

By: Parker

H.B. No. 3132

A BILL TO BE ENTITLED

AN ACT

relating to eligibility requirements to act as a financial adviser or investment adviser in relation to certain public securities.

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

SECTION 1. Section 1371.154(b), Government Code, is amended to read as follows:

(b) To be eligible to be a financial adviser or an investment adviser under this subchapter, the adviser must:

(1) be registered:

(A) as a dealer or investment adviser in accordance with Section 12 or 12-1, The Securities Act (Article 581-12 or 581-12-1, Vernon's Texas Civil Statutes); ~~or~~

(B) with the United States Securities and Exchange Commission under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.), if the adviser is providing advice on the investment of bond proceeds and not on the issuance of a public security or an interest rate management agreement; or

(C) with the United States Securities and Exchange Commission as a municipal advisor under Section 15B, Securities Exchange Act of 1934 (15 U.S.C. Section 78o-4);

(2) have relevant experience in providing advice to issuers in connection with:

(A) the issuance of public securities;

(B) the valuation of interest rate management

1 agreements; or

2 (C) the investment of public security proceeds;

3 and

4 (3) acknowledge in writing to the issuer that in  
5 connection with the transaction for which the adviser is providing  
6 advice the adviser:

7 (A) is acting as the issuer's agent; and

8 (B) has complied with the requirements of this  
9 subchapter.

10 SECTION 2. This Act takes effect September 1, 2015.