

1 AN ACT concerning regulation.

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

4 Section 5. The Division of Banking Act is amended by
5 changing Sections 2.5, 5, and 6 as follows:

6 (20 ILCS 3205/2.5)

7 Sec. 2.5. Prohibited activities.

8 (a) For the purposes of this Section, "regulated entity"
9 means any person, business, company, corporation, institution,
10 or other entity who is subject to regulation by the Office of
11 Banks and Real Estate under Sections 3 and 46 of the Illinois
12 Banking Act, Section 1-5 of the Illinois Savings and Loan Act
13 of 1985, Section 1004 of the Savings Bank Act, Section 1-3 of
14 the Residential Mortgage License Act of 1987, Section 2-4 of
15 the Corporate Fiduciary Act, Section 3.02 of the Illinois Bank
16 Holding Company Act of 1957, the Savings and Loan Share and
17 Account Act, Section 1.5 of the Pawnbroker Regulation Act,
18 Section 3 of the Foreign Banking Office Act, or Section 30 of
19 the Electronic Fund Transfer Act.

20 (b) The Commissioner and the deputy commissioners shall not
21 be an officer, director, employee, or agent of a regulated
22 entity or of a corporation or company that owns or controls a
23 regulated entity.

1 The Commissioner and the deputy commissioners shall not own
2 shares of stock or hold any other equity interest in a
3 regulated entity or in a corporation or company that owns or
4 controls a regulated entity. If the Commissioner or a deputy
5 commissioner owns shares of stock or holds an equity interest
6 in a regulated entity at the time of appointment, he or she
7 shall dispose of such shares or other equity interest within
8 120 days from the date of appointment.

9 The Commissioner and the deputy commissioners shall not
10 directly or indirectly obtain a loan from a regulated entity or
11 accept a gratuity from a regulated entity that is intended to
12 influence the performance of official duties.

13 (c) Employees of the Office of Banks and Real Estate shall
14 not be officers, directors, employees, or agents of a regulated
15 entity or of a corporation or company that owns or controls a
16 regulated entity.

17 Except as provided by standards which the Office of Banks
18 and Real Estate may establish, employees of the Office of Banks
19 and Real Estate shall not own shares of stock or hold any other
20 equity interest in a regulated entity or in a corporation or
21 company that owns or controls a regulated entity, or directly
22 or indirectly obtain a loan from a regulated entity, or accept
23 a gratuity from a regulated entity that is intended to
24 influence the performance of official duties. However, in no
25 case shall an employee of the Office of Banks and Real Estate
26 participate in any manner in the examination or direct

1 regulation of a regulated entity in which the employee owns
2 shares of stock or holds any other equity interest, or which is
3 servicing a loan to which the employee is an obligor.

4 (d) If the Commissioner, a deputy commissioner, or any
5 employee of the Office of Banks and Real Estate properly
6 obtains a loan or extension of credit from an entity that is
7 not a regulated entity, and the loan or extension of credit is
8 subsequently acquired by a regulated entity or the entity
9 converts to become a regulated entity after the loan is made,
10 such purchase by or conversion to a regulated entity shall not
11 cause the loan or extension of credit to be deemed a violation
12 of this Section.

13 Nothing in this Section shall be deemed to prevent the
14 ownership of a checking account, a savings deposit account, a
15 money market account, a certificate of deposit, a credit or
16 debit card account, or shares in open-end investment companies
17 registered with the Securities and Exchange Commission
18 pursuant to the federal Investment Company Act of 1940 and the
19 Securities Act of 1933 (commonly referred to as mutual or money
20 market funds).

21 (e) No Commissioner, deputy commissioner, employee, or
22 agent of the Office of Banks and Real Estate shall, either
23 during or after the holding of his or her term of office or
24 employment, disclose confidential information concerning any
25 regulated entity or person except as authorized by law or
26 prescribed by rule. "Confidential information", as used in this

1 Section, means any information that the person or officer
2 obtained during his or her term of office or employment that is
3 not available from the Office of Banks and Real Estate pursuant
4 to a request under the Freedom of Information Act.

5 (Source: P.A. 89-508, eff. 7-3-96.)

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

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

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

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

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

23 (c-5) To exercise all of the rights, powers, and duties
24 granted to the Director or Secretary under the Illinois Banking
25 Act, the Corporate Fiduciary Act, the Electronic Fund Transfer

1 Act, the Illinois Bank Holding Company Act of 1957, the Savings
2 Bank Act, the Illinois Savings and Loan Act of 1985, the
3 Savings and Loan Share and Account Act, the Residential
4 Mortgage License Act of 1987, and the Pawnbroker Regulation
5 Act.

6 (c-10) To take any action authorized by the Illinois
7 Banking Act, the Corporate Fiduciary Act, the Electronic Fund
8 Transfer Act, the Illinois Bank Holding Company Act of 1957,
9 the Savings Bank Act, the Illinois Savings and Loan Act of
10 1985, the Residential Mortgage License Act of 1987, or the
11 Pawnbroker Regulation Act, when such action is necessary to
12 protect depositors or other customers of the regulated entity
13 from actions of the regulated entity.

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

23 (d) Whenever the Commissioner is authorized or required by
24 law to consider or to make findings regarding the character of
25 incorporators, directors, management personnel, or other
26 relevant individuals under the Illinois Banking Act, the

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

1 personnel, or other relevant individual in relation to a
2 financial institution or other entity supervised by the
3 Commissioner. Upon request and payment of fees in conformance
4 with the requirements of Section 2605-400 of the Department of
5 State Police Law (20 ILCS 2605/2605-400), the Department of
6 State Police is authorized to furnish, pursuant to positive
7 identification, such information contained in State files as is
8 necessary to fulfill the request.

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

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

1 power to issue orders against or take any other action,
2 including initiating a receivership against the unauthorized
3 or unlicensed entity.

4 (g) The Commissioner may, through the Attorney General,
5 request the circuit court of any county to issue an injunction
6 to restrain any person from violating the provisions of any Act
7 administered by the Commissioner.

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

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

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

17 (20 ILCS 3205/6) (from Ch. 17, par. 456)

18 Sec. 6. Duties. The Commissioner shall direct and supervise
19 all the administrative and technical activities of the Office
20 and shall:

21 (a) Apply and carry out this Act and the law and all rules
22 adopted in pursuance thereof.

23 (b) Appoint, subject to the provisions of the Personnel
24 Code, such employees, experts, and special assistants as may be
25 necessary to carry out effectively the provisions of this Act

1 and, if the rate of compensation is not otherwise fixed by law,
2 fix their compensation; but neither the Commissioner nor any
3 deputy commissioner shall be subject to the Personnel Code.

4 (c) Serve as Chairman of the State Banking Board of
5 Illinois.

6 (d) Serve as Chairman of the Board of Trustees of the
7 Illinois Bank Examiners' Education Foundation.

8 (e) Issue guidelines in the form of rules or regulations
9 which will prohibit discrimination by any State chartered bank
10 against any individual, corporation, partnership, association
11 or other entity because it appears in a so-called blacklist
12 issued by any domestic or foreign corporate or governmental
13 entity.

14 (f) Make an annual report to the Governor regarding the
15 work of the Office as the Commissioner may consider desirable
16 or as the Governor may request.

17 (g) Perform such other acts as may be requested by the
18 State Banking Board of Illinois pursuant to its lawful powers
19 and perform any other lawful act that the Commissioner
20 considers to be necessary or desirable to carry out the
21 purposes and provisions of this Act.

22 (h) Adopt, in accordance with the Illinois Administrative
23 Procedure Act, reasonable rules that the Commissioner deems
24 necessary for the proper administration and enforcement of any
25 Act the administration of which is vested in the Commissioner
26 or the Office of Banks and Real Estate.

1 (i) Work in cooperation with the Director of Aging to
2 encourage all financial institutions regulated by the Office to
3 participate fully in the Department on Aging's financial
4 exploitation of the elderly intervention program.

5 (j) Deposit all funds received, including civil penalties,
6 pursuant to the Illinois Banking Act, the Corporate Fiduciary
7 Act, the Illinois Bank Holding Company Act of 1957, and the
8 Check Printer and Check Number Act in the Bank and Trust
9 Company Fund.

10 (Source: P.A. 92-483, eff. 8-23-01; 93-786, eff. 7-21-04.)

11 Section 10. The State Finance Act is amended by adding
12 Section 5.786 as follows:

13 (30 ILCS 105/5.786 new)

14 Sec. 5.786. The Savings Institutions Regulatory Fund.

15 Section 15. The Illinois Savings and Loan Act of 1985 is
16 amended by changing Sections 1-10.01, 1A-8, 2-5, 3-2, 3-6, 3-7,
17 5-7, 6-2.1, 6-4, 6-5, 6-7, 6-8, 6-9, 6-10, 6-11, 6-12, 6-13,
18 6-15, 7-5, 7-7, 7-15, 7-19.1, 7-20, 7-21, 7-23, 7-24, 7-25,
19 7-26, 7-27, and 8-4 and by adding Sections 1-10.40, 6-16, and
20 7-19.2 as follows:

21 (205 ILCS 105/1-10.01) (from Ch. 17, par. 3301-10.01)

22 Sec. 1-10.01. "Board": the Board of Savings Institutions,

1 as described in Sections 7-20 through 7-22 ~~7-26~~ of this Act.

2 (Source: P.A. 89-508, eff. 7-3-96.)

3 (205 ILCS 105/1-10.40 new)

4 Sec. 1-10.40. Depository institution. "Depository
5 institution", as used in this Act, means an insured depository
6 institution as defined by Section 3(c)(2) of the Federal
7 Deposit Insurance Act (12 U.S.C. 1813), as amended, or an
8 insured credit union as defined by Section 101(7) of the
9 Federal Credit Union Act (12 U.S.C. 1752(7)), as amended.

10 (205 ILCS 105/1A-8) (from Ch. 17, par. 3301A-8)

11 Sec. 1A-8. (a) An association, including a mutual
12 association operating under this Act, may reorganize so as to
13 become a holding company by:

14 (1) chartering one or more subsidiary associations, the
15 ownership of which shall be evidenced by stock shares, to be
16 owned by the chartering parent association; and

17 (2) by transferring the substantial portion of its assets
18 and all of its insured deposits and part or all of its other
19 liabilities to one or more subsidiary associations.

20 (b) In order to effect reorganization under subsection (a),
21 the Board of Directors of the original association must approve
22 a plan providing for such reorganization which shall be
23 submitted for approval by a majority of the voting members of
24 the association. Approval must occur at a meeting called by the

1 Board of Directors and in accordance with the association's
2 Articles of Incorporation and By-laws. The Secretary may
3 ~~Commissioner shall~~ promulgate rules to regulate the formation
4 of and the ongoing business of the subsidiaries and the holding
5 company, including the rights of members, levels of investment
6 in holding company subsidiaries and stock sales.

7 (Source: P.A. 85-1143.)

8 (205 ILCS 105/2-5) (from Ch. 17, par. 3302-5)

9 Sec. 2-5. Subscriptions to capital and temporary
10 organization.

11 Upon receipt of the permit to organize an association, the
12 applicants shall constitute the organization committee and
13 shall perfect a temporary organization by electing a chairman,
14 vice-chairman and a secretary of the association, who shall act
15 as the temporary officers of such association until their
16 successors are duly elected and qualified. Such temporary
17 officers thereupon shall proceed to:

18 (a) Secure subscriptions for the required amount of capital
19 in form and manner approved by the Secretary ~~Commissioner~~; and

20 (b) Call a meeting of subscribers, who shall adopt articles
21 of incorporation and elect at least 5 directors to serve until
22 the first annual meeting of the association and until their
23 successors are elected and qualified.

24 (Source: P.A. 84-543.)

1 (205 ILCS 105/3-2) (from Ch. 17, par. 3303-2)

2 Sec. 3-2. Members' meetings.

3 (a) Each annual meeting of the members shall be held at the
4 time specified in the by-laws; but the failure to hold an
5 annual meeting at the time so specified shall not work a
6 forfeiture or dissolution of the association. The board of
7 directors, or the holders of not less than 20% of the
8 outstanding permanent reserve shares or of the withdrawal value
9 of all withdrawable capital of the association, or such other
10 person or persons as may be designated by the by-laws, may call
11 a special meeting of the members. Every annual or special
12 meeting shall be held at the business office of the
13 association, or, if the space therein available for such
14 meeting is inadequate, in such other place within the same
15 county as shall be specifically designated in the notice of
16 such meeting.

17 (b) Notice of an annual meeting shall be published once not
18 less than 10 days nor more than 40 days before the date of the
19 meeting and shall be posted in areas of public access at the
20 place of business of the association in a manner that may ~~to~~ be
21 prescribed by the Secretary ~~Commissioner~~. Such notice shall be
22 prominently and continuously displayed up to and including the
23 day of the meeting beginning not less than 60 days immediately
24 preceding the date of such meeting.

25 (c) However, for any special meeting, for any annual
26 meeting which is to consider any proposition the affirmative

1 action on which requires two-thirds vote as set forth in this
2 Act, or for any proposition to amend the articles of
3 incorporation of the association, the notice shall be by mail,
4 post marked not less than 10 days or more than 40 days before
5 the date of the meeting, and by posting at the association's
6 place of business in a like manner as for an annual meeting,
7 with such posting to commence on the date notice is given.
8 Published or mailed notice shall state the place, day, hour and
9 purpose of the meeting.

10 (d) A quorum at any meeting of the members shall consist of
11 the members present in person or represented by proxy, who are
12 entitled to cast a majority of the total number of votes which
13 all members of the association are entitled to cast at such
14 meeting; except that the articles of incorporation may specify
15 some other quorum requirement, but not less than one-third of
16 such total number of votes. Any meeting, including one at which
17 a quorum is not present, may be adjourned by majority vote to a
18 specified date without further notice.

19 (e) Voting at a meeting may be either in person or by proxy
20 executed in writing by the member or shareholder or by his duly
21 authorized attorney-in-fact. No proxy shall be valid:

22 (1) Unless executed in an instrument separate from
23 other forms, documents or papers which pertain to any
24 matter of the association or a member's interest therein.
25 The form of such instrument may ~~shall~~ be prescribed by the
26 Secretary ~~Commissioner, who shall give due regard to size,~~

1 ~~color, appearance and distinctiveness;~~

2 (2) For any meeting at which the member who gave it is
3 present, provided that notice that the member will himself
4 exercise his voting rights is given in writing prior to the
5 taking of any vote to an official whom the association
6 shall at each meeting identify as having responsibility for
7 such matter and provided further that the validity and
8 duration of such proxy will be otherwise unimpaired;

9 (3) Unless the member giving the proxy is told by the
10 person to whom it is given, or his agent or representative,
11 that the proxy is optional and the voting rights it
12 represents can be exercised by the member himself; that if
13 it is given it can be cancelled at any time by giving
14 notice in writing at the association's office at least 5
15 days prior to any meeting, and that meeting alone, at which
16 the member is present and has given written notification of
17 his intent to exercise his voting rights; the provisions of
18 this paragraph shall only be applicable to associations not
19 maintaining insurance of the association's withdrawable
20 capital;

21 (4) Unless the member giving the proxy is told by the
22 person to whom it is given, or his agent or representative,
23 the name of the individual who will exercise the proxy;
24 that the effect of the proxy will be to entitle the person
25 to whom it is given to use the vote or votes the proxy
26 represents as if it or they were that person's own vote or

1 votes; and that, if the proxy is given to someone
2 representing the management of the association, the effect
3 of the proxy will be to support the policies and procedures
4 of the association's management; the provisions of this
5 paragraph shall only be applicable to associations not
6 maintaining insurance of the association's withdrawable
7 capital; or

8 (5) After 11 months from the date of its execution,
9 unless otherwise provided in the proxy and unless the
10 member giving the proxy is notified in writing when it will
11 terminate.

12 (f) In the determination of all questions requiring
13 ascertainment of the members entitled to vote and of the number
14 of outstanding shares, the following rules shall apply:

15 (1) The date of determination shall be as provided in
16 the Section of this Act concerning Record Date for Voting,
17 Dividend and Other Purposes;

18 (2) Each person holding one or more withdrawable share
19 accounts shall have the vote of one share for each \$100 of
20 the aggregate withdrawal value of such accounts and shall
21 have the vote of one share for any fraction of \$100;

22 (3) Each holder of permanent reserve shares shall have
23 one vote for each permanent reserve share which he holds;

24 (4) Each borrowing member as such shall have the vote
25 of one share in addition to any vote which he may have
26 otherwise;

1 (5) Shares owned by the association shall not be
2 counted or voted; and

3 (6) Notwithstanding anything contained in this Act to
4 the contrary, an association authorized to issue permanent
5 reserve shares may provide in the association's articles of
6 incorporation that voting rights shall be vested
7 exclusively in permanent reserve shareholders.

8 (Source: P.A. 89-355, eff. 8-17-95.)

