

By: Gallego

H.B. No. 462

Substitute the following for H.B. No. 462:

By: Solis

C.S.H.B. No. 462

A BILL TO BE ENTITLED

AN ACT

relating to the collection of a fee from certain nonresident attorneys requesting permission to participate in proceedings in a Texas court.

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

SECTION 1. Subchapter B, Chapter 82, Government Code, is amended by adding Section 82.0361 to read as follows:

Sec. 82.0361. NONRESIDENT ATTORNEY FEE. (a) In this section, "nonresident attorney" means a person who resides in and is licensed to practice law in another state but who is not a member of the State Bar of Texas.

(b) Except as provided by Subsection (e), a nonresident attorney requesting permission to participate in proceedings in a court in this state shall pay a fee of \$250 for each case in which the attorney is requesting to participate. The attorney shall pay the fee to the Board of Law Examiners before filing with the applicable court a motion requesting permission to participate in proceedings in that court as provided by rules adopted by the supreme court.

(c) Fees under this section shall be collected in the same manner as other fees collected by the Board of Law Examiners. The board shall remit the fees collected under this section to the comptroller not later than the 10th day after the end of each calendar quarter.

1        (d) The comptroller shall deposit the fees received under  
2 this section to the credit of the basic civil legal services account  
3 of the judicial fund for use in programs approved by the supreme  
4 court that provide basic civil legal services to the indigent.

5        (e) The supreme court may adopt rules to waive or reduce the  
6 fee required by this section for a nonresident attorney who seeks to  
7 represent an indigent person in proceedings in a court in this  
8 state.

9        (f) A nonresident attorney who files a motion requesting  
10 permission to participate in proceedings in a court in this state  
11 shall provide to that court proof of payment of the fee required by  
12 this section. The supreme court by rule shall prescribe the method  
13 of proof.

14        SECTION 2. The change in law made by this Act applies only  
15 to a nonresident attorney who files a motion to participate in a  
16 proceeding in a Texas court on or after the effective date of this  
17 Act. A nonresident attorney who filed a motion to participate in a  
18 proceeding before the effective date of this Act is governed by the  
19 law in effect on the date the motion was filed, and the former law is  
20 continued in effect for that purpose.

21        SECTION 3. This Act takes effect September 1, 2003.