

By: Lambert

H.B. No. 3804

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of state banks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.002(a)(15), Finance Code, is amended to read as follows:

(15) "Deposit" means the establishment of a debtor-creditor relationship represented by the agreement of the deposit debtor to act as a holding, paying, or disbursing agent for the deposit creditor. The term:

(A) includes:

(i) an unpaid balance of money that is received by the deposit debtor in the usual course of business in exchange for conditional or unconditional credit to a commercial, checking, savings, or time account of the deposit creditor or the creditor's designee, or that is evidenced by a certificate of deposit or similar instrument, a certified check or draft drawn against a deposit account, or a letter of credit or traveler's check on which the deposit debtor is primarily liable, but excluding an obligation arising under Chapter 152 ~~[151]~~;

(ii) money or credit given for money received by the deposit debtor in the usual course of business for a special purpose, including money:

(a) held as escrow money, as security for an obligation due to the deposit debtor or another person, or as

1 security for a loan;

2 (b) left with a deposit debtor by a
3 deposit creditor to meet maturing obligations that are not yet due;
4 and

5 (c) held by the deposit debtor to meet
6 an acceptance or letter of credit;

7 (iii) an outstanding draft, cashier's
8 check, money order, or other officer's check issued by the deposit
9 debtor in the usual course of business for any purpose, including
10 payment for services, dividends, or purchases; and

11 (iv) an obligation that the finance
12 commission by rule defines as a deposit liability, except that the
13 term may not include money received for immediate application to
14 reduction of an indebtedness; and

15 (B) does not include an obligation that this
16 subtitle or finance commission rule determines not to be a deposit
17 liability.

18 SECTION 2. Section 33.005, Finance Code, is amended to read
19 as follows:

20 Sec. 33.005. EXEMPTIONS. The following acquisitions are
21 exempt from Section 33.001:

22 (1) an acquisition of securities in connection with
23 the exercise of a security interest or otherwise in full or partial
24 satisfaction of a debt previously contracted for in good faith and
25 the acquiring person files written notice of acquisition with the
26 banking commissioner before the person votes the securities
27 acquired;

(2) unless the banking commissioner provides otherwise in writing, an acquisition of voting securities in any class or series by a controlling person who~~+~~

~~[(A)]~~ was identified as a controlling person of the ~~[in-a]~~ state bank in a prior application filed with and approved by the banking commissioner and:~~+~~

(A) ~~[(B)]~~ has from the date of receipt of approval under this subchapter continuously held power to vote 25 percent or more of any class of voting securities of the state bank; or

(B) ~~[(C)]~~ is considered to have from the date of receipt of approval under this subchapter continuously controlled the state bank under Section 33.001(b);

(3) an acquisition or transfer by operation of law, will, or intestate succession and the acquiring person files written notice of acquisition with the banking commissioner before the person votes the securities acquired;

(4) a transaction subject to Chapter 202 if:

(A) the acquiring bank holding company currently owns and controls a state bank; or

(B) the post-transaction controlling person is identified as the controlling person in a merger or other acquisition-related application filed with the banking commissioner concurrently with the submission required by Section 202.001; and

(5) a transaction exempted by the banking commissioner or by rules adopted under this subtitle because the transaction is

1 not within the purposes of this subchapter or the regulation of the
2 transaction is not necessary or appropriate to achieve the
3 objectives of this subchapter.

4 SECTION 3. Section 35.106, Finance Code, is amended to read
5 as follows:

6 Sec. 35.106. AUTHORITY OF SUPERVISOR. During a period of
7 supervision, a bank, without the prior approval of the banking
8 commissioner or the supervisor or as otherwise permitted or
9 restricted by the order of supervision, may not:

10 (1) dispose of, sell, transfer, convey, or encumber
11 the bank's assets;

12 (2) lend or invest the bank's money;

13 (3) incur a debt, obligation, or liability;

14 (4) pay a ~~cash~~ dividend to the bank's shareholders;

15 (5) remove an executive officer or director, change
16 the number of executive officers or directors, or have any other
17 change in the position of executive officer or director; or

18 (6) engage in any other activity determined by the
19 banking commissioner to threaten the safety and soundness of the
20 bank.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2025.