9 (205 ILCS 105/3-6) (from Ch. 17, par. 3303-6)

10 Sec. 3-6. Officers; Suspension and removal of officers,
11 directors and employees.

12 (a) The officers of an association shall consist of a
13 president, one or more vice presidents, a secretary, a
14 treasurer and such other officers as the by-laws shall provide,
15 to be elected by the directors; if the by-laws so provide, any
16 2 or more offices may be held by the same person, except that
17 one person shall not hold the offices of president and
18 secretary. The duties and powers of the secretary of the
19 association may be set forth in the by-laws of the association
20 and may be exercised by any other officer designated by the
21 board of directors.

22 (b) The existence of an association shall not terminate by
23 reason of the failure to elect officers at the time mentioned
24 in the by-laws, and each officer shall hold his office until
25 his successor is elected and qualified.

1 (c) Whenever any officer, director or employee of an
2 association or of a holding company operating under this Act is
3 charged in any indictment with the commission of or
4 participation in a crime involving the affairs of any
5 association incorporated under this Act or of a holding company
6 operating under this Act, a federal association or any other
7 financial institution, the Secretary ~~Commissioner~~ may, by
8 written notice served upon such officer, director or employee,
9 suspend him from office. Such suspension shall remain in effect
10 (unless such officer, director or employee sooner resigns or is
11 not reappointed or reelected at the expiration of his term of
12 office) until such officer, director or employee is convicted
13 or is adjudged not guilty of such offense or the indictment is
14 dismissed or otherwise disposed of. If such officer, director,
15 or employee is convicted of such offense, he shall thereupon
16 cease to be an officer, director, or employee of such
17 association; but if he is found not guilty, his suspension
18 shall automatically be terminated. The Secretary ~~Commissioner~~
19 may request the Attorney General to file an action on his
20 behalf to enforce any order made under this subsection.

21 (d) The board of directors shall designate and determine
22 the management structure of the association and elect or
23 appoint all officers. Each of the officers elected or appointed
24 by the board of directors shall serve at the pleasure of the
25 board of directors or pursuant to a written employment contract
26 between the officer and the association.

1 (e) Whenever the Secretary ~~Commissioner~~ determines that
2 any officer, director or employee of an association or a
3 holding company operating under this Act has committed a
4 violation of any law, rule, regulation or order of the
5 Secretary ~~Commissioner~~, and that such violation or continued
6 violation may result in a substantial financial loss or other
7 substantial damage to the association or holding company or
8 that the interests of its members may be seriously prejudiced
9 by such violation or continued violation, the Secretary
10 ~~Commissioner~~ shall notify such officer, director or employee of
11 his intention to issue an order and may thereafter issue an
12 order suspending such person from office or prohibiting his
13 participation in the conduct of the affairs of the association
14 or holding company, or both. The notice to such person shall
15 contain a statement of facts constituting the grounds for such
16 order; shall fix a time when such order will be issued; and
17 shall state the effective date of such order, which shall be
18 not less than 10 days after the date of the order. A copy of
19 such notice and order shall be sent to the association or
20 holding company. Such order shall be and remain in effect from
21 the effective date specified in the notice provided for under
22 this Section until such time as the order is removed by the
23 Secretary ~~Commissioner~~ or until the order is removed, modified
24 or stayed pursuant to the Administrative Review Law.

25 (f) Officers and directors of any entity operating under
26 this Act shall also disclose to the Secretary ~~Commissioner~~ any

1 and all criminal proceedings in which they have been a party or
2 participated which resulted in a grant of immunity from
3 prosecution, a conviction, a plea of nolo contendere or its
4 equivalent, or which are currently pending.

5 (Source: P.A. 86-137.)

6 (205 ILCS 105/3-7) (from Ch. 17, par. 3303-7)

7 Sec. 3-7. Bonds of officers and employees.

8 (a) Every person appointed or elected to any position
9 requiring the receipt, payment, management or use of money
10 belonging to an association, or whose duties permit him to have
11 access to or custody of any of its money or securities or whose
12 duties permit him regularly to make entries in the books or
13 other records of the association, before assuming his duties
14 shall become bonded in some trust or company authorized to
15 issue bonds in this state, or in a fidelity insurance company
16 licensed to do business in this State. Each such bond shall be
17 on a form or forms as the Secretary ~~Commissioner~~ shall
18 require and in such amount as the board of directors shall fix
19 and approve. Each such bond, payable to the association, shall
20 be an indemnity for any loss the association may sustain in
21 money or other property through any dishonest or criminal act
22 or omission by any person required to be bonded, committed
23 either alone or in concert with others. Such bond shall be in
24 the form and amount prescribed by the Secretary ~~Commissioner~~,
25 who may at any time require one or more additional bonds. Each

1 bond shall provide that a cancellation thereof either by the
2 surety or by the insured shall not become effective unless and
3 until 30 days notice in writing first shall have been given to
4 the Secretary ~~Commissioner~~, unless he shall have approved such
5 cancellation earlier.

6 (b) Nothing contained herein shall preclude the Secretary
7 ~~Commissioner~~ from proceeding against an association as
8 provided in this Act should he believe that it is being
9 conducted in an unsafe manner in that the form or amount of
10 bonds so fixed and approved by the board of directors is
11 inadequate to give reasonable protection to the association.

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

13 (205 ILCS 105/5-7) (from Ch. 17, par. 3305-7)

14 Sec. 5-7. Sale, assignment and servicing of loans and
15 contracts.

16 (a) Any association may sell any loan or a participating
17 interest in a loan at any time, in the usual and regular course
18 of business. All loans sold shall be sold without recourse
19 except as may otherwise be provided by regulations of the
20 Secretary ~~Commissioner~~. The Secretary ~~Commissioner~~ may, by
21 regulation, adopt limitations upon the sale of loans. The
22 provisions of this paragraph (a) do not apply to the sale of
23 loans to agencies of the United States or the State of Illinois
24 or such other government sponsored agencies as may be approved
25 by the Secretary ~~Commissioner~~.

1 (b) An association may contract to service a loan or a
2 participating interest in a loan, but such a contract shall
3 conform to any ~~the~~ pertinent regulations prescribed by the
4 Secretary ~~Commissioner~~ and shall require sufficient
5 compensation to reimburse the association for all expenses
6 incurred under such contract.

7 (c) An association may sell and assign without recourse any
8 master's certificate of sale, defaulted loan or defaulted real
9 estate contract to any person eligible to purchase the same,
10 for an amount not less than the fair cash market value thereof.
11 (Source: P.A. 84-543.)

12 (205 ILCS 105/6-2.1) (from Ch. 17, par. 3306-2.1)

13 Sec. 6-2.1. Procedure to amend articles of incorporation
14 for name change.

15 (a) Notwithstanding the requirements of Section 6-2 of this
16 Act, an association, after commencing business, may amend its
17 articles of incorporation ~~Notwithstanding any provision of~~
18 ~~this Act to the contrary, the Commissioner may waive the~~
19 ~~requirements of Section 6-2 if the proposed amendment is solely~~
20 for purposes of changing the name of the association, ~~and~~ upon
21 satisfactory completion of the following requirements:

22 (1) Submission by the board of directors of a certified
23 resolution approving the proposed name change and
24 approving a plan for notifying all parties who may be
25 affected by the change, including, but not limited to,

1 members, account holders, borrowers, creditors, and
2 parties to whom or with whom commitments of any type are
3 pending name change by unanimous vote of all members of the
4 board.

5 (2) The new name, as determined by the Secretary, meets
6 the requirements for names under this Act or rules adopted
7 by the Secretary. ~~Submission by the board of an attorney's~~
8 ~~opinion that the proposed name is not the same as the name~~
9 ~~of any other financial institution in Illinois.~~

10 Upon satisfactory completion of these requirements, the
11 Secretary shall issue an approved amendment to the articles
12 of incorporation as provided for in subsection (d) of
13 Section 6-2 of this Act.

14 ~~(3) Submission of a detailed statement to the~~
15 ~~Commissioner by the board of directors stating the grounds~~
16 ~~for their belief that a vote of members would be~~
17 ~~detrimental to the association's safety and soundness.~~

18 ~~(4) Submission of a plan for notifying all parties who~~
19 ~~would be affected by the change, including a list of~~
20 ~~creditors, and parties to whom or with whom, commitments of~~
21 ~~any type may be pending.~~

22 ~~(5) Satisfactory evidence that the name change is not~~
23 ~~for fraudulent, illegal or misleading purposes.~~

24 ~~Upon receipt of the above items the Commissioner shall~~
25 ~~issue an approved amendment to the articles of~~
26 ~~incorporation as provided for in subsection (d) of Section~~

1 ~~6-2 of this Act.~~

2 (b) No amendment of the articles of incorporation to change
3 the name of an association shall affect any existing cause of
4 action either in favor of or against the association, or any
5 pending action in which the association shall be a party, nor
6 shall it affect the existing rights of persons other than
7 members of the association. No action brought by or against the
8 association under its former name shall be abated by reason of
9 the change.

10 (Source: P.A. 86-137.)

11 (205 ILCS 105/6-4) (from Ch. 17, par. 3306-4)

12 Sec. 6-4. Merger; Adoption of plan. Any depository
13 institution may merge into an association operating under this
14 Act; any association operating under this Act may merge into a
15 depository institution. ~~Any 2 or more associations operating~~
16 ~~under this Act or under Federal charter and located in this~~
17 ~~State, or duly authorized to do business in this State, may~~
18 ~~merge into one association operating under this Act. Any~~
19 ~~association operating under this Act that does not meet its net~~
20 ~~worth requirements, as defined by regulations of the~~
21 ~~Commissioner, and any federal association may merge into one~~
22 ~~association operating under this Act or under federal charter~~
23 ~~and located in this State. Any association operating under this~~
24 ~~Act and an eligible insured bank may merge into an association~~
25 ~~operating under this Act, provided that an association~~

1 ~~operating under this Act must result from the merger. Any~~
2 ~~association operating under this Act may merge into a State or~~
3 ~~national bank with a bank resulting from the merger.~~ The board
4 of directors of the merging association or depository
5 institution, ~~State or national bank, or eligible insured bank,~~
6 by resolution adopted by a majority vote of all members of the
7 board, must approve the plan of merger, which shall set forth:

8 (a) The name of each of the merging associations or
9 depository institutions, ~~State or national bank, or eligible~~
10 ~~insured bank~~ and the name of the continuing association or
11 depository institution ~~bank~~ and the location of its business
12 office;

13 (b) The amount of capital, reserves, and undivided profits
14 of the continuing association or depository institution ~~bank~~
15 and the kinds of shares and other types of capital to be issued
16 thereby;

17 (c) The articles of incorporation of the continuing
18 association or charter of the continuing depository
19 institution ~~bank~~;

20 (d) A detailed pro forma financial Statement of the assets
21 and liabilities of the continuing association or depository
22 institution ~~bank~~;

23 (e) The manner and basis of converting the capital of each
24 merging association or depository institution, ~~State or~~
25 ~~national bank or eligible insured bank~~ into capital of the
26 continuing association or depository institution ~~bank~~;

1 (f) The other terms and conditions of the merger and the
2 method of effectuating it; and

3 (g) Other provisions with respect to the merger that appear
4 necessary or desirable or that the Secretary ~~Commissioner~~ may
5 reasonably require to enable him to discharge his duties with
6 respect to the merger.

7 (h) The Secretary ~~Commissioner~~ may promulgate rules to
8 implement this Section.

9 (Source: P.A. 86-952; 87-1226.)

10 (205 ILCS 105/6-5) (from Ch. 17, par. 3306-5)

11 Sec. 6-5. Merger; approval by Secretary ~~Commissioner~~.

12 (a) The plan of merger adopted as authorized by Section
13 6-4, except when the merger results in a State or national
14 bank, shall be submitted to the Secretary ~~Commissioner~~ for
15 approval, together with a certified copy of the authorizing
16 resolution of each board of directors, showing approval by a
17 majority of the entire board of each merging association or
18 eligible insured bank operating under this Act or merging
19 federal association.

20 (b) The Secretary ~~Commissioner~~ may make or cause to be made
21 an examination of the affairs of ~~each~~ of the merging
22 associations or depository institutions under the Secretary's
23 authority ~~eligible insured bank~~.

24 (c) The Secretary ~~Commissioner~~ may approve the plan of
25 merger, or if the Secretary ~~Commissioner~~ disapproves the plan

1 of merger, he shall state ~~State~~ his objections in writing and
2 give the merging associations or depository institution
3 ~~eligible insured bank~~ an opportunity to amend the plan of
4 merger to address ~~obviate~~ the objections. The Secretary
5 ~~Commissioner~~ may require that the plan of merger be submitted
6 to the members of the merging association for approval. Each
7 meeting of the members of an association operating under this
8 Act shall be called and held in accordance with Section 3-2 of
9 this Act. The plan is approved by the members of an association
10 if it receives the affirmative vote of two-thirds or more of
11 the total votes that the members of the association are
12 entitled to cast.

13 (Source: P.A. 86-952; 87-1226.)

14 (205 ILCS 105/6-7) (from Ch. 17, par. 3306-7)

15 Sec. 6-7. Merger - Secretary's ~~Commissioner's~~ certificate;
16 effective date.

17 (a) If the plan of merger is approved, the Secretary
18 ~~Commissioner~~ thereupon shall issue to the continuing
19 association a certificate of merger, setting forth the name of
20 each merging association or depository institution ~~eligible~~
21 ~~insured bank~~ and the name of the continuing association, and
22 the articles of incorporation of the continuing association;
23 and attaching thereto, as a part thereof, a copy of the
24 resolution of the directors of each merging association or
25 depository institution ~~eligible insured bank~~ and a copy of the

1 report of proceedings of the members' meeting, if required
2 under paragraph (c) of Section 6-5 of this Act.

3 (b) The merger takes effect upon the recording of the
4 certificate of merger in the same manner as articles of
5 incorporation, in each county in which the business office of
6 any of the merging associations or depository institution
7 ~~eligible insured bank~~ was located, and in the county in which
8 the business office of the continuing association is located.

9 (c) When duly recorded, the certificate of merger is
10 conclusive evidence, except against the State, of the merger
11 and of the correctness and validity of all proceedings in
12 connection with the merger.

13 (Source: P.A. 86-952.)

14 (205 ILCS 105/6-8) (from Ch. 17, par. 3306-8)

15 Sec. 6-8. Merger; Secretary's ~~Commissioner's~~ expenses. The
16 expenses of any examination made by or at the direction of the
17 Secretary ~~Commissioner~~ in connection with a proposed merger
18 shall be paid by the continuing associations or depository
19 institutions under the Secretary's authority ~~resulting bank~~.

20 (Source: P.A. 86-952; 87-1226.)

21 (205 ILCS 105/6-9) (from Ch. 17, par. 3306-9)

22 Sec. 6-9. Effect of merger.

23 (a) The continuing association or depository institution
24 ~~resulting bank~~ shall be considered the same business and

1 corporate entity as each merging association, with all of the
2 property, rights, powers, duties and obligations of each
3 merging association, except as otherwise provided by the
4 articles of incorporation of the continuing association or
5 depository institution ~~resulting bank~~.

6 (b) All liabilities of each of the merging associations or
7 depository institutions ~~associations, resulting bank, or~~
8 ~~eligible insured bank~~ shall be liabilities of the continuing
9 association or resulting bank; and all of the rights,
10 franchises, and interests of each of the merging associations
11 or eligible insured bank in and to every kind of property,
12 real, personal or mixed, shall vest automatically in the
13 continuing association or depository institution ~~resulting~~
14 ~~bank~~, without any deed or other transfer.

15 (c) Any reference to a merging association or depository
16 institution, ~~resulting bank, or eligible insured bank~~ in any
17 writing, whether executed or effective before or after the
18 merger, shall be deemed a reference to the continuing
19 association or depository institution ~~resulting bank~~, if not
20 inconsistent with the other provisions of such writing.

21 (d) No pending action or other judicial proceeding to which
22 any merging association or depository institution, ~~resulting~~
23 ~~bank, or eligible insured bank~~ is a party shall be abated or
24 dismissed by reason of the merger, but shall be prosecuted to
25 final judgment in the same manner as if the merger had not
26 occurred.

1 (e) (Blank). ~~With respect to a merger with an eligible~~
2 ~~insured bank, an association operating under this Act must~~
3 ~~result from the merger, and provided further that the~~
4 ~~association must conform all assets acquired or liabilities~~
5 ~~incurred as the result of the merger to the legal requirements~~
6 ~~for assets acquired, held, or invested or liabilities assumed~~
7 ~~or incurred by an association operating under this Act and that~~
8 ~~the continuing association shall conform all of its activities~~
9 ~~to those activities in which an association operating under~~
10 ~~this Act is authorized to engage.~~

11 (Source: P.A. 86-952; 87-1226.)

12 (205 ILCS 105/6-10) (from Ch. 17, par. 3306-10)

13 Sec. 6-10. Sale of assets.

14 (a) An association, in one transaction not in the usual and
15 regular course of its business, may sell all or substantially
16 all of its assets, with or without its name and goodwill, to
17 another association or depository institution ~~to a Federal~~
18 ~~association~~, in consideration of money, capital or obligations
19 of the purchasing association or depository institution. An
20 association may sell any office or facility and equipment in
21 conformity with regulations of the Secretary ~~Commissioner~~.

