

BILL ANALYSIS

S.B. 1699
By: Fraser
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, there is a lack of uniformity regarding filing requirements for certain transactions with the office of the secretary of state. Consistency among similar statutes administered by the same division at the secretary of state eases the public's burden of compliance as well as the burden of administration for the secretary of state.

S.B. 1699 amends provisions relating to certain secretary of state filings, including provisions relating to the fees for such filings.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1699 amends the Business & Commerce Code to specify that the fee for filing and indexing with the secretary of state an initial financing statement relating to a secured transaction is \$60 if the debtor is a transmitting utility. The bill provides that the fee for a certificate of filing for a utility security instrument is the same as the amount of the fee for responding to a request for information from the filing office, which is \$15 if the request is communicated in writing and an amount established by the filing office if the request is communicated by another medium authorized by filing-office rule, rather than \$10 if the request for the certificate is in the standard form prescribed by the secretary of state or \$25 if the request is not in the standard form. The bill provides that the fee for a copy of any utility security instrument filed with the secretary of state is the amount provided by Government Code provisions relating to general fees charged by the secretary of state, rather than \$1.50 per page, but not less than \$5 or more than \$100 for each request concerning a particular utility.

S.B. 1699 amends the Agriculture Code to provide that the amount of the fee for the secretary of state to issue to a member of the public a certificate identifying any agricultural chemical and seed lien or animal feed lien on file is the same as the amount of the fee provided in the Business & Commerce Code for responding to a request for information from the filing office, as specified above. The bill provides that the fee for a copy of any notice of claim of such a lien is the amount provided by the Government Code provisions relating to general fees charged by the secretary of state, as specified above. The bill removes language requiring those fees to be established by the secretary of state in an amount necessary to cover the cost of administering these provisions.

S.B. 1699 amends the Property Code to specify that the issuance by a filing officer of a certificate showing whether there is on file any notice of certain federal liens or certificates or notices affecting certain federal liens refers to such a notice or certificate on a date and time specified by the filing office, but not a date earlier than three business days before the date the filing office receives the request, rather than the date and hour stated in the filing officer's

certificate. The bill provides that the amount of the fee for such a certificate is the same as the amount of the fee provided in the Business & Commerce Code for responding to a request for information from the filing office, as specified above, rather than \$10, and the fee for a copy of any notice of federal lien furnished under these provisions is the amount provided by Government Code provisions relating to general fees charged by the secretary of state as specified above, rather than \$1.50 per page. The bill establishes that provisions of the Business & Commerce Code relating to the request for and availability of information from a filing office and the sale or license of records apply to a federal lien under provisions of the Uniform Federal Lien Registration Act.

EFFECTIVE DATE

September 1, 2009.