



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3543

by Rep. Adam Brown

SYNOPSIS AS INTRODUCED:

205 ILCS 5/48

205 ILCS 5/48.05

205 ILCS 5/78

from Ch. 17, par. 390

205 ILCS 205/9002.5

205 ILCS 205/10085

205 ILCS 205/12201

Amends the Illinois Banking Act. Provides that the Secretary of Financial and Professional Regulation may assess reasonable receivership fees against any State bank that does not maintain insurance with the Federal Deposit Insurance Corporation. Provides that members of the State Banking Board of Illinois cease to be eligible to serve on the Board once they no longer meet the requirements of their original appointment; however a member from a State Bank shall not be disqualified solely due to a change in the bank's asset size. Amends the Savings Bank Act. Provides that savings banks and service corporations shall pay specified fees in quarterly installments. Removes a provision concerning a fee that is levied as an adjustment to the supervisory fee. Provides that the Secretary may assess reasonable receivership fees against any savings bank operating under the Act that does not maintain insurance with the Federal Deposit Insurance Corporation. Provides that if the funds in the estate of the savings bank are insufficient to cover the expenses that arise from the administration of a receivership, the Secretary may pay such expenses from the Non-insured Institutions Receivership account. Provides that members of the Board of Savings Banks cease to be eligible to serve on the Board once they no longer meet the requirements of their original appointment.

LRB099 10088 MGM 30311 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

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

6 (205 ILCS 5/48)

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

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

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

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

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

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

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

1 State banks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (6) The Commissioner shall have the power:

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

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

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

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

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

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

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

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

7 (e) To conduct hearings.

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

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

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

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

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

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

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

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

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

14 (a) (Blank).

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

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

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

14 (12) (Blank).

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

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

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

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

14 (205 ILCS 5/48.05)

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

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

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

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

1 assets;

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

3 assets;

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

5 assets;

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

7 assets;

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

9 assets;

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

11 assets; and

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

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

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

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

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

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

18 known as the State Banking Board of Illinois which shall

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

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

21 individuals interested in the banking industry. Two members

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

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

24 be from State banks having total assets of more than

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

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

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

18 Section 10. The Savings Bank Act is amended by changing
19 Sections 9002.5 and 10085 and the heading of Article 12.2 and
20 Section 12201 as follows:

21 (205 ILCS 205/9002.5)

22 Sec. 9002.5. Regulatory fees.

23 (a) For the fiscal year beginning July 1, 2007 and every
24 year thereafter, each savings bank and each service corporation

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

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

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

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

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

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

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

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

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

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

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

1 the Secretary requires.

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

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

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

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

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

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

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

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

1 ~~assets;~~

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

3 ~~assets; and~~

4 ~~4.54¢ per \$1,000 of all total assets in excess of~~

5 ~~\$1,000,000,000 of such savings bank or service~~

6 ~~corporation.~~

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

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

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

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

16 (205 ILCS 205/10085)

17 Sec. 10085. Expenses and fees.

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

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

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

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

1 and control and shall have priority over all claims.

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

3 (205 ILCS 205/12201)

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

1 appointment. The Governor shall fill any vacancy by the
2 appointment of a member for the unexpired term in the same
3 manner as in the making of original appointments.

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