22 (b) Emergency sale of assets. With the approval in writing
23 of the Secretary ~~Commissioner~~, which approval shall state that
24 the proposed sale is, in his opinion, necessary for the
25 protection of the depositors and other creditors, any

1 association that is an eligible depository institution as
2 defined in Section 2 of the Illinois Banking Act may by a vote
3 of a majority of its board of directors, and without a vote of
4 its members or permanent reserve shareholders, sell all or any
5 part of its assets to another association or depository
6 institution ~~State or Federally chartered association or to a~~
7 ~~bank as defined in Section 2 of the Illinois Banking Act or to~~
8 ~~the Federal Deposit Insurance Corporation, or to both a State~~
9 ~~or Federally chartered association or bank and the Federal~~
10 ~~Deposit Insurance Corporation, provided that the purchasing a~~
11 ~~State or Federally chartered association or depository~~
12 institution ~~bank~~ assumes in writing all of the liabilities of
13 the selling association ~~and that any such sale to a bank shall~~
14 ~~be by an eligible depository institution as defined in Section~~
15 ~~2 of the Illinois Banking Act.~~

16 (c) Notwithstanding any other provision of this Act, an
17 association may sell to an association or depository
18 institution ~~any bank, as defined in Section 2 of the Illinois~~
19 ~~Banking Act,~~ an insubstantial portion of its total deposits.
20 ~~For the purpose of this subsection, an insubstantial portion of~~
21 ~~its total deposits shall have the same meaning as provided in~~
22 ~~Section 5(d)(2)(D) of the Federal Deposit Insurance Act.~~ Such
23 sale of an insubstantial portion of an association's deposits
24 may be by vote of a majority of the board of directors, and
25 with approval of the Secretary ~~Commissioner~~ without a vote of
26 its members or permanent reserve shareholders.

1 (Source: P.A. 86-952.)

2 (205 ILCS 105/6-11) (from Ch. 17, par. 3306-11)

3 Sec. 6-11. Procedure to effect sale of all assets. The
4 procedure to effect a sale authorized by subsection (a) of
5 Section 6-10 shall be as follows:

6 (a) The board of directors shall adopt a resolution setting
7 forth the terms of the proposed sale and shall submit the plan
8 to the Secretary ~~Commissioner~~ for his preliminary approval.
9 Upon receipt of approval by the Secretary ~~Commissioner~~, the
10 plan shall be submitted to a vote at a meeting of the members,
11 which may be an annual or special meeting;

12 (b) The terms shall be set forth in the notice of meeting
13 mailed as prescribed in Section 3-2 of this Act;

14 (c) The proposed sale will be approved by the members upon
15 receiving in the affirmative 2/3 or more of the total number of
16 votes which all members of the association are entitled to
17 cast. A proposal for the voluntary liquidation of the
18 association shall be submitted to the members at the same
19 meeting or at any adjournment thereof, or at any later meeting
20 called for such purpose, in accordance with Article 9 of this
21 Act. A report of proceedings, certified by the president or a
22 vice-president and attested by the secretary of the
23 association, and setting forth the terms of the proposed sale,
24 the notice given and time of mailing thereof, the vote on the
25 proposal, and the total number of votes which all members of

1 the association were entitled to cast thereon, shall be filed
2 with the Secretary ~~Commissioner~~;

3 (d) If the Secretary ~~Commissioner~~ finds that the proposed
4 sale is fair to all holders of capital, creditors and other
5 persons concerned, and provision has been made for the
6 disposition of the remaining assets, if any, of the association
7 as provided in this Act for reorganization or voluntary
8 liquidation, then he shall issue to the association a
9 certificate of authorization for such sale, attaching thereto,
10 as a part thereof, a copy of the report of proceedings filed as
11 aforesaid;

12 (e) Upon recording the Secretary's ~~Commissioner's~~
13 certificate in the same manner as the association's articles of
14 incorporation, the association may complete the sale so
15 authorized; except that an insured association first shall
16 obtain the approval of the insurance corporation;

17 (f) If the sale includes the name of the association, the
18 purchasing depository institution ~~association~~ shall have the
19 exclusive right to such name for a period of 5 years; and

20 (g) If the association has failed to adopt a plan of
21 voluntary liquidation, the Secretary ~~Commissioner~~ may proceed
22 against such association as provided in Article 10 of this Act.

23 (Source: P.A. 86-952.)

24 (205 ILCS 105/6-12) (from Ch. 17, par. 3306-12)

25 Sec. 6-12. Conversion from State to Federal association.

1 Any association operating under this Act may become a Federal
2 association pursuant to the laws and regulations of the United
3 States and in accordance with the following procedure:

4 (a) The board of directors shall approve a plan of
5 conversion by resolution adopted by majority vote of all of the
6 directors. The plan shall set forth, among other terms:

7 (1) A financial statement of the association as of the
8 last business day of the month preceding the adoption of
9 the plan;

10 (2) The disposition of withdrawable capital and
11 permanent reserve capital, if any;

12 (3) Adjustments, if any, in the value of the
13 withdrawable accounts when exchanged for comparable
14 accounts in the Federal association;

15 (4) The disposition of any segregated surplus
16 established under Section 4-5 of this Act;

17 (5) The disposition of any obligations or liabilities;
18 and

19 (6) Such other information as may be required by the
20 Secretary ~~Commissioner~~;

21 (b) The plan shall not be submitted to the members until
22 approved by the Secretary ~~Commissioner~~;

23 (c) The Secretary ~~Commissioner~~ may approve the plan; or if
24 the Secretary ~~Commissioner~~ disapproves the plan, he shall state
25 his objections in writing and give the converting association
26 an opportunity to amend the plan to obviate such objections.

1 Approval shall be given in such case if the Secretary
2 ~~Commissioner~~ finds that the plan meets the requirements of this
3 Act and the plan is equitable and protects the rights of all
4 persons affected, including such contingent interests as
5 theretofore may have been created in the segregated surplus, if
6 any;

7 (d) After receipt of such approval from the Secretary
8 ~~Commissioner~~, the plan of conversion shall be mailed to each
9 member and may be submitted to a vote at an annual or special
10 meeting of the members. The plan will be adopted upon receiving
11 in the affirmative 2/3 or more of the total number of votes
12 which all members of the association are entitled to cast. A
13 report of proceedings at such meeting, certified by the
14 president or a vice-president and attested by the secretary of
15 the association, shall be filed promptly with the Secretary
16 ~~Commissioner~~;

17 (e) Within 90 days after the date of such meeting, the
18 association shall take the action prescribed and authorized by
19 the laws and regulations of the United States to complete its
20 conversion to a Federal association; and

21 (f) Upon receipt of a Federal charter, the association
22 shall file promptly with the Secretary ~~Commissioner~~ either a
23 copy of such charter or a certificate of the appropriate
24 Federal officers setting forth the facts concerning the
25 issuance of such charter; and upon recording the charter in the
26 same manner as the association's articles of incorporation, the

1 association shall cease to be an association operating under
2 this Act.

3 (Source: P.A. 84-543.)

4 (205 ILCS 105/6-13) (from Ch. 17, par. 3306-13)

5 Sec. 6-13. Conversion from Federal to State association.
6 Any Federal association may become an association operating
7 under this Act, pursuant to the laws and regulations of the
8 United States and in accordance with the following procedure:

9 (a) The board of directors shall adopt a plan of
10 conversion, which shall set forth, among other terms, the
11 provisions required in sub-section (a) of the preceding Section
12 of this Act. Such plan and resolution shall be submitted to the
13 Secretary ~~Commissioner~~;

14 (b) If the Secretary ~~Commissioner~~, after appropriate
15 examination, shall find that the association complies
16 sufficiently with the requirements of this Act to entitle it to
17 become an association operating under this Act, he shall
18 approve the plan of conversion. However, he may prescribe terms
19 and conditions, to be fulfilled either prior to or after the
20 conversion, to cause the association to conform with the
21 requirements of this Act;

22 (c) After receipt of the Secretary's ~~Commissioner's~~
23 approval, the plan of conversion may be submitted at an annual
24 or special meeting of the members; and the plan will be adopted
25 upon receiving in the affirmative 2/3 or more of the total

1 number of votes which all members of the association are
2 entitled to cast. Thereupon, such action shall be taken to
3 adopt articles of incorporation, to elect directors, to adopt
4 by-laws and to elect officers as is prescribed for a new
5 association in the Article of this Act concerning Incorporation
6 and Organization. A report of proceedings at such meeting,
7 certified by the president or a vice-president and attested by
8 the secretary of the association, shall be filed promptly with
9 the Secretary Commissioner;

10 (d) If the Secretary Commissioner finds that such
11 proceedings have been in accordance with the provisions of this
12 Section, he shall issue a certificate of conversion, setting
13 forth the articles of incorporation and attaching, as a part of
14 the certificate, a copy of the report of proceedings filed as
15 aforesaid; and

16 (e) The conversion shall become effective upon the
17 recording of the certificate of conversion in the manner
18 required by this Act for the recording of articles of
19 incorporation.

20 (Source: P.A. 84-543.)

21 (205 ILCS 105/6-15) (from Ch. 17, par. 3306-15)

22 Sec. 6-15. Emergency merger. With the prior approval of the
23 Secretary Commissioner, which approval shall state that the
24 proposed merger is in his opinion necessary for the protection
25 of the depositors and other creditors, any association that is

1 an eligible depository institution as defined in Section 2 of
2 the Illinois Banking Act, may by a vote of a majority of its
3 board of directors and without a vote of its members or
4 permanent reserve shareholders merge with an association or
5 depository institution, ~~federal association, or bank as~~
6 ~~defined in Section 2 of the Illinois Banking Act,~~ with such
7 other association or depository institution, ~~federal~~
8 ~~association, or bank~~ being the resulting or continuing
9 association or depository institution, ~~federal association or~~
10 ~~bank~~.

11 (Source: P.A. 86-952.)

12 (205 ILCS 105/6-16 new)

13 Sec. 6-16. Waiver of requirements. Notwithstanding any
14 provision of this Article, the requirements imposed by this
15 Article on an association that seeks to convert to, merge into,
16 or sell substantially all of its assets to a depository
17 institution that is not an association shall be no more
18 burdensome or restrictive than the requirements imposed by
19 federal or other State law on a depository institution that is
20 not an association that seeks to convert to, merge into, or
21 sell substantially all of its assets to an association. The
22 Secretary may waive any such requirement imposed by this
23 Article that is more burdensome or restrictive.

24 (205 ILCS 105/7-5) (from Ch. 17, par. 3307-5)

1 Sec. 7-5. Examination.

2 (a) The Secretary ~~Commissioner~~, at least once every 18
3 months, but more often if he deems it necessary or expedient,
4 with or without previous notice, shall cause an examination to
5 be made of the affairs of every association, including any
6 holding company and subsidiary thereof. If an association or
7 holding company has not been audited at least once in the
8 preceding 12 months in accordance with this Act, the
9 examination shall include an audit by licensed public
10 accountants employed or appointed by the Secretary
11 ~~Commissioner~~. Such examination shall be made by competent
12 examiners appointed for that purpose who are not officers or
13 agents of, or in any manner interested in, any association or
14 holding company which they examine, except that they may be
15 holders of withdrawable capital. Notwithstanding any other
16 provision of this Act, every eligible association, as defined
17 by regulation, or, if not so defined, to an equivalent extent
18 as would be permitted in the case of a State bank, the
19 Secretary, in lieu of the examination, may accept on an
20 alternating basis the examination made by the appropriate
21 federal banking regulator, or its successor, pursuant to the
22 federal Home Owners' Loan Act, provided the appropriate federal
23 banking regulator, or its successor, has made an examination.

24 (b) The officers, agents or directors of any such
25 association or holding company shall cause the books of the
26 association or holding company to be opened for inspection by

1 the Secretary ~~Commissioner~~ or his examiners and otherwise
2 assist in such examination when requested; and for the purpose
3 of examination, the examiner in charge thereof shall have power
4 to administer oaths and to examine under oath any officers,
5 employees, agents or directors of such association or holding
6 company and such other witnesses as he deems necessary relative
7 to the business of the association or holding company.

8 (c) The Secretary ~~Commissioner~~ shall make a report of each
9 examination to the board of directors of the association or
10 holding company examined, which report shall be read by each
11 director, who will then execute a signed statement ~~affidavit~~ to
12 be filed and preserved by the association or holding company
13 ~~acknowledging~~ that he has read the Secretary's ~~Commissioner's~~
14 report. If the affairs of the association or holding company
15 are not being conducted in accordance with this Act, the
16 Secretary ~~Commissioner~~ shall require the directors, officers
17 or employees to take any necessary corrective action. If the
18 necessary corrective action is not made, the Secretary
19 ~~Commissioner~~ may issue a formal order to the directors of the
20 association or holding company delivered either personally or
21 by registered or certified mail, specifying a date which may be
22 immediate or may be at a later date for the performance by the
23 association or holding company of the corrective action. ~~Such~~
24 ~~order or any part thereof shall be subject to Sections 7-24~~
25 ~~through 7-27 of this Act.~~ If the formal order of the Secretary
26 ~~Commissioner~~ in whole or in part contains a finding that the

1 business of the association or holding company is being
2 conducted in a fraudulent, illegal or unsafe manner, or that
3 the violation thereof or the continuance by the association or
4 holding company of the practice to be corrected could cause
5 insolvency or substantial dissipation of assets or earnings or
6 the impairment of its capital, such order or part thereof shall
7 be complied with promptly on and after the effective date
8 thereof until modified or withdrawn by the Secretary
9 ~~Commissioner, the Board,~~ or modified or terminated by a circuit
10 court. The Secretary ~~Commissioner~~ may apply to the circuit
11 court of the county in which the association or holding company
12 is located for enforcement of any such order requiring prompt
13 compliance. If no hearing has been requested within the time
14 specified by this Act, the Secretary ~~Commissioner~~ may, at any
15 time within 90 days after the effective date of the order,
16 institute suit in the Circuit Court of Sangamon County or the
17 circuit court of the county in which the association or holding
18 company is located to compel the directors, officers or
19 employees to make the required corrective action. Such court
20 shall, after due process of law, adjudicate the question and
21 enter the proper order or orders and enforce them. ~~In the~~
22 ~~interests of the members of the association or holding company,~~
23 ~~the Commissioner may prepare a statement of the condition of~~
24 ~~the association or holding company and may mail the statement~~
25 ~~to the members or may require a single publication thereof.~~

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

1 (205 ILCS 105/7-7) (from Ch. 17, par. 3307-7)

2 Sec. 7-7. Reports to Secretary ~~Commissioner~~ and members;
3 penalty.

4 (a) Every association operating under this Act shall file
5 with the Secretary ~~Commissioner~~ within 90 days following the
6 close of each fiscal year of such association a statement
7 showing its financial condition at the close of the fiscal year
8 and its operations for the year then ended. For good cause
9 shown in writing directed to the Secretary ~~Commissioner~~ within
10 the 90 day period, the Secretary ~~Commissioner~~ may authorize up
11 to 60 additional days for filing of the statement of financial
12 condition. Each such statement shall be on forms prescribed by
13 the Secretary ~~Commissioner~~ and in conformity with generally
14 accepted accounting principles or regulatory accounting
15 principles permitted, recognized or authorized by the Office of
16 Thrift Supervision, or its successor, for a federal association
17 and subject to the rules and regulations of the Secretary
18 ~~Commissioner~~ and in accord with the provisions of this Act.
19 Each such statement shall contain such information and be in
20 such form as prescribed by the Secretary ~~Commissioner~~ and shall
21 be verified by the secretary of the association and certified
22 by a licensed public accountant appointed by the board of
23 directors or by 2 officers of the association, if a licensed
24 public accountant has been appointed to audit the books and
25 records of the association as provided in the preceding Section

1 of this Act. Every association including its holding company
2 and subsidiaries shall also file such other reports as the
3 Secretary ~~Commissioner~~ may require from time to time.

4 Any association which, after notice from the Secretary
5 ~~Commissioner~~ sent by certified or registered mail, wilfully
6 fails to submit within the time prescribed the annual financial
7 report required by this Section is subject to a civil penalty
8 of not more than \$500 for each such failure. Any association
9 which, after notice from the Secretary ~~Commissioner~~ sent by
10 certified or registered mail, wilfully fails to submit within
11 the time prescribed any other report required by this Section
12 is subject to a civil penalty of not more than \$100 for each
13 such failure (which penalties shall be cumulative to any other
14 remedies). For the purposes of this Section, the date on which
15 any report required by this Section is postmarked is the date
16 of filing of any such report. The knowing or intentional filing
17 of any such report which is false in any material respect
18 constitutes a felony, and any person convicted thereof shall be
19 punished by a fine of not more than \$10,000, or imprisonment in
20 the penitentiary for one to 5 years, or both.

