



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2229

Introduced 2/10/2023, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

205 ILCS 305/12

from Ch. 17, par. 4413

Amends the Illinois Credit Union Act. Provides that the regulatory fee schedule shall not be increased if the amount remaining in the Credit Union Fund at the end of any fiscal year is greater than 25% of that fiscal year's total initial appropriations, or the most recent fiscal year for which there is an initial appropriations, relating to the administration and enforcement of the provisions and other related laws, rules, and regulations (rather than the total actual and operational expenses incurred by the State in administering and enforcing the provisions and other laws, rules, and regulations as may apply to the administration and enforcement of laws, rules, and regulations for the preceding fiscal year). Provides that when the balance in the Credit Union Fund at the end of a fiscal year exceeds 25% of that fiscal year's total initial appropriations relating to the administration and enforcement of the provisions and other related laws, rules, and regulations (rather than the total administrative and operational expenses incurred by the State in administering and enforcing the provisions), the excess shall be credited to credit unions and applied against their regulatory fees for the subsequent fiscal year. Provides that the amount credited to each credit union shall be in the same proportion as the regulatory fee paid by that credit union for the fiscal year in which the excess is produced bears to the aggregate amount of all regulatory fees (rather than fees) collected by the Department of Financial and Professional Regulation under the provisions for the same fiscal year. Removes a regulatory fee cap of \$141,875. Makes other changes.

LRB103 27827 BMS 54205 b

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 Credit Union Act is amended by
5 changing Section 12 as follows:

6 (205 ILCS 305/12) (from Ch. 17, par. 4413)
7 Sec. 12. Regulatory fees.

8 (1) ~~A For the fiscal year beginning July 1, 2007,~~ a credit
9 union regulated by the Department shall pay a regulatory fee
10 to the Department based upon its total assets as shown by its
11 Year-end Call Report at the following rates or at a lesser rate
12 established by the Secretary in a manner proportionately
13 consistent with the following rates and sufficient to fund the
14 actual administrative and operational expenses of the
15 Department's Credit Union Section pursuant to subsection (4)
16 of this Section:

TOTAL ASSETS	REGULATORY FEE
\$25,000 or less	\$100
Over \$25,000 and not over	
\$100,000	\$100 plus \$4 per
	\$1,000 of assets in excess of
	\$25,000
Over \$100,000 and not over	

1 \$200,000 \$400 plus \$3 per
2 \$1,000 of assets in excess of
3 \$100,000
4 Over \$200,000 and not over
5 \$500,000 \$700 plus \$2 per
6 \$1,000 of assets in excess of
7 \$200,000
8 Over \$500,000 and not over
9 \$1,000,000 \$1,300 plus \$1.40
10 per \$1,000 of assets in excess
11 of \$500,000
12 Over \$1,000,000 and not
13 over \$5,000,000 \$2,000 plus \$0.50
14 per \$1,000 of assets in
15 excess of \$1,000,000
16 Over \$5,000,000 and not
17 over \$30,000,000 \$4,540 plus \$0.397
18 per \$1,000 of assets
19 in excess of \$5,000,000
20 Over \$30,000,000 and not over
21 \$100,000,000 \$14,471 plus \$0.34
22 per \$1,000 of assets
23 in excess of \$30,000,000
24 Over \$100,000,000 and not
25 over \$500,000,000 \$38,306 plus \$0.17
26 per \$1,000 of assets

1 in excess of \$100,000,000
 2 Over \$500,000,000.....\$106,406 plus \$0.056
 3 per \$1,000 of assets
 4 in excess of \$500,000,000

5 (2) The Secretary shall review the regulatory fee schedule
 6 in subsection (1) and the projected earnings on those fees on
 7 an annual basis and adjust the fee schedule no more than 5%
 8 annually if necessary to defray the estimated administrative
 9 and operational expenses of the Credit Union Section of the
 10 Department as defined in subsection (5). However, the fee
 11 schedule shall not be increased if the amount remaining in the
 12 Credit Union Fund at the end of any fiscal year is greater than
 13 25% of that fiscal year's total initial appropriations, or the
 14 most recent fiscal year for which there is an initial
 15 appropriations, relating to the administration and enforcement
 16 of this Act and other related ~~the total actual and operational~~
 17 ~~expenses incurred by the State in administering and enforcing~~
 18 ~~the Illinois Credit Union Act and other laws, rules, and~~
 19 ~~regulations as may apply to the administration and enforcement~~
 20 ~~of the foregoing laws, rules, and regulations as amended from~~
 21 time to time ~~for the preceding fiscal year~~. The regulatory fee
 22 for the next fiscal year shall be calculated by the Secretary
 23 based on the credit union's total assets as of December 31 of
 24 the preceding calendar year. The Secretary shall provide
 25 credit unions with written notice of any adjustment made in
 26 the regulatory fee schedule.

