1-1 S.B. No. 495 By: Williams (In the Senate - Filed February 14, 2005; February 24, 2005, read first time and referred to Committee on Business and Commerce; March 31, 2005, reported favorably by the following vote: Yeas 9, 1-2 1-3 1-4

Nays 0; March 31, 2005, sent to printer.)

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

[Principal Amount	Fee
t I I I I I I I I I I I I I I I I I I I	100
Inot mara than \$500,000	\$500
the more than \$500,000	<del>7500</del>
[more than \$500,000 but not more than \$5 million	\$750
[more than \$300 \ 000 but not more than \$3 million	<del>7750</del>
[more than \$5 million but not more than \$20 million	\$1,000
[more than 95 million but not more than 920 million	9 ± <b>,</b> 000
[more than \$20 million	<u>¢1 250</u> ]
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(b) [If a nonprofit corporation or governmental entity issuing the public security for the benefit of nongovernmental entities submits the public security to the attorney general as required by law, the fee is \$1,250.

 $\left[\frac{(c)}{c}\right]$  If the issuer is issuing multiple series of a single public security issue, the issuer shall pay the fee prescribed by this section [Subsection (a) or (b)] for each series[, not to exceed \$2,500 for issue in one -which all

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

(1) 1/20th of one percent of the principal amount of the public security to which the record of proceedings relates; or

(2) \$10,000. The minimum examination fee required by this section is (d) \$500.

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

SECTION 3. The examination fee prescribed by 1202.004, Government Code, as amended by this Act, applies only to a record of proceedings submitted to the office of the attorney general on or after the effective date of this Act. The examination fee for a record of proceedings submitted to the office of the

S.B. No. 495 attorney general before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that 2-1 2-2 2-3

2-4 purpose.

2-5 SECTION 4. This Act takes effect September 1, 2005.

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