21 (b) An association shall file with the Secretary
22 ~~Commissioner~~ a report of change of ownership of permanent
23 reserve shares when such change of ownership results in any
24 person as defined by this Act holding 10% or more, through any
25 one transaction or related series of transactions, of the
26 outstanding permanent reserves shares of the association. Such

1 report shall include owners who hold as beneficiaries or
2 through nominees as well as in their own names. The report
3 shall be made within 5 business days after knowledge of such
4 change has been obtained by the officer authorized or required
5 to make reports to the Secretary ~~Commissioner~~. The Secretary
6 ~~Commissioner~~ also may require any such person owning 10% or
7 more of permanent reserve shares to report the beneficiary or
8 beneficiaries for whom he is holding title.

9 Whenever there is a change in the managing officer of an
10 association or a change amounting to a majority of the
11 directors of an association elected at a regular or special
12 meeting of the members, such change shall likewise be reported
13 within 5 business days to the Secretary ~~Commissioner~~.

14 The willful failure by any person required to report or
15 disclose change of ownership or control as defined in this
16 Section constitutes a Class 4 felony.

17 (c) Within 60 days after the date of filing the Statement
18 of Financial Condition with the Secretary ~~Commissioner~~, the
19 association shall mail to each member or make available at each
20 of its offices the annual statement of condition or a condensed
21 form thereof approved by the Secretary ~~Commissioner~~, or shall
22 publish the same at least once, and shall also furnish upon the
23 written or personal request of any member a copy of the
24 complete annual statement of condition. The annual statement of
25 condition, or any condensed form thereof, made available to
26 members by publication, mailing, or at the association's

1 offices shall include a statement setting forth the
2 association's assets, liabilities, regulatory capital and
3 deposits. In addition, the statement shall include a statement
4 of the association's goals and intentions in regard to
5 investment of the association's funds in order to reasonably
6 inform the member as to the security of his interest.
7 Notification of the availability of the complete annual
8 statement shall be prominently and conspicuously posted in
9 areas of public access at each of the association's branches or
10 offices.

11 (d) Any change of control or ownership of 25% or more of
12 the permanent reserve shares or stock of (a) any association
13 operating under this Act, or (b) of the shares or stock of a
14 subsidiary of the parent or a subsidiary of any association
15 operating under this Act, must be submitted to the Secretary
16 ~~Commissioner~~ for review and approval on forms, conditions and
17 terms to be specified by the Secretary ~~Commissioner~~. The
18 Secretary ~~Commissioner~~ may accept in satisfaction of this
19 requirement, submissions required under federal statutes and
20 regulations for changes of control. Any doubt as to whether a
21 change of ownership or other change in the outstanding voting
22 stock of any association is sufficient to result in a change of
23 ownership or control, shall be resolved in favor of reporting
24 the facts to the Secretary ~~Commissioner~~. Compliance with this
25 provision shall not relieve an association, its parent or
26 affiliate from complying with other applicable State or federal

1 statutes or regulations. The Secretary ~~Commissioner~~ may
2 disapprove any proposed acquisition if:

3 (1) The proposed acquisition of control would result in
4 a monopoly or would be in furtherance of any combination or
5 conspiracy to monopolize or to attempt to monopolize the
6 savings and loan business in any part of Illinois;

7 (2) The effect of the proposed acquisition of control
8 in any section of the State may be substantially to lessen
9 competition or to tend to create a monopoly or the proposed
10 acquisition of control would in any other manner be in
11 restraint of trade, and the anticompetitive effects of the
12 proposed acquisition of control are not clearly outweighed
13 in the public interest by the probable effect of the
14 transaction in meeting the convenience and needs of the
15 community to be served;

16 (3) The financial condition or history of any acquiring
17 person is such as might jeopardize the financial stability
18 of the institution or prejudice the interests of the
19 depositors of the institution;

20 (4) The competence, experience, or integrity of any
21 acquiring person or any of the proposed management
22 personnel indicates that it would not be in the interest of
23 the depositors of the institution or in the interest of the
24 public to permit such person to control the institution; or

25 (5) Any acquiring person neglects, fails or refuses to
26 furnish the Secretary ~~Commissioner~~ all the information

1 required by the Secretary ~~Commissioner~~.

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

3 (205 ILCS 105/7-15) (from Ch. 17, par. 3307-15)

4 Sec. 7-15. Notice of custody; action to enjoin. Immediately
5 upon taking custody of an association or trust, the Secretary
6 ~~Commissioner~~ shall mail a written notice thereof to the
7 president or secretary of the association and to not less than
8 2 directors of such association or to 2 or more of the trustees
9 of any trust or to 2 or more of the liquidators of an
10 association in liquidation. If the contention is made that the
11 Secretary ~~Commissioner~~ has no legal grounds for taking custody
12 of the association or trust, the directors or officers of the
13 association or the trustees or liquidators thereof, as the case
14 may be, at any time within 10 days after the mailing of such
15 notice, or within such further periods of time as the Secretary
16 ~~Commissioner~~ may extend, but not to exceed an additional 60
17 days, may file a complaint in the Circuit Court of Sangamon
18 County, Illinois, or in the Circuit Court of the county in
19 which the association is located, to enjoin further custody.
20 The court thereupon shall cite the Secretary ~~Commissioner~~ to
21 show cause why further custody should not be enjoined. If upon
22 a hearing thereon, the court finds that such grounds did not or
23 do not then exist, it may enter an appropriate order in
24 accordance with the findings of fact or an order enjoining the
25 Secretary ~~Commissioner~~ or any appointees acting under his

1 direction from further custody.

2 (Source: P.A. 84-543.)

3 (205 ILCS 105/7-19.1) (from Ch. 17, par. 3307-19.1)

4 Sec. 7-19.1. Savings and Residential Finance Regulatory
5 Fund.

6 (a) Until the effective date of this amendatory Act of the
7 97th General Assembly, the ~~The~~ aggregate of all moneys ~~fees~~
8 collected by the Secretary under this Act shall be paid
9 promptly after receipt of the same, accompanied by a detailed
10 statement thereof, into the State treasury and shall be set
11 apart in the Savings and Residential Finance Regulatory Fund, a
12 special fund hereby created in the State treasury. The amounts
13 deposited into the Fund shall be used for the ordinary and
14 contingent expenses of the Department of Financial and
15 Professional Regulation and the Division of Banking, or their
16 successors, in administering and enforcing the Illinois
17 Savings and Loan Act of 1985, the Savings Bank Act, and the
18 Residential Mortgage License Act of 1987 and other laws, rules,
19 and regulations as may apply to the administration and
20 enforcement of the foregoing laws, rules, and regulations as
21 amended from time to time. Nothing in this Act shall prevent
22 continuing the practice of paying expenses involving salaries,
23 retirement, social security, and State-paid insurance of State
24 officers by appropriation from the General Revenue Fund.

25 (b) (Blank). ~~Except as otherwise provided in subsection~~

1 ~~(b-5), moneys in the Savings and Residential Finance Regulatory~~
2 ~~Fund may not be appropriated, assigned, or transferred to~~
3 ~~another State fund. The moneys in the Fund shall be for the~~
4 ~~sole benefit of the institutions assessed.~~

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

10 (b-10) Notwithstanding provisions in the State Finance
11 Act, as now or hereafter amended, or any other law to the
12 contrary, the sum of \$27,481,638 shall be transferred from the
13 Savings and Residential Finance Regulatory Fund to the
14 Financial Institutions Settlement of 2008 Fund on the effective
15 date of this amendatory Act of the 95th General Assembly, or as
16 soon thereafter as practical.

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

1 amended, or any other law to the contrary, the total sum
2 transferred during any fiscal year through January 10, 2011,
3 from the Savings and Residential Finance Regulatory Fund to the
4 General Revenue Fund pursuant to this provision shall not
5 exceed during any fiscal year 10% of the revenues to be
6 deposited into the Savings and Residential Finance Regulatory
7 Fund during that fiscal year. The State Treasurer and
8 Comptroller shall transfer the amounts designated under this
9 Section as soon as may be practicable after receiving the
10 direction to transfer from the Governor.

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

16 (d) When the balance in the Savings and Residential Finance
17 Regulatory Fund at the end of a fiscal year apportioned to the
18 fees collected under the Illinois Savings and Loan Act of 1985
19 and the Savings Bank Act exceeds 25% of the total actual
20 administrative and operational expenses incurred by the State
21 for that fiscal year in administering and enforcing the
22 Illinois Savings and Loan Act of 1985 and the Savings Bank Act
23 and such other laws, rules, and regulations as may apply to the
24 administration and enforcement of the foregoing laws, rules,
25 and regulations, the excess shall be credited to the
26 appropriate institutions and entities and applied against

1 their regulatory fees for the subsequent fiscal year. The
2 amount credited to each institution or entity shall be in the
3 same proportion that the regulatory fees paid by the
4 institution or entity for the fiscal year in which the excess
5 is produced bear to the aggregate amount of all fees collected
6 by the Secretary under the Illinois Savings and Loan Act of
7 1985 and the Savings Bank Act for the same fiscal year. For the
8 purpose of this Section, "fiscal year" means the period
9 beginning July 1 of any year and ending June 30 of the next
10 calendar year.

11 (Source: P.A. 94-91, eff. 7-1-05; 95-1047, eff. 4-6-09.)

12 (205 ILCS 105/7-19.2 new)

13 Sec. 7-19.2. Savings Institutions Regulatory Fund.

14 (a) On or after the effective date of this amendatory Act
15 of the 97th General Assembly, the aggregate of all moneys
16 collected by the Secretary under this Act shall be paid
17 promptly after receipt of the same, accompanied by a detailed
18 statement thereof, into the State treasury and shall be set
19 apart in the Savings Institutions Regulatory Fund, a special
20 fund created in the State treasury. The amounts deposited into
21 the Fund shall be used for the ordinary and contingent expenses
22 of the Department of Financial and Professional Regulation and
23 the Division of Banking, or their successors, in administering
24 and enforcing the Illinois Savings and Loan Act of 1985, the
25 Savings Bank Act, and other laws, rules, and regulations as may

1 apply to the administration and enforcement of the foregoing
2 laws, rules, and regulations, as amended from time to time.
3 Nothing in this Act shall prevent continuing the practice of
4 paying expenses involving salaries, retirement, social
5 security, and State-paid insurance of State officers by
6 appropriation from the General Revenue Fund.

7 (b) Moneys in the Savings Institution Regulatory Fund may
8 be transferred to the Professions Indirect Cost Fund, as
9 authorized under Section 2105-300 of the Department of
10 Professional Regulation Law of the Civil Administrative Code of
11 Illinois.

12 (c) All earnings received from investments of funds in the
13 Savings Institutions Regulatory Fund shall be deposited into
14 that Fund and may be used for the same purposes as fees
15 deposited into that Fund.

16 (d) When the balance in the Savings Institutions Regulatory
17 Fund at the end of a fiscal year exceeds 25% of the total
18 actual administrative and operational expenses incurred by the
19 State for that fiscal year in administering and enforcing the
20 Illinois Savings and Loan Act of 1985 and the Savings Bank Act
21 and such other laws, rules, and regulations as may apply to the
22 administration and enforcement of the foregoing laws, rules,
23 and regulations, the excess shall be credited to the
24 appropriate institutions and entities and applied against
25 their regulatory fees for the subsequent fiscal year. The
26 amount credited to each institution or entity shall be in the

1 same proportion that the regulatory fees paid by the
2 institution or entity for the fiscal year in which the excess
3 is produced bear to the aggregate amount of all fees collected
4 by the Secretary under the Illinois Savings and Loan Act of
5 1985 and the Savings Bank Act for the same fiscal year. For the
6 purpose of this Section, "fiscal year" means the period
7 beginning July 1 of any year and ending June 30 of the next
8 calendar year.

9 (e) Moneys in the Savings and Residential Finance
10 Regulatory Fund apportioned to the moneys collected under the
11 Illinois Savings and Loan Act of 1985 and the Savings Bank Act
12 shall be transferred to the Savings Institutions Regulatory
13 Fund upon creation of the Savings Institutions Regulatory Fund.
14 Any amount used or borrowed from the moneys apportioned to the
15 moneys collected under the Illinois Savings and Loan Act of
16 1985 and the Savings Bank Act that would have been required to
17 be returned to that apportionment shall be instead paid into
18 the Savings Institutions Regulatory Fund in the same manner.

19 (205 ILCS 105/7-20) (from Ch. 17, par. 3307-20)

20 Sec. 7-20. Board of Savings Institutions; appointment. The
21 Savings and Loan Board is hereby redesignated the Board of
22 Savings Institutions. The Board shall be composed of the
23 Director of Banking, who shall be its chairman and have power
24 to vote, and 7 additional persons appointed by the Governor.
25 Four of the 7 persons appointed by the Governor shall represent

1 the public interest. Three of the 7 additional persons
2 appointed by the Governor shall have been engaged actively in
3 savings and loan or savings bank management in this State for
4 at least 5 years immediately prior to appointment. Each member
5 of the Board appointed by the Governor shall be reimbursed for
6 ordinary and necessary expenses incurred in attending the
7 meetings of the Board. The members of the Board serving
8 immediately before the effective date of this amendatory Act of
9 1996 shall continue to serve for the balance of their
10 respective terms. Members shall be appointed for 4-year terms
11 to expire on the third Monday in January. Except as otherwise
12 provided in this Section, members of the Board shall serve
13 until their respective successors are appointed and qualified.
14 A member who tenders a written resignation shall serve only
15 until the resignation is accepted by the Chairman. A member who
16 fails to attend 3 consecutive Board meetings without an excused
17 absence shall no longer serve as a member. The Governor shall
18 fill any vacancy by the appointment of a member for the
19 unexpired term in the same manner as in the making of original
20 appointments.

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

22 (205 ILCS 105/7-21) (from Ch. 17, par. 3307-21)

23 Sec. 7-21. Board of Savings Institutions; organization and
24 meetings. The Board shall elect a ~~chairman~~, vice-chairman and
25 secretary of the Board; shall adopt regulations for the holding

1 and conducting of meetings ~~and for holding hearings concerning~~
2 ~~all matters within its powers~~; and shall keep a record of all
3 meetings and transactions and make such other provisions for
4 the daily conduct of its business as it deems necessary. A
5 majority of the members of the Board, excluding those members
6 who are no longer serving as members as provided in Section
7 7-20, shall constitute a quorum. The act of the majority of the
8 members of the Board present at a meeting at which a quorum is
9 present shall be the act of the Board. Regular meetings shall
10 be held as provided in the regulations, and special meetings
11 may be called by the Chairman or upon the request of any 3
12 members of the Board or the Secretary Commissioner. The Board
13 shall maintain at the office of the Secretary Commissioner
14 permanent records of its meetings, hearings and decisions. The
15 Secretary Commissioner shall provide adequate quarters and
16 personnel for use by the Board.

17 (Source: P.A. 89-508, eff. 7-3-96.)

18 (205 ILCS 105/7-23) (from Ch. 17, par. 3307-23)

19 Sec. 7-23. Proceedings on objections to Secretary's
20 ~~Commissioner's~~ action. Except as provided in Article 10 and as
21 otherwise specifically provided by this Act, any ~~Any~~ person
22 aggrieved by any decision, order, or action of the Secretary
23 ~~Commissioner, except one under paragraph (b) of Section 1-9,~~
24 ~~Section 2-3, paragraph (j) of Section 3-4, or Section 7-9 of~~
25 ~~this Act, or under Section 1006(b), Section 3005, or Section~~

1 ~~9012 of the Savings Bank Act, or involving a change of location~~
2 ~~of an office or the establishment of an additional office under~~
3 this ~~the Savings Bank Act,~~ may receive a hearing as provided in
4 Sections 7-24 through 7-27 of this Act.

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

6 (205 ILCS 105/7-24) (from Ch. 17, par. 3307-24)

7 Sec. 7-24. The Secretary Board shall upon the verified
8 complaint in writing of any aggrieved person setting forth
9 facts which if proved would constitute grounds for reversal or
10 change of any decision, order or action of the Secretary
11 ~~Commissioner,~~ except as provided in Section 7-23 of this Act,
12 grant a hearing thereon. If the aggrieved person party desires
13 such a hearing, he or she shall, within 10 days of receipt of
14 notice of such decision, order or action, file written notice
15 with the Secretary Board of intent to demand a hearing and
16 shall, within 30 days of receipt of notice of such decision,
17 order or action, file his or her verified complaint in writing.
18 The date of such hearing may not be earlier than 15 days nor
19 later than 30 days after the date of receipt of verified
20 complaint in writing. The Secretary Board shall, at least 10
21 days prior to the date set for the hearing, notify in writing
22 the person aggrieved ~~adversely affected~~ by such decision, order
23 or action, referred to in this Section as the respondent, and
24 all other parties to the action, that a hearing will be held on
25 the date designated and shall afford the respondent and all

1 other parties to the action an opportunity to be heard in
2 person or by counsel in reference thereto. Such written notice
3 may be served by delivery of the same personally to the
4 respondent and all other parties to the action, or by mailing
5 the notice by registered or certified mail to the place of
6 business last theretofore specified by the respondent and all
7 other parties to the action in the last notification to the
8 Secretary Board. At the time and place fixed in the notice, the
9 Secretary Board or its authorized agent, referred to in this
10 Section as the hearing officer, shall proceed to hear the
11 charges, and both the respondent and all other parties to the
12 action and the complainant shall be accorded ample opportunity
13 to present in person or by counsel such statements, testimony,
14 evidence and argument as may be pertinent to the issues. The
15 hearing officer may continue such hearing from time to time.

