

BILL ANALYSIS

Senate Research Center

S.B. 1837
By: Ratliff
Economic Development
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As Filed

DIGEST

Currently, the secretary of state charges \$5 for expedited handling of a certified record search or filing of a document under Chapter 9 or 35, Business & Commerce Code, or Chapter 14, Property Code, and \$10 for other filings related to business entities. The fees have not been increased since expedited services were implemented in 1979. Due to the increase in demand for these expedited services, an increase in the fees is necessary to recover costs of these services. This bill authorizes the secretary of state to set and collect \$25, rather than \$5, for expedited filing of a document in the security interest and financing statement records of the secretary; deletes a provision relating to Chapter 9 or 35, Business & Commerce Code, and Chapter 14, Property Code; authorizes the secretary of state to set and collect \$50, rather than \$10, for filing or reviewing certain documents; adds unincorporated nonprofit associations to the list of business entity records subject to the new fee of \$50; and allows the secretary of state to revoke the filing of a document made by any type of business entity where the fee has not been paid, instead of only corporate entities.

PURPOSE

As proposed, S.B. 1837 authorizes the secretary of state to set and collect \$25, rather than \$5, for expedited filing of a document in the security interest and financing statement records of the secretary; deletes a provision relating to Chapter 9 or 35, Business & Commerce Code, and Chapter 14, Property Code; authorizes the secretary of state to set and collect \$50, rather than \$10, for reviewing certain documents; adds unincorporated nonprofit associations to the list of business entity records subject to the new fee of \$50; and allows the secretary of state to revoke the filing of a document made by any type of business entity where the fee has not been paid, instead of only corporate entities.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 405.032(a), Government Code, to authorize the secretary of state to set and collect \$25, rather than \$5, for expedited filing of a document in the security interest and financing statement records of the secretary. Deletes a provision relating to Chapter 9 or 35, Business & Commerce Code, and Chapter 14, Property Code. Authorizes the secretary of state to set and collect \$50, rather than \$10, for filing or reviewing a document related to an unincorporated nonprofit association, among other business entities.

SECTION 2. Amends 405.033, Government Code, to delete a provision authorizing the secretary of state to revoke the filing of a document filed by or on behalf of a corporation.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.