a meeting at which a quorum is present  
5 shall be the act of the Board. Regular meetings shall be held  
6 as provided in the by-laws, and special meetings may be called  
7 by the chairperson or upon the request of any 3 members of the  
8 Board or the Secretary. The Board shall maintain at the office  
9 of the Secretary permanent records of its meetings, hearings,  
10 and decisions. The Secretary shall provide adequate quarters  
11 and personnel for use by the Board.

12 (205 ILCS 205/12203 new)

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

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

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

19 (205 ILCS 205/1007.70 rep.)

20 (205 ILCS 205/9017 rep.)

21 Section 25. The Savings Bank Act is amended by repealing  
22 Sections 1007.70 and 9017.

23 Section 30. The Residential Mortgage License Act of 1987 is

1 amended by changing Section 4-1 and by adding Section 4-1.5 as  
2 follows:

3 (205 ILCS 635/4-1) (from Ch. 17, par. 2324-1)

4 Sec. 4-1. Commissioner of Banks and Real Estate; functions,  
5 powers, and duties. The functions, powers, and duties of the  
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 Commissioner has reasonable cause to believe that an  
8 unsafe, unsound, or unlawful practice has occurred, is  
9 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 Commissioner, or for  
12 the purpose of administering the provisions of this Act and  
13 any rule adopted in accordance with the Act;

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

21 (i) to require information with regard to any license  
22 applicant as he or she may deem desirable, with due regard  
23 to the paramount interests of the public as to the  
24 experience, background, honesty, truthfulness, integrity,  
25 and competency of the license applicant as to financial  
26 transactions involving primary or subordinate mortgage



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

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

8 (k) to enforce provisions of this Act;

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

23 (m) to appoint examiners, supervisors, experts, and  
24 special assistants as needed to effectively and  
25 efficiently administer this Act;

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

- 1 (1) appeals of orders of the Commissioner;
- 2 (2) suspensions or revocations of licenses, or  
3 fining of licensees;
- 4 (3) investigating:
- 5 (i) complaints against licensees; or  
6 (ii) annual gross delinquency rates; and
- 7 (4) carrying out the purposes of this Act;
- 8 (o) to exercise exclusive visitorial power over a  
9 licensee unless otherwise authorized by this Act or as  
10 vested in the courts, or upon prior consultation with the  
11 Commissioner, a foreign residential mortgage regulator  
12 with an appropriate supervisory interest in the parent or  
13 affiliate of a licensee;
- 14 (p) to enter into cooperative agreements with state  
15 regulatory authorities of other states to provide for  
16 examination of corporate offices or branches of those  
17 states and to accept reports of such examinations;
- 18 (q) to assign an examiner or examiners to monitor the  
19 affairs of a licensee with whatever frequency the  
20 Commissioner determines appropriate and to charge the  
21 licensee for reasonable and necessary expenses of the  
22 Commissioner, if in the opinion of the Commissioner an  
23 emergency exists or appears likely to occur;
- 24 (r) to impose civil penalties of up to \$50 per day  
25 against a licensee for failing to respond to a regulatory  
26 request or reporting requirement; and

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

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

4 (205 ILCS 635/4-1.5 new)

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

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

24 (b) Moneys in the Residential Finance Regulatory Fund may  
25 be transferred to the Professions Indirect Cost Fund, as

1 authorized under Section 2105-300 of the Department of  
2 Professional Regulation Law of the Civil Administrative Code of  
3 Illinois.

4 (c) All earnings received from investments of funds in the  
5 Residential Finance Regulatory Fund shall be deposited into  
6 that Fund and may be used for the same purposes as fees  
7 deposited into that Fund.

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

10 (205 ILCS 650/2) (from Ch. 17, par. 2852)

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

13 (a) "Commissioner" means the Secretary of Financial and  
14 Professional Regulation or a person authorized by the  
15 Secretary, the Division of Banking Act, or this Act to act in  
16 the Secretary's stead.

17 (b) "Foreign bank" means (1) a bank, savings bank, savings  
18 association, or trust company which is organized under the laws  
19 of any state or territory of the United States, including the  
20 District of Columbia, other than the State of Illinois; (2) a  
21 national bank having its principal place of business in any  
22 state or territory of the United States, including the District  
23 of Columbia, other than the State of Illinois; or (3) a bank or  
24 trust company organized and operating under the laws of a

1 country other than the United States of America.

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

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

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