16 The hearing officer may subpoena any person in this State
17 and may take testimony either orally or by deposition or by
18 exhibit, with the same fees and mileage and in the same manner
19 as prescribed by law in judicial proceedings in civil cases in
20 circuit courts of this State.

21 The hearing officer may administer oaths to witnesses at
22 any hearing which the hearing officer is authorized by law to
23 conduct.

24 After the hearing, the Secretary Board shall make a
25 determination approving, modifying or disapproving the
26 decision, order or action of the Secretary Commissioner as his

1 or her ~~its~~ final administrative decision.

2 (Source: P.A. 84-543.)

3 (205 ILCS 105/7-25) (from Ch. 17, par. 3307-25)

4 Sec. 7-25. Record of ~~Board~~ proceedings; expenses. The
5 Secretary Board, at his or her ~~its~~ expense, unless otherwise
6 provided in this Act ~~or the Savings Bank Act~~, shall provide a
7 stenographer to take down the testimony and preserve a record
8 of all proceedings at the hearing. The notice of hearing,
9 complaint and all other documents in the nature of pleadings
10 and written motions filed in the proceedings, the transcript of
11 testimony, the report of the hearing officer and orders of the
12 Secretary Board shall be the record of such proceedings. The
13 Secretary Board shall furnish a transcript of such record to
14 any person interested in such hearing upon payment of the
15 actual cost thereof.

16 A copy of the hearing officer's report and the Secretary's
17 ~~Board's~~ orders shall be served upon the respondent and all
18 other parties to the action by the Secretary Board, either
19 personally or by registered or certified mail as provided in
20 this Act for the service of the notice of hearing. All expenses
21 incurred by the Secretary Board, including the compensation of
22 the hearing officer, shall be paid by the parties to the
23 hearing and shall be divided among them in equal shares.

24 (Source: P.A. 89-508, eff. 7-3-96.)

1 (205 ILCS 105/7-26) (from Ch. 17, par. 3307-26)

2 Sec. 7-26. Subpoena; deposition. All subpoenas issued
3 under the laws of this State pertaining to savings and loan
4 associations ~~or savings banks~~ may be served by any person who
5 is not a minor. The fees of witnesses for attendance and travel
6 shall be the same as fees of witnesses before the circuit
7 courts of this State, such fees to be paid at the time the
8 witness is excused from further attendance, when the witness is
9 subpoenaed at the instance of ~~the Board or~~ the Secretary
10 ~~Commissioner~~ or any officer or any employee designated by him,
11 her or it for the purpose of conducting any such investigation,
12 inquiry or hearing; and the disbursements made in the payment
13 of such fees shall be audited and paid in the same manner as
14 are other expenses of the Secretary ~~Board or Commissioner~~.
15 Whenever a subpoena is issued at the instance of a complainant,
16 respondent or other party to any proceeding, the Secretary
17 ~~Board~~ may require that the cost of service thereof and the fee
18 of the same shall be borne by the party at whose instance the
19 witness is summoned, and the Secretary ~~Board or Commissioner~~
20 shall have power, in his, her or its discretion, to require a
21 deposit to cover the cost of such service and witness fees and
22 the payment of legal witness fees and mileage to the witness
23 when served with subpoena. A subpoena issued under this Section
24 shall be served in the same manner as a subpoena issued out of
25 a court.

26 Any person who shall be served with a subpoena to appear

1 and testify, or to produce books, papers, accounts or
2 documents, either in person or by deposition, in the manner
3 provided in this Section, issued by the Secretary Board ~~or~~
4 ~~Commissioner~~ or by any officer, or any employee designated by
5 him, her or it to conduct any such investigation, inquiry or
6 hearing, in the course of an investigation, inquiry or hearing
7 conducted under any of the provisions of the laws of this State
8 pertaining to savings and loan associations ~~or savings banks,~~
9 and who shall refuse or neglect to appear or to testify, or to
10 produce books, papers, accounts and documents relative to such
11 investigation, inquiry or hearing as commanded in such
12 subpoena, shall be guilty of a petty offense.

13 Any circuit court of this State, upon application of the
14 Secretary Board ~~or Commissioner~~, or an officer, or an employee
15 designated by him, her or it for the purpose of conducting any
16 such investigation, inquiry or hearing, may, in its discretion,
17 compel the attendance of witnesses, the production of books,
18 papers, accounts and documents and the giving of testimony
19 before the Secretary Board ~~or Commissioner~~, or before any
20 officer thereof, or any employee designated by him, her or it
21 for the purpose of conducting any such investigation, inquiry
22 or hearing, in person or by deposition, in the manner provided
23 in this Section, by an attachment for contempt or otherwise, in
24 the same manner as production of evidence may be compelled
25 before such court.

26 The Secretary Board ~~or Commissioner~~ or any officer, or any

1 employee designated by him, her or it for the purpose of
2 conducting any investigation, inquiry or hearing, or any party
3 may, in any investigation, inquiry or hearing, cause the
4 deposition of witnesses residing within or without the State to
5 be taken in the manner prescribed by law for taking like
6 depositions in civil cases in courts of this State, and to that
7 end may compel the attendance of witnesses and the production
8 of papers, books, accounts and documents.

9 (Source: P.A. 89-508, eff. 7-3-96.)

10 (205 ILCS 105/7-27) (from Ch. 17, par. 3307-27)

11 Sec. 7-27. Except as provided in Article 10, any ~~Any~~ person
12 affected by a final administrative decision of the Secretary
13 ~~Commissioner under paragraph (b) of Section 1-9, Section 2-3 or~~
14 ~~paragraph (j) of Section 3-4 of this Act or under Section~~
15 ~~1006(b) or 3005 of the Savings Bank Act, or involving a change~~
16 ~~of location of an office or the establishment of an additional~~
17 ~~office under the Savings Bank Act,~~ may have the decision
18 reviewed only under and in accordance with the Administrative
19 Review Law, ~~if such person files, within 10 days of receipt of~~
20 ~~service of a copy of the final decision sought to be reviewed,~~
21 ~~a written notice with the Commissioner of intent to seek review~~
22 ~~under the Administrative Review Law.~~

23 ~~Any person affected by a final administrative decision of~~
24 ~~the Board under Sections 7-21 through 7-26 of this Act may have~~
25 ~~the decision reviewed only under and in accordance with the~~

1 ~~Administrative Review Law, if the person files with the Board,~~
2 ~~within 10 days of receipt of service of a copy of the final~~
3 ~~decision sought to be reviewed, a written notice of intent to~~
4 ~~seek review under the Administrative Review Law.~~

5 The provisions of the Administrative Review Law, and all
6 amendments and modifications thereof, and the rules adopted
7 pursuant thereto, shall apply to and govern all proceedings for
8 the judicial review of final administrative decisions of the
9 Secretary ~~Commissioner or the Board~~ under this Act. The term
10 "administrative decision" is defined as in Section 3-101 of the
11 Code of Civil Procedure.

12 Appeals from all final orders and judgments entered by a
13 court in review of any final administrative decision of the
14 Secretary ~~Board~~ under this Act may be taken as in other civil
15 cases.

16 (Source: P.A. 89-508, eff. 7-3-96.)

17 (205 ILCS 105/8-4) (from Ch. 17, par. 3308-4)

18 Sec. 8-4. Election of new directors; Report and
19 supervision.

20 (a) Upon the adoption of the plan of reorganization, the
21 offices of all directors and officers of the association shall
22 be vacant, and the members shall proceed to elect directors to
23 fill the vacancies. If the plan provides for the segregation of
24 assets under a trust agreement, the members also shall elect
25 (with cumulative voting permitted as in elections of directors)

1 3 or more trustees to manage such assets.

2 (b) A report of proceedings at the meetings of the members,
3 certified by the president or a vice president and attested by
4 the secretary of the association, setting forth the notice
5 given and time of mailing thereof, the vote on the plan of
6 reorganization and the total number of votes which all members
7 of the association were entitled to cast thereon, shall be
8 filed in duplicate with the Secretary ~~Commissioner~~, together
9 with the plan of reorganization. The Secretary ~~Commissioner~~
10 thereupon shall issue to the association, and to the trustees
11 if assets have been segregated as a part of the plan, a
12 certificate of reorganization, and a certificate of amendment
13 of the articles of incorporation if appropriate.

14 (c) The reorganization shall become effective upon the
15 recording of the certificate of reorganization and the
16 certificate of amendment of articles of incorporation, if any,
17 in the manner required by this Act for the recording of
18 articles of incorporation.

19 (Source: P.A. 84-543.)

20 Section 20. The Savings Bank Act is amended by changing
21 Sections 1007.50, 1008, 2007, 3001, 3002, 4012, 6007, 6009,
22 8002, 8003, 8004, 8005, 8006, 8007, 8008, 8009, 8010, 8013,
23 8014, 8015, 8016, 9002, 9004, 9008, 9011, 9015, 9017, and 9018
24 and by adding Sections 8002.1, 8018, 9018.1, 9018.2, 9018.3,
25 and 9018.4 as follows:

1 (205 ILCS 205/1007.50) (from Ch. 17, par. 7301-7.50)

2 Sec. 1007.50. "Depository institution", as used in this
3 Act, shall mean an insured depository institution as defined by
4 Section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C.
5 1813), as amended, or an insured credit union as defined by
6 Section 101(7) of the Federal Credit Union Act (12 U.S.C.
7 1752(7)), as amended ~~a commercial bank, a savings bank, a~~
8 ~~savings and loan association, a trust company, a homestead~~
9 ~~association, a building and loan association, a cooperative~~
10 ~~bank, an industrial bank, or a credit union, whether chartered~~
11 ~~by a state or territory or under the laws of the United States.~~

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

13 (205 ILCS 205/1008) (from Ch. 17, par. 7301-8)

14 Sec. 1008. General corporate powers.

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

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

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

24 (3) To act as a fiscal agent for the United States, the

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

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

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

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

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

26 (8) To purchase stock or membership interests in

1 service corporations and to invest in any form of
2 indebtedness of any service corporation as defined in this
3 Act, subject to regulations of the Secretary ~~Commissioner~~.

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

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

13 (11) (Blank).

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

16 (13) To pledge its assets:

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

19 (B) to secure deposits;

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

22 (D) (blank); and

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

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

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

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

23 (17) To indemnify its officers, directors, employees,
24 and agents, as authorized for corporations under Section
25 8.75 of the Business Corporations Act of 1983.

26 (18) To provide data processing services to others on a

1 for-profit basis.

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

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

7 (21) Subject to the regulations of the Secretary
8 ~~Commissioner~~, to issue credit cards, extend credit
9 therewith, and otherwise engage in or participate in credit
10 card operations.

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

20 (23) With respect to affiliate facilities:

21 (A) to conduct at affiliate facilities any of the
22 following transactions for and on behalf of any
23 affiliated depository institution, if so authorized by
24 the affiliate or affiliates: receiving deposits;
25 renewing deposits; cashing and issuing checks, drafts,
26 money orders, travelers checks, or similar

1 instruments; changing money; receiving payments on
2 existing indebtedness; and conducting ministerial
3 functions with respect to loan applications, servicing
4 loans, and providing loan account information; and

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

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

17 (24) Subject to Article XLIV of the Illinois Insurance
18 Code, to act as the agent for any fire, life, or other
19 insurance company authorized by the State of Illinois, by
20 soliciting and selling insurance and collecting premiums
21 on policies issued by such company; and may receive for
22 services so rendered such fees or commissions as may be
23 agreed upon between the said savings bank and the insurance
24 company for which it may act as agent; provided, however,
25 that no such savings bank shall in any case assume or
26 guarantee the payment of any premium on insurance policies

1 issued through its agency by its principal; and provided
2 further, that the savings bank shall not guarantee the
3 truth of any statement made by an assured in filing his
4 application for insurance.

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

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

17 (b) If this Act or the regulations adopted under this Act
18 fail to provide specific guidance in matters of corporate
19 governance, the provisions of the Business Corporation Act of
20 1983 may be used, or if the savings bank is a limited liability
21 company, the provisions of the Limited Liability Company shall
22 be used.

23 (c) A savings bank may be organized as a limited liability
24 company, may convert to a limited liability company, or may
25 merge with and into a limited liability company, under the
26 applicable laws of this State and of the United States,

1 including any rules promulgated thereunder. A savings bank
2 organized as a limited liability company shall be subject to
3 the provisions of the Limited Liability Company Act in addition
4 to this Act, provided that if a provision of the Limited
5 Liability Company Act conflicts with a provision of this Act or
6 with any rule of the Secretary ~~Commissioner~~, the provision of
7 this Act or the rule of the Secretary ~~Commissioner~~ shall apply.

8 Any filing required to be made under the Limited Liability
9 Company Act shall be made exclusively with the Secretary
10 ~~Commissioner~~, and the Secretary ~~Commissioner~~ shall possess the
11 exclusive authority to regulate the savings bank as provided in
12 this Act.

13 Any organization as, conversion to, and merger with or into
14 a limited liability company shall be subject to the prior
15 approval of the Secretary ~~Commissioner~~.

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

19 The Secretary ~~Commissioner~~ may promulgate rules to ensure
20 that a savings bank that is a limited liability company (i) is
21 operating in a safe and sound manner and (ii) is subject to the
22 Secretary's ~~Commissioner's~~ authority in the same manner as a
23 savings bank that is organized in stock form.

24 (Source: P.A. 92-483, eff. 8-23-01; 93-561, eff. 1-1-04.)

1 Sec. 2007. (a) A savings bank, including a mutual savings
2 bank operating under this Act, may reorganize so as to become a
3 holding company by:

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

7 (2) either of the following:

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

12 (ii) reorganizing in any other manner as approved
13 by the Secretary ~~Commissioner~~.

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

25 (Source: P.A. 88-425.)

1 (205 ILCS 205/3001) (from Ch. 17, par. 7303-1)

2 Sec. 3001. Application for permit to organize.

3 (a) Not fewer than 5 nor more than 20 persons may organize
4 a savings bank under this Act.

5 (b) The Secretary ~~Commissioner~~ shall determine the minimum
6 required capital which shall be at least the minimum required
7 to obtain insurance of accounts as required by this Act and
8 shall include additional amounts as the Secretary ~~Commissioner~~
9 may find necessary, ~~based upon duly promulgated regulations.~~

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

11 (205 ILCS 205/3002) (from Ch. 17, par. 7303-2)

12 Sec. 3002. Contents of application for permit to organize.

13 The application for a permit to organize shall be on forms
14 required by the Secretary ~~Commissioner~~, shall include all
15 information as he deems necessary but must include at least the
16 following:

17 (1) The name, address, social security number, date of
18 birth, business address, home address, place of birth, and
19 occupation of each organizer.

20 (2) The name of the proposed savings bank.

21 (3) The address of the headquarters, main business
22 office, and branches, if known, of the proposed savings
23 bank. Information must include any real estate interests of
24 the organizers that may be involved with any of these
25 locations.

1 (4) The anticipated duration of the proposed savings
2 bank, which may be perpetual.

3 (5) An audited financial statement of any corporation
4 or partnership that is one of the organizers or that shall
5 be either a controlling interest in the proposed savings
6 bank, a lender to the proposed savings bank, or a lender
7 for purposes of acquiring an interest in the proposed
8 savings bank to any of the controlling interests. The
9 Secretary may ~~Commissioner shall~~ define by regulation the
10 terms "controlling interest" and "lender".

11 (6) The proposed articles of incorporation and bylaws.

12 (7) The number of shares of capital stock; the number
13 of shares and classes of preferred stock, if any; the par
14 value of each type of stock which may not be less than \$1;
15 the number of shares to be sold and the per share initial
16 offering price of each share.

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

18 (205 ILCS 205/4012) (from Ch. 17, par. 7304-12)

19 Sec. 4012. Procedure to dissent.

20 (a) If the action giving rise to the right to dissent is to
21 be approved at a meeting of shareholders, the notice of meeting
22 shall inform the shareholders of their right to dissent and the
23 procedure to dissent. Prior to the meeting, the savings bank
24 shall furnish to the shareholders material information with
25 respect to the transaction that will enable a shareholder to

1 objectively vote on the transaction and to determine whether or
2 not to exercise dissenters' rights. A shareholder may assert
3 dissenters' rights only if the shareholder delivers to the
4 savings bank, before the vote is taken, a written demand for
5 payment for his shares if the proposed action is consummated
6 and the shareholder does not vote in favor of the proposed
7 action.

