

## BILL ANALYSIS

Senate Research Center  
79R209 MTB-D

S.B. 140  
By: Wentworth  
Government Organization  
3/3/05  
As Filed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the title of the second highest position in the Office of the Secretary of State is the assistant secretary of state. The assistant secretary of state is regularly required to act in an official capacity for the secretary of state, serves as senior advisor and liaison to the governor for Texas border and Mexican affairs, and serves as chief international protocol officer for Texas. Taking into consideration the diplomatic duties associated with the office and the unfortunate acronym for the title, S.B. 140 changes the title of the assistant secretary of state to the deputy secretary of state.

### RULEMAKING AUTHORITY

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

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 405.004, Government Code, as follows:

Sec.405.004. New Heading: DEPUTY SECRETARY OF STATE. (a) Requires the secretary of state to appoint a deputy, rather than an assistant, secretary of state who is required to perform certain duties.

(b) Makes a conforming change.

SECTION 2. Amends Section 221.023(c), Health and Safety Code, to make a conforming change.

SECTION 3. Amends Section 303.034(c), Local Government Code, to make a conforming change.

SECTION 4. Amends Section 171.355(b), Tax Code, to make a conforming change.

SECTION 5. Amends Section B, Article 2.07, Texas Non-Profit Corporation Act (Article 1396-2.07, V.T.C.S.), to make a conforming change.

SECTION 6. Amends Section B, Article 8.09, Texas Non-Profit Corporation Act (Article 1369-8.09, V.T.C.S.), to make a conforming change.

SECTION 7. Amends Section B, Article 2.08, Texas Limited Liability Company Act (Article 1528n, V.T.C.S.), to make a conforming change.

SECTION 8. Amends Section B, Article 2.11, Texas Business Corporation Act, to make a conforming change.

SECTION 9. Amends Section B, Article 8.10, Texas Business Corporation Act, to make a conforming change.

SECTION 10. Amends Section 10(b), Development Corporation Act of 1979 (Article 5190.6, V.T.C.S.), to make a conforming change.

SECTION 11. Amends Section 1.08(b), Texas Revised Limited Partnership Act (Article 6132a-1, V.T.C.S.), to make a conforming change.

SECTION 12. Amends Section 9.10(b), Texas Revised Limited Partnership Act (Article 6132a-1, V.T.C.S.), to make a conforming change.

SECTION 13. Amends Section 10.05(1), Texas Revised Partnership Act (Article 6132b-10.05, V.T.C.S.), to make a conforming change.

SECTION 14. Amends Section 5.20(B), Texas Real Estate Investment Trust Act (Article 6138A, V.T.C.S.), to make a conforming change.

SECTION 15. Amends Article 17A.04(b), Code of Criminal Procedure, to make a conforming change.

SECTION 16. (a) Provides that the title of assistant secretary of state is changed to deputy secretary of state.

(b) Provides that any reference in law to the assistant secretary of state means the deputy secretary of state.

(c) Provides that the validity of an action taken by or in relation to the authority of the assistant secretary of state before the change in title under Subsection (a) of this section is not affected by this Act.

SECTION 17. Effective date: September 1, 2005.