

1 SB135  
2 216606-2  
3 By Senator Givhan  
4 RFD: Governmental Affairs  
5 First Read: 01-FEB-22

1 SB135

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4 ENROLLED, An Act,

5 Relating to the Alabama Credit Union Administration;  
6 to amend Section 5-17-7 of the Code of Alabama 1975, to  
7 authorize the travel expenses of examiners traveling for the  
8 purposes of their official duties as employees of the Alabama  
9 Credit Union Administration to be set and paid by in  
10 accordance with policies adopted by the Administrator of the  
11 Alabama Credit Union Administration; and to exempt the  
12 examiners and the Alabama Credit Union Administration from the  
13 provisions of Sections 36-7-20 and 36-7-22, Code of Alabama  
14 1975.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 5-17-7 of the Code of Alabama  
17 1975, is amended to read as follows:

18 "§5-17-7.

19 "(a) All state chartered credit unions shall pay an  
20 annual operating fee and, if deemed necessary by the  
21 administrator, an assessment, the exact amount of which shall  
22 be fixed from time to time by the Administrator of the Alabama  
23 Credit Union Administration.

24 "(b) Except as hereinafter provided, the annual  
25 operating fee set by the administrator shall not exceed the

1 fee calculated by use of the following scale or the  
2 administrator may authorize payment of the schedule used by  
3 federal credit unions if the administrator determines it to be  
4 appropriate:

5 "(1) Credit unions having total assets of less than  
6 \$500,000.00 shall pay a fee not in excess of \$.12 for each  
7 \$100.00 of assets, subject to a minimum of \$200.00.

8 "(2) Credit unions with assets of \$500,000 but not  
9 in excess of \$1,000,000 shall pay a fee of \$600 plus \$.05 per  
10 \$100 of assets over \$500,000 but not in excess of \$1,000,000;  
11 credit unions with assets of \$1,000,000 but not in excess of  
12 \$5,000,000 shall pay a fee of \$850 plus \$.035 per \$100 of  
13 assets of \$1,000,000 but not in excess of \$5,000,000; credit  
14 unions with assets of \$5,000,000 but not in excess of  
15 \$10,000,000 shall pay a fee of \$2,250 plus \$.02 per \$100 of  
16 assets over \$5,000,000 but not in excess of \$10,000,000;  
17 credit unions with assets of \$10,000,000 but not in excess of  
18 \$20,000,000 shall pay a fee of \$3,250 plus \$.018 per \$100 on  
19 assets over \$10,000,000 but not in excess of \$20,000,000;  
20 credit unions with assets of \$20,000,000 but not in excess of  
21 \$50,000,000 shall pay a fee of \$5,050 plus \$.016 per \$100 on  
22 assets over \$20,000,000 but not in excess of \$50,000,000;  
23 credit unions with assets of \$50,000,000 but not in excess of  
24 \$100,000,000 shall pay a fee of \$9,850 plus \$.013 per \$100 on  
25 assets over \$50,000,000 but not in excess of \$100,000,000;

1 credit unions with assets of \$100,000,000 or more shall pay a  
2 fee of \$16,350 plus \$.011 per \$100 on all assets over  
3 \$100,000,000.

4 "(3) The annual operating fee for a corporate credit  
5 union shall be set by the administrator and shall not exceed  
6 the above scale.

7 "(c) Annually, the administrator may fix an annual  
8 operating assessment to ensure that the Alabama Credit Union  
9 Administration does not continue to operate in a deficit for  
10 any given year. The assessment shall be approved by the Credit  
11 Union Board of the Alabama Credit Union Administration. Any  
12 credit union failing to pay the assessment within 30 days of  
13 the notice of assessment may be charged a fine not to exceed  
14 fifty dollars (\$50) for each day that the assessment remains  
15 unpaid.

16 "(d) The annual operating fee shall be paid on or  
17 before the last day of January of each year, based upon the  
18 assets of the credit union as of the end of the previous year.  
19 Any credit union failing to pay the operating fee may be  
20 charged a fine not to exceed fifty dollars (\$50) for each day  
21 that the fee remains unpaid.

22 "(e) Whenever application is made to the  
23 Administrator of the Alabama Credit Union Administration for  
24 permission to organize a credit union, the applicant shall at  
25 the time of filing the certificate of organization with the

1 Administrator of the Alabama Credit Union Administration pay a  
2 fee not to exceed one thousand dollars (\$1,000) for the  
3 purpose of paying the costs incidental to the determination by  
4 the Administrator of the Alabama Credit Union Administration  
5 whether such certificate of organization shall be approved.  
6 The Administrator of the Alabama Credit Union Administration  
7 shall from time to time fix the exact charge to be made, but  
8 in no event shall the charge exceed one thousand dollars  
9 (\$1,000). The provisions of this subsection shall not apply to  
10 any existing credit union seeking charter conversion.

11 "(f) All fees collected under this section shall be  
12 paid into the special fund set up by the State Treasurer. This  
13 special fund shall be used to pay the salaries of the  
14 officials and employees and the expenses of the Alabama Credit  
15 Union Administration including the purchase of equipment,  
16 vehicles, and supplies necessary for the examination and  
17 supervision of credit unions and may be spent by the  
18 Administrator of the Alabama Credit Union Administration for  
19 the uses and purposes specified herein. The travel expenses of  
20 examiners of the Alabama Credit Union Administration shall be  
21 set and paid in accordance with internal policies of the  
22 Alabama Credit Union Administration adopted by the  
23 Administrator of the Alabama Credit Union Administration and  
24 the Alabama Credit Union Administration and the examiners  
25 shall be exempt from the provisions of Sections 36-7-20 and

1 36-7-22. No taxes, fees, assessments, penalties, or other  
2 revenues collected by the Alabama Credit Union Administration  
3 shall be used for any purpose other than the expenses of  
4 operating the Alabama Credit Union Administration.

5 "(g) All the jurisdiction, authority, powers, and  
6 duties now conferred upon and imposed by law upon the  
7 Superintendent of Banks and the Supervisor of the Credit Union  
8 Bureau in relation to the management, control, regulation, and  
9 general supervision of credit unions are hereby transferred  
10 to, conferred upon, and imposed upon the Alabama Credit Union  
11 Administration and administrator.

12 "(h) All assets primarily used by the Bureau of  
13 Credit Unions, including books, records, documents, furniture,  
14 equipment, and supplies are hereby transferred to the Alabama  
15 Credit Union Administration. All funds in the special fund  
16 previously maintained by the State Treasurer for the Bureau of  
17 Credit Unions are hereby transferred to the Alabama Credit  
18 Union Administration. All taxes, fees, assessments, penalties,  
19 or other revenues owed to or collected by the Bureau of Credit  
20 Unions are hereby transferred to the Alabama Credit Union  
21 Administration. Any employee presently employed by the  
22 Superintendent of Banks who is presently primarily involved  
23 with the Bureau of Credit Unions shall be employed by the  
24 Alabama Credit Union Administration."

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB135

Senate 10-FEB-22

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 02-MAR-22

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By: Senator Givhan