

Act No. 246  
Public Acts of 1993  
Approved by the Governor  
November 19, 1993  
Filed with the Secretary of State  
November 22, 1993

**STATE OF MICHIGAN**  
**87TH LEGISLATURE**  
**REGULAR SESSION OF 1993**

Introduced by Senator Dillingham

# **ENROLLED SENATE BILL No. 853**

AN ACT to amend section 6 of Act No. 285 of the Public Acts of 1925, entitled as amended "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," as amended by Act No. 246 of the Public Acts of 1992, being section 490.6 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 6 of Act No. 285 of the Public Acts of 1925, as amended by Act No. 246 of the Public Acts of 1992, being section 490.6 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 6. (1) Credit unions shall be under the supervision of the commissioner. Each credit union shall report its financial condition at least annually before January 31 for its previous calendar year and more often if requested by the commissioner on forms supplied by the commissioner. Additional reports may be required. Credit unions shall be examined at least annually by the commissioner except that the commissioner may accept the audit of a certified public accountant in place of an examination. Each credit union shall pay an operating fee and other fees as provided in this section.

(2) The commissioner shall charge annually an operating fee to each credit union. The operating fee shall be sufficient to defray the estimated expenses to be incurred by the financial institutions bureau in performing all credit union examinations and the supervision of credit unions. Each credit union shall be invoiced by the commissioner for the operating fee before July 1 of each year and shall pay the operating fee indicated on the invoice before July 16 of each year. The operating fee shall be computed on the total assets of the credit union as of December 31 of the previous year as shown on the statement of condition of the credit union filed with the financial institutions bureau pursuant to subsection (1). The operating fee shall be the greater of \$250.00 or a fee computed by adding all of the following:

- (a) A base fee as determined by the commissioner of not less than \$1.75 or more than \$3.50 per \$1,000.00 of assets up to \$500,000.00.
- (b) A fee of 40% of the base fee per \$1,000.00 of assets greater than \$500,000.00 up to \$1,000,000.00.
- (c) A fee of 30% of the base fee per \$1,000.00 of assets greater than \$1,000,000.00 up to \$5,000,000.00.
- (d) A fee of 20% of the base fee per \$1,000.00 of assets greater than \$5,000,000.00 up to \$10,000,000.00.
- (e) A fee of 10% of the base fee per \$1,000.00 for all assets greater than \$10,000,000.00.

(3) The commissioner shall not require a credit union to pay an operating fee more often than annually. A corporate central credit union shall pay an operating fee in the same manner as other credit unions but the fee shall not exceed \$50,000.00 annually. If the commissioner fails to transmit an examination report to a credit union during the preceding calendar year, the credit union shall receive an operating fee credit of not less than 30% or more than 70% against its next annual operating fee. The credit percentage shall be determined annually by the commissioner and applied equally to all credit unions receiving a credit.

(4) All funds received by the commissioner from the federal government for the purpose of reimbursing the financial institutions bureau for the costs of credit union examinations and supervision services shall be paid into the state treasury to the credit of the financial institutions bureau. The funds received under this subsection shall be used only for costs relating to the examination and supervision of state chartered credit unions.

(5) For failure to file reports when due, unless excused for cause by the commissioner, the credit union shall pay \$25.00 for each day of its delinquency. If the report is not filed within 15 days, the commissioner may revoke the credit union's certificate of approval and take possession of the business and property of the credit union and maintain possession until the commissioner permits it to continue business or its affairs are finally liquidated.

(6) If the commissioner determines that the credit union is insolvent or is in an unsound or unsafe condition, the commissioner may serve notice on the credit union of his or her intention to revoke the certificate of approval. If for a period of 15 days after the notice the violation or unsound or unsafe condition continues, the commissioner may revoke the certificate and take possession of the business and property of the credit union and maintain possession until the commissioner permits it to continue business or its affairs are finally liquidated pursuant to section 20(2).

(7) Amendments to the bylaws or certificate of organization of a credit union properly adopted shall be filed with the commissioner with the payment of a fee of \$10.00 for each amendment, but not in excess of \$30.00 for any 1 filing.

(8) Except as provided in subsection (4), all fees required by this act shall be paid into the state treasury to the credit of the financial institutions bureau and the money in this account shall be used only for the operation of the financial institutions bureau.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Co-Clerk of the House of Representatives.

Approved -----

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Governor.