1 (3) A credit union shall pay to the Department a
2 regulatory fee in quarterly installments equal to one-fourth
3 of the regulatory fee due in accordance with the regulatory
4 fee schedule in subsection (1), on the basis of assets as of
5 the Year-end Call Report of the preceding calendar year. The
6 total annual regulatory fee shall not be less than \$100 ~~or more~~
7 ~~than \$141,875, provided that the regulatory fee cap of~~
8 ~~\$141,875 shall be adjusted to incorporate the same percentage~~
9 ~~increase as the Secretary makes in the regulatory fee schedule~~
10 ~~from time to time under subsection (2)~~. No regulatory fee
11 shall be collected from a credit union until it has been in
12 operation for one year. The regulatory fee shall be billed to
13 credit unions on a quarterly basis and it shall be payable by
14 credit unions on the due date for the Call Report for the
15 subject quarter.

16 (4) The aggregate of all fees collected by the Department
17 under this Act shall be paid promptly after they are received,
18 accompanied by a detailed statement thereof, into the State
19 Treasury and shall be set apart in the Credit Union Fund, a
20 special fund hereby created in the State treasury. The amounts
21 ~~amount from time to time~~ deposited in the Credit Union Fund ~~and~~
22 shall be used to offset the ordinary administrative and
23 operational expenses of the Credit Union Section of the
24 Department under this Act and other related laws, rules, and
25 regulations. All earnings received from investments of funds
26 in the Credit Union Fund shall be deposited into the Credit

1 Union Fund and may be used for the same purposes as fees
2 deposited into that fund. Moneys deposited in the Credit Union
3 Fund may be transferred to the Professions Indirect Cost Fund,
4 as authorized under Section 2105-300 of the Department of
5 Professional Regulation Law of the Civil Administrative Code
6 of Illinois.

7 ~~Notwithstanding provisions in the State Finance Act, as~~
8 ~~now or hereafter amended, or any other law to the contrary, the~~
9 ~~Governor may, during any fiscal year through January 10, 2011,~~
10 ~~from time to time direct the State Treasurer and Comptroller~~
11 ~~to transfer a specified sum not exceeding 10% of the revenues~~
12 ~~to be deposited into the Credit Union Fund during that fiscal~~
13 ~~year from that Fund to the General Revenue Fund in order to~~
14 ~~help defray the State's operating costs for the fiscal year.~~

15 Notwithstanding provisions in the State Finance Act, as now or
16 hereafter amended, or any other law to the contrary, the total
17 sum transferred from the Credit Union Fund to the General
18 Revenue Fund pursuant to this provision shall not exceed
19 during any fiscal year 10% of the revenues to be deposited into
20 the Credit Union Fund during that fiscal year. The State
21 Treasurer and Comptroller shall transfer the amounts
22 designated under this Section as soon as may be practicable
23 after receiving the direction to transfer from the Governor.

24 (5) The administrative and operational expenses for any
25 fiscal year shall mean the ordinary and contingent expenses
26 for that year incidental to making the examinations provided

1 for by, and for administering, this Act and other related
2 laws, rules, and regulations, including all salaries and other
3 compensation paid for personal services rendered for the State
4 by officers or employees of the State to enforce this Act; all
5 expenditures for telephone and telegraph charges, postage and
6 postal charges, office supplies and services, furniture and
7 equipment, office space and maintenance thereof, travel
8 expenses, and other necessary expenses; all to the extent that
9 such expenditures are directly incidental to such examination
10 or administration.

11 (6) When the balance in the Credit Union Fund at the end of
12 a fiscal year exceeds 25% of that fiscal year's total initial
13 appropriations relating to the administration and enforcement
14 of this Act ~~the total administrative and operational expenses~~
15 ~~incurred by the State in administering and enforcing the~~
16 ~~Illinois Credit Union Act~~ and other related laws, rules, and
17 regulations ~~as may apply to the administration and enforcement~~
18 ~~of the foregoing laws, rules, and regulations as amended from~~
19 ~~time to time for that fiscal year~~, such excess shall be
20 credited to credit unions and applied against their regulatory
21 fees for the subsequent fiscal year. The amount credited to
22 each credit union shall be in the same proportion as the
23 regulatory fee paid by such credit union for the fiscal year in
24 which the excess is produced bears to the aggregate amount of
25 all regulatory fees collected by the Department under this Act
26 for the same fiscal year.

1 (7) (Blank).

2 (8) Nothing in this Act shall prohibit the General
3 Assembly from appropriating funds to the Department from the
4 General Revenue Fund for the purpose of administering this
5 Act.

6 (9) For purposes of this Section, "fiscal year" means a
7 period beginning on July 1 of any calendar year and ending on
8 June 30 of the next calendar year.

9 (Source: P.A. 100-201, eff. 8-18-17.)