

By: Williams

S.B. No. 495

Substitute the following for S.B. No. 495:

By: Martinez

C.S.S.B. No. 495

A BILL TO BE ENTITLED

AN ACT

relating to the fee paid to the attorney general for examining the record of proceedings authorizing the issuance of a public security or related credit agreement.

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

SECTION 1. Section 1202.001, Government Code, is amended by amending Subdivision (4) and adding Subdivision (5) to read as follows:

(4) "Record of proceedings" means the record of an issuer's proceedings relating to the authorization of a public security or a credit agreement relating to a public security.

(5) "Credit agreement" means a loan agreement, revolving credit agreement, agreement establishing a line of credit, letter of credit, reimbursement agreement, insurance contract, commitment to purchase a public security, purchase or sale agreement, interest rate swap agreement, or commitment or other agreement authorized by an issuer in connection with the authorization, issuance, sale, resale, security, exchange, payment, purchase, remarketing, or redemption of a public security, interest on a public security, or both.

SECTION 2. Section 1202.004, Government Code, is amended to read as follows:

Sec. 1202.004. FEE FOR EXAMINATION [~~OF PUBLIC SECURITY~~] BY ATTORNEY GENERAL. (a) When [~~Except as provided by this section,~~

1 ~~when~~ an issuer submits a record of proceedings ~~[public security]~~  
2 to the attorney general for examination and approval as provided by  
3 law, the issuer shall pay a nonrefundable examination fee to the  
4 attorney general in accordance with this section. ~~[, in an amount~~  
5 ~~computed according to the principal amount of the public security,~~  
6 ~~as follows:~~

7	<del>[Principal Amount</del>	<del>Fee</del>
8	<del>[not more than \$500,000</del>	<del>\$500</del>
9	<del>[more than \$500,000 but not more than \$5 million</del>	<del>\$750</del>
10	<del>[more than \$5 million but not more than \$20 million</del>	<del>\$1,000</del>
11	<del>[more than \$20 million</del>	<del>\$1,250]</del>

12 (b) ~~[If a nonprofit corporation or governmental entity~~  
13 ~~issuing the public security for the benefit of nongovernmental~~  
14 ~~entities submits the public security to the attorney general as~~  
15 ~~required by law, the fee is \$1,250.~~

16 ~~[(c)]~~ If the issuer is issuing multiple series of a single  
17 public security issue, the issuer shall pay the fee prescribed by  
18 this section ~~[Subsection (a) or (b)]~~ for each series~~[, not to exceed~~  
19 ~~\$2,500 for one issue in which all series are issued~~  
20 ~~simultaneously].~~

21 (c) Except as provided by Subsection (d), the nonrefundable  
22 examination fee required by this section is equal to the lesser of:

23 (1) one-tenth of one percent of the principal amount  
24 of the public security to which the record of proceedings relates;  
25 or

26 (2) \$9,500.

27 (d) The minimum examination fee required by this section is

1 \$750.

2 (e) The attorney general may adopt rules necessary to  
3 administer this section.

4 SECTION 3. The examination fee prescribed by Section  
5 1202.004, Government Code, as amended by this Act, applies only to a  
6 record of proceedings submitted to the office of the attorney  
7 general on or after the effective date of this Act. The examination  
8 fee for a record of proceedings submitted to the office of the  
9 attorney general before the effective date of this Act is governed  
10 by the law as it existed immediately before the effective date of  
11 this Act, and the former law is continued in effect for that  
12 purpose.

13 SECTION 4. This Act takes effect September 1, 2005.