8 (b) If the action giving rise to the right to dissent is
9 not to be approved at a meeting of shareholders, the notice to
10 shareholders describing the action taken shall inform the
11 shareholders of their right to dissent and the procedure to
12 dissent. Prior to, or concurrently with, the notice the savings
13 bank shall furnish to the shareholders material information
14 with respect to the transaction that will enable a shareholder
15 to objectively determine whether or not to exercise dissenters'
16 rights. A shareholder may assert dissenters' rights only if he
17 delivers to the savings bank within 30 days from the date of
18 mailing the notice a written demand for payment for his shares.

19 (c) The Secretary may ~~Commissioner shall~~ promulgate rules
20 to govern the procedure to be used by savings banks and
21 dissenters in arriving at a value and price for dissenters'
22 shares, as well as how distribution shall be made. In no case
23 shall the rules be more restrictive than the provisions
24 applicable to ordinary corporations under the Business
25 Corporation Act of 1983.

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

1 (205 ILCS 205/6007) (from Ch. 17, par. 7306-7)

2 Sec. 6007. Sale, assignment, and servicing of loans and
3 contracts.

4 (a) Any savings bank may sell any loan or a participating
5 interest in a loan at any time in the usual and regular course
6 of business. Loans sold may be sold with or without recourse
7 except as may otherwise be provided by regulations of the
8 Secretary ~~Commissioner~~. The Secretary ~~Commissioner~~ may, by
9 regulation, adopt limitations upon the sale of loans. The
10 provisions of this subsection (a) do not apply to the sale of
11 loans to agencies of the United States, the State of Illinois,
12 or other government sponsored agencies as may be approved by
13 the Secretary ~~Commissioner~~.

14 (b) A savings bank may contract to service a loan or a
15 participating interest in a loan, but a contract therefor shall
16 conform to any ~~the~~ pertinent regulations prescribed by the
17 Secretary ~~Commissioner~~ and shall require sufficient
18 compensation to reimburse the savings bank for all expenses
19 incurred under the contract.

20 (c) A savings bank may sell and assign, with or without
21 recourse, any master's certificate of sale, defaulted loan, or
22 defaulted real estate contract to any person eligible to
23 purchase it for an amount not less than the fair cash market
24 value thereof.

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

1 (205 ILCS 205/6009) (from Ch. 17, par. 7306-9)

2 Sec. 6009. Purchase of real estate for office and rental
3 purposes.

4 (a) A savings bank may acquire and hold real estate in fee
5 simple or leaseholds on which a building or buildings exist or
6 are to be erected suitable for the transaction of the savings
7 bank's business, and from portions of which not required for
8 the savings bank's own use, revenue may be derived; or may own
9 all or part of the capital stock, shares, or interest in any
10 corporation, limited liability company, association, or trust
11 engaged solely in holding all or part of that real estate.
12 However, the amount so invested under this Section and item (7)
13 of Section 6003 may not exceed a savings bank's total capital
14 unless the Secretary ~~Commissioner~~, upon a proper showing,
15 approves a larger amount consistent with the needs of the
16 savings bank's business and its immediate future expansion.

17 (b) Unless prior written approval of the Secretary
18 ~~Commissioner~~ is obtained, no savings bank may purchase, lease,
19 or otherwise acquire a site for an office building or interest
20 in real estate from any officer, director, employee, or
21 stockholder holding more than 10% of the aggregate capital
22 stock of the savings bank, or any firm, corporation, entity, or
23 family in which any officer, director, employee, or stockholder
24 holding more than 10% of the aggregate capital stock of a
25 savings bank has any direct or indirect interest.

1 (c) An acquisition prohibited by this Section includes the
2 purchase, lease, or acquisition of property in which any of the
3 persons described in this Section held any interest for a
4 period of 10 years preceding the purchase, lease, or
5 acquisition, but does not include the acquisition of an option
6 for a site or real estate where the option is assignable and
7 exercised by the savings bank in its own name and for its own
8 benefit.

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

10 (205 ILCS 205/8002) (from Ch. 17, par. 7308-2)

11 Sec. 8002. Procedure to amend articles.

12 (a) The procedure to effect an amendment of articles of
13 incorporation shall be as follows:

14 (1) The board of directors shall adopt a resolution
15 setting forth the proposed amendment and direct that it be
16 submitted to a vote at an annual or special meeting of the
17 members or stockholders.

18 (2) The proposed amendment shall be set forth in the
19 notice of meeting mailed as prescribed in Section 4003 of
20 this Act.

21 (3) The proposed amendment shall be adopted upon
22 receiving the affirmative vote of a majority of the votes
23 entitled to be cast, unless the articles of incorporation
24 set forth a requirement that amendments of the articles of
25 incorporation shall be adopted by an affirmative vote of

1 two-thirds of the total number of votes entitled to be
2 cast.

3 (b) A report of proceedings, including the notice given,
4 the time of mailing, the amendment adopted, the vote thereon,
5 and the total number of votes entitled to be cast, verified by
6 the president, vice president, or managing officer and attested
7 to by the Secretary, shall be filed with the Secretary
8 ~~Commissioner~~ within 5 business days after the vote.

9 (c) Each adopted amendment shall be subject to the same
10 inquiry as the corresponding provision in the original
11 articles. If the Secretary ~~Commissioner~~ approves an amendment
12 he shall issue to the savings bank a certificate setting forth
13 the amendment and his approval thereof. The amendment shall
14 become effective upon issuance of the certificate ~~when recorded~~
15 ~~in the same manner as the savings bank's articles of~~
16 ~~incorporation. The savings bank shall provide the Commissioner~~
17 ~~with a copy of the recorded amendment within 5 business days of~~
18 ~~the date of recording.~~

19 (d) An amendment of the articles of incorporation approved
20 by the board of directors, the Secretary, and members as part
21 of merger, sale of substantially all assets, change in control,
22 holding company reorganization, or mutual to stock form
23 conversion need not be approved under this Section.

24 (e) No amendment of articles of incorporation shall affect
25 any existing cause of action either in favor of or against the
26 savings bank or any pending action in which the savings bank

1 shall be a party or the existing rights of persons other than
2 members of the savings bank.

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

4 (205 ILCS 205/8002.1 new)

5 Sec. 8002.1. Procedure to amend articles of incorporation
6 for name change.

7 (a) Notwithstanding the requirements of Section 8002 of
8 this Act, a savings bank, after commencing business, may amend
9 its articles of incorporation solely for purposes of changing
10 the name of the savings bank, upon satisfactory completion of
11 the following requirements:

12 (1) Submission by the board of directors of a certified
13 resolution approving the proposed name change and
14 approving a plan for notifying all parties who may be
15 affected by the change, including, but not limited to
16 members, account holders, borrowers, creditors, and
17 parties to whom or with whom commitments of any type are
18 pending.

19 (2) The new name, as determined by the Secretary, meets
20 the requirements for names under this Act or rules
21 established by the Secretary.

22 On satisfactory completion of these requirements, the
23 Secretary shall issue an approved amendment to the articles of
24 incorporation as provided for in subsection (c) of Section 8002
25 of this Act.

1 (b) No amendment of the articles of incorporation to change
2 the name of a savings bank shall affect any existing cause of
3 action either in favor of or against the savings bank or any
4 pending action in which the savings bank shall be a party, nor
5 shall it affect the existing rights of persons other than
6 members of the savings bank. No action brought by or against
7 the savings bank under its former name shall be abated by
8 reason of the change.

9 (205 ILCS 205/8003) (from Ch. 17, par. 7308-3)

10 Sec. 8003. Effect upon existing articles and bylaws. Any
11 adopted or amended articles that contain provisions contrary to
12 the savings bank's bylaws shall serve to repeal the particular
13 bylaws without further action by the board. ~~No amendment to a~~
14 ~~savings bank's bylaws may take effect until the amendment is~~
15 ~~approved by the Commissioner.~~

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

17 (205 ILCS 205/8004) (from Ch. 17, par. 7308-4)

18 Sec. 8004. Merger; adoption of plan.

19 (a) Any depository institution may merge into a savings
20 bank operating under this Act, and a savings bank operating
21 under this Act may merge into a depository institution. The
22 board of directors of each merging depository institution, by
23 resolution adopted by a majority vote of all members of the
24 board, must approve the plan of merger.

1 (b) The plan of merger must include the following:

2 (1) The name of each of the merging depository
3 institutions, the name of the continuing savings bank or
4 resulting depository institution ~~or State or national~~
5 ~~bank~~, the location of the business office, and the location
6 of the branch offices.

7 (2) With respect to the resulting savings bank or
8 resulting depository institution ~~or State or national~~
9 ~~bank~~, the amount of capital, surplus, and reserve for
10 operating expenses; the classes and the number of shares of
11 stock and the par value of each share; the charter and
12 bylaws of the resulting depository institution or savings
13 bank ~~or resulting State or national bank~~; and a detailed
14 financial Statement showing the assets and liabilities
15 after the proposed merger.

16 (3) Provisions stating the method, terms, and
17 conditions of carrying the merger into effect, including
18 the manner of converting the shares of the merging
19 depository institutions into the cash, shares of stock, or
20 other securities or properties Stated in the merger
21 agreement to be received by the stockholders of each
22 merging depository institution.

23 (4) Provisions governing the manner of disposing of any
24 shares of stock of the resulting savings bank or resulting
25 depository institution ~~or State or national bank~~ that are
26 not taken by the dissenting stockholders of each merging

1 depository institution.

2 (5) Other provisions that appear necessary or
3 desirable or that the Secretary ~~Commissioner~~ may
4 reasonably require to enable him to discharge his duties
5 with respect to the merger.

6 (c) After approval by the board of directors of each
7 depository institution, the merger agreement shall be
8 submitted to the Secretary ~~Commissioner~~ for approval, together
9 with the certified copies of the authorizing resolutions of
10 each board of directors showing approval by a majority of the
11 entire board of each merging depository institution. After
12 receipt of the items specified herein, the Secretary
13 ~~Commissioner~~ may make or cause to be made an examination of the
14 affairs of each of the merging depository institutions and
15 their affiliates and subsidiaries, the expense of which is to
16 be paid by the merging depository institutions.

17 (d) The Secretary ~~Commissioner~~ may then approve or
18 disapprove the proposed merger agreement. The Secretary
19 ~~Commissioner~~ shall not approve a merger agreement unless he
20 finds that:

21 (1) The resulting savings bank meets the requirements
22 of this Act for the formation of a new savings bank at the
23 proposed main office of the resulting savings bank.

24 (2) The same conditions exist with respect to the
25 resulting savings bank that would be required under this
26 Act for the organization of a new savings bank.

1 (3) The merger agreement is fair to all persons
2 affected.

3 (4) The resulting savings bank will be operated in a
4 safe and sound manner.

5 (e) If the Secretary ~~Commissioner~~ disapproves of the
6 proposed merger, he shall State his objections in writing and
7 give the merging depository institutions a Stated period of
8 time in which to amend the plan of merger to address ~~obviate~~
9 the objections.

10 (Source: P.A. 87-1226; 88-425.)

11 (205 ILCS 205/8005) (from Ch. 17, par. 7308-5)

12 Sec. 8005. Merger; vote of approval. If approved by the
13 Secretary ~~Commissioner~~, the plan of merger shall be submitted
14 to the stockholders of the savings bank or depository
15 institution for approval. The Secretary ~~Commissioner~~ may
16 require that the plan of merger be submitted to members of a
17 mutual savings bank. Each meeting of the members or
18 stockholders of a savings bank operating under this Act shall
19 be called and held in accordance with Section 4002. The plan is
20 approved if it receives the affirmative vote of two-thirds or
21 more of the total votes entitled to be cast.

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

23 (205 ILCS 205/8006) (from Ch. 17, par. 7308-6)

24 Sec. 8006. Merger; Secretary's ~~Commissioner's~~ certificate.

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

19 (Source: P.A. 87-1226; 88-425.)

20 (205 ILCS 205/8007) (from Ch. 17, par. 7308-7)

21 Sec. 8007. Effect of merger. The continuing savings bank or
22 resulting depository institution ~~or State or national bank~~
23 shall be considered the same business and corporate entity as
24 each merging depository institution, with all the property,
25 rights, duties, and obligations of each merging depository

1 institution, except as otherwise provided by the articles of
2 incorporation of the continuing savings bank or resulting
3 depository institution ~~or State or national bank~~. All
4 liabilities of each of the merging institutions shall be
5 liabilities of the continuing savings bank or resulting
6 depository institution ~~or State or national bank~~; and all of
7 the rights, franchises, and interests of each of the merging
8 depository institutions in and to every kind of property, real,
9 personal, or mixed shall vest automatically in the continuing
10 savings bank or resulting depository institution ~~or State or~~
11 ~~national bank~~ without any deed or other transfer. Any reference
12 to a merging depository institution in any writing, whether
13 executed or effective before or after the merger, shall be
14 deemed a reference to the continuing savings bank or resulting
15 depository institution ~~or State or national bank~~ if not
16 inconsistent with the other provisions of the writing. No
17 pending action or other judicial proceeding to which any
18 merging depository institution is a party shall be abated or
19 dismissed by reason of the merger, but shall be prosecuted to
20 final judgment in the same manner as if the merger had not
21 occurred.

22 (Source: P.A. 87-1226; 88-425.)

23 (205 ILCS 205/8008) (from Ch. 17, par. 7308-8)

24 Sec. 8008. Merger; Secretary's ~~Commissioner's~~ expenses.
25 The expenses of any examination made by or at the direction of

1 the Secretary Commissioner in connection with a proposed merger
2 shall be paid for by the merging savings banks or depository
3 institutions.

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

5 (205 ILCS 205/8009) (from Ch. 17, par. 7308-9)

6 Sec. 8009. Sale of assets. Subject to regulations of the
7 Secretary Commissioner, a savings bank, in one transaction not
8 in the usual course of business, may sell all or substantially
9 all of its assets, with or without its name and goodwill, to
10 another savings bank or depository institution ~~to any other~~
11 ~~financial institution~~, in consideration of money, capital, or
12 obligations of the purchasing institution. A savings bank may
13 sell any office or facility and equipment in conformity with
14 the regulations of the Secretary Commissioner.

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

16 (205 ILCS 205/8010) (from Ch. 17, par. 7308-10)

17 Sec. 8010. Procedure to effect sale of all assets.

18 (a) The procedure to effect a sale authorized by Section
19 ~~Sections 8009 and 8014~~ of this Act shall be as follows:

20 (1) The board of directors shall adopt a resolution
21 setting forth the terms of the proposed sale and shall
22 submit the plan to the Secretary Commissioner for his
23 preliminary approval. Upon receipt of approval by the
24 Secretary Commissioner, the plan shall be submitted to a

1 vote of the members at a special or annual meeting.

2 (2) The terms shall be set forth in the notice of the
3 meeting as prescribed in subsection (b) of Section 4003 of
4 this Act.

5 (3) The proposed sale will be approved by the members
6 or stockholders upon receiving in the affirmative
7 two-thirds or more of the total number of votes that all
8 members or stockholders of the savings bank are entitled to
9 cast. A proposal for the voluntary liquidation of the
10 savings bank may be submitted to the members or
11 stockholders at the same meeting or at any later meeting
12 called for that purpose in accordance with Article 4 of
13 this Act. A report of proceedings, certified by the
14 president or vice president and attested by the secretary
15 of the savings bank, setting forth the terms of the
16 proposed sale, the notice given and the time of its
17 mailing, the vote on the proposal, and the total number of
18 votes that all members or stockholders of the savings bank
19 are entitled to cast, shall be filed with the Secretary
20 ~~Commissioner~~.

21 (b) If the Secretary ~~Commissioner~~ finds that the proposed
22 sale is fair to all holders of capital, creditors, and other
23 persons concerned and provision has been made for the
24 disposition of the remaining assets, if any, of the savings
25 bank, as provided in this Act for voluntary liquidation, he
26 shall issue to the savings bank a certificate of authorization

1 for the sale with a copy of the filed report of proceedings
2 attached to the certificate.

3 (c) When the Secretary's ~~Commissioner's~~ certificate is
4 issued ~~recorded in the same manner as the savings bank's~~
5 ~~articles of incorporation~~, the savings bank may complete the
6 sale so authorized; except that the savings bank must also have
7 the approval of the Federal Deposit Insurance Corporation.

8 (d) If the sale includes the name of the savings bank, the
9 purchaser shall have the exclusive right to that name for a
10 period of 5 years.

