

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

SYNOPSIS: This bill would provide that the travel expenses of examiners of the Alabama Credit Union Administration would be set and paid in accordance with policies adopted by the Administrator of the Alabama Credit Union Administration and the provisions of Sections 36-7-20 and 36-7-22 of the Code of Alabama, would not apply.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Credit Union Administration; to amend Section 5-17-7 of the Code of Alabama 1975, to authorize the travel expenses of examiners traveling for the purposes of their official duties as employees of the Alabama Credit Union Administration to be set and paid by in accordance with policies adopted by the Administrator of the Alabama Credit Union Administration; and to exempt the examiners and the Alabama Credit Union Administration from the

1 provisions of Sections 36-7-20 and 36-7-22, Code of Alabama
2 1975.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§5-17-7.

7 "(a) All state chartered credit unions shall pay an
8 annual operating fee and, if deemed necessary by the
9 administrator, an assessment, the exact amount of which shall
10 be fixed from time to time by the Administrator of the Alabama
11 Credit Union Administration.

12 "(b) Except as hereinafter provided, the annual
13 operating fee set by the administrator shall not exceed the
14 fee calculated by use of the following scale or the
15 administrator may authorize payment of the schedule used by
16 federal credit unions if the administrator determines it to be
17 appropriate:

18 "(1) Credit unions having total assets of less than
19 \$500,000.00 shall pay a fee not in excess of \$.12 for each
20 \$100.00 of assets, subject to a minimum of \$200.00.

21 "(2) Credit unions with assets of \$500,000 but not
22 in excess of \$1,000,000 shall pay a fee of \$600 plus \$.05 per
23 \$100 of assets over \$500,000 but not in excess of \$1,000,000;
24 credit unions with assets of \$1,000,000 but not in excess of
25 \$5,000,000 shall pay a fee of \$850 plus \$.035 per \$100 of
26 assets of \$1,000,000 but not in excess of \$5,000,000; credit
27 unions with assets of \$5,000,000 but not in excess of

1 \$10,000,000 shall pay a fee of \$2,250 plus \$.02 per \$100 of
2 assets over \$5,000,000 but not in excess of \$10,000,000;
3 credit unions with assets of \$10,000,000 but not in excess of
4 \$20,000,000 shall pay a fee of \$3,250 plus \$.018 per \$100 on
5 assets over \$10,000,000 but not in excess of \$20,000,000;
6 credit unions with assets of \$20,000,000 but not in excess of
7 \$50,000,000 shall pay a fee of \$5,050 plus \$.016 per \$100 on
8 assets over \$20,000,000 but not in excess of \$50,000,000;
9 credit unions with assets of \$50,000,000 but not in excess of
10 \$100,000,000 shall pay a fee of \$9,850 plus \$.013 per \$100 on
11 assets over \$50,000,000 but not in excess of \$100,000,000;
12 credit unions with assets of \$100,000,000 or more shall pay a
13 fee of \$16,350 plus \$.011 per \$100 on all assets over
14 \$100,000,000.

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

18 "(c) Annually, the administrator may fix an annual
19 operating assessment to ensure that the Alabama Credit Union
20 Administration does not continue to operate in a deficit for
21 any given year. The assessment shall be approved by the Credit
22 Union Board of the Alabama Credit Union Administration. Any
23 credit union failing to pay the assessment within 30 days of
24 the notice of assessment may be charged a fine not to exceed
25 fifty dollars (\$50) for each day that the assessment remains
26 unpaid.

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

7 "(e) Whenever application is made to the
8 Administrator of the Alabama Credit Union Administration for
9 permission to organize a credit union, the applicant shall at
10 the time of filing the certificate of organization with the
11 Administrator of the Alabama Credit Union Administration pay a
12 fee not to exceed one thousand dollars (\$1,000) for the
13 purpose of paying the costs incidental to the determination by
14 the Administrator of the Alabama Credit Union Administration
15 whether such certificate of organization shall be approved.
16 The Administrator of the Alabama Credit Union Administration
17 shall from time to time fix the exact charge to be made, but
18 in no event shall the charge exceed one thousand dollars
19 (\$1,000). The provisions of this subsection shall not apply to
20 any existing credit union seeking charter conversion.

21 "(f) All fees collected under this section shall be
22 paid into the special fund set up by the State Treasurer. This
23 special fund shall be used to pay the salaries of the
24 officials and employees and the expenses of the Alabama Credit
25 Union Administration including the purchase of equipment,
26 vehicles, and supplies necessary for the examination and
27 supervision of credit unions and may be spent by the

1 Administrator of the Alabama Credit Union Administration for
2 the uses and purposes specified herein. The travel expenses of
3 examiners of the Alabama Credit Union Administration shall be
4 set and paid in accordance with internal policies of the
5 Alabama Credit Union Administration adopted by the
6 Administrator of the Alabama Credit Union Administration and
7 the Alabama Credit Union Administration and the examiners
8 shall be exempt from the provisions of Sections 36-7-20 and
9 36-7-22. No taxes, fees, assessments, penalties, or other
10 revenues collected by the Alabama Credit Union Administration
11 shall be used for any purpose other than the expenses of
12 operating the Alabama Credit Union Administration.

13 "(g) All the jurisdiction, authority, powers, and
14 duties now conferred upon and imposed by law upon the
15 Superintendent of Banks and the Supervisor of the Credit Union
16 Bureau in relation to the management, control, regulation, and
17 general supervision of credit unions are hereby transferred
18 to, conferred upon, and imposed upon the Alabama Credit Union
19 Administration and administrator.

20 "(h) All assets primarily used by the Bureau of
21 Credit Unions, including books, records, documents, furniture,
22 equipment, and supplies are hereby transferred to the Alabama
23 Credit Union Administration. All funds in the special fund
24 previously maintained by the State Treasurer for the Bureau of
25 Credit Unions are hereby transferred to the Alabama Credit
26 Union Administration. All taxes, fees, assessments, penalties,
27 or other revenues owed to or collected by the Bureau of Credit

1 Unions are hereby transferred to the Alabama Credit Union
2 Administration. Any employee presently employed by the
3 Superintendent of Banks who is presently primarily involved
4 with the Bureau of Credit Unions shall be employed by the
5 Alabama Credit Union Administration."

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