

By: Riddle

H.B. No. 3055

A BILL TO BE ENTITLED

AN ACT

relating to consolidation of state financial regulatory agencies.

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

SECTION 1. Title 2, Finance Code, is amended by adding Chapter 11A to read as follows:

CHAPTER 11A. FINANCE DEPARTMENT

Sec. 11A.001. DEFINITIONS. In this chapter:

(1) "Department" means the Finance Department.

(2) "Commissioner" means the commissioner of finance.

(3) "Finance agency" has the meaning assigned by Section 11.001.

(4) "Finance regulatory commissioner" means:

(A) the banking commissioner;

(B) the savings and loan commissioner; and

(C) the consumer credit commissioner.

Sec. 11A.002. FINANCE DEPARTMENT. The Finance Department performs the administrative functions of the Finance Commission of Texas. The department shall exercise the powers and carry out the duties assigned by law to each finance agency.

Sec. 11A.003. COMMISSIONER OF FINANCE. The department is administered by the commissioner of finance. The commissioner is appointed by the Finance Commission of Texas. The commissioner shall exercise the powers and carry out the duties assigned by law to each finance regulatory commissioner.

1 SECTION 2. (a) In this section, "finance agency" and
2 "finance regulatory commissioner" have the meanings assigned by
3 Section 11A.001, Finance Code, as added by this Act.

4 (b) Each finance agency and each position of a finance
5 regulatory commissioner is abolished on the effective date of this
6 Act. The validity of an action taken by a finance agency or finance
7 regulatory commissioner before that date is not affected by the
8 abolishment.

9 (c) On September 1, 2005:

10 (1) all functions and activities performed by a
11 finance agency or finance regulatory commissioner immediately
12 before that date are transferred to the Finance Department or
13 commissioner of finance, as applicable;

14 (2) all employees of a finance agency become employees
15 of the Finance Department;

16 (3) a rule, standard, or form adopted by a finance
17 agency or finance regulatory commissioner is a rule, standard, or
18 form of the Finance Department and remains in effect until changed
19 by the Finance Department;

20 (4) a reference in law to a finance agency or finance
21 regulatory commissioner means the Finance Department or
22 commissioner of finance, as applicable;

23 (5) a proceeding involving a finance agency or finance
24 regulatory commissioner is transferred without change in status to
25 the Finance Department, and the Finance Department, without a
26 change in status, assumes the position of the finance agency or
27 finance regulatory commissioner in a proceeding to which a finance

1 agency or finance regulatory commissioner is a party;

2 (6) all money, contracts, leases, rights, and
3 obligations of a finance agency are transferred to the Finance
4 Department;

5 (7) all property, including records, in the custody of
6 a finance agency becomes the property of the Finance Department;

7 (8) all funds appropriated by the legislature to a
8 finance agency are transferred to the Finance Department; and

9 (9) the banking commissioner serving on August 31,
10 2005, becomes the commissioner of finance.

11 SECTION 3. This Act takes effect September 1, 2005.