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

12 (205 ILCS 205/8013) (from Ch. 17, par. 7308-13)

13 Sec. 8013. Emergency merger. With the prior approval of the
14 Secretary ~~Commissioner~~, which approval shall state that the
15 proposed merger is in his opinion necessary for the protection
16 of the depositors and other creditors, any savings bank that is
17 an eligible depository institution, as defined in the Illinois
18 Banking Act, may, by a vote of a majority of its board of
19 directors and without a vote of its members or stockholders,
20 merge with another savings bank or depository institution, ~~a~~
21 ~~State or federal savings and loan association, or a bank, as~~
22 ~~defined in the Illinois Banking Act,~~ with the other savings
23 bank or depository institution, ~~State or federal savings and~~
24 ~~loan association, or bank~~ being the resulting or continuing
25 savings bank or depository institution, ~~savings and loan~~

1 ~~association, or bank.~~

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

3 (205 ILCS 205/8014) (from Ch. 17, par. 7308-14)

4 Sec. 8014. Emergency sale of assets.

5 (a) With the approval in writing of the Secretary
6 ~~Commissioner~~, which approval shall state that the proposed sale
7 is, in his opinion, necessary for the protection of the
8 depositors and other creditors, any savings bank that is an
9 eligible depository institution, as defined in Section 2 of the
10 Illinois Banking Act may, by a vote of a majority of its board
11 of directors and without a vote of its members or stockholders,
12 sell all or any part of its assets to another savings bank or
13 depository institution, ~~savings and loan association, bank, as~~
14 ~~defined in the Illinois Banking Act,~~ or to the Federal Deposit
15 Insurance Corporation, ~~or to both a State or federally~~
16 ~~chartered savings bank or savings and loan association or a~~
17 ~~bank and the Federal Deposit Insurance Corporation,~~ provided
18 that a savings bank or depository institution assumes, ~~State or~~
19 ~~federally chartered savings and loan association or bank~~
20 ~~assumes~~ in writing all of the liabilities of the selling
21 savings bank association ~~and that any sale to a bank shall be~~
22 ~~by an eligible depository institution, as defined in the~~
23 ~~Illinois Banking Act.~~

24 (b) Notwithstanding any other provisions of this Act, a
25 savings bank may sell to any savings bank or depository

1 ~~institution, savings and loan association, or bank, as defined~~
2 ~~in the Illinois Banking Act,~~ an insubstantial portion of its
3 total deposits ~~which shall have the same meaning as provided in~~
4 ~~Section 5(d)(2)(D) of the Federal Deposit Insurance Act.~~ The
5 sale of an insubstantial portion of a savings bank's deposits
6 may be by vote of a majority of the board of directors, and,
7 with approval of the Secretary ~~Commissioner~~, without a vote of
8 its members or stockholders.

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

10 (205 ILCS 205/8015) (from Ch. 17, par. 7308-15)

11 Sec. 8015. Change in control.

12 (a) No person, whether acting directly or indirectly or
13 through or in concert with one or more persons, may acquire
14 control of a savings bank operating under this Act without
15 prior approval of the Secretary ~~Commissioner~~.

16 (b) Any person seeking to acquire control of a savings bank
17 or subsidiary of a savings bank operating under this Act shall
18 submit an application in the form required by the Secretary
19 ~~Commissioner~~.

20 (c) The Secretary ~~Commissioner~~ may examine the books and
21 records of the applicant and related persons, investigate any
22 matter relevant to the application, and require the applicant
23 to submit additional information and documents.

24 (d) The Secretary ~~Commissioner~~ shall not approve an
25 acquisition of control unless the application and related

1 examination and investigation permit the Secretary
2 ~~Commissioner~~ to find positively on all of the following
3 matters:

4 (1) The applicant has filed a complete application, has
5 cooperated with all examinations and investigations of the
6 Secretary ~~Commissioner~~, and has submitted all information
7 and documents requested by the Secretary ~~Commissioner~~.

8 (2) The applicant and proposed management have the
9 necessary competence, experience, integrity, and financial
10 ability.

11 (3) The business plans of the applicant are consistent
12 with the safe and sound operation of the savings bank and
13 the purposes of this Act.

14 (4) The acquisition of control would not be inequitable
15 to members, borrowers or creditors of the savings bank.

16 (5) The applicant and proposed management have
17 complied with subsection (f) ~~(e)~~ of this Section.

18 (e) Shares of stock or mutual members shares acquired in
19 violation of subsection (a) of this Section shall not be voted
20 and shall not be counted in calculating the total number of
21 shares eligible to vote. In addition to any other action
22 authorized under this Act, the Secretary ~~Commissioner~~ may
23 require divestment of shares of stock acquired in violation of
24 this Section and may require retirement of the withdrawal value
25 of accounts providing mutual member voting shares acquired in
26 violation of this Section, in which case the savings bank shall

1 pay accrued interest on the retired withdrawal value and shall
2 not assess any penalty for early withdrawal.

3 (f) An individual, whether acting directly or indirectly or
4 through or in concert with one or more persons, shall file
5 written notice to the Secretary ~~Commissioner~~ within 10 days of
6 the occurrence of either of the following events:

7 (1) becoming, directly or indirectly, the beneficial
8 owner of more than five percent of the voting shares of a
9 savings bank or savings bank holding company; or

10 (2) obtaining, directly or indirectly, the power to
11 cast more than five percent of the member votes of a
12 savings bank or savings bank holding company.

13 The requirements of this subsection (f) are separate and in
14 addition to the requirements of subsection (a) of this Section.

15 (g) The Secretary ~~Commissioner~~ may promulgate rules to
16 implement this provision, including definitions, form and
17 content of application or notice, procedures, exemptions, and
18 requirements for approval.

19 (Source: P.A. 96-585, eff. 8-18-09.)

20 (205 ILCS 205/8016) (from Ch. 17, par. 7308-16)

21 Sec. 8016. Procedure for conversion from a savings bank
22 charter.

23 (a) Any savings bank operating under this Act may convert
24 to any other depository institution chartered under the laws
25 and regulations of this State or under the laws and regulations

1 of the United States in accordance with the following
2 requirements:

3 (1) The converting savings bank shall notify the
4 Secretary ~~Commissioner~~ of its intent to convert. Notice
5 should be submitted when the savings bank first submits a
6 request to convert to the appropriate State or federal
7 authorities, but in no case less than 30 days before the
8 conversion. Approval of the conversion by the Secretary
9 ~~Commissioner~~ shall not be required except when the savings
10 bank converts to a depository institution that is also
11 chartered by the Secretary ~~Commissioner~~ in which case the
12 savings bank shall comply with State law and regulations
13 applicable to the conversion to such depository
14 institution.

15 (2) The board of directors shall approve a plan of
16 conversion by resolution adopted by majority vote of all of
17 the directors.

18 (3) Upon notice prescribed by subsection (a) of Section
19 4003 of this Act, the plan of conversion shall be adopted
20 upon receiving in the affirmative two-thirds or more of the
21 total number of votes that all members of the savings bank
22 are entitled to cast. A report of proceedings, certified by
23 the president or a vice president and attested by the
24 secretary of the savings bank, shall be filed promptly with
25 the Secretary ~~Commissioner~~.

26 (4) The savings bank shall pay all accrued supervisory

1 fees and other fees and assessments under this Act as of
2 the date of conversion.

3 (5) Upon completion of the conversion, the charter of
4 the savings bank shall automatically terminate and the
5 savings bank charter or a true copy of the charter shall be
6 returned to the Secretary ~~Commissioner~~.

7 (b) (Blank). ~~If the Commissioner finds that any requirement~~
8 ~~of this Section would prevent under applicable law a depository~~
9 ~~institution that is not a savings bank from converting to a~~
10 ~~savings bank, the Commissioner may waive any requirement having~~
11 ~~that effect.~~

12 (Source: P.A. 91-97, eff. 7-9-99.)

13 (205 ILCS 205/8018 new)

14 Sec. 8018. Waiver of requirements. Notwithstanding any
15 provision of this Article, the requirements imposed by this
16 Article on a savings bank that seeks to convert to, merge into,
17 or sell substantially all of its assets to a depository
18 institution that is not a savings bank shall be no more
19 burdensome or restrictive than the requirements imposed by
20 federal or other state law on a depository institution that is
21 not a savings bank that seeks to convert to, merge into, or
22 sell substantially all of its assets to a savings bank. The
23 Secretary may waive any such requirement imposed by this
24 Article that is more burdensome or restrictive.

1 (205 ILCS 205/9002) (from Ch. 17, par. 7309-2)

2 Sec. 9002. Powers of Secretary. The Secretary shall have
3 the following powers and duties:

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

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

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

11 (4) To cause a suit to be filed in his name to enforce any
12 law of this State that applies to savings banks, their service
13 corporations, subsidiaries, affiliates, or holding companies
14 operating under this Act, including the enforcement of any
15 obligation of the officers, directors, agents, or employees of
16 any savings bank.

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

19 (6) To establish a reasonable fee structure for savings
20 banks and holding companies operating under this Act and for
21 their service corporations and subsidiaries. The fees shall
22 include, but not be limited to, annual fees, application fees,
23 regular and special examination fees, and other fees as the
24 Secretary establishes and demonstrates to be directly
25 resultant from the Secretary's responsibilities under this Act
26 and as are directly attributable to individual entities

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

1 under this Act by an electronic transfer of funds or an
2 automatic debit of an account of each of the savings banks.

3 (Source: P.A. 95-1047, eff. 4-6-09; 96-1365, eff. 7-28-10.)

4 (205 ILCS 205/9004) (from Ch. 17, par. 7309-4)

5 Sec. 9004. Examination.

6 (a) At least once every 18 months or more often if it is
7 deemed necessary or expedient, the Secretary ~~Commissioner~~
8 shall examine the books, records, operations, and affairs of
9 each savings bank operating under this Act. In the course of
10 the examination, the Secretary may ~~Commissioner shall~~ also
11 examine in the same manner all entities, companies, and
12 individuals which or whom the Secretary ~~Commissioner~~
13 determines may have a relationship with the savings bank or any
14 subsidiary or entity affiliated with it, if the relationship
15 may adversely affect the affairs, activities, and safety and
16 soundness of the savings bank, including: (i) companies
17 controlled by the savings bank; (ii) entities, including
18 companies controlled by the company, individual, or
19 individuals that control the savings bank; and (iii) the
20 company or other entity which controls or owns the savings
21 bank. ~~For purposes of this subsection, the Commissioner shall~~
22 ~~deem it necessary or expedient to conduct an examination more~~
23 ~~often than every 18 months if a required report from a savings~~
24 ~~bank indicates a material change in financial condition or a~~
25 ~~material violation of a law or regulation. In that event, the~~

1 ~~Commissioner shall initiate an examination within 30 days of~~
2 ~~receipt of that information. In the event that the condition is~~
3 ~~grounds for taking custody of the savings bank under Section~~
4 ~~10001 of this Act, the examination shall be initiated~~
5 ~~immediately.~~ Notwithstanding any other provision of this Act,
6 every savings bank, as defined by rule, or, if not defined, to
7 the same extent as would be permitted in the case of a State
8 bank, the Secretary, in lieu of the examination, may accept on
9 an alternating basis the examination made by the eligible
10 savings bank's appropriate federal banking agency pursuant to
11 Section 111 of the Federal Deposit Insurance Corporation
12 Improvement Act of 1991, provided the appropriate federal
13 banking agency has made an examination.

14 (b) The Secretary ~~Commissioner~~ shall examine to determine:

15 (1) Quality of financial condition, including safety
16 and soundness and investment and loan quality.

17 (2) Compliance with this Act and other applicable
18 statutes and regulations.

19 (3) Quality of management policies.

20 (4) Overall safety and soundness of the savings bank,
21 its parent, subsidiaries, and affiliates.

22 (5) Remedial actions required to correct and to restore
23 compliance with applicable statutes, regulations, and
24 proper business policies.

25 (c) The Secretary may ~~Commissioner shall~~ promulgate
26 regulations to implement and administer this Section.

1 (d) If a savings bank, its holding company, or any of its
2 corporate subsidiaries has not been audited at least once in
3 the 12 months prior to the Secretary's ~~Commissioner's~~
4 examination, the Secretary may ~~Commissioner shall~~ cause an
5 audit of the savings bank's books and records to be made by an
6 independent licensed public accountant ~~selected by the~~
7 ~~Commissioner from a list composed of certified public~~
8 ~~accountants who have experience in savings bank audits~~. The
9 cost of the audit shall be paid for by the entity being
10 audited.

11 (e) The Secretary ~~Commissioner~~ or ~~the~~ his or her
12 ~~Commissioner's~~ examiners or other formally designated agents
13 are authorized to administer oaths and to examine and to take
14 and preserve testimony under oath as to anything in the affairs
15 or ownership of any savings bank or institution or affiliate
16 thereof.

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

18 (205 ILCS 205/9008) (from Ch. 17, par. 7309-8)

19 Sec. 9008. Report of examination. Upon completion of each
20 examination, the Secretary may ~~Commissioner shall~~ make a report
21 of examination to the board of directors of the savings bank or
22 other entity examined. The report shall be read by each
23 director who shall then execute a signed statement ~~affidavit~~
24 ~~affirming~~ that he has read the report. The statement ~~affidavits~~
25 shall be filed and retained by the savings bank or appropriate

1 entity examined and shall be examined by the Secretary
2 ~~Commissioner~~ during regular examinations.

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

4 (205 ILCS 205/9011) (from Ch. 17, par. 7309-11)

5 Sec. 9011. Record keeping and retention of records by a
6 savings bank.

7 (a) Each savings bank is required to maintain appropriate
8 books and records, as required by the Secretary ~~Commissioner~~,
9 that are in accordance with generally accepted accounting
10 principles and the requirements of its insurer of accounts. All
11 books and records shall be current, complete, organized, and
12 accessible to the Secretary ~~Commissioner~~, the Secretary's
13 ~~Commissioner's~~ agents and examiners, and to the savings bank's
14 auditors and accountants.

15 (b) Each savings bank shall implement internal control and
16 security measures for its data processing activities. A
17 contract with a data processing service or for data processing
18 services must provide that records maintained shall at all
19 times be available for examination and audit by the Secretary
20 ~~Commissioner~~.

21 (c) The Secretary ~~Commissioner~~ may further regulate these
22 matters by the promulgation of rules concerning data
23 processing. As used herein, "data processing" means all
24 electronic or automated systems of communication and data
25 processing by computer.

1 (d) Unless a federal law requires otherwise, the Secretary
2 may ~~Commissioner shall~~ by regulation prescribe periods of time
3 for which savings banks operating under this Act must retain
4 records and after the expiration of which, the savings bank may
5 destroy those records. No liability shall accrue against the
6 savings bank, the Secretary ~~Commissioner~~, or this State for
7 destruction of records according to regulations of the
8 Secretary ~~Commissioner~~ promulgated under the authority of this
9 Section. In any cause or proceeding in which any records may be
10 called in question or be demanded by any savings bank, a
11 showing of the expiration of the period so prescribed shall be
12 sufficient excuse for failure to produce them.

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

14 (205 ILCS 205/9015) (from Ch. 17, par. 7309-15)

15 Sec. 9015. Unsafe and unsound practices; orders of
16 prohibition and removal.

17 (a) The violation of any of the following provisions of
18 this Act: Article 5, subsection (b) of Section 4009, Section
19 7006, Section 9005, and Section 9014 is deemed to be an unsafe
20 and unsound practice and creates an unsafe and unsound
21 condition in the savings bank. The savings bank or the
22 institution affiliated party responsible for the violation may
23 be subject to the assessment of civil money penalties and other
24 enforcement powers of the Secretary ~~Commissioner~~, as specified
25 in this Article, in Article 11, and by regulation of the

1 ~~Secretary Commissioner.~~

2 (b) Continued violation of any of those provisions after
3 the ~~Secretary Commissioner~~ issues formal notice to correct
4 shall subject the directors of the savings bank at fault to
5 immediate removal from the board and to a permanent order of
6 prohibition from direct or indirect participation in the
7 affairs of any financial institution subject to this Act, the
8 Illinois Savings and Loan Act of 1985, or the Residential
9 Mortgage License Act of 1987.

10 (c) The ~~Secretary may Commissioner shall~~ promulgate rules
11 and regulations to implement this Section.

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

13 (205 ILCS 205/9017) (from Ch. 17, par. 7309-17)

14 Sec. 9017. Procedure upon the impairment of capital.

15 (a) If the ~~Secretary Commissioner~~ finds from a report of
16 examination or other required report of a savings bank that the
17 capital is impaired, he ~~may shall~~, in his discretion institute
18 whichever of the following procedures is appropriate:

19 (1) Direct that the board of directors either (i)
20 require the shareholders to contribute an amount at least
21 sufficient to eliminate the impairment, or (ii) reduce the
22 par value of the capital stock in at least the amount of
23 the impairment and allocate the reduction to undivided
24 profits or reserves to absorb the loss that created the
25 impairment.

1 (2) Take custody of the savings bank under Article 10
2 of this Act, establish a conservatorship, and proceed to
3 merge, sell, or otherwise dispose of the savings bank in a
4 manner that will remove the capital impairment, remove
5 operating losses, and restore compliance with all capital
6 requirements.

7 (3) Declare the stock worthless and order the directors
8 to cancel the stock or order the directors to sell, merge,
9 or otherwise restructure the savings bank in a manner that
10 will remove the capital impairment, eliminate operating
11 losses, and restore compliance with all capital
12 requirements.

