

By: Rodriguez

H.B. No. 3298

Substitute the following for H.B. No. 3298:

By: Isett

C.S.H.B. No. 3298

A BILL TO BE ENTITLED

AN ACT

relating to amounts deposited in the reserve account of a financial institution that makes a capital access loan.

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

SECTION 1. Section 481.408(d), Government Code, is amended to read as follows:

(d) On receipt of a certification made under Subsection (c) and subject to Section 481.409, the department shall deposit in the institution's reserve account for each capital access loan made by the institution:

(1) an amount equal to the amount deposited by the institution for each loan if the institution:

(A) has assets of more than \$1 billion; or

(B) has previously enrolled loans in the program that in the aggregate are more than \$2 million;

(2) an amount equal to 150 percent of the total amount deposited under Subsection (b) for each loan if the institution is not described by Subdivision (1); or

(3) notwithstanding Subdivisions (1) and (2), an amount equal to 200 percent of the total amount deposited under Subsection (b) for each loan if:

(A) the borrower is located in or financing a project, activity, or enterprise in an area designated as an enterprise zone under Chapter 2303; [~~or~~]

1 (B) the borrower is a small or medium-size  
2 business or a nonprofit organization that operates or proposes to  
3 operate a day-care center or a group day-care home, as those terms  
4 are defined by Section 42.002, Human Resources Code; or

5 (C) the participating financial institution is a  
6 community development financial institution, as that term is  
7 defined by 12 U.S.C. Section 4702, as amended.

8 SECTION 2. Section 481.409(b), Government Code, is amended  
9 to read as follows:

10 (b) The maximum amount the department may deposit into a  
11 reserve account for each capital access loan made under this  
12 subchapter is the lesser of \$35,000 or an amount equal to:

13 (1) eight percent of the loan amount if:

14 (A) the borrower is located in or financing a  
15 project, activity, or enterprise in an area designated as an  
16 enterprise zone under Chapter 2303; ~~or~~

17 (B) the borrower is a small or medium-size  
18 business or a nonprofit organization that operates or proposes to  
19 operate a day-care center or a group day-care home, as those terms  
20 are defined by Section 42.002, Human Resources Code; or

21 (C) the participating financial institution is a  
22 community development financial institution, as that term is  
23 defined by 12 U.S.C. Section 4702, as amended; or

24 (2) six percent of the loan amount for any other  
25 borrower.

26 SECTION 3. This Act takes effect September 1, 2003.