

SUBJECT: Amending fees charged by the Secretary of State

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 8 ayes — Brimer, Rhodes, Corte, Elkins, Giddings, Janek, Solomons, Woolley  
0 nays  
1 absent — Dukes

SENATE VOTE: On final passage, Local and Uncontested Calendar, April 14 — 31-0

WITNESSES: (*On House companion, HB 2632*)  
For — None  
Against — None  
On — Carmen Flores, Office of the Secretary of State

BACKGROUND : Sec. 405.031 of the Government Code authorizes the secretary of state to collect fees for providing various services to the public and businesses, including fees for certifications, certified copies of documents, acting as an agent for service of process, and filing and registration fees.  
  
Under the Texas Real Estate Investment Trust Act, the secretary is required to maintain a record of any process, notice or demand served on the state and collect a \$25 fee for maintaining these records for foreign and domestic limited liability corporations.

DIGEST: SB 1838 would change certain fees charged by the secretary of state.  
  
The secretary of state would be authorized to collect new fees, including a \$25 fee for preparing and furnishing certificates of existence or authorization that reflected changes to the organizational documents of a business and a \$25 fee for certificates of registration or authorization that listed when these changes were filed.

SB 1838  
House Research Organization  
page 2

SB 1838 also would increase fees from:

- \$2 to \$5, for searches of records if written evidence of the search was required;
- \$25 to \$40, for maintenance of records of service for foreign and domestic limited liability corporations and shift this fee from the Texas Business Corporation Act to Sec. 405.031 of the Government Code; and
- from \$5 to \$10, for a certified copy of a record.

The bill would eliminate the \$300 filing fee for articles of consolidation under the Texas Business Corporation Act.

SB 1838 would take effect September 1, 1997.