13 (b) The Secretary may ~~Commissioner shall~~ promulgate rules
14 to implement this procedure.

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

16 (205 ILCS 205/9018) (from Ch. 17, par. 7309-18)

17 Sec. 9018. Administrative review. Except as provided in
18 Article 10 and as otherwise specifically provided by this Act,
19 any person aggrieved by a decision of the Secretary
20 ~~Commissioner~~ under this Act may receive a hearing before the
21 Secretary under Sections 9018.1 through 9018.4 of this Act
22 ~~Board of Savings Institutions or otherwise seek administrative~~
23 ~~review of the decision pursuant to the procedures set forth in~~
24 ~~Sections 7-20 through 7-27 of the Illinois Savings and Loan Act~~
25 ~~of 1985.~~

1 (Source: P.A. 89-508, eff. 7-3-96.)

2 (205 ILCS 205/9018.1 new)

3 Sec. 9018.1. Hearing upon verified complaint. The
4 Secretary shall, upon receiving the verified complaint in
5 writing of any aggrieved person setting forth facts that, if
6 proved, would constitute grounds for reversal or change of any
7 decision, order, or action of the Secretary, except as provided
8 in Section 9018 of this Act, grant a hearing on the complaint.
9 If the aggrieved person desires such a hearing, he or she
10 shall, within 10 days after receipt of notice of such decision,
11 order, or action, file written notice with the Secretary of
12 intent to demand a hearing and shall, within 30 days after
13 receipt of notice of such decision, order, or action, file his
14 or her verified complaint in writing. The date of the hearing
15 may not be earlier than 15 days nor later than 30 days after
16 the date of receipt of verified complaint in writing. The
17 Secretary shall, at least 10 days prior to the date set for the
18 hearing, notify in writing the person aggrieved by such
19 decision, order, or action, referred to in this Section as the
20 respondent, and all other parties to the action, that a hearing
21 will be held on the date designated and shall afford the
22 respondent and all other parties to the action an opportunity
23 to be heard in person or by counsel in reference thereto.
24 Written notice may be served by delivery of the same personally
25 to the respondent and all other parties to the action or by

1 mailing the notice by registered or certified mail to the place
2 of business specified by the respondent and all other parties
3 to the action in the last notification to the Secretary. At the
4 time and place fixed in the notice, the Secretary or his or her
5 authorized agent, referred to in this Section as the hearing
6 officer, shall proceed to hear the charges and the respondent,
7 all other parties to the action, and the complainant shall be
8 accorded ample opportunity to present in person or by counsel
9 such statements, testimony, evidence, and argument as may be
10 pertinent to the issues. The hearing officer may continue such
11 hearing from time to time.

12 The hearing officer may subpoena any person in this State
13 and may take testimony either orally, by deposition, or by
14 exhibit, with the same fees and mileage and in the same manner
15 as prescribed by law in judicial proceedings in civil cases in
16 circuit courts of this State.

17 The hearing officer may administer oaths to witnesses at
18 any hearing that the hearing officer is authorized by law to
19 conduct.

20 After the hearing, the Secretary shall make a determination
21 approving, modifying, or disapproving the decision, order, or
22 action of the Secretary as his or her final administrative
23 decision.

24 (205 ILCS 205/9018.2 new)

25 Sec. 9018.2. Record of proceedings; expenses. The

1 Secretary, at his or her expense, unless otherwise provided in
2 this Act, shall provide a stenographer to take down the
3 testimony and preserve a record of all proceedings at the
4 hearing. The notice of hearing, complaint, and all other
5 documents in the nature of pleadings and written motions filed
6 in the proceedings, the transcript of testimony, the report of
7 the hearing officer, and orders of the Secretary shall be the
8 record of such proceedings. The Secretary shall furnish a
9 transcript of the record to any person interested in such
10 hearing upon payment of the actual cost thereof.

11 A copy of the hearing officer's report and the Secretary's
12 orders shall be served as notice of the hearing on the
13 respondent and all other parties to the action by the
14 Secretary, either personally or by registered or certified
15 mail, as provided in this Act. All expenses incurred by the
16 Secretary, including the compensation of the hearing officer,
17 shall be paid by the parties to the hearing and shall be
18 divided among them in equal shares.

19 (205 ILCS 205/9018.3 new)

20 Sec. 9018.3. Subpoena; deposition. All subpoenas issued
21 under the laws of this State pertaining to or concerning
22 savings banks may be served by any person who is not a minor.
23 The fees of witnesses for attendance and travel shall be the
24 same as fees of witnesses before the circuit courts of this
25 State. Witness fees are to be paid at the time the witness is

1 excused from further attendance, when the witness is subpoenaed
2 at the instance of the Secretary or any officer or any employee
3 designated by him or her for the purpose of conducting any
4 investigation, inquiry, or hearing. The disbursements made in
5 the payment of witness fees shall be audited and paid in the
6 same manner as are other expenses of the Secretary. Whenever a
7 subpoena is issued at the instance of a complainant,
8 respondent, or other party to any proceeding, the Secretary may
9 require that the cost of service thereof and the fee of the
10 same shall be borne by the party at whose instance the witness
11 is summoned, and the Secretary shall have power, in his or her
12 discretion, to require a deposit to cover the cost of such
13 service and witness fees and the payment of legal witness fees
14 and mileage to the witness when served with a subpoena. A
15 subpoena issued under this Section shall be served in the same
16 manner as a subpoena issued out of a court.

17 Any person served with a subpoena to appear and testify or
18 to produce books, papers, accounts, or documents, either in
19 person or by deposition, in the manner provided in this
20 Section, issued by the Secretary or by any officer or any
21 employee designated by him or her to conduct any such
22 investigation, inquiry, or hearing, in the course of an
23 investigation, inquiry, or hearing conducted under any of the
24 provisions of the laws of this State pertaining to savings
25 banks, and who refuses or neglects to appear or to testify, or
26 to produce books, papers, accounts, and documents relative to

1 such investigation, inquiry, or hearing as commanded in such
2 subpoena, shall be guilty of a petty offense.

3 Any circuit court of this State, on application of the
4 Secretary or an officer or an employee designated by the
5 Secretary for the purpose of conducting any investigation,
6 inquiry, or hearing, may, in his or her discretion, compel the
7 attendance of witnesses, the production of books, papers,
8 accounts, and documents, and the giving of testimony before the
9 Secretary or before any officer or any employee designated by
10 the Secretary for the purpose of conducting any such
11 investigation, inquiry, or hearing, in person or by deposition,
12 in the manner provided in this Section, by an attachment for
13 contempt or otherwise, in the same manner as production of
14 evidence may be compelled before a court.

15 The Secretary, any officer or employee designated by the
16 Secretary for the purpose of conducting any investigation,
17 inquiry, or hearing, or any party may, in any investigation,
18 inquiry, or hearing, cause the deposition of witnesses residing
19 within or outside of the State to be taken in the manner
20 prescribed by law for taking like depositions in civil cases in
21 courts of this State and, to that end, may compel the
22 attendance of witnesses and the production of papers, books,
23 accounts, and documents.

24 (205 ILCS 205/9018.4 new)

25 Sec. 9018.4. Review under Administrative Review Law.

1 Except as provided in Article 10, any person affected by a
2 final administrative decision of the Secretary may have the
3 decision reviewed only under and in accordance with the
4 Administrative Review Law.

5 The provisions of the Administrative Review Law, all
6 amendments and modifications to the Administrative Review Law,
7 and the rules adopted under the Administrative Review Law,
8 shall apply to and govern all proceedings for the judicial
9 review of final administrative decisions of the Secretary under
10 this Act. For the purposes of this Section, "administrative
11 decision" is defined as in Section 3-101 of the Code of Civil
12 Procedure.

13 Appeals from all final orders and judgments entered by a
14 court in review of any final administrative decision of the
15 Board under this Act may be taken as in other civil cases.

16 Section 25. The Corporate Fiduciary Act is amended by
17 changing the heading of Article IX and by changing Sections
18 4A-5, 5-9, and 6-13.5 as follows:

19 (205 ILCS 620/4A-5)

20 Sec. 4A-5. Foreign corporations establishing places of
21 business to conduct fiduciary activities in Illinois.

22 (a) A foreign corporation may establish or acquire and
23 maintain a place of business for the conduct of business as a
24 fiduciary in this State provided that a corporate fiduciary

1 that has its principal place of business in Illinois is
2 permitted to establish or acquire and maintain a similar place
3 of business that may engage in activities substantially similar
4 to those permitted to foreign corporations under this Act in
5 the state where the foreign corporation has its principal place
6 of business.

7 (b) A foreign corporation desiring to establish or acquire
8 and maintain a place of business to conduct business as a
9 fiduciary in Illinois under this Section shall provide, or
10 cause its home state regulator to provide, written notice of
11 the proposed transaction to the Commissioner on or after the
12 date on which the foreign corporation applies to its home state
13 regulator for approval to establish or acquire and maintain a
14 place of business in Illinois. The filing of the notice shall
15 be preceded or accompanied by a copy of the resolution adopted
16 by the board authorizing the additional place of business and
17 the filing fee required by the Commissioner. The Commissioner
18 may prescribe the form of the notice required under this
19 Section. In the Commissioner's discretion, the application or
20 notice submitted to the foreign corporation's home state
21 regulator may be sufficient notice under this Section.

22 (c) A foreign corporation desiring to establish or acquire
23 and maintain a place of business to conduct business as a
24 fiduciary shall (i) confirm in writing to the Commissioner that
25 for as long as it maintains a place of business in Illinois, it
26 will comply with the laws of this State and (ii) provide

1 satisfactory evidence to the Commissioner of compliance with
2 any applicable requirements of state foreign corporation
3 qualification laws and applicable requirements of its home
4 state regulator for acquiring or establishing and maintaining
5 the office.

6 (d) A foreign corporation submitting a notice to the
7 Commissioner in accordance with subsection (b) may commence
8 fiduciary business at the place of business listed in its
9 notice after the Commissioner approves the foreign corporation
10 to conduct a fiduciary business in Illinois ~~on the 61st day~~
11 ~~after the date the Commissioner receives the notice unless the~~
12 ~~Commissioner specifies an earlier or later date.~~ However, if
13 the foreign corporation is not a depository institution and the
14 Commissioner approves the foreign corporation to conduct a
15 fiduciary business in Illinois subject to specific conditions,
16 the foreign corporation shall not commence a fiduciary business
17 in Illinois until it has satisfied those conditions and
18 provided evidence satisfactory to the Commissioner that it has
19 done so. ~~The Commissioner may extend the 60 day review period~~
20 ~~if additional time or information is needed for approval of the~~
21 ~~notice.~~ The Commissioner may deny approval of the notice if he
22 finds that the foreign corporation lacks sufficient financial
23 resources to undertake the proposed expansion without
24 adversely affecting its safety or soundness or that the place
25 of business is contrary to the public interest.

26 (Source: P.A. 92-483, eff. 8-23-01.)

1 (205 ILCS 620/5-9) (from Ch. 17, par. 1555-9)

2 Sec. 5-9. Statement of condition.

3 (a) Each corporate fiduciary shall file with the
4 Commissioner, when requested, a statement under oath, of the
5 condition of such corporate fiduciary as of the date requested.
6 The statement of condition shall be in such form and contain
7 such statements, returns and information, as to the affairs,
8 business conditions, and resources of the corporate fiduciary
9 or of its trust department, as the case may be, as the said
10 Commissioner may, from time to time prescribe or require.

11 (b) Such statement of condition shall be verified by the
12 affidavit of the president, vice president or principal
13 accounting officer of said corporate fiduciary, who shall also
14 state in such affidavit that he has examined the books and
15 accounts of said corporate fiduciary or of its trust
16 department, as the case may be for the purpose of making said
17 report or statement, and that the information contained in the
18 statement or report is accurate to the best of his knowledge
19 and belief. If the statement is submitted in electronic form,
20 the Commissioner may, in the call for the report, specify the
21 manner in which the appropriate officer of the corporate
22 fiduciary shall verify the statement of condition.

23 (c) (Blank). ~~The corporate fiduciary shall cause a proper~~
24 ~~abstract of the statements of assets and liabilities reported~~
25 ~~under sub section (a) of this Section to be published once in a~~

1 ~~newspaper of general circulation, circulated in the city, town~~
2 ~~or village where the corporate fiduciary is located. Such~~
3 ~~publication shall be paid for by said corporate fiduciary which~~
4 ~~shall cause to be provided to the Commissioner a certificate of~~
5 ~~publication from the publishing newspaper in such form as the~~
6 ~~Commissioner shall require. When the corporate fiduciary is a~~
7 ~~State bank, qualified under this Act, the statements published~~
8 ~~in compliance with the Illinois Banking Act may be accepted by~~
9 ~~the Commissioner in compliance with the publication~~
10 ~~requirements of this Section although an annual statement of~~
11 ~~condition may still be required.~~

12 (d) Any corporate fiduciary which fails to file an accurate
13 statement of condition on or before the date it is due, ~~to~~
14 ~~publish the report if required to be published, or which fails~~
15 ~~to provide evidence of such publication~~ may be fined \$100 for
16 each day of noncompliance.

17 (e) Any corporate fiduciary which is the victim of a
18 robbery or experiences a shortage of funds in excess of
19 \$10,000, an apparent misapplication of the corporate
20 fiduciary's funds by an officer, employee, director, or agent,
21 a charge-off of assets of the corporate fiduciary, or any
22 adverse legal action in an amount in excess of 10% of total
23 capital and surplus of the corporate fiduciary, including but
24 not limited to, the entry of an adverse money judgment against
25 the corporate fiduciary shall report that information in
26 writing to the Commissioner within 7 days. Neither the

1 corporate fiduciary, its directors, officers, employees or
2 agents, in the preparation or filing of the reports required by
3 this subsection, shall be subject to any liability for libel,
4 slander or other charges resulting from information supplied in
5 such reports, except when the supplying of such information is
6 done in a corrupt or malicious manner or otherwise not in good
7 faith.

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

9 (205 ILCS 620/6-13.5)

10 Sec. 6-13.5. Pledging requirements.

11 (a) The Commissioner may require a trust company holding a
12 certificate of authority under this Act to pledge to the
13 Commissioner securities or a surety bond which shall run to the
14 Commissioner in an amount, not to exceed \$2,000,000 ~~\$1,000,000~~,
15 that the Commissioner deems appropriate for costs associated
16 with the receivership of the trust company. In the event of a
17 receivership of a trust company, the Commissioner may, without
18 regard to any priorities, preferences, or adverse claims,
19 reduce the pledged securities or the surety bond to cash and,
20 as soon as practicable, utilize the cash to cover costs
21 associated with the receivership.

22 (b) If the trust company chooses to pledge securities to
23 satisfy the provisions of this Section, the securities shall be
24 held at a depository institution or a Federal Reserve Bank
25 approved by the Commissioner. The Commissioner may specify the

1 types of securities that may be pledged in accordance with this
2 Section. Any fees associated with holding such securities shall
3 be the responsibility of the trust company.

4 (c) If the trust company chooses to purchase a surety bond
5 to satisfy the provisions of this Section, the bond shall be
6 issued by a bonding company, approved by the Commissioner, that
7 is authorized to do business in this State and that has a
8 rating in one of the 3 highest grades as determined by a
9 national rating service. The bond shall be in a form approved
10 by the Commissioner. The trust company may not obtain a surety
11 bond from any entity in which the trust company has a financial
12 interest.

13 (Source: P.A. 92-485, eff. 8-23-01.)

14 (205 ILCS 620/Art. IX heading)

15 ARTICLE IX. MISCELLANEOUS PROVISIONS₇

16 ~~FIDUCIARY ADVISORY COMMITTEE~~

17 (205 ILCS 105/7-11 rep.)

18 (205 ILCS 105/7-12 rep.)

19 (205 ILCS 105/7-13 rep.)

20 (205 ILCS 105/7-14 rep.)

21 (205 ILCS 105/7-16 rep.)

22 (205 ILCS 105/7-17 rep.)

23 (205 ILCS 105/7-18 rep.)

24 (205 ILCS 105/7-19 rep.)

1 Section 28. The Illinois Savings and Loan Act of 1985 is
2 amended by repealing Sections 7-11, 7-12, 7-13, 7-14, 7-16,
3 7-17, 7-18, and 7-19.

4 (205 ILCS 205/9010 rep.)

5 Section 30. The Savings Bank Act is amended by repealing
6 Section 9010.

7 (205 ILCS 616/70 rep.)

8 (205 ILCS 616/75 rep.)

9 Section 35. The Electronic Fund Transfer Act is amended by
10 repealing Sections 70 and 75.

11 (205 ILCS 620/1-5.04 rep.)

12 (205 ILCS 620/9-1 rep.)

13 (205 ILCS 620/9-2 rep.)

14 (205 ILCS 620/9-3 rep.)

15 (205 ILCS 620/9-4 rep.)

16 Section 40. The Corporate Fiduciary Act is amended by
17 repealing Sections 1-5.04, 9-1, 9-2, 9-3, and 9-4.